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# Hasta—Summa Imperii

## The Spear as Embodiment of Sovereignty in Rome

ANDREW ALFÖLDI

*Venerandae memoriae Hugh Last sacrum*

PLATES 1-10

*Hasta summa armorum et imperii est*: this definition<sup>1</sup> may come from Verrius Flaccus. It means that the most important weapon in early Rome became the expression of the ruling power. What were the manifestations and consequences of this overwhelming political importance of the spear-ensign? Modern scholarship has not concerned itself very much with the answer to this question. The entry "hasta" is entirely lacking in the register of Mommsen's superb "Staatsrecht" and our great lexical surveys contain relevant data only on the spear of the state auction and on that of the *praetor hastarius*.<sup>2</sup>

On the other hand, the whole significance of the problem was long ago revealed by Wolfgang Helbig,<sup>3</sup> who was ahead of his time in comparing the archaeological evidence concerning the archaic Roman State with the literary sources. He wrote<sup>4</sup> in 1908:

"Wie bei den Franken und Longobarden, war bei den *prisci Latini* der Speer ein Abzeichen der königlichen Gewalt. Die *hasta* symbolisierte in Rom zu allen Zeiten . . . in gewissen Fällen das *imperium* und stets das *iustum dominium*, welches letztere im Zivilrechte einen ähnlichen Begriff darstellte, wie das *imperium* im Staatsrechte. Da der Begriff des *imperium* bereits in dem *rex* verkörpert war, und es undenkbar ist, dass die Römer bei dem konservativen Prinzip, welches sie auf dem Gebiete des Staatsrechtes beobachteten, nach dem Sturze des Königums für jenen Begriff ein neues Symbol eingeführt hätten, dürfen wir mit Sicherheit annehmen, dass die *hasta* von altersher zu den Attributen der latinischen Könige gehörte."

<sup>1</sup> Fest. p. 55.3 Linds. Cf. *ibid.* p. 90. 19.

<sup>2</sup> Cf. *RE* 7 (1912) 2501 sq. DarSag III, 37 sqq.

<sup>3</sup> W. Helbig, *Zur Geschichte der hasta donatica* (Abh. Ges. Wiss., Göttingen, phil.-hist. Kl., n. F. 10 [1908] no. 3).

<sup>4</sup> *ibid.* p. 30. <sup>5</sup> *ibid.* <sup>6</sup> *ibid.* p. 32. <sup>7</sup> *loc.cit.*

<sup>8</sup> Serv., *ad Aen.* 6. 760.

<sup>9</sup> Concerning the chronology cf. my remarks in *Netherlands Year-Book for History of Art* 1954, 151 sqq. The erroneous description of the coin-type of M. Arrius Secundus is not the

Unfortunately, Helbig was not able to find any document for this discovery from the age of the Republic. And as he was also convinced that such documents could not have existed, he erroneously supposed—and everyone followed his lead—that the spear as attribute of sovereign power was replaced by a rather short staff, like a marshal's baton or a scepter;<sup>5</sup> he thought that only Augustus restored this baton to the original length of a spear and renewed its old function.<sup>6</sup> The interpretation of the *hasta donatica*, i.e., the military award for bravery,<sup>7</sup> by Varro, *De gente populi Romani*,<sup>8</sup> as *pura, id est sine ferro* seemed to reinforce his assumption. But the irresponsible passion of Varro, the great connoisseur of the remnants of ancient Roman past, for etymological explanations can easily be disposed of in this case. The *denarii* of M. Arrius Secundus struck in 43 B.C.<sup>9</sup> with the *hasta pura*, the *corona aurea*, and the *phalerae* show indeed a rod-like spear, yet it has been disfigured through an incorrect drawing in the survey of E. Babelon (taken from him also in the *Dictionnaire des Antiquités* of Daremberg-Saglio) into a commander's baton. And the *aurei* of the same mint-supervisor, more carefully executed than the silver, show clearly the triangular point on the top, impossible on a wooden shaft without a metallic spearhead (pl. 1, 4); still more strongly accentuated are the spearheads of the *hastae purae* on the tombstone of a Roman officer from Amastris.<sup>10</sup>

The existence of such a spearhead of considerable size on the *hasta donatica* is the easier to understand if we realize that this honorary weapon was never of wood, but always forged of metal.<sup>11</sup> Our main

fault of W. Helbig. The drawing by E. Babelon, *Description historique et chronologique des monnaies de la République romaine* 1 (Paris 1885) 220 n. 1 had already misled E. de Cuq, who describes (DarSag III 41) the *hasta pura* represented there as "plus semblable à un sceptre qu'à une arme."

<sup>10</sup> *CIL* III 13648. P. Steiner, *BonnJbb* 114/115 (1906) 35, fig. 23. DarSag III 41 fig. 3733.

<sup>11</sup> The evidence available was discussed also by W. Helbig, *op.cit.* (supra n. 3) 39.

authority for this is Polybios<sup>12</sup> who, in his account of the Roman awards for valor, does not render the name *hasta donatica* with the usual Greek equivalents of the Roman spear, but with *γαῖσος*, which was the special weapon of the Celts of the Rhone valley;<sup>13</sup> in the time of the Empire, the *gaesum* still belonged to the national equipment of the *Raeti gaesati*. Polybios who had keen eyes for technical details of warfare was well aware of this; he tried (though unsuccessfully) to catch the exact meaning of this Celtic term.<sup>14</sup> Even if he uses this name for the Roman *pilum*,<sup>15</sup> the reason for it is that iron was the material of both javelins: *γαῖσος ἐμβόλιον ὀλοσίδηρον* writes Hesychios. Furthermore, the coin-type of M. Arrius Secundus as well as the representation of the spearheads on the tombstone mentioned above reveal through the proportional difference of size between the *hasta(e)*, the *corona* and *phalerae*, that no reduction in length existed for the former. The later development of the *hasta pura* reinforces these results. The attributes and distinctions of the Republic show a hierarchic differentiation: the *phalerae* on the trappings of the general are of gold, those of the nobility of silver; the finger-rings given for bravery are of gold for the aristocracy and of iron for the simple citizen.<sup>16</sup> In a similar way, the silver spears offered to the grandsons of Augustus<sup>17</sup> as *principes iuventutis* imply that the gold would be appropriate only for the *princeps* himself. It may be that the spear-award distributed to officers from the *primi pili* upwards<sup>18</sup> was wrought of iron, and that the *hasta pura argentea* attested in the age of Severus<sup>19</sup> used this precious metal only so late: but, in any case, it was always of metal. The royal staff of the Alban kings is also called a *hasta pura* by Vergil,<sup>20</sup> who seems to hint at a golden spear; whether *pura* stands for

ritual purity as e.g. *herba pura*,<sup>21</sup> or for "of pure metal," since the *gaesum* was *ὀλοσίδηρον*, we do not need to discuss. In any case, it is no baton, but long and strong: *ille vides, pura iuvenis qui nititur hasta, Silvius, Albanum nomen. . . .*

The supposition of Helbig that the spear-ensign was transformed under the Republic to a marshal's baton, has no foundation whatsoever, as we see now. The gap in the archaeological evidence which prevented this great scholar from pursuing the fate of that *signum praecipuum* of the sovereign power through the course of the Roman history can now be bridged by hitherto neglected or misinterpreted Republican coin-types and by extremely small but no less conclusive representations used on the *denarii* as mint-marks. The exploitation of this invaluable material for this and other related problems has been made possible for me by the generous help of the American Philosophical Society.<sup>22</sup>

This new source material links up with the spear-attribute on some imperial monuments of art; and a large group of ornamental spearheads found in the provinces, the "Benefiziarlanzen" of the late Emil Ritterling, are revealed as ramifications of the same token of sovereignty—so also the spear as the basic part of most of the military standards is not independent of this concept. From these later aspects of the development we shall return to its beginning. First we shall find the idea of sovereignty of the spear in Rome illuminated by the corresponding implement of sovereignty in early Greece, the royal scepter. Finally we shall try to grasp the magico-religious awe surrounding that most dreadful tool of killing in early Rome, which was never entirely replaced by the juridical interpretation of unconditional obedience in the face of the sovereign spear.

<sup>12</sup> Polyb. 6.39.3.

<sup>13</sup> The whole source material for the *gaesum* is easily accessible in the *Thes. l. Lat.* VI 2. 1667, v. 37 sqq.

<sup>14</sup> Polyb. 2.22.1; 2.23.1; 2.28.3-8; 2.30.5; 2.34.2.

<sup>15</sup> Polyb. 18.18.4.

<sup>16</sup> Cf. A. Alföldi, *Der frühromische Reiteradel* (Baden-Baden 1952) 17 sqq.; 26 sqq.; 73 sqq.

<sup>17</sup> *Res gestae divi Augusti* 3.5. H. Mattingly, *BMC Emp.* 1 (1923) pl. 13, 7 sqq.

<sup>18</sup> P. Steiner, *op.cit.* (supra n. 10) 81 sqq.

<sup>19</sup> *ILS* 9194.

<sup>20</sup> *Aen.* 6.760 sq.

<sup>21</sup> Cf. M. Cary-A. D. Nock, *CQ* 21 (1927) 122 sqq. etc.

<sup>22</sup> My thanks are due to those colleagues and friends who willingly helped me by discussing details, gave me expert advice or called my attention to new material. Among these are: Prof. Luisa Banti and G. Caputo in Florence, Miss Rosanna Pincelli

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*Hasta* AND *imperium*.

For many later centuries the sword was the vehicle of conquest, but for Greeks and Romans alike the spear preceded it.<sup>23</sup> When epic poetry flourished, the expressions of this as *δορυκτητός*<sup>24</sup> were long ago established; and long after Homer, the objects of subjugation were called *δορυκτητός*, *δορυαλώτος* and the like. This meant the terrible, but the only possible consequence of victory in war,<sup>25</sup> as the poet of the Iliad depicts it:

καὶ τότε δὴ Μελέαγρον ἐύζωνος παράκοιτις  
λίσσετ' ὄδυρομένη, καὶ οἱ κατέλεξεν ἅπαντα  
κῆδε', ὅσ' ἀνθρώποισι πέλει τῶν ἄστν ἀλώη.  
ἄνδρας μὲν κτείνουσι, πόλιν δέ τε πῦρ ἀμαθύνει,  
τέκνα δέ τ' ἄλλοι ἄγουσι βαθυζώνους τε  
γυναῖκας.<sup>26</sup>

No different is the brutal havoc wrought by the spear for the poets of Attic tragedy. Aischylos writes:<sup>27</sup>

οἰκτρὸν γὰρ πόλιν ὦδ' ὠγγύϊαν  
Ἄϊδα προΐάψαι δορὸς ἄγραν  
δουλίαν ψαφαρᾶ σποδῶ  
ὑπ' ἀνδρὸς Ἀχαιοῦ θεόθεν  
περθομένην ἀτίμως,

and Euripides:<sup>28</sup>

ἐπεὶ Φρυγῶν πόλιν κίνδυνος  
ἔσχε δορὶ πεσεῖν Ἑλληνικῶ.

δούλη, πόλεως ἀπελαυνομένη τῆς Ἰλιάδος, λόγχη ἀιχμῆ δορὶ θήρατος πρὸς Ἀχαιῶν . . . , and other examples are readily at hand. Also in Rome the spear is the instrument of irrevocable appropriation.<sup>29</sup> Prisoners of war were sold standing under a spear: *et captivi sub eadem (sc. hasta) veneunt*, writes Festus<sup>30</sup> and a coin-type of 50 B.C. (pl. 2, 9) gives a pictorial illustration of this.<sup>31</sup> The solemn forms of legal procedure, which developed from a contest

of arms, employed the concept of *imperio subiacere* also on the legal transfer of possessions:<sup>32</sup> and this happened also *sub hasta*, as we shall see. On the same ground, the spear became the insigne of the auction executed on behalf of the State: *hasta subiciebant ea, quae publice venundabant, quia signum praecipuum est hasta*.<sup>33</sup> In general, the spear was regarded as a *signum quoddam iusti domini*.<sup>34</sup>

This solemn symbol of power does not belong, of course, to the subaltern officials who carried or stuck it in the earth, but to the highest authority in the state. One example will be sufficient to show this: *Et si ab hasta*—Cicero reproached Antony<sup>35</sup>—*valeat hasta, . . . modo Caesaris, non tua . . . Varro nis quidem Casinatem fundum quis venisse dicit, quis hastam illius venditionis vidit, quis vocem praeconis audivit? . . . iam intelleges aliam causam esse hastae Caesaris, aliam confidentiae et temeritatis tuae.*

This interrelation between *imperium* and spear-ensign is very old. That this ensign belonged to the kings must be postulated from the place where the sacred spears of Mars were guarded; it was not in the temple of Mars, but in the *regia*, the house of the king, stripped of his power, but not of all his religious duties. Vergil, who knew thoroughly the traditions of earliest Rome, certainly did not invent the idea that the kings of Alba Longa did not carry a scepter, but a *hasta pura*, as visible sign of their dignity. This is corroborated by the statement of Trogius Pompeius<sup>36</sup> on the beginnings of the Roman history: *per ea tempora adhuc reges hastas pro diademate habebant*. As the Romans themselves declared that all paraphernalia of their own kingship were of Etruscan origin, it must be pointed out that the kings of the Etruscan *populi* also possessed this attribute. S. Mazzarino<sup>37</sup> has discovered that an archaic tomb-relief from Chiusi<sup>38</sup> and a terracotta relief from a sanctuary in Velletri<sup>39</sup> represent

<sup>23</sup> W. Helbig, *Mém. Inst. nationale de France XXXVII 2* (1906) 253, duly underlined this.

<sup>24</sup> *Iliad* 9.342 sqq.

<sup>25</sup> *Iliad* 22.60-76.

<sup>26</sup> *Iliad* 9.590 sqq.

<sup>27</sup> Aischyl., *Septem* 308 sqq. Cf. *ibid.* 78 sqq., 106 sqq., 325 sqq. (T. G. Tucker, Cambridge 1908).

<sup>28</sup> Eurip., *Hecab.* 4 sqq. and 101 sqq.

<sup>29</sup> Cf. E. Koeser, *De captivis Romanorum* (Diss. Giessen) (1904) 97 etc.

<sup>30</sup> Fest., p. 55.9 Linds. sq.

<sup>31</sup> H. Grueber, *BMCRep.* 1 (1910) 488 n. 3907. A. Alföldi, *Schweizerische Numismatische Rundschau* 36 (1954) 16 and 24, cf. pl. 24:6-7.

<sup>32</sup> Fest., p. 55.9 Linds.

<sup>33</sup> *ibid.* p. 90.19 Linds. <sup>34</sup> Gai., *Inst.* 4.16.

<sup>35</sup> Cic., *Phil.* 2.40.103-104; cf. also 8.3.9. *Ad fam.* 9.10.3.

<sup>36</sup> Justin. 43.3.3.

<sup>37</sup> S. Mazzarino, *Dalla monarchia allo stato repubblicano* (Collezione Ethos) (1945) 69-75.

<sup>38</sup> E. Gabrici, *StEtr* 2 (1928) 71 no. 3 with pl. 5 b. E. Paribeni, *StEtr* 12 (1938) 93 sq., no. 74 with pl. 19:1. G. Q. Giglioli, *L'arte Etrusca* (1935) pl. 141.

<sup>39</sup> E. D. Van Buren, *Figurative Terracotta Revetments in Etruria and Latium* (1921) 69 sq. Giglioli, *op.cit.* (supra n. 38) pl. 99:1. A. Andrén, *Architectural Terracottas from Etrusco-Italic Temples* (Acta Inst. Rom. R. Suec. 6) (1940) 412, no. 449-450 and pl. 128.

the *consessus* of the leading magistrates of their respective cities. In the case mentioned first (pl. 3, 1) the personality highest in rank—it is difficult to decide whether he is a Republican leader of state, as Mazzarino thinks, or the representative of a moderate concept of monarchy—is sitting between two augurs. In any case the attributes of these dignitaries did not change much even after the transition to a Republican form of government, and that of the most prominent of them is surely inherited from the monarchy; it is no scepter as Mazzarino thought, but a spear as Enrico Paribeni already correctly described it; our plate shows the spearhead clearly. As this group of magistrates sit on curule chairs in peacetime attire with their attributes of civilian rank and dignity, the spear is unmistakably a badge of sovereign power and has nothing to do with an actual weapon. The broken-up end of the staff of the corresponding personality on the relief of Velletri<sup>40</sup> may also have been a spearhead. There is a third representation of Etruscan royalty with the spear in the hand of the sovereign, instead of a scepter. I am thinking of the famous wall painting of the tomba Golini (G. Q. Giglioli, *L'Arte Etrusca* [Milan 1935] pl. 245) where the queen of the nether world is solemnly enthroned with her long scepter fashioned on Greek models, whereas her husband, Hades-Eita, appears with the open throat of a wolf on his head and with the royal spear of the Etruscan ruler in his right hand. The Etruscan king or his Republican substitute from Chiusi with the spear (pl. 3, 1) dates from the second half of the sixth century B.C., i.e. from the epoch when Etruscan kings ruled in Rome.<sup>41</sup>

During the Republic the gradual differentiation of the once global idea of *imperium* between the sphere of peace *intra pomerium* and that of war *extra pomerium* restricted the use of the spear as expression of the sovereign power to some special functions in the capital, but it remained the *signum praecipuum* of Roman might always and everywhere outside the sacred boundary of the City. An

<sup>40</sup> That this relief has previously been interpreted as an assembly of deities was due first of all to the fact that in front of the seated row of personalities referred to above there are two much smaller standing figures, thought to be worshippers. But the latter do not bring offerings and make no gestures of adoration, and I am following the opinion of Miss Lucy Shoe that the disparity in scale between the standing and sitting men results from the isocephalism characteristic of early archaic art, the inability to represent the seated and standing figures in the same proportion.

<sup>41</sup> Cf. P. de Francisci, "Intorno all' origine etrusca del con-

important definition of it as expression of sovereign power is offered by a mint-mark of L. Papius from the years after the death of Sulla. This mint-supervisor, like another, L. Roscius Fabatus, reproduced the images of hundreds of objects as control marks on the denarii in a peculiar way: in order to facilitate the correct coupling of obverse- and reverse-dies, they earmarked them with the image of a pair of interrelated objects. This correlation helps us to a great extent to grasp not only the typological character of the things depicted, but also the religious, political, etc. sense of them. These representations have not yet been explored systematically.<sup>42</sup> I think they have been considered negligible because they are very tiny. But bacilli are still smaller, nay immensely smaller, and nevertheless not negligible factors. Some examples of the military sphere will give an idea of the special character of these double marks. With a  *vexillum*  on the obverse goes, in one case, the attacking snake of Juno Sospita (pl. 4, 1-2),<sup>43</sup> in another the wolf's throat and skin as head-gear of the standard-bearers (pl. 4, 3-4). With the eagle-standard on the obverse appears the altar of the  *signa militaria* , venerated as divinities (pl. 4, 5-6); with the missile of a  *ballista* , this machine itself; with a barbarian helmet with two horns is coupled a classical one (pl. 4,8); similarly with a long Celtic sword a Celtic war trumpet (pl. 4,9). The square of the leather straps to be applied on the armor with the  *phalerae*  appears together with a  *phalera*  for the horse-trapping with its mounting (pl. 4,10). The pair, pl. 4,7, show a special spear-ensign discussed later (cf. pl. 5, 1,2,6-8) with a round medallion: as this spear is an attribute, not a weapon, so also must be the round medallion, which is, I think, one of the  *phalerae*  on the horse-trappings of high-ranking dignitaries. In another case (pl. 5,8), the same peculiar spear-symbol is accompanied by the outstretched right hand of the  *imperator* , symbolizing the  *fides data* , the guarantee of legal power. These examples illuminate the complementary meaning of the two ob-

getto di 'imperium.'" *StEtr* ser. 2, 24 (1955-56) 19 sqq. with the previous literature. The representation of the old Sabine king Titus Tatius with the staff of the judge on the  *denarii*  of T. Vettius Sabinus (pl. 2, 8) is not founded on a realistic tradition, but resulted from a romantic glorification of the good old times; cf. also *infra* n. 44.

<sup>42</sup> Cf. the synopsis by H. A. Grueber, *BMCRep* 1 (1910) 371 and 423.

<sup>43</sup> Cf. the  *denarius*  of L. Procilius, by H. A. Grueber, *BMCRep* 3, pl. 41, 18-19.

jects, selected carefully for each of these double marks, of which we are concerned primarily with the *securis* and *hasta* as the two *insignia* of *imperium* (pl. 4,11-12). The heart-shaped spearhead is certainly not so big by chance: such an enlarged spear on an elongated shaft was certainly more apt to advertise the presence of the sovereign power than a marshal's baton.

The spearheads of the same type (pl. 2,1-4) used on the early silver coinage as the badge of some aristocratic clan or the pictogram of a *cognomen*<sup>44</sup> could eventually represent the sovereign spear. But the earliest Roman example of this latter occurs on the reverse of the gold series struck in 209 B.C. representing king Latinus holding such an oversized spear-emblem in his right hand, and opposite him Aeneas with a normal spear-weapon far shorter (pl. 6,1-5); the evidence for the identification of both of these individuals will be discussed below.

No less instructive is the pictorial rendering of the spear of the sovereign power on the denarii of P. Porcius Laeca (pl. 5,4-5; pl. 9,3) from the end of the second century B.C., hitherto overlooked.<sup>45</sup> They advertise the *lex Porcia de provocatione* which enabled Roman citizens residing in the provinces to appeal to the people, in criminal affairs, against the decisions of a governor. The Roman citizen who does this is standing on the left, as the inscription PROVOCO discloses. The magistrate who duly accepts his announcement holds his right hand over his head, facing him in the middle; his military attire signifies that the action represented happens *extra pomerium*. Behind this representative of the State stands a *viator* with the two rods (*virgae*) of his office in the left hand and with his right hand he raises vertically the spear-ensign of the *imperium*. We owe two more relevant details of information

<sup>44</sup> The *scipio* on the obverses pl. 2, 5-7, means, I think, the *cognomen* Scipio, and other parallels are easily available.

<sup>45</sup> Grueber, *BMCRep.* 2 (1910) 301 no. 649 does not mention the spear at all and describes the man behind the commander-in-chief as a *lictor* holding *fascēs*. E. Babelon, *Description historique des monnaies de la Rép. rom.* 2 (1886) 370 no. 4 gives a completely erroneous description: "Guerrier romain armé d'une cuirasse et d'une épée et suivi d'un licteur portant les faisceaux." By the sword he means the spear which is not in the hand of the "warrior," but in that of the *viator*. E. A. Sydenham, *The Coinage of the Roman Republic* (London 1952) 78 n. 571 has "soldier cuirassed standing left with sword (!); behind him licitor holding *fascēs*," obviously copying Grueber, and not having looked at the original.

<sup>46</sup> I have found in the Museo Civico of Bologna a concave coin with the heads of Caesar and Octavian which seemed to me to show behind the head of DIVOS IVLIVS the spear in the shape

to this coin-type. First, the spear-ensign was not carried by the possessor of the sovereign power himself, but by his lower ranking subordinate; the idea of the "Vortraglanze" of early medieval German kings has consequently very old antecedents. Secondly, the restriction of the full military right of disposal to the juridical sphere outside of the sacred boundary of the city in the course of an earlier political evolution compels us to assume that the *viator* of the men in power carried the spear before them only outside Rome. Since the magistrate returning to the capital was obliged to take off his *paludamentum* and to put on the *praetexta* when he crossed the *pomerium*, he must also have ceased to be accompanied by the spear "at home."

Nevertheless, with the return to monarchy, this discrimination of the two spheres of *domi* and *militiae* was sometimes disregarded. Caesar apparently refrained from the use of the sovereign spear in the city<sup>46</sup> and preferred to stress the religious symbols of his authority as *pontifex maximus* and dictator.<sup>47</sup>

The spear-ensign of the *imperium* is possibly indicated by the staff—sometimes studded with globules<sup>48</sup>—coupled with a legionary eagle, a *vexillum* and a plough on a denarius of Ti. Sempronius Gracchus, struck for Octavian in summer 43 B.C. and promising land in colonies to the veterans (pl. 5,10-11) who enabled the young pretender to capture the city without bloodshed. The globules, of course, make this staff resemble the *scipio*, but I do not find any reasonable identification of it other than the symbol of power of Octavian, the initiator or warrant of the *deductiones* hinted at by the standards and the plough.<sup>49</sup>

An intaglio of the British Museum (pl. 5,1)<sup>50</sup> offers an interesting problem. It shows the head of a youthful man behind which there is a very long

of pl. 10, 6. But I have discovered later an *aureus* from the same die in the Historical Museum in Basle (E. Boehringer, *Der Caesar von Acireale* [Stuttgart 1933] pl. 9, 34) which shows that a spear is erroneously combined here with an *apex*; thus this type may be in fact a forgery of the renaissance.

<sup>47</sup> J. Bayet, *Bull. de la classe des Lettres de l'Acad. r. de Belgique*, 5<sup>e</sup> série 41 (1955) 453ff.

<sup>48</sup> Cf. *Netherlands Year-Book for History of Art* 1954, 151 sqq. and pl. 3, 9-10; pl. 4, 10-12; pl. 5, 4-5.

<sup>49</sup> E. Babelon, *op.cit.* (supra n. 45) 2, 432 sqq. nos. 10-11, speaks of a "scepter"; in the same way Grueber, *op.cit.* (supra n. 45) I 593 no. 4314 and Sydenham, *op.cit.* (supra n. 45) 185, no. 1127 took over the "sceptre." But such a feature of the *regalia* as a scepter did not exist in 43, except for gods who cannot be meant in this case.

<sup>50</sup> H. B. Walters, *BMC Engraved Gems*<sup>2</sup> (1926) 233 no. 2271.

spearhead with a globular end, a rudder before his profile and a donkey<sup>51</sup> above the head. The same curious spear-type appears as a mint-mark on the denarius of *M. Volteius M.f.* from 81 B.C. (pl. 5,2)<sup>52</sup> and on that of L. Papius, struck not much later (pl. 5,7-8), so that we must wonder whether this peculiar spear could not have belonged to a definite magistrate *cum imperio* (e.g. to one of the *praetors*). Fortunately, we are in a position to establish the identity of the person who is represented on this sardonix ringstone. The portrait has exactly the same style as the head of the *praetor* Livineius Regulus of 42 B.C. (cf. pl. 5,3), though the individual is decidedly different; the short oblique strokes of the hair, the modelling of the face and the cut-out of the neck are perhaps even from the same hand. The Spear as the badge of the *imperium*, the rudder as the symbol of luck or sign of aspiration to govern, bear witness that we have a leading personality before us. And the very Roman pictorial hint at the name, the *asinus*, tells exactly who he is. Just at this time, one of the key figures of the triumvirate is C. Asinius Pollio, with his strong army in Spain, *consul designatus* for 40, to whom, very soon after, Vergil dedicated his famous fourth eclogue. In 42, Pollio was 34 years old, which fits well the age of the gem-portrait.<sup>53</sup>

This series of well-defined documents on the spear as the badge of the *imperium* in the Republican epoch completes our evidence, eliminating the lacunae which misled Helbig and his followers. The testimony of two relevant, highly official monetary documents from the Augustan age bear witness to the continuity of the use of the spear-ensign. The first is the *denarius* of L. Caninius Gallus (pl. 1,2), noticed, but misunderstood, by W. Helbig.<sup>54</sup> He interpreted the seat represented as a "Richterbank" and the spear—a very long one, which was no "Kommandostab"—as relating to a

<sup>51</sup> Walters saw a goat in it, but P. Corbett who kindly examined the representation upon my request confirmed my observation: the body of the tiny animal is as clumsy as that of a pony (which is excluded from the Roman iconography), but his long ears prove that only a donkey could be meant.

<sup>52</sup> The date is given by the exact repetition of the head of Virtus-Bellona on an *aureus* of Sulla; cf. A. Alföldi, *Die trojanischen Urhahnen der Römer*, Rektoratsprogramm Basel 1956 (1957) pl. 9, 1-2. Whether the same spearhead is meant with the mint-mark of the *denarius* (pl. 5, 7) of C. Calpurnius Piso is uncertain; perhaps someone knows another piece which could decide this.

<sup>53</sup> Cf. J. André, *La vie et l'oeuvre d'Asinius Pollion* (Études et Commentaires VIII) (1949) 9 sqq. 17 sqq.

*subhastatio*, or the tribunal of the *centumviri*, mainly because we know how assiduous Augustus was in assisting the work of the courts and presiding over them himself. But the *subsellium* is defined, along with the spear, as an implement of the *TR(ibunicia) POT(estas)* through the letters inscribed just on the top of it. And the great scholar overlooked the fact that another coin gives an additional illustration of the same political device.<sup>55</sup> This is the *denarius* of C. Sulpicius Platorinus (pl. 1,3; pl. 5,9) where Augustus and Agrippa are seated on the same *subsellium tribunicium* placed on a platform ornamented with *rostra*; their gestures show that they are discussing official matters. At their right, a full-length spear is set up, the globular end of which could be a simplified rendering of the type pl. 5,1 and 2. The spear as *summa imperii* referring to the *tribunicia potestas* has a momentous juridical significance. Since Mommsen, the *potestas* has been carefully distinguished from the concept of *imperium*. Quite recently, P. De Francisci<sup>56</sup> advanced serious arguments to the contrary. We can now reaffirm his view and illustrate the basic fact that the attribution of the function of the tribunes to the Emperor meant power,<sup>57</sup> power even *intra pomerium*!

But besides this expression of *potestas*, it can be demonstrated that the spear continued to be the emblem of supreme power *extra pomerium* under the Emperors also. The first proof is offered by one of the reliefs found on the site of the Palazzo della Cancelleria in Rome, the scene of departure of Domitian to the Danube, accompanied by Mars, by his special divine protector Minerva, and by Virtus, further on by *lictors* and some *cohortes praetoriae*; the *Genius senatus*, the *Genius populi Romani*, with whom are some praetorians staying on in Rome, are bidding him farewell.<sup>58</sup> The bearded soldier of the entourage of the departing Emperor, separated from

<sup>54</sup> W. Helbig, *op.cit.* (supra n. 3) 33 sqq.

<sup>55</sup> E. Babelon, *op.cit.* (supra n. 45) 2, 476 no. 11 does not mention the spear at all. H. Mattingly, *BMCEmp I* (1923) 23 no. 115, writes that Augustus and Agrippa are seated on a *bisellium*, and sees in the spear "an apparitor's staff."

<sup>56</sup> P. De Francisci, *StEtr* 2. ser. 24 (1955/56) 40 sqq.

<sup>57</sup> For further details cf. J. Béranger, *Recherches sur l'aspect idéologique du principat*, Basler Beiträge zur Altertumswissenschaft 6 (1953) 96 sqq.

<sup>58</sup> Principal publication: F. Magi, *I rilievi Flavi del Palazzo della Cancelleria*, Mon. Vatic. vol. 6 (1945) 81 sqq. with plates 1A and 3 ("lastra 4"). Cf. also H. Last, *JRS* 37 (1947) 187. H. Kähler, *Gnomon* 22 (1950) 30 sqq. K. Schefold, *Atlantis* (Zürich 1949) 546 sqq. G. Bendinelli, *I rilievi Domiziane del*

him by hierarchical considerations, who carries a big lance with an elaborate spearhead, looking back—surely saying goodbye to his comrades behind him—must retain our attention. Magi<sup>59</sup> calls him “sottoufficiale” and rightly observes that the same spearhead occurs on provincial monuments, but he does not see the real significance of the *hasta*, nor do the other scholars who have discussed this monument after him.

Now we have unmistakable proof that this officer does not bear the attributes of his own rank, but those of the monarch. Namely, he does not carry the shield on his right arm in the obvious way, as do his fellow-praetorians, but under the armpit; and the *aegis* of the divine patron of Domitian on this shield reveals to whom it belonged.<sup>60</sup> Thus our man is the spear- and shield-bearer of the Emperor, an indispensable function in those times when the supreme commander came to such close quarters with the enemy in battle. The consul of the Republic had of course such a courageous and reliable *armiger*,<sup>61</sup> whose duty was *latera tegere* of his general. This functionary was the ὑπασπιστής<sup>62</sup> of Caesar, his shield-bearer, mentioned on the occasion of his defeat at Dyrrachium,<sup>62a</sup> as in the case of a certain Racilius who *latus Casi tegebat*,<sup>63</sup> or Dardanus, the ὑπασπιστής of Brutus.<sup>64</sup> A soldier of Augustus in this role states on his tombstone: *merui post classicus miles ad latus Augusti annos septemque decem nullo odio, sine offensa*.<sup>65</sup> Under Domitian the prefect of the guard could already be styled *sacri lateris custos*,<sup>66</sup> as later, after Gallienus, the elite of the officers assembled around the Emperor were called *protectores divini lateris*.<sup>67</sup> But besides this honorary and allegoric use of *protegere*, the *armiger*, in his practical function, remained beside the ruler

in the field; he is represented on an *aureus* of Elagabalus (pl. 2,12).<sup>68</sup>

On this evidence, we can confidently justify the bearded officer on the Cancellaria reliefs, surely a high-ranking *centurio* of the praetorians, with the *armiger* of Domitian. It may be that on the voyage to the frontier the same man was in charge of the *hasta* belonging to the possessor of the *imperium* and of his shield: but otherwise two officials must have been entrusted with the care of the spear-attribute and the shield of the Emperor.

Now it is an essential fact that the same sort of decorative spears were not only employed to mark the presence of the supreme commander during the *profectio*, but also during the fighting itself. F. Magi discovered this *summa imperii* on the two well known reliefs representing Trajan's Dacian wars and later built into the middle archway of the arch of Constantine;<sup>69</sup> we reproduce one of them<sup>70</sup> (pl. 7,2; pl. 10, fig. 43).

In all these cases the unbroken line of continuity from the Republic to the Empire is attested, but it is nowhere so obvious as on the well known relief of Hadrian from the so-called *arco di Portogallo* (pl. 8,1).<sup>71</sup> The Emperor standing on a *suggestus* accompanied by the *Genius senatus* and the *Genius populi Romani* holds an *allocutio* as usual upon return to the capital, before entering the city proper,<sup>72</sup> i.e. still *extra pomerium*. By the side of the *suggestus* stands a military person who holds a spear. This is well ascertained, in spite of a series of restorations.<sup>73</sup> A. J. B. Wace<sup>74</sup> may have hit the mark in identifying him as the *trecenarius* of the *speculatores* of the bodyguard. This spear-bearer corresponds iconographically exactly to the *viator* of the promagistrate on the *denarius* of Porcius Laeca (pl. 9,3).<sup>75</sup>

Palazzo della Cancellaria in Roma (Bibl. Fac. di Lett. e Filos. Univ. Torino). B. Neutsch, *JdI* 63-64 (1948-49) 108 sqq. A. Rumpf, *BonnJbb* 155/156 (1955/56) 112 sqq. R. Egger, *Die Ausgrabungen auf dem Magdalenenberg* 1953 (1955) 76 etc.

<sup>59</sup> F. Magi, *op.cit.* (supra n. 58) 87.

<sup>60</sup> This decides the date of the reliefs; they were made for Domitian, not for Nerva, as my dear friend K. Scheffold contended, followed by A. Rumpf and others.

<sup>61</sup> Liv. 22.6.4. Cic., *De domo* 5.13: (Sergius) *armiger Catilinae, stipator tui corporis*. Plaut., *Merc.* 852: *egomet mihi comes calator equos agaso armiger* (sum). Further quotations are to be found in E. Bickel, *ThLL* II 613, v. 77 sqq.

<sup>62</sup> Cf. Corpus gloss. II 463.33: ὑπασπιστής, protector, armiger.

<sup>62a</sup> Plut., *Caes.* 39.2 (Vol. 2, 343 Ziegl.).

<sup>63</sup> *Bell. Alex.* 52.2.

<sup>64</sup> Plut., *Brut.* 51.3; 52.1.

<sup>65</sup> *CIL* V 938 (Aquilaia).

<sup>66</sup> Martial. 6.76.1 sq.

<sup>67</sup> A. Alföldi, *CAH* 12 (1939) 219 sqq. Cf. *ibid.* 378 (W. Ensslin) with references.

<sup>68</sup> Catal. no. 15 of the Münzen und Medaillen A.-G., Basle, no. 816.

<sup>69</sup> F. Magi, *op.cit.* (supra n. 58) 87 sqq. with fig. 64. His drawing is not correct; cf. our pl. 10, fig. 43.

<sup>70</sup> After the photo of Alinari no. 46983; the other on Alinari no. 17321 is not perceptible.

<sup>71</sup> H. Stuart Jones, *A Catalogue of the Ancient Sculptures preserved in the Municipal Collections of Rome*. The Sculptures of the Palazzo dei Conservatori (1926) 266 (scala IV 1, 32) pl. 105 (above to the left. Latest discussion by A. Rumpf, *BonnJbb* 155/156 [1955/56] 118 sqq.).

<sup>72</sup> One example: Cass. Dio 49.15.3.

<sup>73</sup> A. J. B. Wace, *BSR* 4, 3 (1907) 258 sqq.

<sup>74</sup> *op.cit.* (supra n. 73) 261; cf. H. St. Jones, *BSR* 3 (1926) 263 n. 1.2.

<sup>75</sup> The presence of the *viator* defines the rank of the magis-



THE SPEAR OF SOVEREIGNTY ENTRUSTED TO LOWER OFFICIALS AND MANIPULATED BY THE AIDES AND STAFF OF THE *magistratus cum imperio*

In order to enable the old-fashioned local magistrates of the city to cope with all the problems of a worldwide Empire, the use of delegated and mandatory power was an obvious practice.<sup>76</sup> It is important to stress the point that this happened in Rome as well as in the provinces. In the later Republic, as is known to us in a somewhat concrete manner, the competences of the magistrates inside of the sacred precinct of the City and outside of its sphere were, as already stressed, differentiated and separated in a painstakingly exact way. But, as we pointed out previously,<sup>77</sup> though the religious significance of that boundary was as old as the City, yet the juridical discrimination *intra* and *extra pomerium* did not emerge with the birth of the Republic, as Mommsen believed, but resulted from a gradual development. To the remnants of the older unbiassed concept of sovereignty which I collected in an earlier paper, must be added the permanence of the spear of sovereignty in the city itself in certain state actions and judicial affairs concerning the right of property and the status of personal freedom.<sup>78</sup>

We have already mentioned the *hasta* of the auctions. The origin of this procedure in the sale of war booty was recognized by the Romans themselves.<sup>79</sup> Sulla still boasted fiercely: *est enim ausus dicere hasta posita, quum bona in foro venderet et bonorum virorum et locupletum et certe civium,*

trate: Varro in Gellius 13.12.4 sqq. In any case, the *lex repetundarum* 50 (Fontes iuris Rom. I [1941] 95 Riccobono) mentions the *viatores* of a *praetor*.

<sup>76</sup> Cf. in general C. H. Triepel, *Delegation und Mandat im öffentlichen Recht* (Stuttgart 1942).

<sup>77</sup> A. Alföldi, *Der frühromische Reiteradel und seine Ehrenabzeichen* (Baden-Baden 1952) 81 sqq.

<sup>78</sup> Ed. Cuq writes in *DarSag* III 43 A: "Dans la procédure de l'action de la loi par serment, la *hasta* joue également une rôle symbolique. Les textes en signalent trois applications: 1<sup>o</sup> *in iure*, en matière réelle; 2<sup>o</sup> *in iudicio*, pour les affaires soumises au tribunal des centumvirs; 3<sup>o</sup> dans la procédure gracieuse, pour réaliser un affranchissement entre vifs." The first and the third case are to be strictly separated from the second which alone has to do with the spear of sovereignty. Though we cannot agree with R. C. Nisbet (*JRS* 8 [1918] 1 sqq.) that the *festuca* in the ceremony of *manumissio* was originally a stalk of sacred grass, but rather follow W. Helbig (*op.cit.*, supra, n. 3, 87 sqq.) who considered it a "*verkümmerter Ableger der alten hölzernen hasta*"; this rod was never the *praecipuum insigne* of the *imperium*, but the remnant of the violent real strife of old times as well as the *alapa* or the *vis illa civilis festucaria* of the simulated ceremonial fight for landed property before the *praetor*

"*praedam se suam vendere.*" And this happened in the heart of the City, on the *forum*,<sup>80</sup> in the same way that the possessions of Pompey were sold after Pharsalos *pro aede Iovis Statoris*.<sup>81</sup> It goes without saying that the victorious general did not himself undertake such a business; this was done by the *quaestor*. But even the treasurer did not bother with such *minima* and sold the whole complex to be auctioned to a speculator (*sector*) for a round sum. And as the retail sale of the *sector* was still regarded as an official transaction,<sup>82</sup> it is to be assumed that he was acting under the protection of the sovereign spear. The personal control of the *hasta* by the war-lord was still less the case in the proscriptions of Sulla when, amongst others, his *triumviri coloniis deducendis* were largely acting for him,<sup>83</sup> with the *hasta venditionis*; or after the defeat of the Senate by Caesar.

During the sojourn of the dictator in Alexandria *hasta posita pro aede Iovis Statoris bona Cn. Pompei*, says Cicero grudgingly, . . . *voci acerbissimae subiecta praeconis*.<sup>84</sup> It is certain that Caesar prescribed this,<sup>85</sup> and that his *magister equitum* Antony implemented his order. But Antony was not in charge of this *sectio* because he was buying the property of Pompey. Thus, the transaction was carried out *voce praeconis, . . . exactione quaestoris*.<sup>86</sup> It is also evident that when the *triumviralis hasta*<sup>87</sup> was swallowing the fortunes of the proscribed, the three men in power were but rarely present, and still less did the Emperors take charge of such trivial matters in later days. *Sub hasta vendere* had, there-

(Gell. 20.10.10), i.e. a private weapon; the same in the case of the right of *rectam hastam ferre* as assertion of the privilege of legal servitude (Paulus 1. 21 *ad edictum* in: *Dig.* 8.3.7). The confusion had already been made by Gaius, *Inst.* 4.16 who confused the *festuca*, i.e. *virga* with which the manumitted slave *percutitur* (Schol. Pers. 5.175; cf. Plut., *De sera num. vind.* p. 550 B) with the *spear* of the *imperium* as he says *quasi hastae loco, signo quodam iusti domini*. Nevertheless, these matters could be dealt with and were dealt with in fact *sub hasta*, as we shall see.

<sup>79</sup> Liv. 2.14.1-4. Dion. Hal. 5.34.4. Val. Max. 3.2.2. Plut. *Publicola* 19.9-10.

<sup>80</sup> Cic. *De off.* 2.8.27; 2.29.83.

<sup>81</sup> Cic. *Phil.* 2.26.64.

<sup>82</sup> Varro *De re rust.* 2.10.4, adduced already by Ed. Cuq (supra n. 78) 42 B. Cf. Plaut. *Captivi* 1.2.110. *Gell.* 13.25 (24).29 etc.

<sup>83</sup> So his relative P. Sulla, Cic. *De off.* 2.8.29.

<sup>84</sup> Cic. *Phil.* 2.26.64. <sup>85</sup> Cf. *ibidem* 2.40.103.

<sup>86</sup> Tertull. *Ad nat.* 1.10 (*CSEL* 20, p. 76). Dion. Hal. 5.34.4. Cic. *In Verr.* 2.1.52 and Schol. Bob. *ad l.l.* (p. 3 Hildebrandt). *Tac. Ann.* 13.28.

<sup>87</sup> Sen. *Suas.* 6.3.

fore, long ago ceased to be a personal duty of the men in power as it was in olden times.<sup>88</sup> Still more did subaltern officials replace the magistrates when the location of the *vectigalia* for a censorial *lustrum* was awarded to the highest bidder. This, though a secondary development, also concerned state property and needed the presence of the spear for the *addictio sub hasta*.

The obligation of the *hastam ponere* was of course there not only when property was publicly dispersed, but also when a process concerning rights of possession was conducted. Since before the First Punic War no one but the *praetor* was entitled to adjudge a property and since, on the other hand, the spear survived as a badge of this function until the end of antiquity, we must confidently assume that in those early days the *praetor* himself fixed the *hasta* on the *forum* when deciding such matters. By a happy chance we know the very archaic forms of litigation on landed property of that early epoch. Gellius extracted the description of this solemn act from the writing of a juriscult<sup>89</sup>: *Nam de qua [re] disceptatur in iure [in re] praesenti, sive ager sive quid aliud est, cum adversario simul manu prendere et in ea re sollempnibus verbis vindicare, id est 'vindicia.' Correptio manus in re atque in loco praesenti apud praetorem ex duodecim tabulis fiebat, in quibus ita scriptum est: 'si qui in iure manum conserunt.' Sed postquam praetores propagatis Italiae finibus datis iurisdictionibus negotiis occupati proficisci vindiciarum dicendarum causa [ad] longinquas res gravabantur, institutum est contra duodecim tabulas tacito consensu, ut litigantes non in iure apud praetorem manum consererent, sed 'ex iure manum conserunt' vocarent, id est alter alterum ex iure ad conserendam manum in rem, de qua ageretur, vocaret atque profecti simul in agrum, de quo litigabatur, terrae aliquid ex eo, uti unam glebam, in ius in urbem ad praetorem deferrent et in ea gleba tamquam in toto agro vindicarent.*

The demonic power of the spear of sovereignty,

<sup>88</sup> E.g. Liv. 4.29.4.

<sup>89</sup> Gell. 20.10.6-10.

<sup>90</sup> Dig. I pt. 2. 2.29. The first epigraphical mention of the *decemviri* is from 139 B.C. (CIL VI 1296: Dessau 6), but the extreme scarcity of inscriptions forbids the use of this as an argument for the late origin of this magistracy.

<sup>91</sup> Cf. Kübler, RE 4, 2260 sq.

<sup>92</sup> Mommsen, Röm. Gesch. II<sup>7</sup> 359. Mommsen, Staatsrecht I<sup>3</sup> 275 n. 4; II<sup>3</sup> 231 n. 5 and 590 sq. M. Wlassak, Römische Prozessgesetze I (1888) 139 sqq. Id. RE 3, I (1935) etc.

<sup>93</sup> Cf. Mommsen, Staatsr. II<sup>3</sup> 225, 608.

which we shall discuss below, makes it certain that the *hasta posita* of the *praetor* was thought to preside over and decide this ordeal, once a bloody duel, later transformed into a ceremony symbolizing a fight between the contestants.

Around the middle of the third century B.C. the *praetor* acquired new aids for the formulation of the verdicts on the right of property. Pomponius<sup>90</sup> mentions the introduction of this innovation between 242 and 227 B.C.: *deinde cum esset necessarius magistratus qui hastae praesesset, decemviri in litibus iudicandis sunt constituti.*<sup>91</sup> As I see it, *hastae praesesse* has always been interpreted in the later sense, i.e. to preside over the *iudicium centumvirale*, a court originated only a hundred years later,<sup>92</sup> and so the correctness of the statement of Pomponius has been denied. But I think the obvious meaning of this expression for the early epoch is "conduct the litigation on the property," in all probability under the supervision of a *praetor*; only a *magistratus cum imperio* was qualified to decide on *legitimum dominium*.

The same applies to the presidency of the *iudicium centumvirale* constituted in the middle of the second century B.C.<sup>93</sup> The badge of this court was the *centumviralis hasta*,<sup>94</sup> *centum gravis hasta virorum*, the *centeni moderatrix iudicis hasta*.<sup>95</sup> The *praetors* seem to have been much overburdened with the care of this court, because at the end of the Republic its direction lay in the hands of the *proquaestors*.<sup>96</sup> This fact must be compared with the *imperium* given to the men of the same standing in the same epoch in provinces of less importance; these latter display the spear as a sign of their power—the evidence will be given below; this convergence *intra* and *extra pomerium* is due to no chance, it seems to me.

The first *princeps* was constrained to lower again the rank of the presidents of the centumviral court, entrusting it to the *decemviri silitibus iudicandis*<sup>97</sup> who were also called *X vir ad hastam*.<sup>98</sup> But at the same time, Augustus seems to have reestablished the

<sup>94</sup> Suet. Aug. 36.1.

<sup>95</sup> Stat. Silv. 4.4.41 sq.

<sup>96</sup> Suet. Aug. 36.1: *auctor et aliarum rerum fuit, in quis . . . ut centumviralem hastam, quam quaesturam functi consueverant cogere, decemviri cogere.* For the meaning of *cogere* cf. M. Wlassak, RE 3, 1938.

<sup>97</sup> Suet. Aug. 36.1 (quoted in n. 96). Dio 54.26.6. Dessau 1911: *viat[or decuria]e X viralis qui a[d iu]dic[ia centumv]iralia praesunt, etc.*

<sup>98</sup> ILS 5051. Cf. Laus Pison. 41.

supervision of a *praetor* over this court.<sup>99</sup> Though Novellius Torquatus Atticus, the first known special *praetor* of this new kind, the *praetor ad hastam*<sup>99a</sup> or *praetor hastarius*,<sup>100</sup> held office at the time of Tiberius, we can confidently assume that this measure is one of those about which Augustus boasted<sup>101</sup>: *legibus novis me auctore latis complura exempla maiorum exolescentia iam ex nostro saeculo reduxi*.

It is essential for our problem that each of the *decemviri* presiding over the single chambers constituted *ad hoc* by the *praetor hastarius* had an upright spear of his own. This follows from the fact that when the centumviral judges were split into two parts, these were called *duae hastae*.<sup>102</sup> It is nowhere explicitly stated, but is obvious that in the case of a quadripartition of the *centumviri*, normally practised by complicated litigations on heredity, four *hastae* distinguished the four tribunals, though all of them had their sessions in the *basilica Iulia* in the imperial epoch.<sup>103</sup>

The role of the *praetor hastarius* over these special judicial committees is clearly defined in a letter of the Younger Pliny<sup>104</sup>: *Descenderam in basilicam Iuliam auditurus, quibus proxima comperendinatione respondere debebam. Sedebant iudices, decemviri venerant, obversabantur advocati; silentium longum, tandem a praetore nuntius. Dimittuntur centum viri, eximitur dies me gaudente . . . hoc facto Nepotis (sc. praetoris qui legibus quaerit) commotus praetor, qui centumviralibus praesidet, deliberaturus an sequeretur exemplum, inopinatum*

<sup>99</sup> Cp. Mommsen, *Staatsrecht* II<sup>3</sup> 225.

<sup>99a</sup> ILS 950, from Tibur.

<sup>100</sup> CIL VI 1365.13; VIII 22721.5. Cagnat-Merlin, *Inscr. lat. d'Afrique* 44.1. Sen. *De brev. vitae* 12.1.

<sup>101</sup> *Res gestae d.A.* 8.5 (p. 86 Gagé).

<sup>102</sup> Quintil. *Inst. or.* 5.2.1: *Iam praetudiciorum vis omnis tribus in generibus versatur: aut cum de eadem causa pronuntiatum est, ut . . . partibus centumviralium, quae in duas hastas divisae sunt.* *ibid.* 11.1.78: *Etiam, si apud alios iudices agetur, ut . . . in centumviralibus iudiciis duplicibus parte victa, etc.*

<sup>103</sup> Quintil. *Inst.* 12.5.6: *Certe cum in basilica Iulia diceret primo tribunali, quattuor autem iudicia, ut moris est, cogerentur, atque omnia clamoribus fremerent: et auditum eum et intellectum et, quod agentibus ceteris contumeliosissimum fuit, laudatum quoque ex quattuor tribunalibus memini.* Plin. *Ep.* 6.33.2-5: *Est haec pro Attia Viriola . . . nam femina . . . exheredata ab octogenario patre . . . , quadruplici iudicio bona paterna repetebat. Sedebant centum et octoginta iudices (tot enim quattuor consilii colliguntur): . . . nam duobus consiliis vicimus, totidem victi sumus.* Cf. Val. Max. 7.7.1.

<sup>104</sup> Plin., *Ep.* 5.9(21)1-2, 5.

<sup>105</sup> Ad. Longpérier, "Recherches sur les insignes de la questure," *RA* (1868) 67 sqq. W. Helbig, *op.cit.* (supra n. 3) 33 sqq. M. Grant, *From Imperium to Auctoritas* (Cambridge 1946)

*nobis otium dedit.* In spite of the complete right of control by the praetor, the *praecipuum insigne* was delegated to his subalterns and consequently was multiplied in the same way as by public sales of property.

The mandatory role of the spear as emblem of power is still more obvious in the provinces where the government never lost its original character of conquest, the sign of which was the *hasta*.

There is a group of late Republican coins of *proquaestores* who display the spear with their *subsellium* and *fiscus*.<sup>105</sup> Helbig realized that the spear, which could not be used normally by a *quaestor*, who did not possess the *imperium*, as a badge of his office, denotes in the case of the *proquaestores* of the first century B.C. that they have been invested with some sort of independent governing capacity. We know three such cases:

a) The small silver *quinarius* of L. SESTIUS PROQUAESTOR (pl. 1,5) was struck in Macedonia in 43-42 B.C.<sup>106</sup> Though the obverse shows the name of Brutus as *proconsul*, the comprehensive character of his *imperium maius* allowed him to admit the *hasta* as sign of the restricted power of his subordinate.

b) Bronze coins of the *quaestor pro praetore* A. Pupius Rufus in Cyrene<sup>107</sup> struck in the years immediately following Actium (pl. 1,10-11) display the same array of attributes. It has been observed from Longpérier on that the spear originally belonged to the praetorial *imperium*.

c) The anonymous bronzes pl. 1,6-7<sup>108</sup> seem to be of the same age, having been issued in the mint

13 sqq. 244 sqq.

<sup>106</sup> E. Babelon, *op.cit.* (supra n. 45) II 116, no. 39. Grueber, *op.cit.* (supra n. 45) 473 no. 47 describes the *hasta* erroneously as "virga viatoris." Sydenham, *op.cit.* (supra n. 45) 202 no. 1292.

<sup>107</sup> L. Müller, *Numismatique de l'ancienne Afrique* (Copenhagen 1860) 161 no. 422-423. Good reproductions also in W. Helbig, *op.cit.* (supra n. 3) pl. 1, 15-17. E. S. G. Robinson, *BMC Cyrenaica* (London 1927) CCXXII sqq. 117 sq. dates the governorship of A. Pupius Rufus between 30 and 27 B.C.

<sup>108</sup> *Die antiken Münzen Nord-Griechenlands* III 1 (Berlin 1906) 74 nos. 226-227 and plate 3, 6-7. W. Helbig, *op.cit.* (supra n. 3) 35 and pl. 1, 18-19. M. Grant, *op.cit.* (supra n. 105) 13 sqq. 244 sqq. (with references to special literature) would like to recognize Caesar in the anonymous portrait which has been, in my opinion, correctly interpreted previously as Augustus. He thinks that the coins pl. 1, 8-9 with the same head, inscribed PRINCEPS FELIX only imitate the portrait of the anonymous issue, struck in Thessalonica in his opinion, and that they were struck in Asia Minor. He reads the monogram on them as ALE(X)andria. But the smaller anonymous specimen, pl. 1, 7, shows clearly that the peculiar style of the deteriorated portrait with PRINCEPS FELIX originated in the

of a *colonia Iulia secundorum urbanorum* (*veteranorum*?) with other types (pl. 1,8-9) calling Octavian PRINCEPS FELIX.<sup>109</sup>

So we have to do with a phenomenon of the decades of the transition between Republic and Empire. The use of the *hasta* by *proquaestores* may mirror the same aspirations of unimportant figures using the title of *imperator* in the provinces, as we know from the literary sources, until this depreciation of the supreme might was barred by the monopoly of the ruler.

At this time the prefects of the camps had a certain peculiar spear, stuck in the earth as the badge of their position in the field. This is attested by Livy<sup>110</sup> for the year 11 B.C.: *in Germania, in castris Drusi examen apium in tabernaculo Hostili Rufi, praefecti castrorum, consedit ita ut funem praetendentem praefixamque tentorio lanceam amplecteretur.*

We are able to push our ideas on the *hasta* as emblem of sovereign power a step further through the inclusion of a group of decorative spearheads, discovered in the ruins of military establishments of the frontier provinces (pl. 10, figs. 1-2), classified and interpreted by E. Ritterling in an admirable paper<sup>111</sup> and supplemented with new material in another brilliant study by G. Behrens<sup>112</sup> who discovered that besides the original spearheads and their representations on tombstones, there exists a rich series of miniature spears used as a device on fibulae, or as ornamental mountings on leather, as well as hanging ornaments. Sculptured tombstones enabled Ritterling to recognize that these spears belonged to certain ranks of subordinate officials, to the *beneficarii consularis*,<sup>113</sup> *speculatores*,<sup>114</sup> (pl. 9,2), *frumentarii*,<sup>115</sup> etc. Ritterling also perceived that the group of officials in question belonged to

the staff of the provincial governors.<sup>116</sup> He thought that the standard-like spears were the attributes of these staff-officials and, though this proves to be wrong, he established the important fact that these spear-ensigns were carried anywhere where orders of the governor were to be carried out outside his headquarters.<sup>117</sup> A striking illustration of this fact is given by the tombstone of a *speculator* in Belgrade (pl. 9,2). He is certainly not making a tour of inspection, as has been supposed, but is acting in matters concerning the right of property, e.g. requisition of food, vehicles, etc., for the army, eventually enforcing the payment of duties. The spear-ensign of his function is carried by his servant, accompanying him on his trips, announcing thereby the state intervention. As the Roman antecedents of these spear-types were unknown to him and, on the other hand, the evident discrepancy between them and the tactical standards of the Roman army did not escape his attention, Ritterling saw in these standards derivatives of the standards of Hellenistic religious associations.<sup>118</sup>

But we know now that the big heart-shaped spearhead of Vörsingen (pl. 10, fig. 7) with its greatly elongated rodlike point developed from the same type as that of Pollio (pl. 5,1-2; pl. 10, fig. 6); we know equally that the two oblique incisions on both sides of the spearheads of those staff-officials (pl. 10, figs. 13-15) are also on the imperial spear-attribute of Domitian (fig. 18); furthermore we saw that large standards with two superimposed big ornamental spearheads such as that of the *beneficarius consularis* from Wiesbaden (pl. 10, fig. 42) were also employed in the Dacian battles of Trajan, just behind the fighting area—as it seems to me, in the presence of the Emperor himself (pl. 7,2; pl. 10, fig. 43). In view of all this evidence

same mint as the pieces pl. 1, 6-7 with *Q(uaestor)*: i.e. the same mint coined state and local issues. The style, as well as this double function, could very well fit a date just after the battle at Actium.

<sup>109</sup> The *legio II urbana* was one of the civil wars. H. Gaebler, *ZfN* 23 (1902) 184 sqq. places this *colonia Iulia* in Asia Minor. He maintains rightly, with Imhof, Froehner and v. Sallet, that the head is that of Octavian.

<sup>110</sup> Jul. Obseq. (132) 72.

<sup>111</sup> E. Ritterling, "Ein Amtsabzeichen der *beneficarii consularis* im Museum zu Wiesbaden," *BonnJbb* 125 (1919) 9 sqq.

<sup>112</sup> G. Behrens, "Mars-Weihungen im Mainzer Gebiet," *MZ* 36 (1941) 8 sqq. Some fresh additions are made to the inventory of Behrens by H.-J. Hundt, *Saalburg-Jahrbuch* 14 (1955) 50 sqq.

<sup>113</sup> E. Espérandieu, *Recueil général des bas-reliefs, statues... de la Gaule romaine* III (Paris 1910) 35 no. 1785 (= *CIL* XIII

1909 = Ritterling, *op.cit.* [supra n. 111] fig. 10) with the letters BF on the spearhead. *CIL* XIII 7731 = E. Ritterling, *op.cit.* (supra n. 111) fig. 3. Altar from Vinxbach. *CIL* III 12895 = E. Ritterling, *ibid.* fig. 8 from Salona. There are several votive *arae* with the simplified representation of such a spear-emblem, one from Friedberg (Ritterling, *ibid.* fig. 13. *CIL* XIII 7400 = *ILS* 4192 a); others were found in Stockstadt (*CIL* XIII 6639 a-b; 6656 b.), Jagsthausen (*CIL* XIII 6557 = Haug-Sixt, *Steindenkmäler*, 2nd ed. [1949] 649 no. 452) and Alexandria (*CIL* III 6601); cf. Ritterling, *ibid.*, 21 sqq.

<sup>114</sup> *CIL* III 1650 = *ILS* 2378 (Belgrade). Here reproduced on pl. 9, 2. Cf. M. Rostovtzeff, *RM* 26 (1911) 268 sqq. Behrens, *op.cit.* (supra n. 112) 20 n. B 1 and fig. 20 (Salona).

<sup>115</sup> *CIL* III 5579 (Pons Aeni) = Ritterling, *op.cit.* (supra n. 111) fig. 5.

<sup>116</sup> Ritterling, *op.cit.* (supra n. 111) 23 sqq.

<sup>117</sup> *ibid.* 33. <sup>118</sup> *ibid.* 30 sqq.

it cannot be doubted that those provincial spear-ensigns did not denote the subordinates, but the sovereign power of the Roman state for which they were acting.

It is likely that the material and execution of the spear carried before the Emperor was more precious than those of the subordinates: the hierarchy of metals was well established in the Rome of the Republic for such a use.<sup>119</sup> Beside this the letters B-F on the representation of such an ensign in Lyon (pl. 10, fig. 12) prove that the rank of the officials to whom it was attributed was clearly indicated; whereas the *tabulae ansatae* of these standards with the names of the men indicate rather the same practice as marked the possession of the State on weapons and other military property. It seems also that some differentiation between the spear-emblem of the magistrates had developed already in the late Republic: the long spearhead of Asinius Pollio (pl. 10, fig. 4) could be perhaps the spear-standard of the *praetor* used *intra pomerium*. Nevertheless the typological congruence of the spear, borne before the monarch and the governors as well as before insignificant subaltern officials, points to a remarkable fact: it is a striking visual illustration of the idea of the global unity of the *imperium* amidst its manifold applications, stressed e.g. by E. Leifer and cherished by the eminent scholar and beloved friend to whom this paper is dedicated.

Later research will certainly establish an evolution in the shape and decoration of the spear as badge of power. The big heart-shaped spearheads of the Republican imperators (pl. 10, figs. 1-3) apparently had no elaborate decoration. The lateral incisions known from the first century A.D. (pl. 10, figs. 13-18) seem to be replaced by the "eyes" on the spearheads of the Middle Empire (pl. 10, figs. 19-27, 31-41). A variety of this insigne with a double

<sup>119</sup> Alföldi, *op.cit.* (supra n. 16) 73 sqq.

<sup>120</sup> A. von Domaszewski, *Die Fahnen im römischen Heere* (Wien 1885) 50, took notice of this without drawing any conclusions.

<sup>121</sup> E.g. C. Cichorius, *Die Reliefs der Trajanssäule* (Berlin 1896) pl. 17, scene 52-53; pl. 20, scene 66; pl. 96, scene 346. A. v. Domaszewski, *op.cit.* (supra n. 120) figs. 21, 23-24, 26, 32.

<sup>122</sup> Cichorius, *op.cit.* (supra n. 121) pl. 33, scene 112; pl. 39, scene 136; pl. 54, scene 194; pl. 72, scene 258; pl. 77, scene 275-276, etc. A. v. Domaszewski, *op.cit.* (supra n. 120) figs. 5, 12, 67-68, 73 and 75.

<sup>123</sup> A. v. Domaszewski (supra n. 120) 73, fig. 86. *Alterhümer unsrer heidnischen Vorzeit* I (Heft 11) 6, 1, etc.

<sup>124</sup> Mus. Neuss. Cf. Museo dell' Impero Romano. Catalogo. *Supplemento al Catal. della Mostra Augustea* (Roma 1943) 151,

spearhead occurs under Trajan (pl. 10, figs. 42-45). But we must limit our actual survey to these few general hints at the present.

#### THE SPEAR OF THE TACTICAL *signa*

Apart from the eagle and a few other sacred animals on the top of the *signa* of the pre-Marian army, and besides those with the raised hand, all the military standards of the Roman army were nothing other than spears with a great variety of additional secondary features, a fact the importance of which has not yet been realized.<sup>120</sup> The *dona militaria* of the troops, such as wreaths, *paterae*, *clipei*, decorate their standards, sometimes even surround the spearhead; but they are, even then, nothing else but spears of the legions<sup>121</sup> (pl. 10, figs. 8-9), as well as of the *cohortes praetoriae*.<sup>122</sup> Very clearly also the standards of the *auxilia* are spears: we illustrate this only with the *signum* of Pintaius<sup>123</sup> (pl. 9,1; pl. 10, fig. 17), and mention as another example that of Oclatius.<sup>124</sup>

It may be assumed that in all those cases the spear meant power and command.<sup>125</sup> It was gilded<sup>126</sup> to catch the eyes of the soldiers who got the tactical orders through the *signa* and their movements. But at the same time, this visible expression of *imperium* was due to be split as many times as there were units. The flag-standards illustrate this perhaps best. The Roman *vexillum* is nothing other than a spear with a square piece of cloth just under the spearhead.<sup>127</sup> The *vexillum* was the standard of every detached troop-unit,<sup>128</sup> but other flags existed, too, which are not discussed in detail in the fundamental treatise of A. v. Domaszewski, *Die Fahnen im römischen Heere*.

To be sure, we must also mention with the category of the *vexilla* another kind of *signum* which also had a cloth-flag on it. This square piece of cloth

no. 3. *Mostra Augustea della Romanità*<sup>2</sup> (1937) pl. 44.

<sup>125</sup> The *hasta* as *signum praecipuum* by Festus (p. 90, 19 Linds.) has been supplemented with *(belli)* by C. O. Müller. But *signum belli* makes no good sense in this connection.

<sup>126</sup> Minuc. Fel. *Octav.* 29, 7.

<sup>127</sup> Cf. e.g. Cichorius, *op.cit.* (supra n. 121) pl. 9; pl. 65, scene 235. *JOAI Beibl.* 1 (1898) 85 fig. 19 (*CIL* V 504). E. Petersen—A. v. Domaszewski—A. Calderini, *Die Marcussäule auf der Piazza Colonna in Rom* (1896) pl. 86, scene 77; pl. 104 B, 105 A, 106 B, 114 B. H. P. L'Orange—A. v. Gerkan, *Der spätantike Bildschmuck des Konstantinbogens* (Berlin 1939) pl. 15 a, 45 b, 46 b, 47 b, etc.

<sup>128</sup> Cf. e.g. Mommsen, *Gesammelte Schriften* 6 (Berlin 1910) 135.

was in this case not applied under the spearhead, but further down, under the series of globular protuberances on the pole. Such were the standards of the *manipuli* reproduced on the *denarii* of C. Valerius Flaccus and the Pompeian consuls of 49 B.C. (pl. 1,1 and pl. 10, fig. 46; cf. also pl. 5,10-11) with the abbreviated inscriptions *H(astati)* and *P(rincipes)*. Similar standards appear as mint-marks on the *denarii* of L. Papius and C. Roscius Fabatus (pl. 4,1-4 and pl. 10, fig. 48); on *denarii* of 43 B.C. (pl. 5,10-11) the same flag-standard belongs to veteran colonists.

There existed another sort of *vexillum*, bigger than the others, carried on a longer pole, with the name of the supreme commander and of the (expeditionary) army in purple letters on it.<sup>129</sup> Such is the banner towering over the legionary *signa* on a relief-scene of the column of Trajan.<sup>130</sup> A. v. Domaszewski<sup>131</sup> and with him A. v. Premerstein<sup>132</sup> thought that these great *vexilla* were not employed on the march and in the battle, but were used only in camp and decorated the tent of the commander-in-charge; but the description of such a banner of the army of Crassus<sup>133</sup> concerns the army in movement. On the other hand, the *vexillum* of the su-

<sup>129</sup> Cass. Dio 40.18.3 on the *prodigia* before Carrhae, 53 B.C.: *σημείον δέ τι τῶν μεγάλων, τῶν τοῖς ἰστίοις εὐκρίτων καὶ φοινικῶν γράμματα ἐπ' αὐτῆς ἀρὸς δῆλωσιν τοῦ τε στρατοῦ καὶ τοῦ στρατηγικοῦ σφῶν τοῦ αὐτοκράτορος ἐχόντων.* Cf. *ibid.* 4.

<sup>130</sup> Domaszewski, *op.cit.* (supra n. 120) fig. 20. Cichorius, *op.cit.* (supra n. 121) pl. 10, scene 24.

<sup>131</sup> *op.cit.* (supra n. 120) 79 n. 1.

<sup>132</sup> A. v. Premerstein, *Vom Werden und Wesen des Principates (AbhBayrAk n. F. 15, Munich 1937)* 86.

<sup>133</sup> Supra n. 129.

<sup>134</sup> It was of purple, consequently its inscription could not be written with purple letters, but surely with golden ones, cf. Arrian., *Parth.* frg. 154 (*FGrHist* II 156 Jac.): *αὐτῆ (ναῦς) τὰ τε ἀκροστόλια ἔφαυε (χρυσῶν), καὶ ἐπ' ἄκρῳ τῷ ἰστίῳ τὸ βασιλικὸν ὄνομα καὶ ὅσοις ἄλλοις βασιλεῖς γεγαίρηται χρυσῶ ἔγκεχαράγμενα.* The *σημεῖα βασιλικά* (*ibid.*) were displayed in front of the tent of the *imperator*, and not the previously mentioned.

<sup>135</sup> Cichorius, *op.cit.* (supra n. 121) pl. 31, scene 103; pl. 37, scene 127; pl. 78, scene 279. A. Caprino-A. M. Colini-G. Gattini-M. Pallottino-P. Romanelli, *La colonna di Marco Aurelio* (Roma 1955) pl. 7, fig. 15 (VIII); pl. 8, fig. 16; pl. 24, fig. 49; pl. 49, fig. 98; pl. 53, fig. 106; pl. A, E; where Claudius Pompeianus is also present with the Emperor, there are two *vexilla* displayed. The *three* flags on pl. 33, fig. 67 are due to the presence of the crown prince besides his father and his son-in-law.

<sup>136</sup> Caes. B. Gall. 2.20.1: *Caesari omnia uno tempore erant agenda: vexillum proponendum, quod erat insigne, cum ad arma concurrere oporteret, ab opere revocandi milites, . . . acies instruenda, milites cohortandi, signum (tuba) dandum.* Plutarch speaks of a purple *χιτῶν* exhibited on the tent of the commander-in-chief, but we think this means nothing other than the *vexillum*. Cf. Plut. *Fab.* 15.1: *ἀλλ'ὁ Τερέντιος . . . ἄμ'*

preme commander,<sup>134</sup> different from these big banners, was also employed in the fighting.

As just mentioned, besides these great banners, there was also a special one belonging to the *imperator* himself. Examples of this must be seen in the *vexillum* carried before the standards of the imperial bodyguard on Trajan's column<sup>135</sup> or displayed with the Emperor on the column of Marcus Aurelius. This flag of the supreme commander was displayed in the *praetorium* ordering the state of readiness for battle,<sup>136</sup> but it was also used to give the signal for the start of the fighting,<sup>137</sup> both on land and for the beginning of a naval action.<sup>138</sup> The hoisting of this *belli signum* was very old; the convocation of the popular assembly by the same act also signifies the same will of the sovereign power.<sup>139</sup> The necessity of having this purple flag always at hand for the purpose of tactical commands<sup>140</sup> explains why it was not deposited in the shrine of the *signa*, but was kept at night in the dwelling of the commander-in-chief.<sup>141</sup> The flag of the generalissimo had a purple coat,<sup>142</sup> and when Augustus honored Agrippa with a *caeruleum vexillum* after the victory of Naulochos, it was a first step towards the Byzantine hierarchy of colors,<sup>143</sup> in the same way as

*ἡμέρα τὸ τῆς μάχης σημεῖον ἐξέθηκεν—ἔστι δὲ χιτῶν κόκκινος ὑπὲρ τῆς στρατηγικῆς σκηπῆς διατεινόμενος.* Plut. *Brut.* 40.5: *ἄμα δ'ἡμέρα προῦκειτο μὲν (ἐν) τῷ βροῦτον χάρακι καὶ τῷ Κασσίου σύμβολον ἀγῶνος φοινικεῖς χιτῶν.*

<sup>137</sup> Caes. B. civ. 3.89.5: *Simul tertiae aciei totique exercitui imperavit, ne iniussu suo concurrerent: se, cum id fieri vellet, vexillo signum daturum.*

<sup>138</sup> Cass. Dio 49.9.1.

<sup>139</sup> Cf. Vergil. *Aen.* 8.1 with the commentary of Servius.

<sup>140</sup> Cf. Caes. B. Gall. 2.20.1 (supra n. 136).

<sup>141</sup> This emerges from the description of the riot on the Rhine by Tac. *Ann.* 1.39.1-4: *. . . apud aram Ubiorum . . . duae ibi legiones, prima atque vicensima veteranique nuper missi sub vexillo hiemabant . . . et nocte concubia vexillum in domo Germanici sium flagitare occipiunt, concursuque ad ianuam facto moliuntur fores, extractum cubili Caesarem tradere vexillum intento mortis metu subigunt.* (Cf. the note on different interpretations in the edition of H. Furneaux, *The Annals of Tacitus* I<sup>2</sup> [London 1896] 232). As the veterans had no special role in the upheaval, we cannot assume with v. Domaszewski (supra n. 120) 25, that the *vexillum* in the house of Germanicus was theirs: I do not see why their *vexillum* would not have been deposited with their commander if not in the *sacrarium* of the *signa*. As there is evidence that the mutiny intended to elect a new general (Tac. *Ann.* 1.43.2), the transfer of the purple flag to this person must be connected with this act of the rebels.

<sup>142</sup> Plut. *Fab.* 15.1 and *Brut.* 40.5 (quoted supra n. 136). Cf. *Scriptores Historiae Augustae*, Vita Gordiani, 8: *sublata de vexillis purpura.* Servius *Aen.* 8.1 seems to imply that in early times the commander of the infantry had the red flag and the cavalry a blue one.

<sup>143</sup> Suet. *Aug.* 25.3. Cass. Dio 51.21.3.

the *vexilla argentea* as distinction of high-ranking officers under the Empire<sup>144</sup> was second only to the golden banner-poles of the sovereign himself.

If the flag with *HIS(pania)* on the *denarii* from 54 B.C. referring to C. Coelius Caldus, proconsul in Spain ca. 98 B.C.<sup>145</sup> is his purple ensign, as we think, this flag also had the globular protuberances on its shaft, as the manipular standard had; in this case the mint-marks of the *denarii* from the seventies of the last century B.C. (pl. 4,1-4) could mean this purple *vexillum*. No doubt this is the flag in the hand of Victory on the coins celebrating Actium,<sup>146</sup> in the hand of Mars on coins commemorating the departure of Augustus with an expedition,<sup>147</sup> or the journeys of Hadrian on the sea.<sup>148</sup> This imperial flag was replaced by Constantine with his *labarum*.

The *hasta* was used also as standard of the *manipuli*. The ancient writers explain its origin as a handful of hay, bound to a pole:<sup>149</sup> *peritica suspensos portabat longa manipulos*, Ovid describes it.<sup>150</sup> We see the simplest form of this ensign reproduced as mint-mark on the obverse of a *denarius* of C. Valerius Flaccus (pl. 1,1 and pl. 10, fig. 10); the globules on the shaft are only slight, and the tassel under them, always present on the manipular and many other standards, could preserve the form of the original bunch of hay. In view of the magico-religious atmosphere out of which these standards emerged, we agree with L. Renel<sup>151</sup> that this hay must have been something like the sacred *sagmenta*, taken from the Capitol for ritual purposes. In fact, the primary role of the *hasta* as the kernel and essence of the standards is not due to any practical consideration. It is well known that not only the eagle had its own cult (and before Marius the horse, man-headed bull, boar and wolf) but the

<sup>144</sup> P. Steiner, *BonnJbb* 114-115 (1906) 30, assembled the mentions of them occurring since Domitian.

<sup>145</sup> *Schweizerische Numismatische Rundschau* 36 (1954) pl. 19, 8-10.

<sup>146</sup> *BMCRep* III pl. 60.2. J. Liegle, *Jdl* 56 (1941) 91 sqq. The type was imitated frequently, e.g. under Sept. Severus (J. M. C. Toynbee, *Roman Medallions* [New York 1944] pl. 43:6) etc.

<sup>147</sup> *BMCRep* III pl. 63, 14-17.

<sup>148</sup> P. L. Strack, *Untersuchungen zur römischen Münzprägung des II. Jahrhunderts nach Christus* 2 (Stuttgart 1933) pl. 16, 837, 839-840 etc.

<sup>149</sup> E.g. Ovid. *Fast.* 3.113 sqq. Plut. *Romul.* 8.7 etc. Cf. Serv. *Aen.* 11.463.

<sup>150</sup> Ovid. *Fast.* 3.117 sqq.

<sup>151</sup> Chas. Renel, *Cultes militaires de Rome: les enseignes* (Paris 1903) 238 sq. 248 sqq.

<sup>152</sup> Tac. *Ann.* 1.39.6 (in the mutiny at the Rhine in 14 A.D.

other standards too.<sup>152</sup> We are reminded of two famous passages of Tertullian who testifies to this in full detail: *Religio Romanorum tota castrensium signa veneratur, signa iurat, signa omnibus deis praeponit. Omnes illi imaginum suggestus in signis monilia crucum sunt; siphara illa vexillorum et cantabrorum stolae crucum sunt.*<sup>153</sup> And again:<sup>154</sup> *itaque in Victoriis et cruces colit castrensium religio, si signa adorant, signa deierant, signa ipsi Iovi praefert: sed ille imaginum suggestus et totius auri cultus monilia crucum sunt. Sic etiam in cantabris atque vexillis, quae non minore sanctitate militia custodit, siphara illa vestes crucum sunt.*

When in the case of extreme peril the *tumultus* was proclaimed, the oath of the hastily assembled army was taken collectively before a *vexillum* as the divine witness of the *coniuratio*.<sup>155</sup> The same act is often represented as the *coniuratio* of the peoples of Italy in the Social war (pl. 6,5-6, and pl. 10, fig. 47). Here the same oath is sworn in front of a huge pole of the same type as the Roman manipular standards, with a flying ribbon on its top, exactly as on the Roman parallels (pl. 1,1 and pl. 10, fig. 46).<sup>156</sup>

#### THE SPEAR AS SOVEREIGN IN ROME AND THE SCEPTER AS RULING POWER AMONG THE MYCENAEAN GREEKS

The spear of sovereignty has its personality and still in imperial times it is characterized by expressions which depict it as an acting individual. When Valerius Maximus mentions the *hasta iudicium*<sup>157</sup> or the *Laus Pisonis*<sup>158</sup> has *trepidus ad iura decem citat hasta virorum et firmare iubet centeno iudice causas*, or Statius<sup>159</sup> speaks of the *centeni moderatrix iudicis hasta* or Juvenal<sup>160</sup> calls this spear *domina hasta*, it is not a rhetorical artifice but re-

again): *Planco . . . neque aliud periclitanti subsidium quam castra primae legionis . illic signa et aquilam amplexus religione sese tutabatur, ac ni aquilifer Calpurnius vim extremam arcuisset, . . . legatus populi Romani Romanis in castris sanguine suo altaria deum commaculavisset.*

<sup>153</sup> Tertull. *Apol.* 16.8.

<sup>154</sup> Tertull. *Ad nat.* 1.12.14.

<sup>155</sup> Serv. *Aen.* 8.1: *aut certe si esset tumultus . . . qui fuerat ducturus exercitum ibat ad Capitolium et exinde proferens duo vexilla, unum russeum, quod pedites evocabat, et unum caeruleum, quod erat equitum, . . . dicebat "qui rem publicam salvam esse vult, me sequatur," et qui convenissent, simul iurabant: et dicebatur ista militia coniuratio.* The source may have been Varro.

<sup>156</sup> Cf. also *CIL* VI 2437 (now in the Louvre in Paris).

<sup>157</sup> Val. Max. 7.8.1; 7.8.4.

<sup>158</sup> *Laus Pis.* 41. <sup>159</sup> Stat. *Silv.* 4.4.43.

<sup>160</sup> Juven. 3.30 sqq.

flects an archaic conception. Similarly, when Martial<sup>161</sup> writes: *hunc miratur adhuc centum gravis hasta virorum*, when Seneca<sup>162</sup> mentions *hastam (Caesaris) consularia spolia vendentem* and Gaius<sup>163</sup> declares that in *centumviralibus iudiciis hasta praepositur*—still other examples could be added easily—all this reveals the queer notion of the spear who acts as an active supreme ruler: a personified force on a superhuman level. This cannot be separated from the ritual imprecation of the sacred spears by the holder of the *imperium* leaving for a war. These spears were guarded in the *regia* and regarded as containing the might of Mars himself. They were addressed by the leader of the State with the words: *Vigilansne Mars? Vigil!* In the same way, this concept cannot be isolated from the spear in the sanctuary of Jupiter Feretrius which witnessed and warranted the solemn act of the *foedus* from time immemorial,<sup>164</sup> as we shall see.

The spear of the legal authority in Rome which is obeyed as an animated being, but which is at the same time the materialization of the abstract idea of power, has a striking analogy in the scepter of the Mycenaean kings, the role of which is clearly mirrored in the Iliad, but which is vanishing in the fairy-tale world of the Odyssey,<sup>165</sup> prolonging the epics into a period in which the kingship was dying away. To have the legal authority in public affairs, even the king is obliged to take into his hand the scepter, a sacred object, a unique gift of the gods. Agamemnon seizes the scepter of his ancestors,

<sup>161</sup> Martial 7.63-7.

<sup>162</sup> Sen. *Ad Marciam de consol.* 20.5.

<sup>163</sup> Gai *Inst.* 4.16.

<sup>164</sup> Serv. *Aen.* 12.206 (cf. 2.2 and 2.6) is a naive attempt to explain the presence of the "scepter" as a *pars pro toto*, i.e. as a vicegerent instead of the cult-image: this cult never had a cult-statue. Another view by H. Wagenvoort, *Roman Dynastism* (London 1947) 55.

<sup>165</sup> For a survey of the Homeric kingship cf. M. P. Nilsson, *Opuscula selecta* 2 (1952) 871 sqq.

<sup>166</sup> *Il.* 2.46.

<sup>167</sup> *Il.* 2.100 sqq.

<sup>168</sup> *Il.* 23.566 sqq. Cf. *Od.* 2.35 sqq. (Telemachos).

<sup>169</sup> *Il.* 7.412 and 10.320-323. On other public occasions cf. *Il.* 18.556 sq. *Od.* 3.410-412.

<sup>170</sup> *Il.* 2.198 sq. 273 sqq.

<sup>171</sup> *Il.* 2.185 sqq.

<sup>172</sup> *Il.* 3.218. This mandatory act was well grasped by R. Hirzel, *Themis, Dike und Verwandtes* (Leipzig 1907) 72 sqq. 75. Cf. also C. Fr. Hermann, *Disputatio de sceptri regii antiquitate et origine* (Göttingen 1851) printed by invitation of the Göttingen Academy of Sciences for the solemnity of the accession to the throne of a new king. U. Wilamowitz von Moellendorf, *Die Scepter der Universität* (Berlin 1890) (not accessible to me at present). G. Gerland, *Szepter und Zauberstab* (Nord

"imperishable ever," when he assembles the Achaeans;<sup>166</sup> he holds it when haranguing his people.<sup>167</sup> The herald brings the scepter to King Menelaos on a similar occasion.<sup>168</sup> When administering an oath, the king raises the scepter towards heaven showing it to all the gods, no doubt as warrant of the honesty of his intentions.<sup>169</sup>

When the king wants to authorize someone to act in his name, the means of authorization is to hand the scepter over to him. Agamemnon does so when he entrusts authority to Odysseus, who addresses them by holding the royal staff,<sup>170</sup> calling back the fleeing Achaeans from the ships,<sup>171</sup> or when he sends the same hero to Troy.<sup>172</sup>

It was indispensable for the administration of justice to hold the scepter upright; it was above all the symbol of justice<sup>173</sup> already in the ancient Near East. If the king himself acted as a judge, he did it with his scepter in his right hand;<sup>174</sup> if he delegated this power to others, the scepter was handed over to them in turn.<sup>175</sup> This delegation of power became an empty ceremony in the Attic democracy where the judges nevertheless held a long staff as a badge of sovereign rights.<sup>176</sup> This Greek tradition seems to have affected the Romans of later times who imagined their old kings with the staff in the hand, as judges; such a representation appears on the *denarius* of T. Vettius Sabinus (pl. 2, 8) where Titus Tatius is depicted with the *scipio*.<sup>177</sup> The continuity of this token of the supreme authority in the Middle Ages cannot be discussed here, of course.<sup>178</sup>

und Süd 101 [1902] 51 sqq.). F. J. M. Waele, *The magic staff or rod in graeco-italian antiquity* (Nijmegen 1927) 109 sqq. (with all the modern literature).

<sup>173</sup> Cf. e.g. R. Labat, *Le caractère religieux de la royauté assyro-babylonienne* (Paris 1939) 222.

<sup>174</sup> *Od.* 11.568 sqq. Apoll. Rhod. 4.1174 sqq. Cf. R. Hirzel, *op.cit.* (supra n. 172) 75 sqq. on *Il.* 1.237 sqq.

<sup>175</sup> Against R. Hirzel who denies this cf. the valuable remarks by K. Marót, *Der Eid als Tat* (Acta litt. ac scient. Univ. Francisco-Josephinae, Szeged 1924) 2 sqq. Cf. the words of the Iliad (1.237 sqq.) on the scepter of Achilles: *νῦν αὐτὲ μὲν ὕψος Ἀχαιῶν ἐν παλάμῃς φορέουσι δικασπόλοι, οἳ τε θέμιστας πρὸς Διὸς εἰρύσασται.*

<sup>176</sup> Demosth. *De cor.* 210. Schol. Aristoph. Av. 1110 and Plut. 277 (p. 340. 17 Duebner). M. Schede, *Die Akropolis von Athen* (Berlin 1922) pl. 70. R. Hirzel, *op.cit.* (supra n. 172) 77 sqq.

<sup>177</sup> As already mentioned, such a rod was displayed as the pictorial equivalent of the cognomen of a *Scipio* on early silver coins (pl. 2, 5-7); the same rod means, of course, a *scipio* here also.

<sup>178</sup> Cf. K. v. Amira, "Der Stab in der germanischen Rechtsymbolik," *AbhBayrAk*, phil.-hist. Kl. XXV (1909) 84 sqq. P. E. Schramm, *Herrschaftszeichen und Staatssymbolik* (Schriften der Monum. Germ. Hist. 13, 3 (Stuttgart 1956) 1148 (Index).



The scepter of the Homeric king is kept by his herald if the king does not use it, and he gives it to the king when a public function demands the sanction of his authority through it; he provides the judges with the royal staff, when in their turn they give their verdict.<sup>179</sup> But the king can entrust his herald with important missions, and again he authorizes his envoy by lending him the *σκῆπτρον*. No doubt the reverence with which the angry Achilles greets the heralds of Agamemnon<sup>180</sup> is due only to the scepter carried by them,<sup>181</sup> in the same way as the heralds of the Trojans and the Achaeans supervise the duel of the mighty heroes, Hektor and Aias, with their undisputed orders, after they *μέσσω δ' ἀμφοτέρων σκῆπτρα* (i.e. the respective staffs of their kings) *σχέθον*.<sup>182</sup>

Here we must stress the fact that the long *σκῆπτρον* in the hand of the public heralds belongs to their kings and has nothing to do with their own short rod (*ράβδος*),<sup>183</sup> though these two things are often confused.<sup>184</sup> The herald's staff is the same as the wand of their prototype Hermes, the divine envoy of Father Zeus.<sup>185</sup> When Poseidon strikes both the Aiases, he does not use a scepter, but a magic rod, a *σκηπάνιον*,<sup>186</sup> Athene also has such a *ράβδος* in the *Odyssey*.<sup>187</sup> The ancient authors realized this difference; Polygnotos, in the Lesche of Delphi, painted Agamemnon leaning with his right arm on the long royal staff, but holding also a twig;<sup>188</sup> in the *Gorgias* of Plato, Minos as king has the golden scepter, yet his fellow-judges in the nether world have only rods. It is essential to realize through this parallelism that the scepter had a different origin from the sorcerer's rod. I think we find attributes both of the ruler and the herald on a well known monument of the 16th

century B.C., namely the steatite cup (pl. 8,2) from Hagia Triada in Crete.<sup>189</sup> The king holds out his staff, extending his right arm with an emphatic gesture towards a young man. Though this latter has a helmet on his head, he does not have the main weapon of those days, the spear. The staff with a round globule at the lower end, which he has in his right hand, has been considered to be a sword. Indeed, an officer of our days, reporting to his superior, would hold his sword in this way. But this staff is not a Mycenaean sword with its broad blade, but merely a stick. And, since the man who holds it has no spear, the absence of the main weapon makes the absence of the secondary one plausible.<sup>190</sup> The strongly emphasized importance of the upright scepter exhibited by the king<sup>191</sup> corresponds to the role of the royal staff among the Achaeans of Homer, as does the role of the announcer with his rod who leads to his sovereign three men carrying gifts or bringing him tribute, exactly in the way the *Iliad* depicts it:

*ἐν δ' ἄνδρες ναίουσι πολύρρηγες πολυβούται,  
οἳ κέ ἐ δωτίνησι θεόν ὡς τιμήσουσιν  
καὶ οἱ ὑπὸ σκῆπτρῳ λιπαρὰς τελέουσι θέμιστας*<sup>192</sup>

The helmet of the herald could well be Mycenaean Greek<sup>193</sup> and even the Cretan features of the costume would not exclude the possibility of Greek origin. On this matter, I consulted Professor Luisa Banti who kindly gave me the following information:<sup>194</sup>

"The cup you are interested in was found at Hagia Triada in one of the rooms of the South wing of the LM I villa, to the West of corridor 9 (see map: Pernier-Banti, *Guida degli scavi italiani in Creta* [Rome 1947] fig. 40; or L. Banti, 'I culti minoici e greci di H. Triada,' *Annuario Scuola*

<sup>179</sup> *Il.* 18.503-506; *Il.* 23.567 sqq.

<sup>180</sup> *Il.* 1.334.

<sup>181</sup> Cf. R. Hirzel, *op.cit.* (supra n. 172) 73 sqq. But the direct dependence of the herald on the highest god with which he explains this (*ibid.* 74, n. 2) did not exist; all the awe and the respect are due only to the staff.

<sup>182</sup> *Il.* 7.277 sqq.

<sup>183</sup> Cf. already C. Fr. Hermann, *op.cit.* (supra n. 172) 6 sqq. R. Boetzkas, *Das Kerykeion* (Thesis, Münster 1913) 15 sqq. 21 sqq.

<sup>184</sup> R. Hirzel, *op.cit.* (supra n. 172) 75. K. v. Amira, *op.cit.* (supra n. 178) 23. F. J. M. de Waele, *op.cit.* (supra n. 172) 70 sqq. On the herald's rod cf. Boetzkas, *op.cit.* (supra n. 173) and *RE* 11.330 sqq. J. F. Crome, *AM* 63/64 (1938/39) 117 sqq. (the earliest archaeological evidence).

<sup>185</sup> *Il.* 24.343 sqq. 24.445. *Od.* 5.47 sqq.; 5.87. Hom. hymn. in Merc. 531 sqq.

<sup>186</sup> *Il.* 13.59 sqq.

<sup>187</sup> *Od.* 13.429.

<sup>188</sup> Pausan. 10.30.3.

<sup>189</sup> N. Platon, *A Guide to the Archeological Museum of Heraclion* (1955) 85 sqq. The previous literature by Th. Bosseret, *The Art of Ancient Crete* (London 1937) 28.

<sup>190</sup> The pommel is only slightly thicker than the stick which has no articulation at the grip as a sword would have: cf. for the latter possibility the revealing example of the sword on a cylinder from Knossos, reproduced by M. P. Nilsson, *The Minoan-Mycenaean Religion*, 2nd ed. (Lund 1950) 349 fig. 160.

<sup>191</sup> Iconographical parallels to this motive are not lacking. Cf. M. P. Nilsson, *op.cit.* (supra n. 190) 353 fig. 162; 355 fig. 165.

<sup>192</sup> *Il.* 9.154-156. Reiterated with a slight alteration in the verses 296-298: *καὶ τοὶ ὑπὸ σκῆπτρῳ λιπαρὰς τελέουσι θέμιστας*.

<sup>193</sup> H. L. Lorimer, *Homer and the Monuments* (London 1950) 211 sqq. gives the survey of types and of the special treatises.

<sup>194</sup> In a letter of January 13, 1958.

*archeol. ital. di Atene* 1941-42, fig. 2). It was certainly used down to the destruction of the site which is contemporary to the destruction of the other Minoan towns and palaces. Being an object not easily breakable, it may have been in use for a long time. It certainly belongs to the Minoan stratification, i.e., before the LM III occupation of the site. If you read the study I wrote before Ventris' interpretation of Linear B, 'Il sentimento della natura nell arte Minoica e Micena,' *Γεράς Ἀπτανίου Κεραμοπούλλου*, Athens 1953, 119-127, you may read that I considered it (p. 123) to be imported from Cnossos, and belonging to the LM II trend of Cnossian art. At the time, I had no idea that LM II style belonged to a period of Greek occupation at Cnossos. You may see in this study that I had already noticed that Cnossian LM II was very near to the Greek mainland art and already showed the Greek classical spirit and characteristics. Ventris' interpretation completely confirmed my feeling. Now, knowing that Greek was written at Cnossos in LM II, my opinion on the H. Triada cup is that it was made at Cnossos during the Greek occupation and imported to H. Triada just before the LM I b destruction of the site."

Therefore, everything speaks for the Greek character of this scene. As in Homer, also on the rhyton of H. Triada the scepter carries the supreme might; even the king cannot act legally without it, its presence is the preliminary to all political actions. It is an eternal incorporation of sovereignty, similar to the *bannière de France* which is only slightly lowered when a king is buried and then erected again, because "*la bannière de France ne meurt pas*."<sup>195</sup> But whence comes this individuality, this superhuman vigor and supposed perpetual life of an inanimate object?

Epic poetry preserves the answer to this question which, no doubt, reflects the real religious sanction of Mycenaean kingship. Agamemnon's scepter in the *Iliad*<sup>196</sup> is a masterpiece of art wrought by Hephaistos in heaven at the command of Zeus.

<sup>195</sup> E. Kantorowicz, *The Two Bodies of the King* (Princeton 1957) 419 sqq.

<sup>196</sup> *Il.* 2.100 sqq.

<sup>197</sup> *Il.* 2.46.186.

<sup>198</sup> *Il.* 2.204 sqq.; 7.274; 9.37-39 and 9.96-99.

<sup>199</sup> *Il.* 2.86; 14.93. *Od.* 2.231; 4.63 sqq.; 5.9. The "Gottesgnadentum" of the Homeric king has often been discussed, of course, since C. Fr. Hermann (*op.cit.*, supra n. 172) in 1851.

<sup>200</sup> Herod. 1.195. Schol. Aristoph., Av. 510 and 512 (with a fragment of Sophocles on this topic). Pind. *Pyth.* 1.6. Furtwängler-Reichhold, *Die antike Vasenmalerei*, pl. 60:2; pl. 90;

Zeus sent it by Hermes to the founder of the dynasty of the Pelopides, whose rulers transmitted it to each other in their turn. So this scepter, *πατρώιον ἄφθιτον αἰεί*<sup>197</sup> came down to the actual ruler "that so he might be the lord of many isles and of all Argos." It is the token of the sanction of the king by the supreme god<sup>198</sup> and no one but the *σκηπτουῦχος* can be the legitimate ruler.<sup>199</sup> The visual expression of this investiture of the king with the symbol of power is the eagle, Zeus' envoy, sitting on the scepter.<sup>200</sup> Conceptions of Near-Eastern kingship, transmitted by the Minoans to the early Greek rulers seem to me to have engendered this argument. But all this does not explain the necessity of having the staff; it is superfluous to document the approval of Zeus in the sense of Homeric mythology where the God-father either sends personal envoys to the kings dear to his heart, or visits them in person. It is obvious that the staff already had its decisive role when the myths in question were created, a role older than the Olympian gods.

We know another long staff, the Roman *hasta*, as the incorporation of the sovereign power. We saw that the spear representing the ruling power is stuck in the earth<sup>201</sup> and *sub hasta*, i.e. under the sway of the spear, legal auctions are carried out.<sup>202</sup> *Sub hasta*, "under the upright spear" corresponds exactly to the action *ὑπὸ σκήπτρῳ* among the early Greeks. We have already quoted the expression *ὑπὸ σκήπτρῳ λιπαρὰς τελέουσι θέμιστας* from the *Iliad*<sup>203</sup> in which we read also:<sup>204</sup> *Ζεὺς γὰρ οἱ ὑπὸ σκήπτρῳ ἐδάμασσεν*. Apollonios Rhodios depicts Alkinoos administering justice in the same way:<sup>205</sup> *ἐν δ' ὄγε χειρὶ σκήπτρον ἔχεν χρυσοῖο δικασπόλον, ᾧ ὑπο λαοὶ ἰθείας ἀνα ἄστν διεκρίνοντο θέμιστας*.

*Ἵπὸ σκήπτρῳ* is to be taken literally, as inscriptions from Western Asia Minor as late as the Roman Imperial Age attest. These contain judgments of courts on temple-estates with the statement: *ἡ Ταζηνῶν κατοικία ἀδοξήσασα ἐπέστῃσε τὸ σκήπτρον τοῖς κακῶς εἰς αὐτοὺς τ[ολ]μήσασιν καὶ ὁ θεὸς ἐξεζήτησεν, ἐκολάζετο καὶ διέφθειρε τοὺς*

pl. 158. *CVA France*, Louvre III 1 c, pl. 43.4. R. Hirzel, *op.cit.* (supra n. 172) 72 explains plausibly the scepter of prophets and poets, who announced the message of the gods through their mouths, and carried the scepter as proof of their mission.

<sup>201</sup> The technical term is *hastam ponere*, e.g. Cic. *Phil.* 2.26.64. Quintil. *Decl.* 12.9 etc.

<sup>202</sup> Cf. also expressions as *sub vexillo hiemare*, stay in service under the compulsion of the *vexillum*.

<sup>203</sup> *Il.* 9.154-156 and 296-298.

<sup>204</sup> *Il.* 6.159.

<sup>205</sup> Apoll. Rhod. 4.1175 sqq.

[ἐπι]βουλευσάντας αὐτοῖς κτλ and the representation of the upright scepter.<sup>206</sup> Similarly they announce (A.D. 115): ἐπεστάθη οὖν τῆς θεοῦ τὸ σκῆπτρον καὶ τοῦ Κυρίου τοῦ Τιάμου<sup>207</sup> and again ἡ . . . Τατία ἐπέστησεν τὸ σκῆπτρον καὶ ἀρὰς ἔθηκεν ἐν τῷ ναῷ. J. Zingerle has drawn attention to the parallelism of this procedure with a disciplinary paragraph of the statutes of the Jobackhoi:<sup>208</sup> εὐκοσμος δὲ κληρούσθω ἢ καθιστάσθω ὑπὸ τοῦ ἱερέως ἐπιφέρων τῷ ἀκοσμοῦντι ἢ θορυβοῦντι τὸν θύρσον τοῦ θεοῦ. ὦ δὲ ἄν παρατεθῆ ὁ θύρσος, ἐπικρέιναντος τοῦ ἱερέως ἢ τοῦ ἀρχιερέως ἐξερχέσθω τοῦ ἑστιατορείου, stressing also that the thyrsos represents the god himself.

Furthermore, we possess some evidence for the spear as the sign of sovereign power in Greece. The earliest proof for this would be the display of epic heroes on the fragment of a proto-Attic krater from the first half of the seventh century B.C. (pl. 8,3).<sup>209</sup> Though in richly embroidered long robes, Menelaos and all his companion-kings carry a long spear. The Odyssey, however, knows the use of the spear by the Achaeans also on political occasions (παλάμη δ' ἔχε χάλκεον ἔγχος, *Od.* 2.10). The procession on this vase could represent a gathering before Troy, i.e., the spear could be meant—in spite of the peaceful attire of its bearers—as being carried on the field of battle. But there is more unimpeachable evidence, too. Euripides<sup>210</sup> says of Polymestor:

<sup>206</sup> A. Papadopoulos-Kerameus, *AM* 6 (1881) 273 no. 23. K. Buresch, *Aus Lydien* (Leipzig 1898) 113. F. S. Steinleitner, *Die Beichte im Zusammenhange mit der sakralen Rechtspflege in der Antike* (Diss. Munich 1913) 33 no. 9.

<sup>207</sup> J. Zingerle, *JOAIBeibl* 23 (1926) 5 sqq. with an excellent commentary on p. 13 sqq. and *ibid.* 16 no. 2.

<sup>208</sup> Dittenberger, *Syll.*<sup>3</sup> no. 1109 v. 136 sqq.

<sup>209</sup> *CVA Deutschland* 2, Berlin 1, 1938 no. A. 42 pl. 31-33. K. Kübler, *Altattische Malerei* (Tübingen 1950) 17 and fig. 48.

<sup>210</sup> Eurip., *Hekabe* 9.

<sup>211</sup> *FrGrHist* 115, frg. 331 (vol. 2.605) Jacoby = Plut. *Dion.* 24.10.

<sup>212</sup> Plut. *Pelopid.* 29.7.

<sup>213</sup> Plut. *De genio Socratis* 31 (p. 597 B) adduced already by M. Cary-A. D. Nock, *CQ* 21 (1927) 123.

<sup>214</sup> Justin. *Epit. Trogi Pomp.* 43.3.3.

<sup>215</sup> C. Boetticher, *Der Baumkultus der Hellenen* (Berlin 1856) 233 sqq. understood the main aspects of these beliefs. The details are to be found in the following papers: Roscher, *Mythol. Lex.* II 2388 sq.; Marbach, *RE* 14 (1922); L. Deubner, *ArchRW* 8 (1905) Beiheft 74 sqq.; W. W. Fowler, *The Religious Experience of the Roman People* (London 1911) 142; Ed. Norden, *Aus altrömischen Priesterbüchern* (Acta Soc. hum. litt., Lund 29 [1939]) 154 sqq. 173 sq. More references infra.

<sup>216</sup> Justin. *Epit. Trogi Pomp.* 43.3.3. Cf. Paul. exc. Festi p. 64, 6 Linds.: *Delubrum dicebant justem delibratum, hoc est decortiatum, quem venerabantur pro deo*, and the representations I

discussed in the *JRS* 39 (1949) 19 sqq.

<sup>217</sup> Serv., *Aen.* 8.3. UTQUE IMPULIT ARMA . . . *est autem sacrorum: nam is qui belli suscepit curam, sacrarium Martis ingressus primo ancilia commovebat, post hastam simulacri ipsius, dicens 'Mars vigila' (Simulacri is a secondary addition). Plut. Rom.* 29.1: ἐν δὲ τῇ 'Ρηγία δόρον καθιδρυνόμενον "Ἄρεα προσαγορεύειν (the last word goes with the *dicens* of Servius together). Clem. Alex. *Protrept.* 4.46 p. 35 (Stählin: ἐν 'Ρώμῃ δὲ τὸ παλαιὸν δόρον φησὶν γεγόναι τοῦ "Ἄρεως τὸ ξάβανον Οὐάρρων ὁ συγγραφεὺς. Arnob. 6.11: *pro Marte Romanos hastam (sc. coluisse) Varronis ut indicant Musae.* On Varro as source of these statements cf. Ed. Norden, *op.cit.* (supra n. 215) 154 sqq. 173 sqq. Fr. Schwenn, *ArchRW* 20 (1920/21) 301 sqq. correctly stresses the point that this conception of worship goes back to Indo-European antecedents; cf. also M. Cary-A. D. Nock, *CQ* 21 (1927) 122 sqq. F. J. de Waele, *RE* 3 A, 1912. J. G. Frazer, *Ovid. Fasti* 2.441 sqq. H. Wagenvoort, *op.cit.* (supra n. 164) 182 sqq. But Schwenn, *loc.cit.* (n. 217) wrongly accepts the existence of only *one* spear in the *regia* which induces him to identify this spear with the one on which stood the man who vowed the self-sacrifice of the *devotio*. Neither is he right in confusing the spear of the *fetiales* with the *hasta Martis*: in this latter case the sympathetic magic of the spear-throwing action is essential, not the individual weapon. Schwenn thinks that the *hasta Martis* was taken into the field by the *pontifex maximus*. I find no evidence for this assumption.

#### THE OCCULT POWER OF THE RAVAGING SPEAR

The prehistoric notion that the deadly effect of a spear-thrust does not derive from the force of the men who drove it, but from the immanent "mana" which is hidden in the weapon, is manifest in Rome:<sup>215</sup> *nam et ab origine rerum pro diis immortalibus veteres hastas coluere.*<sup>216</sup> Varro thought in this sense that the *hastae* preserved in the *regia* must be reduced to one, incorporating Mars.<sup>217</sup> The state-

ment found in several authors, that the god Quirinus is so called because *quiris—curis* means "spear" in the Sabine tongue, is embedded in a series of inconsistent combinations which also have the flavor of the style of Varro and no doubt come from him;<sup>218</sup> the corresponding interpretation of *Iuno Quiritis'* name has no different origin.<sup>219</sup>

Consequently, though it is obvious that the inherent magic power of the spear has in some way been brought into connection with the two war-lords of early Rome, the wolf-god Mars and the boar-god Quirinus,<sup>220</sup> the exact nature of this relation is somewhat obscured by the arbitrary reduction of the *hastae Martis* to one.<sup>221</sup> Nevertheless, the broad concept of the supernatural virtues of the spear, not restricted to a unique specimen of heavenly war-lords or to a single spear of ancient fame, was most deeply rooted in Rome.

The plurality of the sacred spears in the *sacrarium*, a small cabinet close to the living quarters of the *pontifex maximus* in the *regia*, is exactly transmitted to us by the lists of *prodigia* in Livy, of highly official provenience.<sup>222</sup> The belief in the radiating immanent power of these sacred spears has been well elucidated by H. Wagenvoort.<sup>223</sup> He

stresses the fact<sup>224</sup> that the careful observation of the spontaneous motion of the *hastae Martis* which originally, no doubt, foreboded an imminent war, reveals an archaic *numen*-belief, older than the personal and anthropomorphic divinity of Mars. Besides the spontaneous movement of the *hastae Martis* at the beginning of the war, the king and his successors respectively undertook the magic ritual to propitiate the numinous power of the spears in action. Here it becomes apparent that the "mana" was not confined to *one* sacred spear, nay, not even to all the sacred spears; since the ominous movement of the spears occurred and was keenly observed also with the sacred shields,<sup>225</sup> the commander of an army moves not only the spears of Mars, but also the shields. Servius mentions this twice: . . . *is qui belli susceperat curam, sacrarium Martis ingressus primo ancilia commovebat,*<sup>226</sup> *post hastam—(recte: hastas!227) . . . dicens "Mars vigila"*<sup>227a</sup> and again: *nam moris fuerat indicto bello in Martis sacrario ancilia commovere.*<sup>228</sup> With these expressions of the ritual language Servius rightly explains Vergil's words:<sup>229</sup> *Mos erat . . . in Latio, quem protinus urbes Albanae coluere sacrum, nunc maxima rerum Roma colit, cum prima movent in*

<sup>218</sup> Dion. Hal. *Ant.* 2.48.2-4: τὸν δ' Ἐνυάλιον οἱ Σαβίνοι . . . Κυρίνον ὀνομάζουσιν . . . (The son of this god) κτίζει τὰς καλουμένας Κύρεις, ὡς μὲν τινες ἰστοροῦσιν ἐπὶ τοῦ δαίμονος, ἐξ οὗ γενέσθαι λόγος αὐτὸν εἶχε, τοῦνομα τῇ πόλει θεμένον, ὡς δ' ἕτεροι γράφουσιν ἐπὶ τῆς αἰχμῆς· κύρεις γὰρ οἱ Σαβίνοι τὰς αἰχμὰς καλοῦσιν. ταῦτα μὲν οὖν Τερέντιος Θυάρρων γράφει. Ovid. *Fast.* 2.475 sqq. (explains the origin of the Quirinalia): *at tertia (lux) dicta Quirino. Qui tenet hoc nomen . . . sive quod hasta curis priscis est dicta Sabinis, bellicus a telo venit in astra deus; sive suo regi nomen posuere Quirites, seu quia Romanis iunxerat ille Cures.* Plut. *Romul.* 29.1: Τὴν δὲ γενομένην ἑπωνυμίαν τῷ Ῥωμύλῳ τὸν Κυρίνον οἱ μὲν Ἐνυάλιον προσαγορεύουσιν. οἱ δ' ὅτι καὶ τοὺς πολίτας Κυρίτας ὀνόμαζον. οἱ δὲ τὴν αἰχμὴν ἢ τὸ δόρυ τοὺς παλαιούς κῦριν ὀνομάζουσιν, καὶ Κυρίτιδος Ἦρας ἀγαλα καλεῖν ἐπ' αἰχμῆς ἰδρυμένον . . . ὡς οὖν Ἀρήϊόν τινα τὸν Ῥωμύλον ἢ αἰχμητὴν θεὸν ὀνομασθῆναι Κυρίνον. Macrobi. *Sat.* 1.9.16: *unde et Varro libro quinto rerum divinarum scribit . . . (sc. Ianum nominari) Quirinum quasi bellorum potentem ab hasta, quam Sabini curin vocant.* Fasti Praen., *BullComm* (1904) 277. Serv. *Aen.* 1.292. More in the *ThLL* IV 1495 and *ibid.*, *Onomast.* 2.763. L. Deubner *op.cit.* (supra n. 215) 75 sqq. accepts the etymology *quiris*) *Quirinus* against Wissowa; but this does not imply that the explanation of Varro on the origin of the god was correct.

<sup>219</sup> Plut. *Rom.* 29.1 (quoted supra n. 218). Fest. p. 43.5 Linds.: *Curitim Iunonem appellabant, quia eandem ferre hastam putabant*; p. 55.6: *Iunonis Curitis . . . , quae ita appellatur a ferenda hasta, quae lingua Sabinorum curis dicitur*; cf. p. 56.21. Plut. *Quaest. Rom.* 87, p. 285 C: Ἦρας δ' ἱερὸν τὸ δόρυ νεμόμεσται, . . . καὶ Κυρίτις ἢ θεὸς ἐπωνόμασται, τὸ γὰρ δόρυ 'Κύριν' ἐκάλεον οἱ παλαιοί, etc.

<sup>220</sup> Cf. for the time being my short remarks in *Essays in*

*Roman Coinage, presented to H. Mattingly* (Oxford 1956) 69.

<sup>221</sup> Cf. infra Mars as divine sponsor of an oath of alliance, instead of the spear or of the standard on the mosaic pl. 3, 2.

<sup>222</sup> Liv. 40.19.2: *pontifices hastas motas nuntiare.* Jul. Obseq. 6 (60): *hastae Martis motae* (181 B.C.). *ibid.* 19 (78): *vasto incendio Romae cum regia quoque ureretur sacrarium et ex duabus altera laurus ex mediis ignibus inviolatae steterunt* (148 B.C.). *ibid.* 36 (96): *hastae Martis in regia motae* (117 B.C.). *ibid.* 44 (104): *hastae Martias in regia sua sponte motae* (102 B.C.). *ibid.* 50 (110): *hastae Martis regia motae* (95 B.C.). Gell. 4.6.1-2: *ut terram movisse nuntiarum solet eaque res procuratur, ita in veteribus memoriis scriptum legimus nuntiatum esse senatui in sacrario in regia hastas Martias movisse. Eius rei causa senatus consultum factum est M. Antonio A. Postumio consulibus* (99 B.C.), *eiusque exemplum hoc est: Quod C. Iulius L. filius pontifex nuntiavit in sacrario (in) regia hastas Martias movisse, de ea re ita censuerunt, uti M. Antonius consul hostiis maioribus Iovi et Marti procuraret et ceteris dis, quibus videretur, laetantibus, etc.*

<sup>223</sup> *op.cit.* (supra n. 164) 5 sqq. The religious veneration of the cornel-tree which made the best spear-shafts comes from this complex of ideas. Cf. Boetticher, *op.cit.* (supra n. 215) 130 sqq. J. Bayet, *Mél.* 52 (1935) 29 sqq.

<sup>224</sup> Wagenvoort (supra n. 164) 76 sqq.

<sup>225</sup> Jul. Obseq. 44a (104): *Ancilia cum strepitu sua sponte mota.*

<sup>226</sup> The *ancilia* were preserved in the *curia Saliorum* according to other sources. Cf. Geiger, *RE* I A 1874 sqq.

<sup>227</sup> In the quotation we left out the erroneous *simulacri ipsius*.

<sup>227a</sup> Serv. *Aen.* 8.3.

<sup>228</sup> Serv. *Aen.* 7.603.

<sup>229</sup> *Aen.* 7.601-603.

*proelia Martem*. But Servius feels correctly, too, that, when Turnus starting the battle had *impulit arma*, this means the same magic compulsion.<sup>230</sup> Still more obvious is this magic character of action by Turnus in *Aeneid* 12.93 sq.: *validam vi corripit hastam, . . . quassatque trementem, vociferans: "nunc o nunquam frustrata vocatus hasta meos, nunc tempus adest."* The same atmosphere is mirrored rather often by other poets. Valerius Flaccus<sup>231</sup> describes the pause for breath in a heroic contest as *fixa silet Gradivus in hasta*, and the raging of war as *pugnas mota pater* (sc. Gradivus) *incitat hasta*.<sup>232</sup> The same is expressed by Statius<sup>233</sup> with *cum Odrysiam Gradivus in hastam surgeret*, and by Silius Italicus with *quassat per auras . . . hastam* (Mavors).<sup>234</sup> The *ancilia*<sup>235</sup> and the *hastae Martis* stayed in their shrine in Rome, serving the defense of the city itself; they should avert evil and watch over the city.<sup>236</sup> But, as the quotations just given show clearly, the same complex of magic ideas was at work when the might of the spear was desirable for the purpose of the offensive.

We must stress the importance of the fact, emerging from our discussion, that the occult force immanent in the spear was not bound to a single god or a single venerable weapon, but was supposed to be at work almost everywhere where the *hasta* was carried. This elucidates how the spear as the skeleton of the standards could have a religious touch everywhere and also how the mandatory use of the spear as *summa imperii* was prepared by this magic concept, paving the way for the juridical expression of sovereignty for the awe-inspiring power of the dreadful tool of slaughter.<sup>237</sup> Not less important for our problem is the well-established fact that the kings had already watched over the sacred spears of Mars; no one will doubt that they were deposited in the *regia* before the *rex sacrificulus* took over from the real king the duty of watching their behavior.

H. Wagenvoort made it plausible that the concept of the *imperium* has something to do with the

notion of the "*mana*." He thinks<sup>238</sup> that *imperium* meant originally "chief's mana," *imperare* to transfer "mana," and *imperator* the "chief who transfers mana." The archaic notion of the *felicitas imperatoris*<sup>239</sup> proves that the general in charge was supposed to have such a magic power; but, beside this stood the *hasta* incorporating the *imperium*. The fact that the spear was carried *before* the king or commander, and not *by* him like all his other regalia, was originally due to this self-sufficient power of the spear. This custom and belief must be pre-Etruscan;<sup>240</sup> as the *hasta* as attribute in the hand of the Etruscan king of Chiusi (pl. 3,1) suggests, the Etruscan kings introduced the royal spear-attribute in Rome, which must be distinguished from the sovereign spear.

#### THE DIVINE SPEAR PRESIDING OVER THE OATH

We return now to the oath-scene on gold coins which were struck, as is today unanimously accepted, in the second half of the Punic war (pl. 6, 1-4). A bearded old man of imposing stature, naked to the waist and clad only in a skirt, holds the sign of the *imperium*, a very tall spear; facing him, a younger man stands in a cuirass, with a shorter spear and a mantle on the left arm. Both point with their drawn swords to a pig held by a youth kneeling between them.<sup>241</sup> At this period, realistic representation of a contemporary event is not yet possible; such an allusion would have been pictured only through scenes of myth and legend.<sup>242</sup> Thus an oath taken by an actual *imperator* from a soldier is out of the question; and as the imitation of the types a hundred years later (pl. 6,7-8) puts the two main figures on an equal footing, we must focus our attention on federal oaths in the Rome of legendary times to which these two men certainly belonged.

But why is the old man half-naked and the young one in armor? The bearded Titus Tatius with the younger Romulus could in no case be pictured in such utterly different attire. But there is another solution easily at hand. I have proved in an earlier

<sup>230</sup> Serv. *Aen.* 8.3.

<sup>231</sup> Val. Flacc. *Argon.* 4.279-281.

<sup>232</sup> *ibid.* 4.609. <sup>233</sup> Stat. *Achill.* 1.485 sqq.

<sup>234</sup> Sil. Ital. *Pun.* 4.434 sqq. Cf. Livius 24.10.10: *iam alia vulgata miracula erant: hastam Martis Praeneste sua sponte promotam.*

<sup>235</sup> Whether these were preserved in the *regia* or in the *curia Saliorum* is not quite certain. Cf. Deubner, *op.cit.* (supra n. 215) 74 sqq. Ed. Norden *op.cit.* (supra n. 215) 154. Marbach *RE* 14.1922.

<sup>236</sup> Cf. the splendid pages of Ed. Norden, *op.cit.* (supra

n. 215) 153 sqq.

<sup>237</sup> Cf. already L. Deubner, *op.cit.* (supra n. 215) 75.

<sup>238</sup> Wagenvoort, *op.cit.* (supra n. 164) 66 sqq.

<sup>239</sup> H. Wagenvoort, *Mnemosyne* 4. ser. 7 (1955) 300 sq.

<sup>240</sup> Cf. also P. de Francisci, *StEtr* 2. ser., 24 (1955/56) 38 sqq. with n. 103-104 (Lit.).

<sup>241</sup> H. Willers, *Corolla numismatica in honour of B. V. Head* (London 1906) 319 note 1 has shown that he must not be a *camillus*, but could be a noble youth, quoting Cic. *De inv.* 9.21.

<sup>242</sup> Cf. my remarks in the essays dedicated to H. Mattingly (supra n. 220) p. 66.

study<sup>243</sup> that the patricians of early Rome wore only a loin-cloth in battle; thus the old giant can only be one of them, whereas the armored young man is of course no infantryman *primae classis*, but can only be a stranger, with whom an alliance is sworn. The picture of this alliance is well known and often reproduced, as the occurrence of this composition on engraved gems shows.<sup>244</sup> The preliminaries given above reduce the identification of our federal oath of ancient times to only one possibility. The mighty old representative of the autochthonous ancestors of the Romans is king Latinus, as Vergil depicts him on the ground of the myth-historical tradition in the Aeneid: he is *iam senior*<sup>245</sup> or rather *longaevus rex*,<sup>246</sup> *maximus aevo Latinus*,<sup>247</sup> the venerable *pater . . . Latinus*.<sup>248</sup> He is of great stature, *ingenti mole*.<sup>249</sup>

The younger man, armed in Greek fashion, is Aeneas. We know well how Trojans and Achaean heroes were confused in Italic legend as mutual friends and founders of cities, and there was a tradition which stressed the "Greek" appearance of Aeneas, clearly preserved, e.g. by Dionysios of Halikarnassos. King Latinus recognizes the newly arrived Trojans *ᾠπλισμένους τε ὡς Ἑλληνας*,<sup>250</sup> and some divinity persuades him in a dream *δέχεσθαι τοὺς Ἑλληνας τῇ χώρᾳ συνοίκους*,<sup>251</sup> nay, Aeneas himself tells him, they have come from Troy, *πόλεως δὲ οὐ τῆς ἀφανεστάτης ἐν Ἑλληνισμῷ*.<sup>252</sup> So this is the famous *foedus aequum* between Latinus and Aeneas, the *Romanae stirpis origo* as Vergil<sup>253</sup> calls it,<sup>254</sup> describing the solemn promises of the Trojan leader to the Latins as follows:<sup>255</sup>

*non ego nec Teucris Italos parere iubebo,  
nec mihi regna peto, paribus se legibus ambae  
invictae gentes aeterna in foedera mittant.*

<sup>243</sup> Cf. Alföldi, *Reiteradel* (supra n. 16) 49 sqq.

<sup>244</sup> Ad. Furtwängler, *Beschreibung der geschnittenen Steine im Antiquarium* (Berlin 1896) 74 no. 1135-1136. H. Willers, *op.cit.* (supra n. 241) 323.

<sup>245</sup> *Aen.* 7.45 sqq. <sup>246</sup> *ibid.* 7.166. <sup>247</sup> *ibid.* 11.237.

<sup>248</sup> *ibid.* 11.410 and 11.469. <sup>249</sup> *ibid.* 12.161.

<sup>250</sup> Dion.Hal. 1.57.3. <sup>251</sup> *ibid.* 1.57.4.

<sup>252</sup> *ibid.* 1.58.2. <sup>253</sup> *Aen.* 12.166.

<sup>254</sup> Literature and details are to be found in: Aust, *Roschers Mythol. Lex.* II 1904 sqq. W. Schur, *Klio* 17 (1921) 45 sqq. and W. Schur, *RE* 12.930 sqq. who thought this *foedus* was a late fiction. But we know now that the legend of Trojan origin was not only very old in Latium, cf. my paper *Die trojanischen Urnahmen der Römer* (Rektoratsprogramm der Universität Basel 1956 [1957]), but it was also used as a token of nobility by the Roman State at least since the attack of Pyrrhus; thus, the possibility of this allegory at the time of the issue of our coin-type

*sacra deosque dabo; socer arma Latinus habeto,  
imperium sollemne socer.*

The *summa* of this *imperium sollemne*, the spear, is in fact in the hands of Latinus. This definition of the old alliance could never be more actual for Rome than in 209 B.C. when the *socii Latini* wanted to abandon it, as Livy<sup>256</sup> amply attests, especially since the same authority informs us that this coincided with a quite unusual drain on the gold reserve of the *aerarium sanctius*.<sup>257</sup> H. Willers,<sup>258</sup> starting from entirely different premises, dated this gold issue exactly in this year.<sup>259</sup> He made the fine observation that a descendant of the *gens Veturia* a hundred years later renewed this coin-type (pl. 6, 7-8), on the ground that in 209 B.C., when our *foedus*-scene reminded the Latins of their ancestral piety and duties, the *praetor* L. Veturius was one of the most important personalities. A coherent complement to the oath-scenes is given by the hitherto misunderstood obverse (pl. 6, I-4). The alliance with Latinus was imposed on Aeneas by the *diu Penates*,<sup>260</sup> similarly a later coin-type with the sow of Lavinium shows on the obverse the heads of these *D(ii) P(enates) P(ublici)* with their laurel-wreath (pl. 6, 9-10). In our case they are coupled as the two faces of a janiform head, a common practice of Greek iconography, combining two congenial persons or even an antithetic couple into a double unit.<sup>261</sup> The prominent role of this youthful double head, which appears also on the silver *quadrigati* in the Hannibalic war, is now easy to understand; the Penates were the most venerable protectors not only of Rome, but also of the Latins.

Vergil's picture of the *foedus*-ceremony has still another detail which must be discussed here. Latinus does not hold a spear but a scepter, like

is well established.

<sup>255</sup> *ibid.* 12.189. <sup>256</sup> Liv. 29.9.1. <sup>257</sup> Liv. 27.10.11-13.

<sup>258</sup> H. Willers, *op.cit.* (supra n. 241) 310 sqq.

<sup>259</sup> Sydenham, *op.cit.* (supra n. 45) 6 nos. 69-70 and R. Thomsen, *Actes du Congrès Internat. de Numismatique*, Paris 1953, II (1957) 193 sqq. would place this emission rather in the beginning of the Second Punic War; cf. also R. Thomsen, *Early Roman Coinage I* (Copenhagen 1957) 91 sqq. But I am not convinced that the Mars-eagle series (Sydenham 25 no. 226 sqq.) is later than the oath-scene issue, and I wonder whether the first one could not be, as Willers and others supposed, the earliest Roman gold emission.

<sup>260</sup> Dion. Hal. 1.57.4.

<sup>261</sup> I previously noted that Janus or Fontus are wrong explanations (*Essays-Mattingly* 68), but I overlooked the right solution given here.

Achilles in the Iliad: *dextra sceptrum nam forte gerebat*. The ancient commentators had already connected this passage with the staff preserved in the small temple of Jupiter Feretrius. Servius noted on this passage: *ut autem sceptrum adhibeatur ad foedera, haec ratio est, quia maiores semper simulacrum Iovis adhibebant: quod cum taediosum esset, praecipuo quando fiebant foedera cum longe positis gentibus, inventum est, ut sceptrum tenentes quasi imaginem simulacri redderent Iovis: sceptrum enim ipsius est proprium. unde nunc tenet sceptrum Latinus, non quasi rex, sed quasi pater patrus.*<sup>262</sup> Festus<sup>263</sup> relies on the same source when he says: *Feretrius Iuppiter . . . ex cuius templo sumebant sceptrum, per quod iurarent, et lapidem silicem, quo foedus ferirent.*

But the oath-scene of the gold coins from 209 B.C. makes it certain that Latinus, in the older and better tradition, did not swear on a scepter, but on the spear. And it was not only Latinus who did so. When a staff was preserved for this purpose in the oldest sanctuary of Jupiter on the Capitol this was certainly not a *pars pro toto* of the attire of Jupiter, who had no image at all in this particular cult, but it was simply an archaic *hasta praecusta*,<sup>264</sup> *igne durata*,<sup>265</sup> consisting only of wood. We need not follow the cheap wisdom of the antiquarians who made a scepter of it. The venerable wooden spear belonged not to Feretrius, but to the war-gods; Polybios attests<sup>266</sup> that the Romans swore a treaty with Carthage invoking Mars and Quirinus besides Jupiter Feretrius as divine witnesses of their oath.<sup>267</sup> Also because the ritual of the *spolia opima* connected with the same shrine is offered to the triad Jupiter-Mars-Quirinus,<sup>268</sup> there can be no doubt about the antiquity of the participation of the gods of the spear in the archaic ceremony of the *foedus*, nor that the presence of the spear was due to their role.

The ritual object connected with Jupiter Feretrius was not the spear, but the *lapis silex*, with which the sow was killed. Servius (*Aen.* 8.641) explains

<sup>262</sup> Cf. also Serv. *Aen.* 12.565.

<sup>263</sup> Pauli exc. Fest. 81.16 Linds.      <sup>264</sup> Liv. 1.32.12.

<sup>265</sup> Curt. 3.2.16. Cf. Herod. 7.71.

<sup>266</sup> Polyb. 3.25.6.

<sup>267</sup> We must identify the *deos alios* of Serv. *Aen.* 12.565, whom he knows *interfuisse foederi* besides Jupiter, with the same two divine war-lords.

<sup>268</sup> G. Wissowa, *RE* 12.780 sqq.

<sup>269</sup> Verg. *Aen.* 1.174-176: *ac primum silici scintillam excudit Achates, suscepitque ignem foliis atque arida circum nutrimenta dedit rapuitque in fomite flammam.* *ibid.* 6.6-7: *quaerit . . .*

this as follows: *a fetialibus inventum (est) ut (porca) silice feriretur ea causa quod antiqui Iovis signum lapidem silicem putaverunt esse*. This is only true in a special sense; they kindled the fire through sparks struck by this sort of stone<sup>269</sup> and thus the *silex* was regarded as the source of lightning.<sup>270</sup> The *foedus*, on the other hand, invoked exactly the thrower of the thunderbolt: *audiat haec genitor, qui foedera fulmine sancit*, King Latinus pronounces in Vergil,<sup>271</sup> and we know the old formula of self-execration, connected with this invocation of Jupiter Feretrius:<sup>272</sup> *"Audi . . . Iuppiter, si (populus Romanus) prior defexit publico consilio dolo malo, tum tu ille Diespiter populum Romanum sic ferito ut ego hunc porcum hic hodie feriam" . . . Id ubi dixit porcum saxo silice percussit.*<sup>273</sup>

The spear watching over the oath is held by the king on the gold coins of 209 B.C.; but it could have this function also without such a human support, simply stuck in the earth. This must be the interpretation of the collective oath in front of a standard, the skeleton and essence of which was the *hasta* (pl. 6,5-6). Such is the ensign with flying ribbon, corresponding to the manipular *signum* of the Romans, under which the *coniuratio* of the peoples of Italy in the Social War is represented on their own coinage.<sup>274</sup> I think we must ascribe the same role to the *vexillum* used when an unforeseen menace of war occurred, though Servius does not expressly mention it, when he elucidates the hoisting of the flag on the *arx*:<sup>275</sup> *aut certe si esset tumultus, id est bellum Italicum vel Gallicum, in quibus ex periculi vicinitate erat timor multus, quia singulos interrogare non vacabat, qui fuerat ducturus exercitum ibat ad Capitolium et exinde proferens duo vexilla, unum russeum, quod pedites evocabat, et unum caeruleum, quod erat equitum . . . dicebat "qui rem publicam salvam esse vult, me sequatur," et qui convenissent, simul iurabant: et dicebatur ista militia coniuratio*. We have already established the fact that the divine nature of the standards was due to the spear on which the piece of cloth of the

*semina flammae, abstrusa in venis silicis.*

<sup>270</sup> E. Thulin *RE* 10. 1128.

<sup>271</sup> *Aen.* 12.200.      <sup>272</sup> Liv. 1.24.7-8.

<sup>273</sup> Cf. K. Marót, *op.cit.* (supra n. 175) 49 n. 50. G. Wissowa, *RE* 12.779 sqq. Wagenvoort, *op.cit.* (supra n. 164) 50 sqq. 55 (where he would like to reduce the original oath to the *silex*) and 57. E. Täubler, *Imperium Romanum I* (Leipzig-Berlin 1913) 351 sqq.

<sup>274</sup> Sydenham, *op.cit.* (supra n. 45) 90 sqq. nos. 619-621 a, 626, 629, 634, 637, 640-640 a.

<sup>275</sup> *Aen.* 8.1.

*vexillum* was fixed; the spear was in this case the superhuman witness and warrant of the *sacramentum militiae*. We also know that the “*mana*” of the spear was linked with the war-gods in historical times: *pro Marte Romanos hastam coluisse*.<sup>276</sup>

We possess, I think, a third variety of the divine spear, watching over the sanctity of the oath: this is the mosaic of the Villa Borghese, pl. 3,2, hitherto explained in another way.<sup>277</sup> Three men<sup>278</sup> stand around a boar, holding it with their left hands, and pointing to its body with an arrow in their right hands in the same way as do the *patres patrati* of the *foedus* with their swords on the oath-scenes we have discussed (pl. 6,1-10). The arrows are to be stuck into the animal. The men wear a *pilleus* and a *tunica* with a narrow *clavus*; the latter does not denote a low rank, but rather the *prisca simplicitas* of the nobles, whereas *Mars*, whose figure is very well characterized by R. Herbig, watches behind them with the spear. Here the predominance of the anthropomorphic divinity conceals the original role of the awful weapon, filled with power.

#### DIVINE SPEARS IN EARLY GREECE

Traces of the belief in the supernatural power of the spear in Greece have been assembled many times since the days of C. Boetticher. But our leading authority in matters of Greek religion, Martin Nilsson, denies them any significance.<sup>279</sup> He is of course right when he says that such a fetish had but very restricted importance in the classical epoch. But to contest the religious awe for a spear invoked by an oath, to suppose that an incidental cultual veneration of such a weapon in Hellenistic times is to be taken only as a late aberration without bearing on the whole problem, or to impute the cult of a spear in Chaironeia solely to the superstitious feelings raised by the incidental discovery of an old

<sup>276</sup> Varro by Arnob. 6.11; cf. Trogus by Justin. 43.3.3 and our remarks above; cf. Friedr. Schwenn, *ArchRW* 20 (1920/21) 299 sqq.

<sup>277</sup> R. Herbig, *RM* 40 (1925) 289 sqq. (with the previous literature) following a suggestion of W. F. Otto, takes the scene as the ceremonial goat-skin-beating by the *Salii*. He writes on p. 300: “zwischen sich . . . halten sie . . . ein dunkelbraunes Fell mit schwarzen Zotteln. Die herabhängenden Füße mit gespaltenen Hufen zeigen, dass es ein Ziegenfell sein muss, wenn sie auch etwas wildschweinartig kurz geraten sind.” But the boar also has split hoofs and the skin is surely that of a boar. I think it is not a skin at all, but a boar, the sacrificial animal of the Latins (cf. the reverse of a *denarius* pl. 6, 9-10), held by three men. The men, on the other hand, do not move their hands as if about to beat the animal, but they are preparing to pierce it with the arrows which they hold. As E. Q. Visconti stated

tomb—all these assumptions are not well enough established and above all they disregard the evidence for pre-classical times. This evidence alone concerns us here; it reveals common roots with those of Rome for the occult force of the spear.

A testimony worthy of most serious consideration escaped the notice of Nilsson, whose brilliant achievements no one holds in higher esteem than the writer of this study.<sup>280</sup> The story about the spear-cult of Kaineus, known hitherto only from troubled sources in the scholia of the *Iliad*<sup>281</sup> and Apollonios Rhodios,<sup>282</sup> is now attested by a papyrus-fragment of Akusilaos of Argos, an authority of the sixth century B.C.:<sup>283</sup> Δέγει γὰρ περὶ Καινέα οὕτως: Καινή δὲ τῆ Ἐλάτου μίσγεται Ποσειδῶν. ἔπειτα . . . ποιῆι αὐτὸν Ποσειδέων ἄνδρα ἄτρωτον, ἰσχὺν ἔχοντα μεγίστην τῶν ἀνθρώπων τῶν τότε, καὶ ὅτε τις αὐτὸν κεντοίῃ σιδήρῳ ἢ χαλκῷ, ἤλίσκετο μάλιστα χρημάτων. καὶ γίγνεται βασιλεὺς οὗτος Λαπιθέων καὶ τοῖς Κενταύροις πολεμέεσκε. ἔπειτα στήσας ἀκόν[τιον ἐν ἀγορᾷ θεὸν ἐκέλευεν ἀριθμεῖν. Θεοῖ]σι δ' οὐκ ἦεν [ἀρεστον καὶ] Ζεὺς ἰδὼν αὐτὸν ταῦτα ποιοῦντα ἀπειλεῖ καὶ ἐφορμᾷ τοὺς Κενταύρους, κἀκένοι αὐτὸν κατακόπτουσι ὄρθιον κατὰ γῆς καὶ ἄνωθεν πέτρην ἐπιτιθέειν σῆμα, καὶ ἀποθνήσκει. This story is a moralizing tale condemning an archaic ritual and admonishing the people to restrict their veneration to the Olympian gods. This struggle of the classical Greek religion against ancient beliefs in fetishes, attested as early as the sixth century B.C. through Akusilaos, is a peremptory proof of the previous existence of the spear-cult; the struggle continues in later centuries. It must be stressed that not only the ritual veneration but also the oath by the spear was regarded in the classical epoch as *ὑβρις*, contempt of the gods. Aischylos says of the Arcadian Parthenopaios:<sup>284</sup> ὄμνυσι δ' αἰχμὴν ἦν ἔχει, μᾶλλον

(*Sculture del palazzo della Villa Borghese* 2 [Roma 1796] 74) they “stanno percotendo . . . una pelle di animale.”

<sup>278</sup> Only on the head of that on the left is distorted through modern restoration, cf. Herbig, *op.cit.* (supra n. 277) 297 sqq.

<sup>279</sup> M. P. Nilsson, *Geschichte der griechischen Religion* 1<sup>2</sup> (München 1955) 209.

<sup>280</sup> I must admit that I missed this point, too, until my eminent colleague, Harold Cherniss, reminded me of the papyrus quoted infra (n. 283).

<sup>281</sup> *Schol. in Il.* 1.264 (1 p. 40.11-12 Dind.).

<sup>282</sup> *Schol. in Apoll. Rhod.* 1.57.

<sup>283</sup> *Pap. Oxy.* 13.1611. fragm. 1. col. III 51: *FrGrHist* I (1923) 53 Jac. Fr. 22. Cf. Jacoby, *op.cit.* 379 v. 10 sqq. L. Deubner (n. 215) 72 sqq. relied on the passages of the *scholia*.

<sup>284</sup> *Aisch. Sept.* 516 sqq.



θεοῦ σέβειν πεποιθὸς ὀμμάτων θ' ὑπέρτερον, ἢ μὴν λαπάξειν ἄστρῳ Καδμείων βίᾳ Διός. Eteokles' answer gives the verdict of Greek morality on such behavior:<sup>285</sup> εἰ γὰρ τύχοιεν ὦν φρονοῦσι πρὸς θεῶν αὐτοῖς ἐκείνοις ἀνοσίους κομπάσμασιν, and also the choir:<sup>286</sup> ἰκνεῖται λόγος διὰ στηθέων τριχὸς δ' ὀρθίας πλόκαμος ἴσταται, μεγάλ' ἄ μεγαληγόρων κλύω (τῶ)ν ἀνοσίων ἀνδρῶν. εἰ θεοὶ θεοί, τοῦσδ' ὀλέσειαν ἐν δᾶ. The agitation against cruel and impious tyrants also animates Plutarch's tale on the horrors wrought by Alexandros of Pherai:<sup>287</sup> τὴν δὲ λόγῃν, ἢ Πολύφρονα τὸν θείον ἀπέκτεινε, καθιέρωσας καὶ καταστέψας, ἔθνευ ὥσπερ θεῶ, καὶ Τύχωνα προσηγόρευε.<sup>288</sup> Many other such pious stories must have existed in Greek literature which were imitated by the Romans. Vergil depicts the *contemptor divum*,<sup>289</sup> Mezzentius, the antagonist of his hero, as boasting: "*dextra mihi deus et telum, quod missile libro, nunc adsint*",<sup>290</sup> no wonder that his opponent, the *pious* Aeneas, vanquishes him. The other enemy of Aeneas to be wiped out on similar grounds, Turnus, appeals to his spear instead of to the gods before the decisive struggle:<sup>291</sup> *quassatque trementem (hastam) vociferans: "nunc o nusquam frustrata vocatus hasta meos, nunc tempus adest. . ."*

In spite of all this pious agitation, the belief in the supernatural force of the spear and even the ritual obeisance to some famous spears could not be suppressed completely. The principal object of cult veneration in the city of Chaironeia was the scepter of Agamemnon which was in fact a δόρυ, as the inhabitants called it; if Pausanias<sup>292</sup> calls it a σκήπτρον, the expression must have been coined under the influence of the epics. The daily cult and daily offerings of fresh food to this δόρυ was administered by a specially appointed official in whose house the spear was sheltered.

<sup>285</sup> *ibid.* 537 sqq.

<sup>286</sup> *ibid.* 550 sqq.

<sup>287</sup> Plut. *Pelop.* 29.8 (II. 2.107. Ziegler).

<sup>288</sup> Cf. Schwenn (supra n. 276) and Deubner (supra n. 215).

<sup>289</sup> Verg. *Aen.* 7.648, cf. *ibid.* 8.7.

<sup>290</sup> *ibid.* 10.772 sqq.

<sup>291</sup> *ibid.* 12.93. sqq.

<sup>292</sup> Pausan. 9.40.1 sqq. Cf. Deubner, *op.cit.* (supra n. 215) 73. J. Frazer, *Pausanias' Description of Greece* V (1898) 210 sqq. (with ethnological parallels). M. W. de Visser, *Die nicht menschengestaltigen Götter der Griechen* (Leiden 1903) 112 sqq. S. Wide, *Lakonische Kulte* (Leipzig 1893) 333. Wernicke, *RE* 1.721. St. Weinstock, *RE* 19.438 sqq. A. B. Cook, *Zeus* 2 (Cambridge 1914-1940) 1132 n. 6. Fr. Pfister, *Der Reliquienkult im Altertum* (Religionsgeschichtliche Versuche und Vorarbeiten 5) 336 sqq.

The oath by the spear must have been a common practice in early Greece. Apollo, whose attributes are the bow and lyre, but not the spear, and who has nothing to do with the spear, swears on the κρανείον ἀκόντιον in the Homeric hymn to Hermes;<sup>293</sup> this can only be interpreted as a generally accepted procedure. It is essential to realize that this oath was regarded as a strictly religious endeavor, and therefore a sacrilege from the standpoint of piety toward the gods. We have already seen how the outrage of Parthenopaios is commented upon by Aischylos; in another version of the story of Kaineus, not the worship, but the oath on the spear is the outrage which inflamed the wrath of Zeus.<sup>294</sup> The wantonness of Idas by Apollonios Rhodios<sup>295</sup> belongs to the same category: ἴστω νῦν δόρυ θοῦρον, ὄτῳ περιώσιον ἄλλων κῦδος ἐνι πτολέμοισιν αἰείρομαι, οὐ δέ μ' ὀφέλλει Ζεὺς τόσον, ὅσσάτιόν περ' ἐμὸν δόρυ, μὴ νύ τι πῆμα λοίγιον ἔσσεσθαι, μὴ δ' ἀκράαντον ἀεθλον ἴδω ἐσπομένοιο, καὶ εἰ θεὸς ἀντιόφωτο. Idmon<sup>296</sup> reproaches him: σὺ δ' ἀτάσθαλα πάμπαν ἔειπας.<sup>297</sup>

One word must also be said about the oath on the scepter in Homer.<sup>298</sup> Achilles certainly does not handle his scepter with awe when he swears on it,<sup>299</sup> and when he dashes it down to earth it is not apparent whether this is caused only by his raging passion, as in the case of Telemachos in the *Odyssey*,<sup>300</sup> or whether this, too, belonged originally to the ritual as in the oath on the *lapis silex*, dramatizing self-condemnation in the case of a perjury. Vergil's paraphrase (*Aen.* 12.206) interprets this oath thus, the loss of life in his staff representing the fate which should strike him if he violates the oath. But Achilles' swearing is deadly serious: καὶ ἐπὶ μέγαν ὄρκον ὀμοῦμαι . . . ὁ δέ τοι μέγας ἔσσεται ὄρκος. And the scepter is a venerable object for

<sup>293</sup> *Hymn. Herm.* 460. Cf. L. Radermacher, *Der homerische Hermeshymnus* (SBWien 213 I 1931) 153 sqq. with more modern literature. His attempt to explain away the spear as the stick of a whip is not successful.

<sup>294</sup> Schol. Apoll. Rhod. 1.57: ὁ Κωνεὺς . . . ἐκέλευσε τοὺς παριόντας ὀμνῆναι εἰς τὸ δόρυ αὐτοῦ.

<sup>295</sup> Apoll. Rhod. 1.466.

<sup>296</sup> *ibid.* 1.480.

<sup>297</sup> Cf. also Val. Flacc. *Argon.* 3.708 and R. M. Meyer, *ArchRW* 15 (1912) 435 sqq.

<sup>298</sup> Cf. R. Hirzel, *Der Eid* (Leipzig 1902) 25. K. Marót, *Der Eid als Tat* (Acta litt. ac scient. r. univ. Franciscosephinae, Szeged 1924) 2 sqq. F. J. M. de Waele, *op.cit.* (supra n. 172) 110 etc.

<sup>299</sup> *Il.* 1.233, 237 sq., 239.

<sup>300</sup> *Od.* 2.35 sqq.

him, too; *νῦν αὐτέ μιν υἷες Ἀχαιῶν ἐν παλάμῃ φορέουσιν δικασπόλοι οἱ τε θέμιστας πρὸς Διὸς εἰρύαται*. No doubt, the oath would not be possible without this implement, as is also obvious in the case of Hector, who must raise his sacred scepter to Zeus as witness of his solemn obligation.<sup>301</sup> The contemptuous behavior of Achilles does not touch the fact that the oath's validity depended on the employment of the sacred staff, and its presence was necessary for all other solemn public governmental transactions. Even if the scepter became an implement of ceremony in the Iliad, in which the emotional drunkenness of magical operations gave place to the beauty of poetic imagery, behind its conception—even if far behind—it suggests the same clumsy atmosphere of “mana”-belief, as in the ceremony of the Roman federal oath.

It would be very attractive to pursue the role of the *hasta* in Byzantium too; that this continuation really existed has been recently underlined by J. Deér.<sup>302</sup> Such a new study could also decide the problem, whether the “Vortragslanze” of the medieval German kings and emperors was an independent phenomenon, as has been supposed, or was influenced—as I think it was—by the Roman *hasta*, the significance of which has not hitherto been realized. For such an analysis there is now an excellent new basis in the broadly conceived work of my dear friend Percy E. Schramm.<sup>303</sup> A comparison of our results with the staff as symbol of royalty in the Near East would also not be without interest. But this task must be an enterprise of others who are better equipped for it than the writer of this modest sketch.

## APPENDIX

### DESCRIPTION OF THE TYPES OF *hasta* AS EMBLEM OF POWER (pl. 10, figs. 1-48)

Our pictorial survey of types needs only a few remarks with indication of provenience.

Fig. 1: The divine spear in the hand of king Latinus on the gold coins struck during the Second Punic War (pl. 6, 1-4) and the spearhead on early *denarii*.<sup>304</sup>

Fig. 2: Spearhead as monetary mark on an early *denarius* (pl. 2, 1-4).

Fig. 3: The spear as *summa imperii*, a mark of control on the obverse, with the *securis* on the reverse of a *denarius* of L. Papius, dated by H. A. Grueber<sup>305</sup> to the year 80 B.C., by Babelon<sup>306</sup> to 79 B.C. and by E. A. Sydenham<sup>307</sup> to 78-77 B.C.

Fig. 4: The spear as badge of power with the rudder as symbol of *felicitas* on an engraved gem with the head of Asinius Pollio, ca. 42 B.C.<sup>308</sup>

Fig. 5: The same as control mark (pl. 5, 2) on the obverse of a *denarius* of M. Volteius M. f. *aedilis* in 82 B.C.<sup>309</sup> Another spear of the same shape is on the *denarius* of L. Papius (pl. 4, 7), also as control mark, with a phalera on the reverse.

Fig. 6: The spear as badge of *imperium* with the *lituus* on both sides of the head of DIVOS IVLIVS on the concave reverse of a projected coin-issue in Bologna, with the head of the

DIVI FILIVS on the concave obverse. This type certainly existed, as the next drawing shows; however, the representation on a coin-die which we intended to reproduce proved to be not only different, but also fictitious. Cf. n. 46.

Fig. 7: Iron spearhead found in Wössingen (Baden, Germany), preserved in the Museum of Karlsruhe; more than 35 cm. long.<sup>310</sup>

Fig. 8: Similar spearhead on the top of a legionary standard on the column of Trajan in Rome.<sup>311</sup>

Fig. 9: Standard with spearhead on the same column.<sup>312</sup>

Fig. 10: Military standard applied as control mark on a *denarius* of C. Valerius Flaccus (pl. 1, 1) in Paris, in the form of a spear which has two lateral protuberances under the spearhead and perhaps a series of thin plastic rings below it; beneath them there is a tassel, as on many other sorts of *signa*. This coin has been dated in the latter half of the eighties of the first century B.C.<sup>313</sup>

Fig. 11: Engraved spear on a so-called contorniate-medallion from the end of the fourth century A.D. Under the spearhead the same circular protuberances on both sides as the type just described.<sup>314</sup>

around 76 B.C. But I have shown in my paper *Die trojanischen Urnahmen der Römer*, Rektoratsprogramm der Univ. Basel 1956 (1957) pl. 9, 1-9, that their issue strictly coincides with that of the gold triumphal issue of Sulla from 82 B.C.

<sup>310</sup> E. Ritterling, *BonnJbb* 125 (1919) 9 sqq.

<sup>311</sup> C. Cichorius, *Die Reliefs der Trajanssäule* (Berlin 1896-1900) Bild no. 346.

<sup>312</sup> *ibid.* Bild no. 66.

<sup>313</sup> Grueber, *op.cit.* (supra n. 305) II 388 sqq. Babelon, *op.cit.* (supra n. 45) II 513 no. 4. Sydenham, *ibid.* (supra n. 45) 120 no. 747 sqq. I wish to return to the chronology of this rich series.

<sup>314</sup> A. Alföldi, *Die Kontorniaten* (Budapest 1942/43) pl. 42, 10.

<sup>301</sup> Hom. *Il.* 10.319 sqq. 328 sqq. Arist. *Polit.* 3.9.7 (1285 B) had in mind this passage mentioning that *ὁ δ' ἕρκος ἦν τοῦ σκήπτρου ἐπανάστασις* in the case of the ancient kings.

<sup>302</sup> *BZ* 50 (1957) 427 sqq.

<sup>303</sup> P. E. Schramm, *Herrschaftszeichen und Staatssymbolik* (Schriften der Mon. Germ. Hist. 13 II, Stuttgart 1955) 492 sqq.

<sup>304</sup> Sydenham, *op.cit.* (supra n. 45) nos. 152-153 and 222-224.

<sup>305</sup> *BMCRep* I 370 no. 2977 sqq.

<sup>306</sup> E. Babelon, *op.cit.* (supra n. 45) II 279 no. 1.

<sup>307</sup> Sydenham, *op.cit.* (supra n. 45) 127 no. 773.

<sup>308</sup> Cf. pl. 5, 1.

<sup>309</sup> Grueber, *op.cit.* (supra n. 305) I 388 sqq. places this series in the year 78 B.C., Babelon, *op.cit.* (supra n. 45) II 582 in 88 B.C., Sydenham, *ibid.* (supra n. 45) 127 no. 774 sqq.

Fig. 12: Similar spear on the conical top of a grave-monument in Lyons.<sup>315</sup> The spearhead was, we think, only painted and not cut in low relief like the other parts of the object, but could not be absent, being the most essential part of the emblem.<sup>316</sup> The two circular discs under the spearpoint of figs. 10-11 reveal themselves as containing the two letters *B(ene)(iciarius)* (*consularis*), or a similar abbreviated rendering of the rank of the official to whom it belonged.

Fig. 13: Ovoid spearhead with an oblique incision on both sides, diagonally opposed to each other and with a little round hole on their inner ends. Original length ca. 60 cm. It was found in a sanctuary with two other still bigger spearheads and with a huge *tuba* in Kleinwinterheim with the inscription of A. Didius Gallus Fabricius Veiento, consul the third time under Domitian.<sup>317</sup> This colossal spear was not intended for practical purposes, but was a votive offering. Its type with the incisions is the same as that of the imperial spear-attribute of Domitian himself, fig. 18. Thus this votive spear imitates the *praecipuum insigne* of power, in this case that of the governor.

Fig. 14: Bronze fibula with silver coat, found in Mainz,<sup>318</sup> with the same lateral incisions on the spearhead.

Fig. 15: Big iron spearhead with a prolonged rod-like point and the same incisions, from Noricum; found in St. Peter in Holz, preserved in the Museum of Klagenfurt.<sup>319</sup>

Fig. 16: Spearhead in miniature, in which two broader lateral incisions are cut, on leather. It was found in Vindonissa and is preserved in the Vindonissa-Museum at Brugg, Switzerland.<sup>320</sup>

Fig. 17: Spearhead with oblique incisions on the top of the standard of an auxiliary troop represented on the tombstone of Pintaius in Bonn (pl. 9,1), first century A.D.<sup>321</sup>

Fig. 18: The spear-attribute of Domitian departing on a northern campaign, pl. 7,1. Relief found in the Palazzo della Cancelleria in Rome.<sup>322</sup>

Fig. 19: Silver fibula from Weisenau, Germany.<sup>323</sup> Under an anchor—a nice allusion to advancement in the army—a spear is represented between two swords. The spear has a horizontal rod over the point, two round holes in the middle of the laurel-leaf-shaped spearhead and a small *tabula ansata*. The type of the swords indicates (in the sense of the argument of J. Hundt) a date around 200 A.D.,<sup>324</sup> the more important because details of the type just described occur on a number of the varieties known (figs. 23-24, figs. 31-36, 45 show the horizontal strokes

<sup>315</sup> E. Espérandieu, *Recueil général des bas-reliefs, statues et bustes de la Gaule romaine* III (Paris 1910) 35 no. 1785 (with literature). Cf. Ritterling (supra n. 310) 17 sqq.

<sup>316</sup> This against the opinion of Espérandieu who mentions the visible "bâtonnet" of the shaft and of Ritterling who describes the "Stange."

<sup>317</sup> Behrens, *op.cit.* (supra n. 112) 8 sqq.; fig. 18, 1; cf. fig. 16 (the inscription just mentioned).

<sup>318</sup> *Ibid.* 19 no. 2 and fig. 18,4.

<sup>319</sup> *Ibid.* 19 no. 1 and fig. 18,2.

<sup>320</sup> *Ibid.* no. 5 and fig. 18,6.

<sup>321</sup> *Ibid.* 19 no. 3 and fig. 18,2 (with literature). *CIL* XIII 8098. C. Cichorius *RE* 4, 247 ("etwa Mitte des I. Jahrhunderts"). W. Wagner, *Dislokation der römischen Auxiliarformationen. Neue Deutsche Forschungen*, Bd. 203 (Berlin 1938).

<sup>322</sup> Cf. supra. Further literature by Behrens (supra n. 112) 19 no. 4 who wrongly describes it as "die Lanze eines Centurionen."

<sup>323</sup> *Westdeutsche Zeitschrift* 10 (1891) 399 with pl. 5,13. Behrens (supra n. 112) 20 no. C. 1. who takes the anchor as "dachförmige Spitze, die dem Aufbau Halt gibt."

<sup>324</sup> H.-J. Hundt, *Saalburg-Jahrbuch* 14 (Berlin 1955) 50 sqq.

<sup>325</sup> Cf. fig. 2,39 and *CIL* VII 517: Behrens (supra n. 112)

above the point. Fig. 24 and figs. 28-36 have the *tabula ansata*. Figs. 21-24 and figs. 24-45 have the two holes). The small tablet below the spearhead was regarded by Behrens as bearing the name or rank of the official to whom it belonged, an attractive hypothesis indeed. The two holes occur also on the spearheads of standards.<sup>325</sup> This type generally belongs to the middle Empire.

Fig. 20: Fragment of a decorative spearhead of iron, found in the Roman fortress of Niederbieber; the exact form is unknown.<sup>325a</sup>

Fig. 21: Spear-ensign of a *speculator* pl. 9,<sup>2326</sup> from Belgrade. The execution of the relief makes it unlikely that the spear would be an exact typological reproduction.

Fig. 22: Big iron spearhead from the *limes*-fortress of Pfünz in Germany.<sup>327</sup>

Fig. 23: Reproduction of the decorative spear-emblem of the *speculator* L. Valerius Augustalis on his tombstone, from Salona.<sup>328</sup> We find here, instead of the horizontal stroke above the point, two short thorns directed obliquely upwards on both sides.

Fig. 24: Decorative spear of a similar type, carved on one of the lateral slabs of the grave-*aediculum* of an unknown official (likely of the *legio II adiutrix*).<sup>329</sup>

Fig. 25: Spearhead, engraved on the left side of the altar of Clod(ius) Marianus, *frumentarius* of the legion *VII Gemina*, from *Pons Aeni* (Pfaffenhofen).<sup>330</sup>

Fig. 26: Official with spear-ensign from Perinthus,<sup>331</sup> first half of the third century A.D.

Fig. 27: Miniature spearhead, Museum in Olten, Switzerland.<sup>332</sup> It shows "wings" under the laurel-shaped point and besides the two round holes, triangular and round openwork-decoration (imitated).

Fig. 28: Miniature spearhead from Cannstadt, likely to have been an ornament fixed on leather. I doubt that the two scrolls under the socket belonged to it; I suspect this is an irresponsible addition which has nothing to do with the spear-type.<sup>333</sup>

Fig. 29: Miniature bronze spear-emblem, with abnormally elongated point. The horizontal rod above the laurel-leaf-shaped blade has a lateral volute on both sides; below the blade is a *tabula ansata*.<sup>334</sup>

Fig. 30: Similar spearhead of the same provenience,<sup>335</sup> without the *tabula ansata*, but with a crescent on the top.

Fig. 31: Miniature spearhead from Versec-Vršac in Yugoslavia 3. Cf. E. Ritterling *RE* 12. 1373 and 1462 sqq.

<sup>325a</sup> E. Ritterling, *op.cit.* (supra n. 111) 14 sqq. with fig. 6-6a.

<sup>326</sup> *CIL* III 1651: *ILS* 2378. Ritterling, *BonnJbb* 125 (1919) 23.

<sup>327</sup> *Der obergerm.-rätische Limes* no. 73 Pfünz pl. 15,31. Ritterling, *BonnJbb* 125 (1919) 33 and 34 fig. 20. Behrens, *ibid.* (supra n. 112) fig. 19,4.

<sup>328</sup> *Catalogo dell' Museo dell' Impero Romano. Supplemento al Catalogo della Mostra Augustea della romanità* (Rome 1943) 95 no. 15. F. Magi, *op.cit.* 88, with the inexact drawing fig. 63. Behrens, *op.cit.* (supra n. 112) 20 no. B. 1 and fig. 20.

<sup>329</sup> Behrens, *ibid.* (supra n. 112) 20 no. B.2 and fig. 21.

<sup>330</sup> *CIL* III 5579; the special literature is to be found in Ritterling (supra n. 111) 13 with fig. 5.

<sup>331</sup> *JOAlBeibl* 1 (1899) 117 fig. 28; Ritterling (supra n. 111) 13 fig. 4.

<sup>332</sup> Historisches Museum in Olten. Published by Behrens, *op.cit.* (supra n. 112) 21 no. 14.

<sup>333</sup> *ORL* 59, p. 27 and pl. 8,23. G. Behrens, *op.cit.* (supra n. 112) 21 no. 10 and fig. 22,15.

<sup>334</sup> Behrens, *ibid.* (supra n. 112) 21 no. 13 and fig. 22:18; Museum in Portogruaro.

<sup>335</sup> *Ibid.* fig. 22,19.

slavia,<sup>336</sup> found in Palánka (Banat). We find a small lanceolate point above the blade; besides the horizontal rods above and below the blade, there is one more stroke under the latter. The two "eyes" are also to be mentioned. The same general type is represented also by our types nos. 32, 33 and 35.

Fig. 32: Miniature spearhead, found in Wallstadt (Museum Mannheim), originally suspended on a ring as a hanging ornament.<sup>337</sup> Similar pieces were noticed by G. Behrens from the fortress Zugmantel,<sup>338</sup> from the Saalburg,<sup>339</sup> from Stockstadt<sup>340</sup> and from Osterburken.<sup>341</sup>

Fig. 33: Similar miniature hanging ornament from Hedderheim.<sup>342</sup>

Fig. 34: Similar miniature spearhead, without the second blade on the top, from the fortress of Kösching.<sup>343</sup>

Fig. 35: Similar miniature spear-ornament from Osterburken.<sup>344</sup>

Fig. 36: Similar piece ending in a pelta-shaped ornament on the top, known from the Wetterau-limes<sup>345</sup> and Osterburken.<sup>346</sup>

The following types have a broader, circular contour instead of a laurel-leaf-shaped blade. They seem to represent a secondary development.

Fig. 37: Open-work bronze ornament, once applied on leather, from Zugmantel.<sup>347</sup>

Fig. 38: Spear-ensign of a *beneficiarius consularis* from Vinxtbach.<sup>348</sup>

Fig. 39: Top of a *vexillum* of similar shape from Zugmantel, wrought of iron, with an iron cross-bar. Ritterling may be right that it did not belong to a military formation but to a *collegium*.<sup>349</sup>

Fig. 40: Standard of a *collegium*, based on the same round ornamental spear-type with two eyes as above, from the Musée Calvet, Avignon.<sup>350</sup>

<sup>336</sup> *ibid.* fig. 22,17.

<sup>337</sup> *ibid.* 21 and fig. 22,14.

<sup>338</sup> ORL 8 pl. 10,68 and 82. *Saalburg-Jahrbuch* (1910) 51 pl. 8,3. Behrens, *op.cit.* (supra n. 112) 20, no. C 4 and fig. 22,4-6.

<sup>339</sup> F. Jacobi, *Das Römerkastell Saalburg* (1897) pl. 56,11-12. Behrens (supra n. 112) 21, no. C 5 and fig. 22,7-8.

<sup>340</sup> ORL 33, p. 50 and pl. 7,21. Behrens (supra n. 112) no. C 7 and fig. 22,10.

<sup>341</sup> ORL 40, pl. 6,40 and 43; ORL *Abteilung A* 6, 235 and pl. 24,49. G. Behrens, *ibid.* (supra n. 112) no. C. 8 and fig. 22,12.

<sup>342</sup> H.-J. Hundt, *Saalburg-Jahrbuch* 14 (1955) 50, Abb. 1,5.

<sup>343</sup> ORL 74, p. 22 and pl. 4,13. Behrens, *ibid.* (supra n. 112) 21 no. 11 and fig. 22,16. Cf. also H.-J. Hundt, *op.cit.* (supra n. 342) fig. 1,4.

<sup>344</sup> Behrens, *ibid.* (supra n. 112) 20 no. 8 and fig. 22,13.

<sup>345</sup> ORL *Abteilung A* II 200 and pl. 17,12. Behrens, *ibid.*

Fig. 41: Similar standard from Alcludio, Mallorca.<sup>351</sup>

The following drawings exemplify another shape of these spear-ensigns with two superimposed blades.

Fig. 42: Spear-emblem found in Ehl an der Ill and preserved in Wiesbaden. It is of iron and bronze,<sup>352</sup> 91 cm. high.

Fig. 43: Spear-ensign of same type as fig. 42, on a relief illustrating Trajan's Dacian victories built into the triumphal arch of Constantine in Rome, pl. 7,2. The spear-ensign is engraved in outline in the background of the battle scene, i.e. it is not employed in the actual fighting and it does not follow the Emperor himself, but is carried some distance from the battle. There is another corresponding spear engraved in outline on the other slab of the same battle relief, mentioned by Magi, but not visible in the photographs.<sup>353</sup>

Fig. 44: Original iron spear-ensign from the Roman fortress of Weissenburg a.S.; length 44 cm.<sup>354</sup>

Fig. 45: Similar spear with two superimposed heart-shaped blades, reproduced on the grave-altar of a *beneficiarius consularis* from Salona.<sup>355</sup> The type with the horizontal rod on the top of the upper blades reminds us of the types nos. 31-35; it could mark the transition from these shapes to the rounder doubled ones in nos. 42-44.

Fig. 46: Manipular standard represented on the coins of C. Valerius Flaccus (pl. 1,1) and on those of the two Pompeian consuls of 49 B.C.

Fig. 47: Similar standard used by the Italians in the Social War (pl. 6,5-6).

Fig. 48: *Vexillum* with spearhead on its top; mint-mark on the *denarii* of L. Papius and L. Roscius Fabatus (pl. 4,1-4).

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(supra n. 112) fig. 22,9.

<sup>346</sup> Behrens, *ibid.* fig. 22,11.

<sup>347</sup> *Saalburg-Jahrbuch* 7 (1930) 50 and pl. 12,13. Behrens, *ibid.* (supra n. 112) 20 no. C. 2 and fig. 22,2.

<sup>348</sup> CIL XIII 7731. Ritterling, *op.cit.* (supra n. 111) 12 and fig. 3. Behrens, *op.cit.* (supra n. 112) 20, no. 2 and fig. 19,2.

<sup>349</sup> ORL no. 8, p. 98 and pl. 21,55. Ritterling, *op.cit.* (supra n. 111) 32 n. 3. Behrens, *op.cit.* (supra n. 112) 19 no. 1 and fig. 19,3.

<sup>350</sup> Ritterling, *ibid.* (supra n. 111) 31 sqq., fig. 18.

<sup>351</sup> Behrens, *op.cit.* (supra n. 112) 21 no. 2 and fig. 23,2.

<sup>352</sup> Ritterling, *op.cit.* (supra n. 111) 9 sqq. and fig. 1 where details are thoroughly discussed.

<sup>353</sup> F. Magi, *op.cit.* 88 sqq.

<sup>354</sup> ORL no. 72, pl. 8, fig. 53. E. Ritterling, *ibid.* (supra n. 111) 15 sqq. with fig. 7.

<sup>355</sup> CIL III 12895. Ritterling, *ibid.* (supra n. 111) 15 sqq. with fig. 8.



1. Paris 2. Collection V. J. E. Ryan, no. 2021. 3. Private coll., Italy.  
 4. Paris. 5-6. New York. 7. Ant. Münzen Nordgr. III 1, T.3,7. 8. *ibid.* III 2,  
 T.19,11. 9. *ibid.* T.19,10. 10. BMC Cyrenaica pl. 43,5. 11. New York



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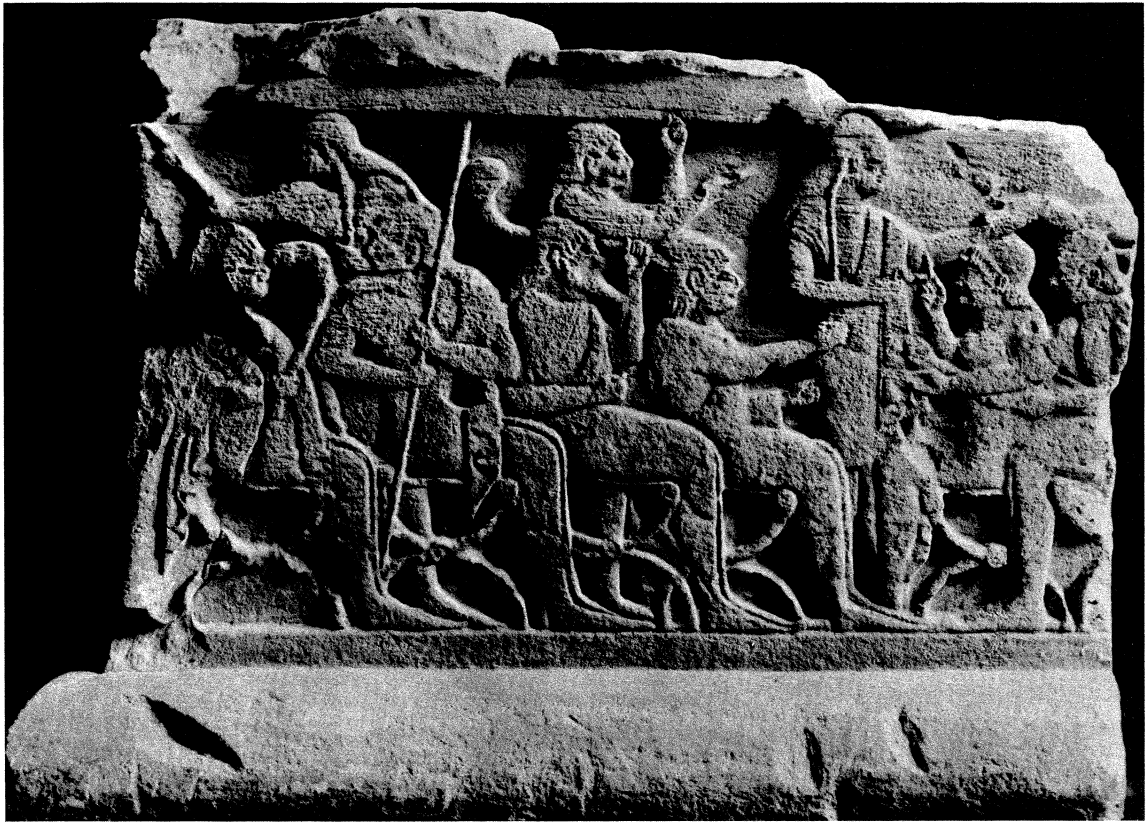
10



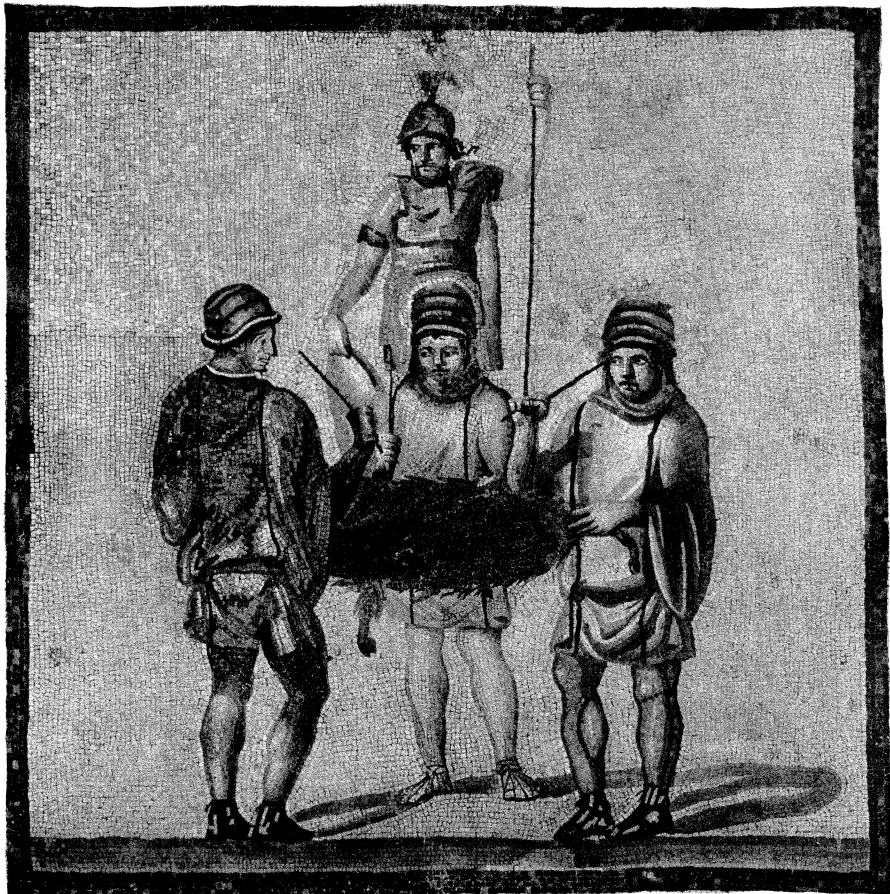
11



12



1. Cippus from Chiusi



2. Mosaic pavement. Rome, Borghese Gallery



1. Paris. 2. Coll. Niggeler, Baden. 3. Bologna. 4. Coll. Leuthold, Milan. 5. Coll. Niggeler. 6. New York. 7. Rome, Mus. Naz. 8-9. Paris. 10. Coll. Niggeler. 11. Coll. Leuthold. 12. Rome, Mus. Capitol.





I



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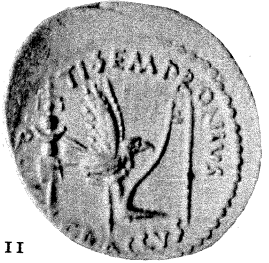
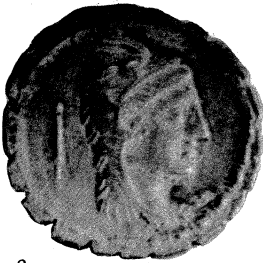
8



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11



1. H. B. Walters, *Cat. Engr. Gems*<sup>2</sup> (1926) no. 2271. 2. New York. 3. Denarius of Livincius Regulus, Berne. 4. Bologna. 5. Bologna. 6. Vatican. 7. New York. 8. Mus. Capitol. 9-11. Vatican

PLATE 6 ALFÖLDI



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2a



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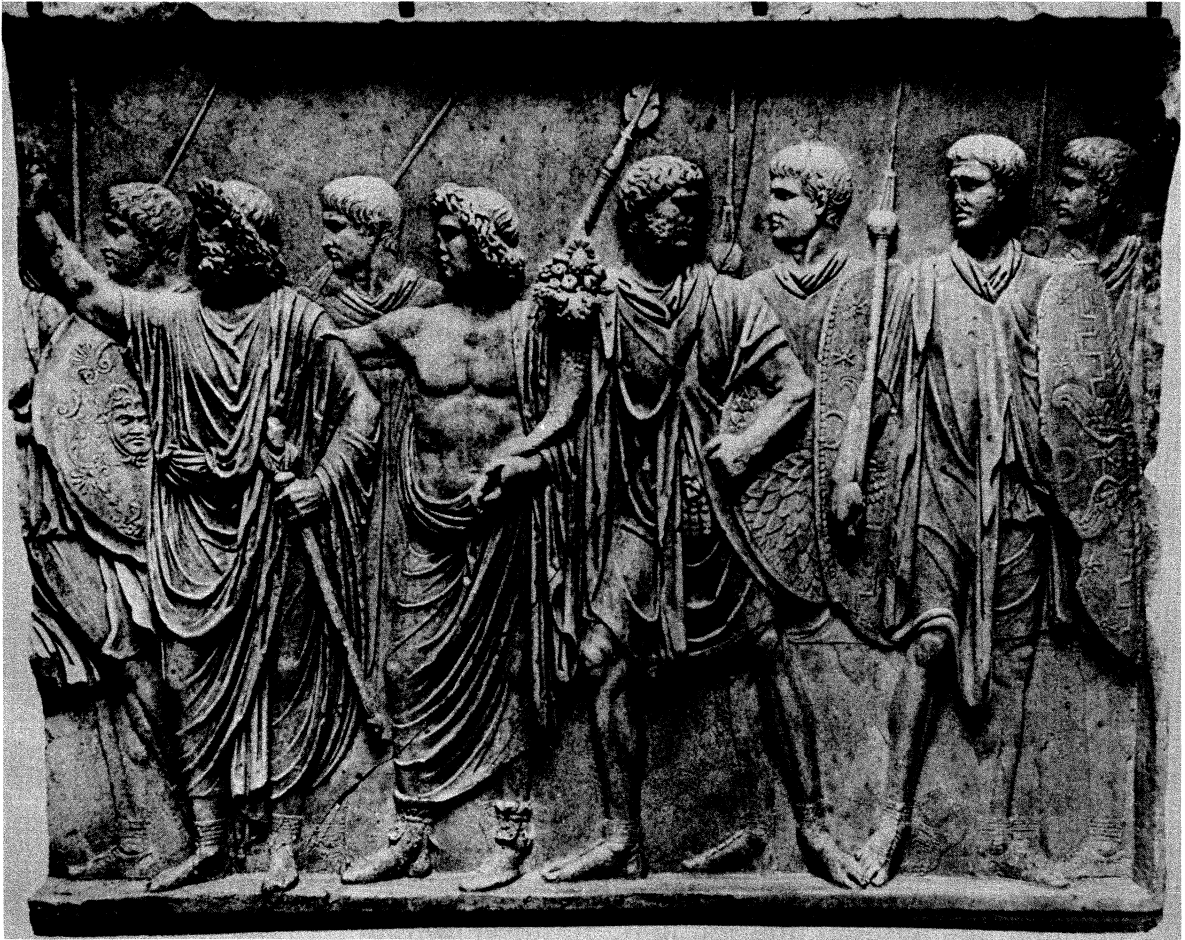
9



10



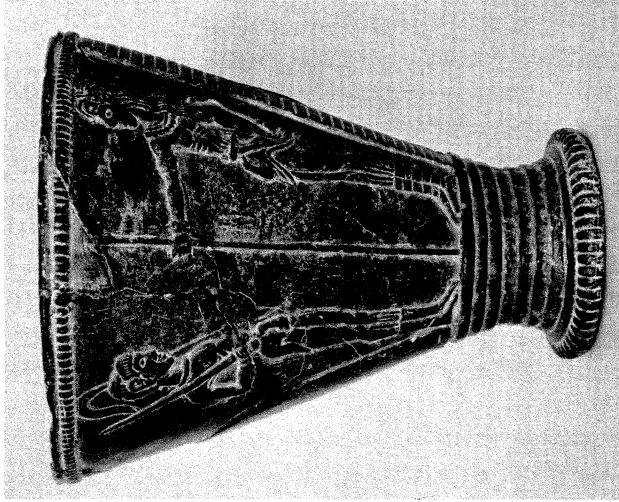
1. Br. Mus. 2-2a, 6. Firenze. 3-4, 7-8, 10. Vatican. 5. Coll. Leuthold, Milan. 9. New York



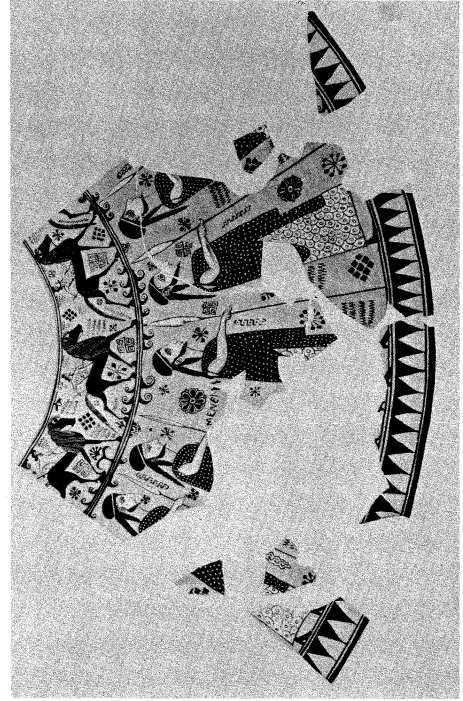
1. Relief found under the Palazzo Cancellaria, Vatican



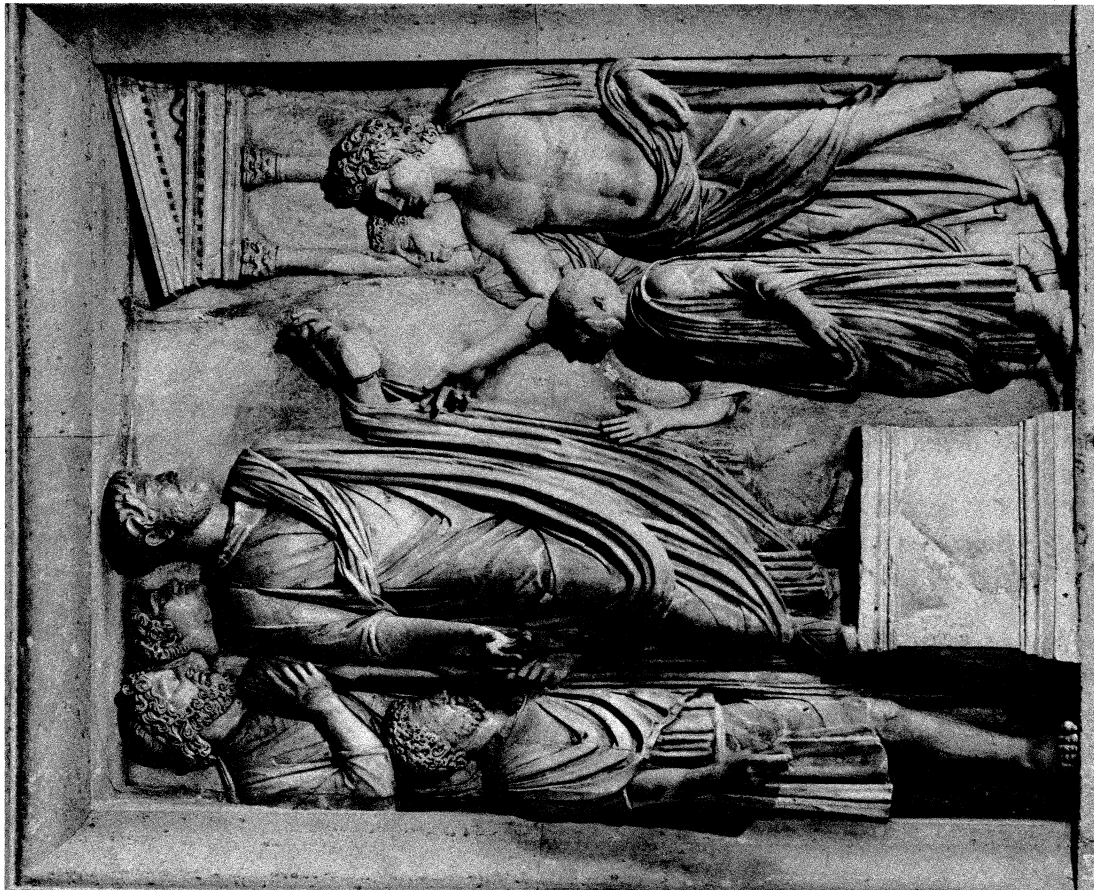
2. Trajanic relief in the Arch of Constantine



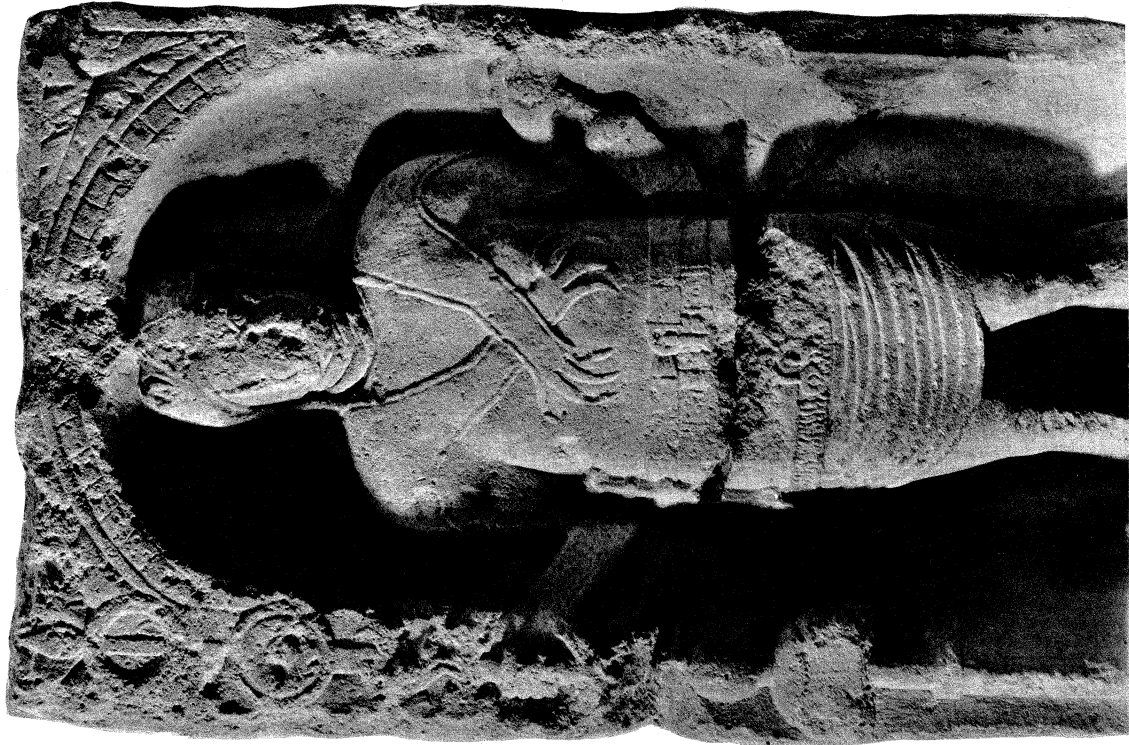
2. Stearite cup from Hagia Triada



3. Proto-Attic vase, Berlin



1. Relief from the Arco di Portogallo



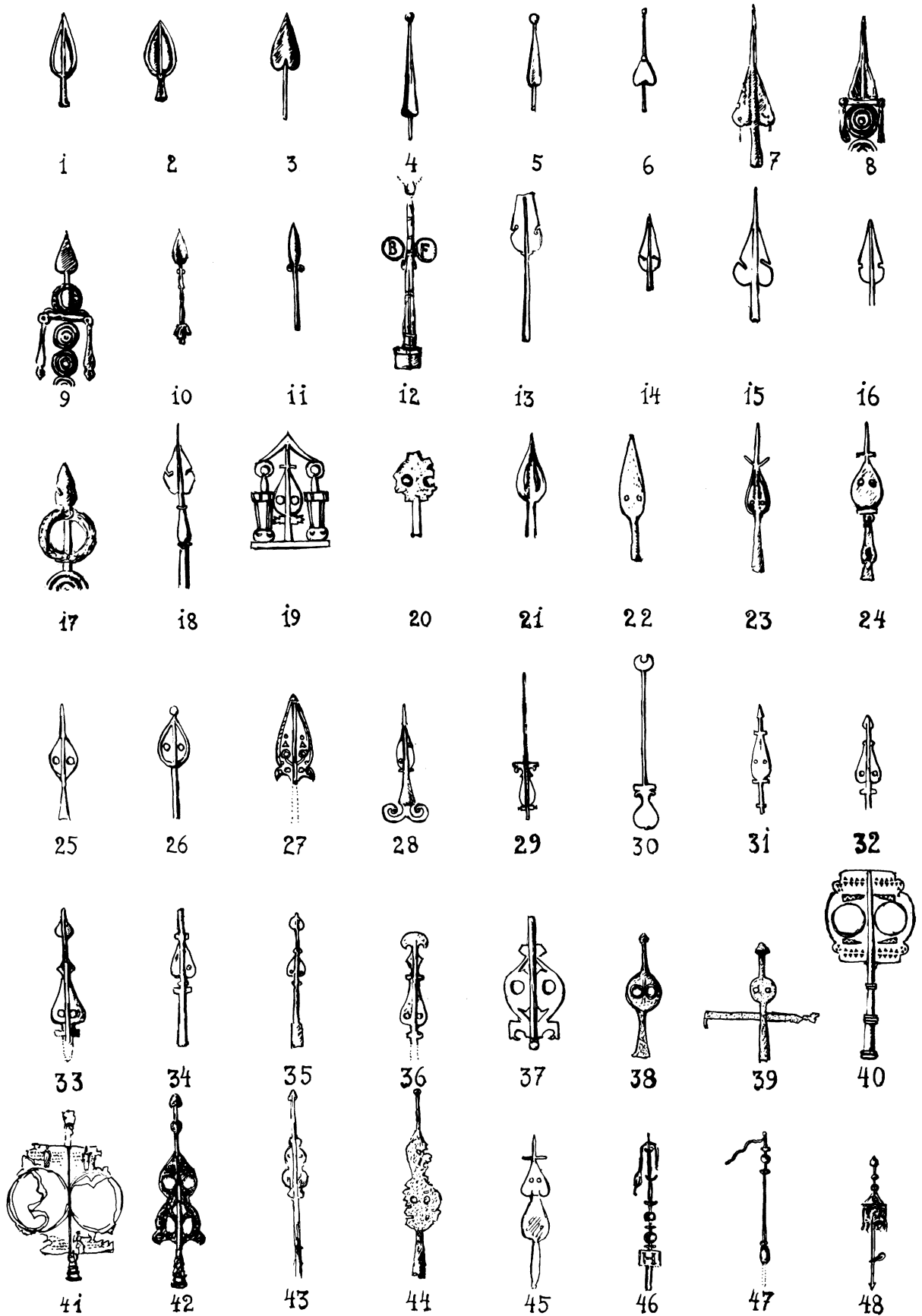
1. Tombstone of Pintauius in Bonn



2. Tombstone of a *speculator* in Belgrade



3. Denarius of Porcius Laeca



Figs. 1-48. Types of *hasta* as emblem of power