

CHAPTER VI.

THE LATIN MOOT.

The 'Circus' and the 'Circus Maximus'—The 'Circus' coeval with the City—The 'Circus' of Romulus—The 'Circus' in first century A.D.—The 'Ara Consi'—Who was Consus?—The 'Circus' modelled on a grave—Consus derived from 'condere'—The Amphitheatre and the 'Circus'—The 'Circus' originally a Moot—The 'Circus Maritimus'—Games 'in Circo'—Latin 'Circus' and Greek theatre—The Latin 'Curia'—Varro on 'Curia'—The 'Comitia Curiata'—Synoecismus in Rome—'Curia' derived from 'curuus'—The 'Thirty Little Pigs.'

It has been shewn (chap. iv) that at a very early period the circle was the sacred figure of the Latin peoples, as it was of the Homeric Greeks. Superseded largely amongst the Latins by the square, the circle yet remained with them throughout history in the plan of certain of their temples and of many of their tombs. In a modified form it remained with them also to the end of their imperial history in the *circus* and the amphitheatre. To the average Roman of the later republic and of the empire the *circus* was nothing more than a place of amusement, and probably not one in a thousand of those who frequented it remembered that it was a *locus consecratus* of very peculiar sanctity, or paused to enquire why its central feature should be an altar, the *Ara Consi*.

To a Roman of the days of Augustus the word *circus* meant necessarily the *Circus Maximus*. Though used

¹ *I.e.* the moot of the freemen, for only freemen could take part in the administrative *agora* (the moot). This would seem to have been the rule wherever the moot is

found, and is reaffirmed even to this day so often as a municipality makes any one a 'freeman of the city' by presenting him with the 'freedom' thereof.

occasionally for displays of other kinds, this was primarily the national racecourse, an immense hippodrome,¹ which occupied a large part of the floor of the narrow Vallis Murcia separating the Palatine and Aventine hills. Successive alterations through many centuries had made it ever longer, until at this date the track measured some six hundred yards in length, and was lined on either side by seats, balconies, and *loggie* of most elaborate masonry. Along the centre of the arena ran the long barrier called the *spina*, terminating at the south-eastern end in the *meta* or turning-post. From the *carceres*, or starting-gates, at the north-western end, which was to all intents square, the chariots raced the length of the *spina*, rounded the *meta*, and returned to the *carceres*. The term *circus*, says Cicero, denoted any rounded figure,² but in the Augustan *Circus Maximus* there was no trace whatever of such a figure save in the apsidal form of its south-eastern end. Under later emperors there were built throughout Italy and the provinces other *circi*, as at Bovillae and at Circeii, modelled upon that of Rome and as little like any 'rounded figure' as was the *Circus Maximus*. One surmises that in its earlier form the latter had been more truly a *circus* and less of a race-track—that its peculiar shape was the outcome of continued efforts to make it more and more suitable for the purpose of a race-track.³

All tradition declared that Romulus made Rome's first *circus*—that indeed it was the first thing he made after the building of the city's wall,⁴ unless the legendary Asylum be excepted. He made it, says the legend, as a means to ensnare the Sabine women, and he dedicated it to the god Consus. There are two points of importance in the legend: first, the implication that the *circus* was as old as the city⁵; secondly, the assertion that it was a *locus*

¹ Dion. Hal. commonly speaks of it as ὁ μέγιστος ἵπποδρόμος.

² *Omnis in gyrum ambitus* (Arat. § 248) He adds that, in his time, *circulus* was more commonly used in this sense. Probably because *circus* had come to denote more particularly a race-track like that of the *Circus Maximus*.

³ Varro (*L.L.* v. 153) would derive the name of *circus* either from the circuits made by the racers round the course, or from the amphitheatral shape of the

circus. He must have had in his mind *circi* of very different plan from the *Circus Maximus*, which in his time had no resemblance to an amphitheatre.

⁴ Cf. Vergil, *Aen.* v. 758, of Acestes' first proceeding on taking over the city founded by Aeneas in Sicily, *Indicitque forum et patribus dat iura vocatis*; for in purpose and in significance *forum* and *circus* were identical.

⁵ The assertion of Gellius, quoted by Dion. Hal. (ii. 31), that it was made only

consecratus dedicated to a divinity otherwise unknown. Tradition further declares that the *Ara Consi* within the *Circus Maximus* was so old as to be taken for one of the fixed points of the *pomoerium antiquissimum*,¹ and that it was constructed by the first Etruscan king, Tarquinius Priscus. In other words the *circus* of Romulus and the *Circus Maximus* were not the same.

Ovid, speaking of the original first *circus* of Romulus, is at pains to insist that even in form it was quite different from the *Circus Maximus* of his own time. It was innocent of anything in the way of building, even of any provision of seats other than those afforded by the turf:—

*In gradibus sedit populus de caespite factis.*²

Propertius also had heard of a remote time when the *patres* had constantly assembled in the open field:—

*Centum illi in prato saepe senatus erat.*³

As Ovid envisaged the *circus* it was a mere earthwork at most, and the name of it implies that it was circular. Its purpose likewise implies that it was theatral, and Ovid actually calls it *theatrum*.⁴ He was no antiquary. What reason had he for so calling it?

Juvenal provides the answer. Writing about A.D. 100, he explicitly declares that in the little country-towns of Italy at that date the municipal dignitaries went about their small official business 'in their shirt-sleeves,' and when now and again there recurred a holiday, kept Lilliputian state in the 'theatre,' a structure which made so little pretence to architectural dignity that it was merely turfed:—

dierum

*Festorum herboso colitur siquando theatro
Maiestas, tandemque redit ad pulpita notum
Exodium.*⁵

in the 4th year of the city, stands alone. Plutarch (*Romulus* xiv) quotes Fabius Pictor as asserting that it was made in the fourth month, i.e., in August, the traditional date of the foundation of the city being in April. Fabius was evidently guided by the fact that the *Consualia* recurred in August, and Gellius probably substituted 'year' for 'month' by inadvertence.

¹ Tac. *Ann.* xii, 24.

² *Ars. Amat.* i, 107.

³ *El.* iv, 1, 14, 'Their only senate was the Hundred meeting in a field.' The number is noteworthy: there is evidence

(below, ch. xii) that it was the theoretical number of the primitive Teutonic and Gallic moots, and all Roman tradition averred that it was likewise the number of the original Roman senate, in token whereof the senators in after-times still wore the *lunula*—the letter-numeral C—upon their shoes.

⁴ *Ars. Amat.* i, 89, 103 &c.

⁵ *Sat.* iii, 173. The epithet *herboso* is usually rendered 'grass-grown,' the 'theatre' being conceived as necessarily mason-built and the epithet taken to suggest its infrequent use. The natural rendering is

That which in pure Latin speech was called a *circus* Juvenal here calls by the borrowed Greek name of *theatrum*, and Vergil had used both terms convertibly nearly a century before him.¹ We know what 'theatres' were in plan and construction, and there would be none as yet in those unpretentious Latin towns of which Juvenal is expressly speaking. He is thinking of precisely such a turf *circus* as Ovid had in mind, and he implies that such things were common enough in the Italy of his time. 'There is no country on earth where there are so many of these turfy theatres as in modern Italy,' wrote Gifford² a century ago. So Ovid had all around him examples of the thing which he attributes to Romulus, and Juvenal incidentally tells us that such little turf *circi* were even in his day the scenes of municipal functions in provincial Italy. He elsewhere calls them *municipales arenae*, and tells us that they were the customary scenes of sports.³ The absence of seating need occasion no surprise, for well into the first century it was argued in Rome that to provide seats in the large amphitheatres then coming into fashion was an undesirable innovation.⁴

If the *Circus Maximus* was developed out of some such theatral *circus* as this, there is sufficient reason for its having retained a name—*circus*, 'the ring'—which otherwise was utterly inappropriate.

At the south-eastern end of the *spina*, just in front of the turning-post (*ad primas metas*), was the 'altar' of Consus so called. It was not an altar at all, as that word is usually understood, but rather a flat paved area beneath the surface of the arena, from which the soil was removed as occasion

'made of turf.' This translation in no wise weakens the force of the lines: just as the provincial mayor and aldermen made shift with *tunica* in lieu of *toga*, so they made shift with a *circus* of earth in lieu of the mason-built magnificence of the *Circus Maximus*. We have the converse attitude in the *insanus scriba* who greeted Horace and Maecenas at Fundi with all the paraphernalia of *praetextam et latum clavum prunaque batillum* (*Hor. Sat.* i, 5. 36).

¹ *Aen.* v. 288, *mediaque in valle theatri circus erat*. Vergil was presumably thinking of that *circus* which, as will presently appear, was an essential item in the foundation of

a new *civitas*, though he may not have been aware that *circus* and *theatrum* were in origin the same. So also Statius, *Theb.* vi, 562, 702, 714.

² *Translation of Juvenal* (1802), note *ad loc.* Gifford had spent some years in Italy.

³ *Sat.* iii, 34. Comparing Horace, *Ep.* i, 1, 49, one gathers that the sports were such as boxing and wrestling, and further that the *municipalis arena* and the *compitum* of the smaller communities (*pagi*) were alike used for this purpose.

⁴ Tac. *Ann.* iii, 72.

required, and again replaced.¹ This happened but thrice a year, and especially upon the festival of the *Consualia* (xii kal. Sept.=Aug. 21st). In all likelihood, the pavement surrounded a βοθρός. Its position was in effect the actual centre round which was described the apsidal portion of the *circus*, the spot at which would be found the grave of a ring-barrow. There can be little question that the original *circus* was nothing but a ring-barrow, that the altar of Consus was the symbolical survival of an original grave, and that the *ludi in circo* were developed from the sports which had at a remote period been solemnised about a dead man's grave, or about a spot which was the symbol of such grave.

The cult of Consus admittedly belongs to the oldest part of the complex religion of Rome.² It was so old that all knowledge of the meaning of the name was lost. Some connected it with *consilium*, as it were the God of Good Counsel. Their etymology was wrong, but as will be presently seen, the guess was otherwise by no means absurd, and is indeed a valuable bit of evidence. The generality believed that it was a title of Neptune; Neptunus Equester was felt to be a very appropriate patron of an arena mainly devoted to horse-games. But a critical writer like Dionysius of Halicarnassus had doubts: whoever, he asks, heard of an underground altar to that God? and he says that others had told him that the altar was that of 'some nameless god who guides and guards dark counsels.'³ Upwards of a century later Plutarch heard the same different explanations: some declared Consus to be Poseidon Hippios, while others said he was the god of counsel (βουλαῖον) and that his name was of the same derivation as *consilium*.⁴

¹ Dion. Hal. ii, 30. He twice remarks upon its underground position (ὑπόγειος, ἀφανής), and says that the ritual included burnt offerings (ὑπέρπυροι ἀπαρχαί). So Plutarch (*Romulus* xiv), βωμὸν ὑπο γῆς κεκρυμμένον. . . . ὁ βωμὸς ἐν τῷ μείζονι τῶν ἵπποδρόμων ἐστὶν ἀφανὴς τὸν ἄλλον χρόνον, ἐν δὲ τοῖς ἵππικοῖς ἀγῶσιν ἀνακαλυπτόμενος.

² Warde Fowler, *Roman Festivals*, pp. 206-7. Outside the *circus* beyond the *carceres*, stood another of Rome's most ancient monuments, the *Ara Maxima*; see *ibid.*, pp. 138, 193-7.

³ Dion. Hal. ii, 31. The principal altar

in the Hippodrome of Olympia was that of Poseidon Hippios. The ultimate origin of hippodrome and stadium is probably to be found in the games celebrated at a grave, and the same probably is true of some present day race-meetings. Whether it was an actual grave, as Sir W. Ridgeway maintains, or merely a symbolical one, as argued by Miss Harrison in *Themis*, chap. 7, is of no particular moment.

⁴ *Romulus* xiv. So too Ausonius, writing some three centuries later still, speaks of *duplicem cultum quem Neptunalia dicunt, et quem de Conso consiliisque vocant* (*Eclogar. de Feriis Rom.* vv. 19, 20).

If Tertullian¹ (*circa* 200) declares that he had seen the altar, and that it bore an inscription *CONSUS CONSILIO POTENS*, he certainly did not invent the etymology. So closely was this unknown divinity associated with the *Circus Maximus*, that when the number of *circi* came to be multiplied each was dedicated to the same tutelary. The *Circus Flaminius* in the Campus Martius, built in 221 B.C., had likewise its *Ara Neptuni*,² and every later *circus* bore the same dedication.³ There was in Rome at least one other which was possibly as old as the *Circus Maximus* itself, namely that attached to the circular temple of the Dea Diva in the Arval grove on the Aventine hill, where were held ceremonial races of *bigae* and *quadrigae*, and exhibitions of *desultores*; and the Aventine had also its own *Ara Consi*, the scene of ritual observances on Aug. 21st and Dec. 12th.

The *Ara Consi* in the *Circus Maximus* was an underground altar, and underground altars belonged to the gods of the underworld, the gods of the dead: their correct Latin name was *mundus*,⁴ and Plutarch⁵ implies that *mundus* and βοθρός were one and the same thing. Here in the *Circus Maximus*, admittedly one of the oldest things in Rome, we have a circular earthwork surrounding a central chthonic altar and used for the exhibition of annually-recurring games. From the days of Hector and Patroclus to those of Beowulf, alike in Greece, in Italy, and in the British Isles, we know that such games were habitually celebrated in and about earthworks of analogous kind in honour of a dead hero there buried; and we know that horse-races were in a particular way associated with such occasions. Inevitably arises the suspicion that the *circus* and its games had their origin in the same custom, and other facts confirm it. The plan of the whole recalls immediately that of the ἱερὸς κύκλος of Homeric

¹ *De Spectaculis*, quoted p. 111 below.

² Livy xxviii. 11.

³ So Salvianus (fifth cent.) could write (*De Gubern. Dei* vi, 129), *Colitur et honoratur . . . Neptunus in circis*. On the other hand Cassiodorus (*Var. Ep.* iii, 51) and Laurentius Lydus (*De Spectac.* 8), both writers of sixth cent., assert that the *circus* was primarily dedicated to the Sun. There is no hint of this in earlier days, and certainly

nothing to suggest that Consus was in any way related to Sol. Changes of dedication are a familiar fact in classical antiquity, just as they are in Christianity, and something of the kind may have occurred in the *circus*; but if so, it was at a very late date.

⁴ Servius on *Aen.* ii, 134, *aras inferorum vocant mundos*.

⁵ *Romulus* xi, καλοῦσι δὲ τὸν βοθρὸν τοῦτον μούνδον.

Greece, with its central βοθρός representing an ancestral tomb. Like the Homeric κύκλος, the *circus* lies without the walls of the community to which it originally belonged, and just as no arms, and *ergo* no bloodshed, were allowed within the Homeric κύκλος, so one is told that none were allowed within the *circus*; nay, even the passage through the arena of a slave on the way to execution brought down the anger of the gods.¹

The peculiar, and decidedly inconvenient, position occupied by the *Ara Consi* shews that the *circus* was not originally designed merely as a place of games. So does the further fact that the floor of the *circus* was not the natural surface of the ground, but was almost invariably sunk, like that of a Greek theatre. There would seem to be no reasonable way of explaining the curious, but rigid, practice, save as a ritual survival from the digging of an actual grave.

What then is the real origin of the god-name Consus? Modern writers incline to connect it with the verb *condere*, and to interpret the *Consualia* as originally a festival of harvest-home, the underground altar representing possibly an underground store-house in which the year's harvest had once been stored.² It is more probable that Consus is derived from *condere*, either in the sense of 'to found' or in that of 'to bury.' These two meanings were in the circumstances bound to become confused, for every community must have its founder (*conditor*), and every such founder was of necessity buried (*conditus*); and though originally the *Ara Consi* may have been generally regarded as the monument of one particular person, there would probably be a tendency to extend it to all and sundry of the community's forbears—that 'majority' whom Apollo warned the Megarians to keep in mind.³ Consus, one concludes, was 'the departed'—whether *conditus* or *conditi*—a personification of the dead. It is therefore not surprising that from *conditor* was formed a further word *conditorium*, which was used in classical Latin for a 'burial-vault,' or even a 'grave' generally.⁴ It will be shewn in a later

¹ See the story in Cicero, *de Divin.* i, 26. By implication this story tells us that the *circus* had a road through it, and therefore two entrances.

² This is the view of Preller and of most later writers. But the sacrifice made to

Consus was a *burnt* offering, which does not represent the storing of anything in some place for its safe-keeping.

³ Above, p. 61 and n. 2.

⁴ See the Dictionaries, and Du Cange.

chapter that the Saxon verb *stowan* in exactly the same way produced the substantive *stow* in the sense of a 'shrine,' 'place of burial.'

As for the popular Roman belief that Consus was another name for Neptune, it probably arose from some wiseacre's studies in Greek. Noticing that the ἱερὸς κύκλος of the Phaeacians was consecrated to Poseidon, and that the chief altar in the Hippodrome at Olympia was that of Poseidon Hippios, he possibly drew the inference that all such constructions in old Greece had the same consecration¹; and finding that all Roman *circi* were in fact consecrated to Consus, he proceeded to identify that unknown god with Poseidon, *Latine* Neptune. If one could be sure that this so happened, it would be no small proof of the present thesis, that the Latin *circus* was in reality the Homeric κύκλος. The proof, however, is forthcoming without the aid of any such assumption.

It should be added here that the great *ludi saeculares* were also associated with an underground altar of a *deus inferum*, that of Dis in the Campus Martius; and that, according to Caesar, the whole Gallic race regarded as their *conditor* some *deus inferum* whom he calls by the Roman name of Dis.²

Vitruvius³ is evidence that *circus* and *amphitheatrum* were not the same thing. They were not. The Latin peoples had had *circi* from the beginning of their existence as peoples, whereas even Rome herself had no amphitheatre before the year 50 B.C. The one was an essential of communal existence, the other an accidental accretion. The one, with its consecration to Consus, took rank amongst the holiest of *loca consecrata*; the other lacked any such sacred character.⁴ The one retained its native name of *circus* unaltered through the centuries; the other, as if

¹ Poseidon is invoked also in *Iliad* xxiii, 584, in connexion with the first horse-race ever described.

² *B.G.* vi, 18, 1.

³ Below, p. 111.

⁴ Various writers, chiefly Christian apologists like Tertullian, Augustine of Hippo, Prudentius, Lactantius, and Minucius Felix, to whom the amphitheatre of Flavius was the concrete embodiment of all that was most abominable in paganism, speak vaguely

of altars of Mars, Diana (cf. Martial, *De Spectaculis* xii, 1) and Pluto, and of sacrifices to Jupiter Latiaris, but probably such passages are metaphorical only. There was seemingly nothing at all corresponding to the *Ara Consi*. On the other hand it was not unusual to use the amphitheatre as a *bustum* for burning the bodies of condemned malefactors, as it was proposed to do with that of the hated Tiberius (Suetonius, *Caligula* 27, *Tiberius* 75).

confessing itself a *parvenu*, bore an alien name. Yet withal the amphitheatre, at least in plan, far more closely resembled the typical Latin *circus* than did the *Circus Maximus* of its day. It reproduced correctly the circular plan and the significant sunken floor under all the disguise of wonderful masonry. As the Greek theatre was but a revival of the ἱερὸς κύκλος of earlier times, so the Flavian Amphitheatre, which was inaugurated only in 79 and which became the model of all the long series of such buildings throughout the Roman world, was in the main simply a reversion to the original Latin *circus*,¹ albeit colossal in dimensions, as its name of Colosseum suggested,² and anomalous in purpose. The Romans knew this, and confessed it tacitly when they declined for the most part to use the new-fangled alien name, and spoke of it not as an amphitheatre, but as a *circus*. Like the *Circus Maximus*, the Flavian Amphitheatre was and yet was not a *circus*.³ Centuries of humanity have taken the two as types, so that to modern ears the term 'circus' suggests only performing horses and the term 'amphitheatre' conjures up visions of immensity. The horses and the immensity were not essentials, but accidentals, and neither the *Circus Maximus* nor the Colosseum has any right to the position of a type. Both are so far from being types that both are aberrations. They are highly specialised developments of the same humble original, due to the Roman appetite for sports and shows; and we should no more expect to find similar monuments in the generality of Italian towns than we should look to find a Dionysiac theatre in every village of old Greece or an Avebury on every prehistoric site in Britain.

If the Latin *circus* was indeed so closely related to the Achean κύκλος, it must originally have served the same purpose. The next task is to find any evidence that the *circus* was ever used as a moot.

References in the classics to the *Circus Maximus* are

¹ Its builder, the emperor Vespasian, was remarkable for his antiquarian tastes.

² The popular story is that it was called Colosseum because it stood near the site of the Colossus of Nero. J. H. Parker says that it is 'certain' that there was no such allusion, the Colossus having been demolished

years before the Amphitheatre was built (*Archaeology of Rome*, pt. vii, p. 5).

³ Like its Italian prototype the genuine *circus*, and like the Greek theatre (p. 94), it was on occasion used for municipal business, e.g. in Alexandria (Josephus *De Bello Jud.*, II, xviii, § 7).

endless, but references to the typical *circus* and its proper uses are singularly few. The thing was too common and too well understood to call for much comment. Nevertheless, there remains enough to prove the case. Vitruvius mentions the *circus* but once, but the passage is invaluable: he remarks that the proper site for a temple (*area*) of Hercules 'in any self-governing community (*civitas*) which has no gymnasium and no amphitheatre, is near the *circus* (*ad circum*).'¹ The language proves that *circus* and *amphitheatrum* were different things; but it proves also that Vitruvius could no more conceive a *civitas* which had not at least a *circus* than Homer could envisage a πόλις without an *agora* (ch. v.). Even more conclusive is that clause of the *Lex Colonica Ursonensis* which enjoins that the Aediles shall give *ludi scenici* 'either in the forum or in the *circus*.'² This is the language of a legal document embodying the constitution of a Roman colony in the year 44 B.C., and it implies that such a colony must have a *circus*, even if it did not rise to the dignity of a *forum*. It might make shift without a *forum*; it could not without a *circus*. The two things were two different expressions of the right of self-government, of communal existence; whereof we know the *forum* to have been the later, the *circus* therefore the earlier. The *amphitheatrum* was a place for sports only, but the *circus* was not more a place of sports than was the *forum* itself. The proper purpose of both was that of municipal *business*, and more particularly debate. The fact is confessed even in the false etymology whereby the Romans, wholly ignorant of the true meaning of the name of Consus, sought to explain it as derived from *consilium*.³ 'Good Counsel' was a suitable deity to preside in a place of deliberation and debate, but only flippancy would maintain that he was desirable on a race-track. And that the *circus* was actually used as a moot we know

¹ *De Architectura*, I. vii, 1. The expression *ad circum* (not *in circo*) is to be noticed. There could no more be a 'temple' of Hercules, or of any other divinity, in the *circus* than there could be a temple of Poseidon in the ἱερὸς κύκλος (p. 84).

² Bruns, *Fontes Iuris Romani Antiqui*, 7th ed. (1909). Ursona is now Osuna in Spain.

³ Above, p. 106. Tertullian (*de Spectaculis*, 5) says that the *Ara Consi* bore an inscription reading *Consus Consilio Mars duello . . . potentes*. This merely confirms what Dion. Hal. had heard (above, p. 106) as to the meaning of Consus, 200 years earlier. Whether the alleged inscription be a fact or not, it is clear that there existed an idea that there was some connection between *consilium* and the place sacred to Consus.

from Livy, who records¹ that the *populus* of Anagnia convened (305 B.C.) a *concilium* of the sixteen states of the Hernican League in the *Circus Maritimus* near Anagnia. Even in Rome, there survived traces of this earlier use, as when the *Comitia Tributa*, at the period the one effective civil moot of the entire *populus*, met on occasion within the *Circus Flaminius*. Juvenal has been quoted to prove that in provincial Latium, so late as his own days, the *circus* was still the scene of certain official municipal proceedings.

The essential thing in the *Circus* was the *Ara Consi*, the founder's tomb. Essential to the *forum* was the *Lapis Niger*, the slab of stone which covered the reputed grave of the founder, where met the assemblies of the *populus*, and beside which stood both the *Curia* (senate-house) and the *Rostra*. The word *forum* actually bore in Latin speech the generic sense of 'an open space in front of a tomb.'² Thus the parallelism between *circus* and *forum* is exact. As the *forum* was a moot, so also was the *circus*. The sole difference was that, whereas the one (*forum*) belonged to an age or race whose sacred figure was rectangular, the other (*circus*) belonged to the earlier race and age whose sacred figure was the circle.

The evidence is enough to show that it is an error to regard the *circus* as only, or even primarily, a place for games; and even the *Circus Maximus* in Rome was devoted to games of certain very limited kinds. The programme of the first *Consualia*, says Dionysius,³ consisted of feasting, horse-racing, and athletic contests. Livy asserts⁴ that when the first Tarquin built the *Circus Maximus*, the games were horse-races and displays by boxers brought from Etruria. In the days of the free republic gladiatorial games had no proper place in it; these, says Vitruvius,⁵

¹ *Hist.* ix, 42. The Latin League had a moot at Ferentinum, but we are not explicitly told that it was a *circus*. See Niebuhr, *Hist. Rome* (1838), ii, 16-37. Niebuhr laboured under the usual misapprehension that a *circus* was necessarily 'a place only fitted for a concourse of thousands.' There is reason for believing that the moot of the Hernican League consisted primarily of 160 *principes* (senators), ten from each of the member-states.

² So Festus and Cicero (*de Divin.* ii, 20, 65).

³ *Dion. Hal.* ii, 30. He calls the assembly ἀγορά and πανήγυρις Ποσειδῶνι. The feasting is an important point.

⁴ *Livy* i, 35, *equi pugilesque, ex Etruria maxime acciti*.

⁵ *Vitr.* v, i, 7, *a maioribus consuetudo tradita est gladiatoria munera in foro dari*.

were traditionally given in the Forum; for he was dead long before the building of the Colosseum, though he had seen the earlier amphitheatres of Curio and Taurus. But in his time such structures were still so unusual, and had about them so little that was architectural, that he has nothing to say of their building. Neither has he anything to say of the making of a *circus*, because this, a mere excavation in the ground, gave no scope to an architect. The only sense in which the thing at all interested a Roman of the period was as the meeting-place of the local administration: its doings might now and again be matter for comment, even as to-day happens occasionally with a vestry; but no Roman would waste his time in describing the *circus* itself, any more than an Englishman would think of describing the vestry of a church.

The turfed *circi* of the little unconsidered towns of Latium, which never soared to the ambitious dignity of horse-racing, to say nothing of gladiatorial games, were even in the days of the empire the scene of their seasonal merry-makings. They were to the Italian peasantry what until lately the village-green was to rural England. But in earlier times they had been more than that; they had been the moots and council-chambers of their communities—what the village churchyard used to be to England. There survived even in Rome one clear trace of the forgotten time when the city fathers had met in council in the *circus* of Romulus, viz., the indefeasible right of all senators to front-seats in the *circus*.¹ Probably the apsidal recess, or speaker's platform of the *rostra* was itself a reminiscence of the form of the primitive Latin moot.

The games of the *Circus Maximus* were merely the recurrent funeral-games of some unrecorded hero, taken over by the state at large and developed until all memory of their origin and purpose was lost. What may by contrast be called the private funeral-games of the individual citizen flourished unimpaired through the centuries. In the course of time even gladiatorial shows came to be a prominent feature in the programme, and the apologists would have us believe that these were an exotic importation from Etruria or from Thurii. The most that we can

¹ *Livy*, i, 56.

reasonably believe is that Etruscan example revived, or at any rate stimulated, a barbaric practice which had been in a fair way to disappear. When Patroclus is buried before Troy there are human sacrifices indeed, but there are also other less savage games.¹ When Aeneas celebrates the anniversary of Anchises' death, there are no longer any human victims, but the rest of the programme has been expanded to include contests in archery, rowing, wrestling and foot-racing, as well as the famous 'Troy-game' of young Iulus and his fellows.² When a great man died in the Rome of Cicero's century, the programme included gladiatorial games and theatrical performances; and as the former were probably stimulated by Etruscan, so were the latter by Greek example. The analogy between the obsequies of a Roman and those of an Irish or Gaelic funeral with its attendant 'keening,' plays, games and feasting, is not wholly a thing of accident. One is justified in tracing in both the influence of an element we find again asserting itself in the funeral-rites of the Teutonic Beowulf. It should be added further that in the Forum, in Cicero's time the customary scene of gladiatorial games, was the legendary tomb of Romulus, just as that of Adrastus guarded the *agora* of Sicyon, and that of Battus the *agora* of Cyrene.³

Thus it appears that in early Italy, as in Achean Greece, every community had its own moot, and that these moots were remarkably similar. Both were circular, both were sacred, and the central feature of each was a *bothros*. All tradition asserting that there was in the Latin people a large element which had immigrated from Greece⁴ at a period either synchronous with or a little later than the Homeric age, this is precisely what was to be expected. Even the names of the two moots were very similar, for *circus* can hardly be altogether unrelated to κύκλος.⁵

Thus the most characteristic structural achievements of the Greeks and of the Romans appear to have been both

evolved from the same original, the circular barrow, and in both is traceable an intermediate stage when each served as a moot. The round hut produced the round barrow, the round barrow produced the circular moot. Further specialisation produced in Greece the theatre, in Rome the *Circus Maximus* and the amphitheatre. The proof is yet to be given, but it may be added in anticipation that from the same original by steps very similar was developed that characteristic structure of Christianity which we call a church.

But the Italian moot had an alternative name, viz., *curia*, and in Rome at any rate, the term *circus* coming to be more and more identified with a place of sports only, *curia* eventually replaced it wholly in the sense of a place of municipal business, and derivatively of the officials who there assembled. In Rome itself *curia* was the legal term for a 'senate-house,' and throughout the western world every Roman colony and *municipium* had its *curia*, its *curiones* and *decuriones*. All members of a self-governing community were *curiales*, whence it follows that the presence of a *curia* implies the capacity for self-government.¹

Inasmuch as the sign visible of self-government was in Achean Greece the ἱερὸς κύκλος, in old Latium the *circus*, it follows that *curia* was but another name for the same thing.

In Rome were to be found a number of survivals of no less than 30 *curiae*—the *curiae veteres*—said to date back to the time of Romulus and admittedly so old as to have formed 'the basis of the earliest religious and military organisation whereof we have any knowledge' in Rome. It was the name also of the several spots at which these 30 *curiae* held their meetings and transacted all their business. These meetings were chiefly in celebration of the festivals of the *Fornacalia* ('Feast of Ovens') and the *Fordicidia* ('sacrifice of the Cow-in-calf'), two of the most archaic religious events of the year, and ranking as *publica sacra*, although each *curia* conducted its own celebration under the direction of its own *flamen curialis* at its own accustomed place, which was a *locus consecratus*.²

¹ Homer, *Iliad*. xxiii.

² Vergil, *Aen.* v.

³ For a long list of similar examples see Sir J. G. Frazer, *Pausanias' Description of Greece*, ii, p. 533.

⁴ Servius (on *Aen.* x, 179) cites from the lost *Origines* of Cato the assertion that,

prior to becoming Etruscan, the city of Pisae (Pisa) had been occupied by *Teutones Graece loquentes*. The explicit mention of *Teutones* is to say the least of it curious.

⁵ Dio Cassius uses κύκλος to render *amphitheatrum*, while Polybius transliterates *circus* to κίρκος (e.g. xxx, 14, 2).

¹ Festus: *Curiales eiusdem curiae, ut tribules et municipes*.

² Warde Fowler, *Roman Festivals*, pp. 303-4.

O. Gilbert¹ argued that the *Curiae Veteres* represented so many distinct communities which ultimately amalgamated to form Rome. Cuq² compares them with modern parishes. Both are right, for Rome was formed by synoecismus, as surely as were Athens, Sparta, and Mantinea; but the term *curia* meant originally not a territory, but a township, or rather the actual moot of a township. Strabo explicitly says that the sparse inhabitants of the environs of the original Rome dwelt, as Thucydides believed the earlier Greeks to have dwelt, in small independent villages,³ and that it was the same throughout old Latium⁴ and Samnium.⁵ Paulus declares that there were in Rome certain *municipalia sacra* which had existed before Rome was; and Festus again tells us that Rome, in absorbing a community, did not abolish the pre-existing *municipalia sacra*. The independence of the various *curiae* in regard to the *Fornacalia* and the *Fordicidia* are illustrations in point.

Varro says⁶ that *curiae* were of two kinds: of the one kind were the *Curiae Veteres*, of the other he cites as an example the *Curia Hostilia*. The implication is that *curiae* of the second kind were newer.

The latter were roofed rectangular buildings, and all roofed moots are of late evolution. Tradition referred the name of the *Curia Hostilia*, the first of its kind, to King Hostilius, who seems to have been no Latin,⁷ but an alien, to whom the sacred figure was the square. If the new *curia*, meaning specifically a place wherein a senate met, was so entirely unlike the 'old' *curia*, the name can only have been extended to the new *curia* because the old *curiae* had likewise been places where senates met. By the time of Augustus some at any rate of the *curiae veteres*

had come to be, or at least to include, buildings, probably by a natural assimilation to the newer kind of *curia*: we are told that they were 'sacred buildings,'¹ that their doors were decorated on occasion with laurel-leaves,² and that the *Curia Saliorum* on the Palatine, wherein was preserved the sacred *lituus*, had been burned down.³ But in their original form they cannot have been roofed, and all analogy suggests that they were not square, but circular. There is a possible hint of this in the assertion of Laurentius Lydus⁴ that, on the festival of the *Fordicidia*, the chief priests scattered flowers among the people 'in the theatre.' No Greek or Roman theatre was ever anything but circular, and the *Fordicidia* long antedated any theatre at all. Lydus probably used 'theatre' for the native theatral *circus*, exactly as Juvenal had done, and the original *curia* was probably nothing but a small turfed *circus*. To this there had been added 'sacred buildings' in the course of the long 600 years between Hostilius and Augustus. By that time each *curia* included its hearth and its banquet-hall.⁵ Each, in fact, had come to be a Greek *prytaneum* under a Latin sky. But the words of Lydus seem to imply that the old *circus* still remained, so that the whole was possibly analogous to the open-air theatre of Dionysus in Athens, with its annexed group of buildings.⁶

The *curiae* gave name to the oldest of the Roman assemblies, the *comitia curiata* (or *calata*), which remained to the last the only assembly competent to deal with certain special matters, albeit reduced to a mere formality and represented only by 30 lictors.⁷ Chief of the items

¹ *Geschichte und Topographie Rom. in Alterthum.*

² *Les Institutions Juridiques des Romains*, i, 22.

³ § 230, ὡς κὸν καθ' αὐτοῦς. Cp. Thucydides, i, 5, πόλεσιν ἀτειχίστοις καὶ κατὰ κώμας οἰκουμέναις.

⁴ § 229, κατὰ κώμας αὐτονομείσθαι. How small such villages were, and how closely dotted upon the map, is shewn by Pliny's assertion that in his day more than 70 had utterly disappeared. If an area of 25 square miles in Cranborne Chase to this day

shews as many as 8 *circi*, representing as many villages (ch. ix), it is easy to believe that the so-called original *Ager Romanus*, some 70 square miles in extent (Strabo, § 316), may have contained thirty villages.

⁵ § 241. The same has been inferred of the Sabines from Horace, *Ep.* i, xiv, 1-3.

⁶ *De Lingua Latina*, v, 32. The passage shews that Varro derived the term *curia* from *curare*. So Mommsen.

⁷ For he is said to have razed Alba Longa, the metropolis of the Latin League.

¹ Dion. Hal. ii, 23, ἱερὰ ὀκταί.

² Ovid, *Fasti*, ii, 514.

³ Cicero, *de Divin.* i, 17, 30; Dion. Hal. xiv, 5.

⁴ *De Mensibus*, iv, 49. Lydus wrote in the sixth century.

⁵ Feasting was an essential feature of early moots; e.g. Homer, *Odyss.* iii, 7, and Vergil, *Aen.* vii, 176, *perpetuis soliti patres considere mensis*. So too in the Greek *prytaneum*. In the Iguvine Inscriptions (tab. ii a, 17) occurs *Menz(e)ne curclasio*, which Newman (*Text of the Iguvine Inscriptions*, 1864) translates *apud mensam circularium (sic)*; while Grotfend rendered *curclasio* by *quiritia*, Huschke by *curuli*. Is it not perhaps equivalent to *curiali*?

⁶ This was the normal evolution. The

roofed moot commonly came into being upon the actual site of its forerunner, the unroofed moot.

⁷ The *lictors* ('summoners') themselves correspond to the κήρυκες who summon the people to the Homeric ἀγορά. According to Dion. Hal. (ii, 8) and Propertius (iv, 1, 13, *Buccina cogebat priscos ad verba Quirites*) the commonalty were convened originally by trumpet, but the notables by special summons of the king, whose agent would be the *lictor*, *Graece παβδοῦχος*; and the παβδός would be identical with the Homeric σκήπτρον. The horn has its analogue in e.g. the moot-horn preserved in the museum at Canterbury and that in Dover Castle; the *sceptrum* survives in the maces of all ancient English municipalities.

with which it dealt were the devolution of the *imperium*, the declaration of an aggressive war, all transfers of property by will, and all adoptions involving a consequent *detestatio sacrorum*. These are precisely the matters which would naturally belong to the representatives of the communities which formed a synoecismus. In historical times its one place of meeting was the *comitium* in the Forum. Tradition declared the *comitium*, like the *Curia Hostilia*, to have been instituted by Hostilius. Before that date the *comitia curiata* had met in the *Circus Maximus*, for this is said to have been expressly constructed to accommodate the 30 *curiae*.¹ It was therefore the first moot of synoecised Rome of the Palatine hill. This city, the outcome of the fusion of the 30 independent communities of an earlier time, required a new and larger moot² wherein might meet the representatives of the 30 communities for purposes of debate and administration, precisely as those of the 16 peoples of the Hernican League met in the *Circus Maritimus* of Anagnia. As the Hernican peoples sent each 10 *principes* to their moot, so would the 30 *curiae* send each 10, making a total of 300; and it is the consistent Roman tradition that the same Tarquin who built the *Circus Maximus* also raised the number of the Roman senate to 300, *i.e.*, brought its number into direct relation with that of the *curiae*. The *Circus Maximus* acquired its distinctive epithet from its being so much larger than any of the *curiae veteres*. The express provision that the senators, throughout history, were entitled to front seats in the *Circus Maximus*³ corroborates this view of the age and purpose of that institution. The transfer of the *comitia curiata* to the *comitium*, and the synchronous provision of a new moot for the senators in the *Curia Hostilia*, belong to a

¹ Dion. Hal. iii, 68. It was not itself one of the 30 *curiae veteres*, for Consus had no *flamen* of his own. The sacrifices to him were performed by the *flamen quirinalis* (Warde Fowler, *Roman Festivals*, p. 209).

² Homer provides an illustration of how a synoecismus might come about. In *Il.* ii, 591, *sqq.*, we are told that Nestor, lord of Pylos, was also overlord of 8 adjacent towns. In *Od.* iii, 7, Telemachus, coming to Pylos, finds afoot a feast in honour of Poseidon: there were 9 *ἑδραι*, and at each sat 50 feasters. So the 8

subordinate towns joined on a footing of numerical equality with Pylos in celebration of the feast. But according to Homer every one of them must have had its own *ἱερὸς κύκλος*, and of course its own gods. And Homer does not say that the feast was held in the *ἱερὸς κύκλος* of Pylos. It was apparently held in a new *locus* instituted for the purpose. Further the new *locus* is consecrated to Poseidon, just as was the individual *ἱερὸς κύκλος* of Phaeacia.

³ Livy, i, 56.

later period, when the swamp of the Forum had been drained and there had occurred yet another 're-founding' of the city, whereof the symbols were the *mundus* in the Forum and the mysterious *Lapis Niger*. The latter was the symbolical 'Founder's tomb,' and beside it naturally met the senate and the assembly of the newly founded, *i.e.* enlarged Rome.¹ This event is put in the days of the Etruscan conquest, and the tradition which finds in the name of the *Curia Hostilia* that of the pre-Etruscan king Hostilius, is probably at fault, for that *curia* clearly belongs to a period when the circle had ceased to be the sacred figure, and the augural science demanded a square *templum*. To the same period belonged the fortifications of *Roma Quadrata*, when the earlier circular city of Plutarch's story was replaced by the four-sided city on the Palatine²; but the *Circus Maximus* was already in existence then,³ for the *Ara Consi* was chosen as one of the four corners of the *pomoerium* of *Roma Quadrata*. Another of these corners was that among the thirty old *curiae* which was specifically known as *Curiae Veteres* or *Curia Prisca*.⁴ This was possibly the moot of that one amongst the thirty which was looked upon as being the ultimate original of Rome. The *Curia Prisca* stood near the *Porta Mugonia*, and beside what must have been the only road of approach⁵ to the Palatine, in the days when the Forum and the Velabrum were alike swamps.

Such a view of the origin of the *curiae* is quite consistent with the little else that is known about them, as for instance that every *civis* was expected to belong to one *curia* or another, and that tradition declared all members of one *curia* to have been kinsmen, as with the Athenian *φρατρίαι*, by which word Dionysius of Halicarnassus renders *curiae*. It finds again a curious parallel in the English 'township,' which is a place which has or has had its own church, or in Latin phraseology its own *sacra*. What the church—the symbol of a certain inherent power of self-government—

¹ The term *forum* had in Rome the particular meaning of an open space in front of a tomb (Cicero *De Legg.* ii, xxiv, 61; Festus); and this is the precise situation of the *Forum Antiquissimum* with reference to the *Lapis Niger*.

² The traditional Pallanteum.

³ No writer identifies the first *circus* of Romulus with the *Circus Maximus*.

⁴ Ovid, *Fasti* iii, 140.

⁵ Cicero (*De Repub.* ii, vi, 11) mentions that there was but one approach and that it lay in this quarter.

was to the township, that also was the *curia* or *circus* to its *curiales* or its *municipium*.

Every *circus* we know to have been dedicated to Consus, but the *curiae veteres* are said to have been sacred to Juno. If this be a fact, there would seem to have occurred in Rome something precisely parallel with the supersession of all and sundry local cults by the exclusive worship of Dionysus in the Athenian theatre. If the identification of Consus with the god of the dead be correct, then the parallel is closer still, for Dionysus was likewise god of the collective dead.

The derivation of the word *cūria* is still in debate. Any connection with *cūris* (*quiris*) is unlikely. Some, following Varro, have imagined a connection with *cūrare*, others with the Greek *κῦρος*. Corssen, abandoning an earlier suggestion, finally sought its origin in a root meaning 'shelter,' 'house.' Archaeology points pretty clearly to a direct connection with *curvus* (*curuus* for *curcuus*) and a possible relationship of both to the Celtic *cōr*, 'circle.' There would seem to be a sub-conscious idea even at the present day that a Roman council-chamber should be more or less circular. Thus, speaking of the 'larger apse or apsidal western chamber, raised three steps above the body of the hall,' or *basilica*, which formed the western side of the Forum of Silchester, Dr. Haverfield wrote that 'it was probably the council-chamber of the governing body of the city'; and in his plan it is lettered CURIA.¹ Yet the *Curia Hostilia*, the oldest of all the newer kind of *curiae* in Rome, was, as we know it, uncompromisingly square.

Whether the *sella curulis* derived its peculiar name from the same word *curia* is a further question. The theory that it rather signifies 'chariot-chair' cannot be called convincing, and on the other hand we have the undeniable facts that a seat was a necessary privilege of the elders of the community assembled in the original *circus* or *curia*, and that subsequently, although in Rome it was confined to the so-called curule magistrates, outside the city the *sella curulis* was used by the chief official of every *municipium*.

¹ *V.C.H. Hampsire*, i, 361.

If the *curiae* were indeed originally no more than so many circular moots of the thirty constituents of the subsequent city of Rome, a meaning is at last found for the unintelligible story of the thirty little pigs (χοῖροι) which served Aeneas for a sign where to build his new city.¹ The thirty little pigs, albeit subsequently interpreted to mean the 'thirty Latin cities' and used as a convenient excuse for Rome's mothering them all, possibly had reference rather to the thirty *curiae*, the free 'townships' of the *Ager Romanus* prior to the synoecismus.² The sacrifice of a sucking-pig was even in historical times a necessary part of the ritual preceding every meeting in the Athenian Pnyx, as in Rome of the *Compitalia*, *Terminalia*, *Ambarvalia*, and a number of other most ancient rituals. According to Varro³ pigs were the earliest animals to be offered in sacrifice to the gods.

Niebuhr noticed, though he could not explain, 'how uniformly this number, thirty, prevails in the legends as well as in the institutions of ancient Rome.'⁴ The theory here advanced for the origin and nature of the *curiae* may claim to offer an understandable explanation of the fact.

In the previous chapter it was shown that the Achean moot must be of circular plan and open to the sight and hearing of all, that it was a holy place, and that it stood at or near the gate of its community. The Italian moot appears to have been identical in all these points, differing only in that it was excavated in the soil, not a stone circle, but an earthwork of similar plan. In subsequent chapters it will be shown that England presents examples of constructions of both kinds, which cannot reasonably be accounted for except as moots, and it will further be shewn that England has examples of every intermediate form between the stone circle of Phaeacia and the earthen *circus* of Romulus.

¹ Vergil, *Aen.* iii, 385, sqq. The syllable *cūr-* would normally appear in old Latin as *coir-*.

² A coin now in the *Cabinet de France* shews *obv.* a club and the word *POMA*, *rev.* a sow suckling a crowd of little pigs, with legend *KUPI* (Babelon, *Monnaies de la République Romaine*, i, p. xvii; *Revue Numismatique*, 1859, pl. xiv.) The Duc de

Luynes (*Rev. Numism.*, 1859, p. 364) believed it to belong to the time of Servius, and explained *KUPI* as *Curitium* (*Quiritium*). It is now generally condemned as a forgery, but it is to be remembered that even forgers act upon probabilities.

³ *De Re Rustica*, ii, 4.

⁴ *Hist. Rome*, i, note 581.