Paving the Past:
Late Republican Recollections in the *Forum Romanum*

by

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Late Republican Recollections in the *Forum Romanum*

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– pro mea domina –

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ABSTRACT

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The Forum was the center of Roman life. It witnessed a barrage of building, destruction and reuse from the seventh century BCE onwards. By around 80 BCE, patrons chose to renovate the Senate House and Comitium with a fresh paving of tufa blocks. Masons leveled many ruined altars and memorials beneath the flooring. Yet paving also provided a means of saving some of Rome's past. They isolated the Lapis Niger with black blocks, to keep the city's sinking history in their present. Paving therefore became a technology of memory for recording past events and people.

Yet how effective was the Lapis Niger as a memorial? Many modern scholars have romanced the site's cultural continuity. However, in fifty years and after two Lapis Nigers, the Comitium had borne a disparity of monuments and functions. Rome's historians could not agree on what lay beneath. Verrius Flaccus reports that the Lapis

Niger ‘according to others’ might mark the site of Romulus’s apotheosis, his burial, the burial of his foster father Faustulus, or even his soldier, Hostius Hostilius (50.177). Nevertheless, modern archaeologists have found no tombs.

Instead of trying to comprehend these legends, most scholars use them selectively to isolate a dictator, deity or date. We must instead understand why so many views of the Lapis Niger emerged in antiquity. Otherwise, like ancient antiquarians, we will re-identify sites without end. Recreating how these material and mental landscapes interacted and spawned new pasts tells us more about the Lapis Niger than any new attribution.

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INTRODUCTION

Urban change in the late Republic nearly obliterated Rome's past. Varro, in his seventies, complains that the city "grew without measure", with only "traces remaining even now" in the mid-forties BCE. Only street names record titles of lost sacred trees or tombs they paved over. People profane holy places and forget deities such as Summanus, Furrina, Volturnus, or Palatua.[1] Two of Varro's publications –*antiquitates rerum divinarum*, in 47 BCE, and *de lingua Latina*, in 43 BCE– attempted to preserve the dwindling religious history and topography of Republican Rome.[2] Yet Varro's nostalgia could not stop change. Neither would Rome's architects.

The Forum was the center of Roman life.[3] It witnessed a barrage of building, destruction and reuse from the seventh century BCE onwards. Around 80 BCE, planners (magistrates such as consuls, praetors or censors) chose to renovate the Comitium square that fronted the Senate House with a fresh paving of tufa blocks in the Forum's

[1] Although extremely fragmentary, Varro published his book, *antiquitates rerum divinarum* around 47 BCE and dedicated it to Caesar, with his *de lingua Latina* following four years later in dedication to Cicero. For growth: *in immensum crescens…vestigia etiam nunc manent* (Varro, *ling. Lat.*, 5.42.45); for tree-named streets: *arbores abscisae loco reliquerunt nomen* (Varro, *ling. Lat.*, 5.152); for tomb-named streets: *Argiletum sunt qui scripserunt ab Argo La[ri]saeo, quod is huc venerit ibique sit sepultus, alii ab argilla, quod ibi id genus terrae sit.* (5.157); for profaned holy places:…(*loca sacra*)…*neglecta atque usurpata latitarent*…(*Varro*)…*scribens de aedibus sacris tam multa ignorata commemorat*: (Varro, *antt. rer. div*. 4 test); for forgotten deities like Summanus: *vix inveniatur qui Summani nomen quod audire iam non potest, se saltem legisse meminerit*: (Varro, *antt. rer. div*. 1 frg. 42); for Furrina: *nunc vix nomen notum paucis*: (Varro, *ling. Lat.*, 6.19); for the *di incerti*: (Varro, *antt. rer. div.* 1 frg. 2a). Derived from Cancik, 1985-1986, 259-260. Any translations throughout are my own, unless noted otherwise.

[2] Cicero lauds Varro's works, claiming they "have brought us home again, when we were alien like strangers and roamed about our own city": *Nam nos in nostra urbe peregrinates errantesque tamquam hospites tui libri quasi domum reduxerunt* (Cicero, *acad. post.* 9).

[3] For a plurality of functions, see: Purcell, 1993, 325-336.

northwestern corner (Fig. 1).[4] In the process, masons leveled many archaic altars and memorials. Yet paving also provided a means of saving select aspects of Rome's past.[5] Masons thus covered an archaic altar (G-H) with the black blocks of the Lapis Niger, to keep Rome's sinking history in their present.

Years after a massive fire in 52 BCE, a new generation of architects gutted the Comitium's floor and repaved it. In roughly forty years, however, a strict reverence for the past had slackened. Instead of returning the Lapis Niger to sit atop Altar G-H, masons placed its blocks over a cippus and column. Such changes left visitors and Rome's historians in disagreement about what the paving marked. For instance, Verrius Flaccus reported that the Lapis Niger 'according to others' might mark the site of Romulus's apotheosis, his burial, the burial of his foster father Faustulus, or even his soldier, Hostius Hostilius.[6] One might assume that ancient architects found evidence for such tombs when gutting the Comitium. However, not a single artifact of burial exists beneath either Lapis Niger.

My concern is not in finding who was right but *how* Rome's stones and writers remembered the past beneath them. I consider the each version of the Lapis Niger to be an objectification of memories of the Comitium that in turn reflected and shaped the thoughts of its visitors.[7] The narrative limits of paving and the multiplicity of perceptions

[4] See Chapter 1.
[5] Paving here includes molded blocks, curbs or a few layers of stone that lack a superstructure.
[6] Verrius Flaccus, 50.177.
[7] Pine captures how monuments are like memories: "in the context of objectivized culture or organized or ceremonial communication, a close connection to groups and their identity exists

kept the site's meaning in a constant state of flux. The following pages will start to assemble what we can say about how two generations of Romans buried, experienced and came to perceive this antiquity.

Chapter One will establish the cognitive context for the Lapis Niger with texts concerning the subterranean world, the past, and how ancient memories might work in relation to sacred and secular sites. Chapter Two will narrate the paving of the Lapis Niger in the eighties BCE, revealing the links and breaks between thinking and construction in the Late Republic. Chapter Three will detail the repaving in the forties BCE to show how these methods of building and historicizing a memorial evolved. Chapter Four will recast how visitors and ancient writers then interacted with and reacted to these alterations, followed by my conclusions.

EXCAVATION HISTORY[8]

In 1899, Giacomo Boni rediscovered the Lapis Niger in the Comitium between the Senate House and the Sacra Via (Figs. 1, 2 and 20).[9] With thirteen soundings (I-XIII), he was the first to date layers of deposition beneath it stratigraphically.[10] He excavated

which is similar to that found in the case of everyday memory…a group bases its consciousness of identity and specificity upon this knowledge and derives formative and normative impulses from it, which allows the group to reproduce its identity. In this sense, objectified culture has the structure of memory": Pine et al., 2004, 17.

[8] Gianfilippo, 1960, 192-203.

[9] Only brief, annual excavation reports on the Lapis Niger exist: Boni, 1899, 151-158.

[10] Soundings I-VIII examined the archaic altar (G), column (K), rectangular podium (E) and platform (D) area beneath the Lapis Niger. Sounding IX rechecked I-VIII and went completely down to sterile soil (Fig. 6) while X-XII did the same, moving East across the Comitium's rostra (Fig. 5). XIII finished XII.

the Lapis Niger in only two years and published terse annual reports.[11] Trained as an architect, Boni attended to the physical changes more closely than literary and epigraphic evidence.[12] His artists meanwhile mislabeled site plans and drew stratigraphic sections from measurements, field-notes and photos, without direct observation.[13] Although not comprehensive or entirely accurate, Boni's reports provide starting points for understanding the construction history of the Lapis Niger.

In 1939, Alfonso Bartoli reopened the Lapis Niger to check Boni's data, while Einar Gjerstad published both sets of findings.[14] Although Gjerstad lamented that "Boni published less than he excavated," he felt that Boni's "reverence for facts explains why safe conclusions can always be drawn from his archaeological material".[15] After WWII, Gjerstad and Romanelli's separate trenches found stratigraphy that matched Boni's, with minor adjustments to the earliest pavings (Fig. 2).[16] In the late 1960s, Nino Lamboglia discovered similar levels (with actual stone coursings) behind the Senate House but he

[11] Ammerman rightly worries that "the primary literature on the excavations is quite limited in scope. The reports by Boni and Romanelli seldom rise to the level of importance of the site itself. In neither case is any real attempt made to describe and interpret the setting of the site as such" (Ammerman, 1996, 126); Coarelli questions the model that Boni set for not publishing, "la majeure partie des fouilles de G. Boni est encore inedited, et cette tradition deplorable s'est maintenue pour les explorations ultérieures jusqu'à ces dernières anées" (Coarelli, 1982, 729).
[12] Many scholars deride Boni's materialistic interpretations. Coarelli goes as far to call him a veritable proto-fascist in treating archaeology as an objective science: "Un véritable précurseur du fascisme (et pour certains aspects dup ire racisme nazi) fut l'archéologue du Forum, Giacomo Boni": Coarelli, 1982, 727.
[13] Luckily Pinza Studniczka caught Boni's misprints: Pinza Studniczka, *Jahresh. Österr. Arch. Inst.* 1903, 145; See also Ammerman, 1996, 125, n. 26; Gjerstad, 1953, 29.
[14] Gjerstad, 1941, 112-114: reformats strata that Boni had trouble with: Gjerstad, 1953, 60-64.
[15] *Ibid.*, 1953, 21.
[16] Romanelli re-excavated the archaic levels beneath the altar under the Lapis Niger in 1955: for a critical review, see, Castagnoli, 1984, 56-61.

avoided fixing exact dates or patrons.[17] Since then, small soundings and Verduchi and Giuliani's topographic mapping have struggled to clarify the pavings of the Lapis Niger and the Forum.

Few scholars challenged Boni or Gjerstad,[18] except for Guiseppe Lugli. He criticized them for "making overly axiomatic conclusions [based] on test excavations executed in a broken manner and presupposing general 'pavements' for all of the Comitium area, [while] also generalizing the dating of the same floors".[19] In the 1980s, Fillipo Coarelli finally challenged their certainty in some detail.[20] He considered the Comitium "an area not only explored in an unacceptable scientific manner, but from which was available an insufficient documentation of the excavation".[21] Yet even Coarelli's redatings focused on one trench (Exploration X: Fig. 5), outside of the Lapis Niger, to explain both itself and the entire Comitium.[22] He also ignores the sediment changes in favor of select artifacts. Nevertheless, Fred Kleiner realizes that, "there is as much danger in the uncritical acceptance of the views of an authority like Coarelli as

[17] Lamboglia felt that both his artifacts and those of his predecessors' were not enough to date to a particular planner: Lamboglia, 1980, 128.
[18] Their followers include: Gantz, 1974, 65-70; Van Deman, 1922, 1-31; Giuliani & Verduchi, 1980.
[19] Although correct, Lugli never suggested specific alternatives. Lugli, 1947, 3.
[20] For example, Gjerstad did not observe all of Boni's pottery: Coarelli, 1983, 127-128
[21] Coarelli, 1985, 131.
[22] Coarelli dangerously believes Exploration X is "the most important and complex, and the one published sufficiently, with a section of stratigraphy in scale" (Coarelli, 1983, 120, n. 6). Coarelli then hypocritically attacks Gjerstad for only looking at Exploration X's pottery (Coarelli, 1983, 127-128). Additionally, Morstein-Marx notes that Coarelli "takes little account of the actual state of excavation after the last modern campaigns between 1954 and 1961(which are ill published to be sure)": Morstein-Marx, 2004, 45 n. 34; Coarelli, 1982, 724-740; Coarelli, 1999, 295-296; Coarelli, 1983; 1985; Giuliani and Verduchi (1980, 1987) are even more materialistic.

there is in failing to question the old orthodoxy".[23] I therefore analyze each layer of each paved section related to the Lapis Niger.[24] Any scholar's redating of a paving does not change its relative physical sequence. In turn, what each paving reflects beneath it cannot change. Although we cannot date the Lapis Niger's pavings exactly, this paper will reanalyze its stratigraphy and cast it amidst contemporaneous accounts on memory, architecture, sacred sites and Rome's origins, all of which will help define how and why Romans paved the past.

SCHOLARLY PROGRESS AND PITFALLS

Countless scholars have sought out origins, meanings and functions from the Forum's great buildings and topography. Diane Favro has inspired much of our understanding on how Rome's major monuments addressed audiences as part of an urban program.[25] Yet what Stephen Dyson terms the street-level "visual historical clutter" often disappears beneath the shadow of such monumentality.[26] The Lapis Niger and other pavings provide as much insight into Roman thinking as the temples, basilicas and baths.

Nicholas Purcell realizes that "the paving of what we loosely call the Forum piazza was itself a monument – or rather a succession of monuments".[27] Although whole upon completion, each of these monuments was a cluster in a larger constellation, each

[23] Kleiner, 1989, 618.
[24] With the Lapis Niger, I take an isolated look at Boni's IXth Exploration in the Comitium.
[25] Favro, 1996, 1.
[26] Dyson, 1998, 209; Giuseppe Lugli's *Monumenti minori del Foro Romano*, of 1947, focuses on monuments that seem "minor" only because of their present ruination not because of their ancient scale (e.g. Arch of Augustus, pages 77-88) although the Lapis Niger and various *puteals* make it into his text.
[27] Purcell, 1989, 162.

with its own origins and history of patrons. Rome's streets, buildings, fences, rituals and people then defined these regions with meanings and functions.[28] Schultz explains that "[i]n being vestiges of different periods of time, political systems and lifestyles, historical buildings convey information about the life of people as well as their tastes and attitudes. Buildings therefore can act as materialized memories, memories that relate to the observers' knowledge and experience".[29] The Lapis Niger is but one patch of this past, intertwined with the reconstructions of the Comitium.

We must therefore shed any idealization of the Forum as a timeless landscape or museum.[30] Otherwise, we cannot begin to conceive how some Romans approached and viewed paving. Cosgrove clarifies that the "[l]andscape is not merely the world we see, it is a construction, a composition of that world", and "[modern h]uman subjectivity provides the totality or holism, the synthetic quality" of that construct.[31] Museums, maps, paintings, photographs and three-dimensional representations condition us to expect

[28] For a plurality of functions, see: Purcell, 1993, 325-336.
[29] Schultz, 2000, 49.
[30] Papalexandrou has noted for the Byzantine era that "[f]rom our modern, archaeological point of view, this building is a virtual 'museum' of artifacts…the medieval viewer certainly did not regard it in the same way" (Papalexandrou, 2003, 59). Alcock worries that "[t]he label 'museum' also potentially underrepresents human participation in this space [the Athenian Agora], which (while it did lose functions…) remained an active thoroughfare, a center for ritual activity, and a focus for civic business", in a general sense, like the Roman Forum (Alcock, 2002, 53-54). Regrettably, Alcock later contradicts herself by claiming that Cicero viewed the Agora "as a kind of museum" (Alcock, 2002, 67) and locals "perceived [the Agora] first and foremost as a 'museum' of a proud civic history, a monument to the past that could not be invaded" (Alcock, 2002, 68, 97).
[31] Our synthetic concept of landscape derives from Germanic and Middle English origins that geographer Carl Sauer (1925, 1941) and Richard Hartshorne (1939) revived: Cosgrove, 1984-1998, 13, 14.

spaces to be complete and eternally unchanging.[32] Beyond Foucault's modern, timeless heteropias, as Gowing explains, "[t]he city of Rome is a tapestry of memory, a landscape lush with buildings and monuments that bear witness to attempts over the centuries to remember as well as forget".[33] The Forum itself was a living and ever-changing space, a composite constellation of sections with differing functions and associations.

RESEARCH ON ROMAN THINKING

We know too little about how Romans thought.[34] The centuries have left us with a "miscellany of evidence" mostly about the Republic's elite men.[35] Nevertheless, the Lapis Niger represents two attempts to visualize memories of the Comitium's past.[36] Today, "the tendency of post-modern historiography is to see memory and history as sharply opposed in their purposes".[37] We need to realize that memory and history could both fabricate the past and that some ancient Romans saw them as inextricable. I do not claim that methods of history and memory making were motives for the planners of each

[32] Even fly-throughs of *The Digital Roman Forum* project (2005) lack the experience of an environment under construction; Cosgrove, 1984-1998, 17.
[33] Foucault, 1986, 26; Gowing, 2005, 132.
[34] We must question any similarities between now and then: "If the Romans seem to be in all things so much like 'us,' it is because 'we' have colonized their time in history…We have appropriated their world to fit the needs of our ideology": Clarke, 1996, 599.
[35] Davies, 2000, 28. Elite here refers to the elect, including those worthy of political office, the magistrates (censors, consuls, praetors aediles etc.) and senators, who dominated the Republic's oligarchy: Morstein-Marx, 2004, 8, n. 38.
[36] "The urban environment includes direct memory through historic buildings or reused fragments integrated into more recent structures, while indirect memory is formed through the quotation of historic buildings, fragments or single forms": Schultz, 2000, 50.
[37] Hutton, 1993, xxiv.

Lapis Niger. These practices of remembering and historicizing help to naturalize the Lapis Niger according to its temporal contexts.[38]

Ancient historians and literati shared and shaped the acculturative spheres that informed each Lapis Nigers' generation of elite planners and their audiences. Late republicans like Procilius, Piso, Cornelius and Varro; and those born in Varro's lifetime, from roughly 116 to 27 BCE, like Verrius Flaccus, Dionysius of Halicarnassus, Vergil, Strabo, Livy, and Ovid viewed and etymologized the sub-soil past in ways that lend insight into what our planners and audiences might have thought of both Lapis Nigers.[39] Meanwhile, T. J. Cornell, Timothy Peter Wiseman and Catherine Edwards provide background for how these Romans reconstructed past events in text. Hubert Cancik's work on Varro's sacred landscapes, Ann Vasaly's study of Cicero's use of space, Clemence Schultze's study of Dionysius of Halicarnassus and Mary Jaeger's analysis of Livy's written Rome flesh out the ways in which Roman historiographers attempted to preserve the history and monuments of Rome with words.[40] This paper will draw out the parallels and dissimilarities between writing histories and paving histories in Republican Rome.

[38] Without a universalized education, the mental training of Romans depended on their status and must have been quite diverse.
[39] Varro *Ling.* 5.149; Horace *Epod.* 16.13-14. Paul. Fest., 50.117; *Ant. Rom.* 2.42.5-6; 14.11. 3-4; Vergil, *Georg*. 2.532-542; *Aen*. 8.405-490; Strabo 243 5.4.4.-246 5.4.6; Livy *Praef.* 9; *Ab Urbe Con.* 1.13.5; 7.6.1-6; Ovid *Fasti* 2.57-64.
[40] Cornell, 1986, 67-86; Cancik, 1985-1986, 250-265; Vasaly, 1983; Schultze, 1986, 121-141; Jaeger, 1997; Wiseman, 1986, 87-101; Edwards, 1996.

Francis Yates's book, *The Art of Memory*, has revived interest in how elite Romans trained their memories.[41] The Republic-era guidebook *Ad Herrenium*, Cicero's *De oratore*, and Quintilian's *Institutio oratoria*[42] advised orators to project separate recollections onto ordered art objects, spaces and buildings.[43] Bettina Bergmann first applied this art of memory to Roman architecture. She claimed that the technique guided the decoration of a Pompeian home, turning it into a "memory theater".[44] However, this interpretation has led to overly literal linkages between the mnemonic and architectural design.[45] With regards to Athens's Agora, Alcock rejects the method dictating design because it "does not really fit the long-term development of the Agora…[and] de-emphasizes human activity in favor of a more passive viewing experience".[46] Rome's Forum was similarly rife with all forms of life. I intend then to flesh out paving as a *related* method of retrieval: one that shares conceptions of the past with its contemporaries the *Ad Herrenium* and Cicero, as well as their problems.

[41] Helga Hajdu's *Das mnemotechnische Schrifttum des Mittelalters* (Vienna, Amsterdam, and Leipzig, 1936) 11-33 and L. A. Post, *Class. Weekly* 25 (1932) 105-110 touched superficially on the method.
[42] Although we cannot claim –as copyists of the middle ages did– that Cicero or 'Tullius' wrote the *Ad Herennium*, at least his generation deserves credit, since the text references actors including Aesopus, a well known tragic actor and friend of Cicero: Yates, 1966, 17.
[43] Yates, 1966, 5-21.
[44] Regrettably, Bergman provides no *direct* links between the art of memory and the frescos. Bergmann, 1994, 225-256.
[45] For instance, Small claims Cicero "has so absorbed the system that it affects the way he designs and arranges the decoration of his villas" in his *Letter to Atticus*, 1.9. However, Cicero says nothing of turning his villa into a memory theater, just making his upper gymnasium suitable "for the sake of a stroll" with Greek decorations (Cicero, *On Divination*, 1.5). Small forces the intercolumnar sculpture in Tivoli and the Forum of Augustus to follow an art of memory program almost as if Cicero was the architect for each (Small, 1997, 231-233).
[46] Alcock, 2002, 54 n, 29.

However, the art of memory was only one method of site association. Since the first Lapis Niger marked an altar, the site had sacred origins. Ancient antiquarians, pilgrims, priests and other visitors from the Greek world might have expected religious and intellectual revelations from sites such as the Lapis Niger.[47] Therefore, Bergmann, Rutherford and Schultze's studies on ancient pilgrimage and *theoria* (intellectual and spiritual site-experience) will add to our understanding of visitors such as Dionysius of Halicarnassus. Ritual and religion, like other practices of memory, help to better define the cultural limits of how some Romans and foreigners interacted with sites like the Lapis Niger.[48]

PLANNERS

A century beyond Boni, many modern scholars continue to attach historic patrons to the Forum's pavings. Van Deman, Gjerstad, Gantz, and Richardson credit Sulla, Caesar and other greats with planning the Lapis Niger.[49] Although the Late Republic's dictators had the funding and motives, no dedicatory inscriptions survive, nor do any ancient writers credit anyone for either Lapis Niger. Furthermore, picking a patron in the

[47] Bergmann, 2001, 154-166; Rutherford, 2001, 40-52.
[48] Cicero, *De Finibus*, 5.1.2: "For my own part even the sight of our senate-house (I mean the Curia Hostilia, not the present new building, which looks to my eyes smaller since its enlargement) used to call up to me thoughts of Scipio, Cato, Laelius, and chief of all, my grandfather [L. Piso Frugi]; such powers of suggestion do places posses. No wonder the scientific training of memory is based upon locality".
[49] Van Deman, 1922, 1-31; Gjerstad, 1941, 131-133, 135; Gantz, 1974, 67.23; Richardson, 1992.

absence of direct evidence tells us little about a monument because their biographies all too often guide our guesses behind the site's meaning.[50]

Regardless of which magistrate one chooses, many of them wished to control how the past was cast. Cornell states, "the record of past events was a matter of direct concern to the ruling class, whose position was sustained by it and whose members based their claim to high office on the historic achievements of their ancestors".[51] Planning a pavement became briefly similar in concept to supporting a historian to favor your clan. A site rich with history like the Forum, in theory, could connect a magistrate with Rome's origins, while providing them with a broader audience than any written history. Therefore, manipulating the Lapis Niger and the past it signified became extremely important.

To better understand how the Lapis Niger changed, this thesis will consider who could involve themselves. In general, censors and occasionally consuls or praetors could plan the project and its contracts and then turn to the Senate for approval, advice and funding. They then worked with the aediles, who hired commissioners and architects with gangs of masons and transporters to build it. Meanwhile, priests and augurs assisted magistrates in sanctifying the site and dedicating the final product.[52] Although guided by the Senate and legal/religious restrictions, all individuals within this hierarchy had some

[50] Giuliani questions our automatic labeling of monuments with great patrons (e.g. the Basilica Iulia of Julius Caesar burnt down and was rebuilt by Augustus and again by Diocletian): Giuliani, 1987, 23.
[51] Cornell, 1986, 83.
[52] Robinson, 1992, 48-49; Gargola, 1995, 15-18, 28-29.

level of say in the end result. Their various expectations of what the past *should* look like therefore shaped the pavings. The shifts in material, form and location then show how these Romans remembered.

Rome's priests and augurs –elected from the magistracies and senate– kept the Lapis sacred. Any rebuilding required their auspices.[53] Ingrid Edlund-Berry, Gregory Warden, Matthew Roller and other scholars have dealt with destruction and internment rituals for villas, altars at Lavinium, temples at Pyrgi, and various buildings at Poggio Civitate, Poggio Colla and Rome's Forum: all of which share similar physical changes with the Comitium's repavings and can therefore inform us about what architects did with the Lapis Niger.[54] Meanwhile, Michael Koortbojian, Lauren Petersen, Penelope J. E. Davies, John R. Clarke, Peter Holliday and many other scholars discuss Italic conventions of memorial, burial and tomb construction that could resonate with sealing Rome's ruins with paving.[55] Building internment and bodily internment practices interacted with subterranean worlds in ways similar to paving the Lapis Niger. They both need consideration here, since Romans variously thought that the Lapis Niger marked a buried tomb, altar, sacred inscription, column or lion statue.

[53] After the *lex Domitia* of 104 BCE, seventeen of the thirty-five tribes elected nine priests and augurs before and then fifteen under Sulla: Gargola, 1995, 15-18; 26-27 n. 2.
[54] Poggio Civitate: Edlund-Berry, 1994, 16-28. Poggio Colla: Gregory Warden, pending; outside Italy: Prent, 2003, 81-103; Roman Forum: Matthew Roller, 2006; "The demolished house as monument" article in progress.
[55] Koortbojian, 1995, 114-126; Clarke, 2003, 181-221; Davies, 2004, 136-137; Petersen, 2003, 230-257; Holliday, 1993, 122-154.

Once paving stopped, people may have kept the Lapis Niger active. Chthonic (under-worldly) rituals provide models for how Romans could interact with these subterranean sites. Sociologist Paul Connerton's distinctions between inscribed (built or written) memory and embodied (ritual or behavioral) memory interrelate how a site's rituals define it.[56] The ritual reopening of chthonic sites like the Altar of Consus in Rome's Circus Maximus, or the tossing of coins into the Lacus Curtius may reflect such religious communications with underworlds and pasts similar to those that occurred at the Lapis Niger.[57]

PLURALIZING PERSPECTIVES

Many academics of ancient mnemonics and art history have built their theories upon sociologist Maurice Halbwachs's concept of "collective memory".[58] Halbwachs had rightly proven that previous scholarship had once over-emphasized individual memory – mostly due to the rise of psychology– and forgotten the influence of larger groups (families, societies, nations).[59] Yet in reaction, we have over-collectivized memory in search of universal causes and effects. Some of us aim to discuss pluralities but end by

[56] Jan Assmann's dualities of cultural memory and communicative memory pair with Connerton's work: Connerton, 1989.
[57] Scullion, 1994, 76-119; Vander Poppen, 2006; Suet. *Aug*., 57.1.
[58] Shrimpton claims that "[h]istory in the hands of ancient writers…resembles what Halbwachs has called 'the collective memory'" (Shrimpton, 1997, 15). Gowing, following Shrimpton, dangerously lumps Roman memory together: "[i]t is at once cultural, historical, collective, individual memory, all driven by a deep conviction that the Republican past, or certain aspects of it, bears remembering" (Gowing, 2005, 8-9, 15 n. 44). Gowing attempts to redefine *memoria publica* as collective memory. However, *memoria publica* refers to tangible public archives (Cicero, *de Orat.* 2.52; *pro Caelio*, 78; *Leg.*, 3.26), not abstract, universal or cultural thought or the near *zeitgeist* as Halbwachs intends (Gowing, 2005, 8-9, 15).
[59] Halbwachs, 1950, 1992; Connerton, 1989, 38.

injecting our take into a fabricated patron or mass consciousness like "the Roman imagination" or "the Roman veneration for the past".[60] When creating viewers, we too often use them to prove our point about the whole culture. Therefore, to discuss *the* Romans as a collective mind or product of a *zeitgeist* only stereotypes them.

Only a handful of scholars allow for a multiplicity of views.[61] John R. Clarke and Paul Zanker show how art can acculturate specific viewers from various classes and dispositions.[62] Susan Alcock considers how different professions and cultural backgrounds form site-associated memories. Her discussion of Roman building restorations in Athens's Agora provides useful comparisons to Rome's Forum.[63] I agree with her statement that "[s]ocial memory is nowhere here perceived as monolithic, but as variable by gender, ethnicity, class, religion or other salient factors, allowing for a multiplicity, and possible conflict, of memories in any society".[64] Individuals are certainly products of their socio-cultural environments. But no one experiences people or places in the same way. We actively filter and organize memories to our needs and natures.

We must realize that "[j]ust as modern scholars emphasize…functions differently, ancient visitors will have had selective views, each with their own set of cognitive and

[60] Gowing, 2005, 132.
[61] Kampen states that "[r]ecently, the notion that audiences were varied in experience and opinion, an idea that had been around at least since the 1930s but that tended to be put into play only when one discussed non-elite or non-metropolitan material, has begun to affect analysis even of state-sponsored public monuments…attending to the reception as well as to the production of monuments": Kampen, 2003, 371-386.
[62] Clarke, 2003, 1-14; Zanker, 1975, 267-315.
[63] Greek diaspora, and touring antiquarians. Alcock, 2002.
[64] Alcock & Dyke, 2003, 2.

emotional associations".[65] I acknowledge that this thesis similarly refashions the past through my limited lens; for "we all write history from our own lives, with our own obsessions and takes on the dominant culture inescapably beside us".[66] At first, my bias as an excavator tried to turn the pavings of the eighties and forties BCE into an ancient form of archaeology. However, the following pages will reveal how we should look closer. The Lapis Niger is a work of remembrance. Yet its visitors could see whatever they wanted beneath it.

[65] Prent, 2003, 99.
[66] Kampen's point actually targets the biases of rich, Caucasian males but has broader application, "[s]ome of us have the class, skin, and gender privilege of not having to think about this, but such art historians are no longer the *only* ones in the field": Kampen, 2003, 383.

CHAPTER ONE:

THINKING ABOUT THE PAST IN THE LATE REPUBLIC

Traditions of thought during the Republic may have presaged the Lapis Niger's placement and design. According to Joyce, "[w]e map new information in terms of what we already know, with semantic relationships providing a network structure to memory".[67] A magistrate's plans to pave the Forum may have paralleled how he, and other elites supporting the project, expected such memorials to work. This chapter sets the textual stage beside which planners conceptualized the Lapis Niger. The following perspectives drawn from texts of the Late Republic serve as "interpretative tools in the search to understand the meanings and programs of Roman monuments", much as monuments like the Lapis Niger provide tools to understand Roman thinking.[68]

Elite conceptions of the soil may have helped to structure how and why the Lapis Niger was paved. In explaining the Epicurean view of nature, Lucretius –born before the first Lapis Niger and writing before the second– repeatedly visualizes soil as a "pregnant" or "fostering mother", that conversely receives the bones of the dead, plants and ruins.[69] A generation later, Vergil and Ovid –born during the two repavings– both animize a soil

[67] Baddeley, 1990. 235-8, 252-4; Joyce, 2003, 107.
[68] Kampen, 2003, 371.
[69] Lucretius, *De Rerum Natura*: pregnant/mother earth (*vivida tellus*): 5.805-5.820, 2.991-2.999, 2.1150-2.1152, 1.174-1.179, 1.185-1.186; "dead men whose bones earth bosomed long ago" (*morte obita tellus amplectitus ossa*): 1.132-1.135, "Scipio's son...gave his bones to earth...Homer...now lies in slumber sunken with the rest" (*ossa dedit terrae*): 3.1034-3.1035; plants "dispersed minutely in the soil": 1.888-1.890; earth fills her mouth with ruins (*terrai ne dissoluat natura repente, / neu distracta suum late dispandat hiatum / idque suis confusa velit complere ruinis*): 6.596-6.6.00.

that "fears every wound inflicted by the share", one that "lends room" or hides "your crop of flax and the poppy", holds "all the countless pests born of the earth", or "under [which] is a perpetual fire".[70] Meanwhile, in a more sacred vein, Cicero mentions the Tarquinian myth of Tages rising from plowed earth to impart divination.[71] Vergil reiterates the chthonic origins of man.[72] Ovid records that people left a tile with garlands, wine-soaked bread, corn, salt and violets to be crushed into the road down to their ancestors for the *Parentalia*.[73] Varro claimed that "*res religiosae* [as opposed to *res sacrae*] are dedicated to the gods below–a thing is made *religiosus* by the act of a private individual when he buries a body in his own land".[74] Divine communication came from

[70] Fear share: Ovid, *Fasti*, 1.666-668: *Omne reformidat frigore volnus humus. Vilice, da requiem terrae semente peracta; da requiem, terram qui coluere, viris*; lends room: Ovid, *Fasti*, 1.673-674: *Officium commune Ceres et Terra tuentur: haec praebet causam frugibus, illa locum*; hides your crop: Vergil, *Georgics*, 1.211-212:…*nec non et lini segetem et Cereale papaver / tempus humo tegere et iamdudum incumbere aratris*…; holds all the countless pests: Vergil, Georgics, 1.184-185: *quae plurima terrae / monstra ferunt*; a perpetual fire: Ovid, *Fasti*, 6.267: *Vesta eadem est et terra: subset vigil ignis utrique.*
[71] Cicero, *de Div*., 2.23.
[72] Vergil, *Georgics*, 61-63: *quo tempore primum / Deucalion vacuum lapides iactavit in orbem, / unde homines nati, durum genus*; 2.340-341: *virumque terrea progenies*
[73] This tradition began as far back as Aeneas according to Ovid, *Fasti*, 2.537-540: *tegula porrectis satis est velata coronis / est sparsae fruges parcaque mica salis, / inque mero mollita Ceres violaeque solutae: / haec habeat media testa relicta via*.
[74] Varro catalogues the lacus Curtius, private shrines, groves, the buried *doliola*, *busta Gallica* and other subterranean sites under *res religiosae* (Varro, *ling. Lat.*, 5.157; cf. Cancik, 1985-1986, 251.14; Watson, 1968, 1-4). Aelius Gallus, a jurist writing the second century CE, claimed on general consensus (*satis constare ait*) that a temple consecrated to a god was *sacer*, things under protection of law, like a city wall, were *sanctum*, and a private burial or tabooed space was *religiosum*: *sacrum aedificium consecratum deo, sanctum murum qui sit circa oppidum, religiosum sepulcrum, ui mortuus sepultus aut humatus sit satis constare ait* (Gaius, *Institutiones*, 2.1.9; Gaius, *institutiones* 2 = *Digest* 1.8.1; cf. Watson, 1968, 1-4)

“the signs by many things in the earth” amongst other places.[75] Therefore, the earth semantically was a space that encased life, death and sacred chthonic forces. Such views may have informed those planning the Lapis Niger, rendering the soil-to-be-paved as a space or a vessel that could contain a variety of things and forces.

The ground could also mark and hide the past. Lucretius utilized a poetic metaphor to make such memory tangible. He questions, "why do we not keep / some footprints [*vestigia*] of the things we did before" in order to help us "remember something / Of our past lives", if we had lived them.[76] He reuses this poetic trope to claim "our age is unable to look back / On what has come before, except where reason / Reveals a footprint [*vestigia*] to us".[77] Footprints thus provide a visual analogy between marking the ground and recording memories, closely echoing the Lapis Niger’s paved memorial in location and semiotic function.

A generation later, Vergil foretells that, long after the second battle at Philippi, “a farmer, as he cleaves the soil with his curved plough, will find javelins corroded with rusty mold, or with his heavy hoe will strike empty helmets, and marvel at gigantic bones

[75] (Cicero, *Topica*, 20.77; cf. Vasaley, 1983, 6-7): *Primum ipse mundus eiusqye omnis ordo et ornatus; deinde eiusdem aeris sonitus et ardores multarumque rerum in terra portenta atque etiam multa significata visis.*

[76] *Praeterea si inmortalis natura animai / constat et in corpus nascentibus insinuatur, / cur super ante actam aetatem meminisse nequimus / nec vestigia gestarum rerum ulla tenemus?*(Lucretius, 3.670-3.673).

[77] Iam validis saepti degebant turribus aevom, / et divisa colebatur discretaque tellus, / tum mare velivolis florebat navibus ponti, / auxilia ac socios iam pacto foedere habebant, / carminibus cum res gestas coepere poëtae / tradere; nec multo prius sunt elementa reperta. / propterea quid sit prius actum respicere aetas / nostra nequit, nisi qua ratio vestigia monstrat. (Lucretius, 5.1440-5.1447).

in the upturned graves".[78] Some Romans may have not carried these sentiments because "[a]ssociative structures of memory are inherently personalized, uniquely differentiated by experience, within the bounds of similar associations promoted by common enculturation".[79] Today, for instance, asphalt sidewalks and streets create uniform paths that erase what lay below us.[80] Many modern cities train us to forget their subterranean history. Yet some ancient Romans, who underwent a similar enculturation to Lucretius or Vergil or who read their works, could realize and expect soil –and by extension paving– to contain and mark things from the past.

Then what was the past to some Romans of the Late Republic? The efforts of ancient historians provide some insight. Although the term *historia* could define "*any* attempt to transmit the past", the leisure class hungered for role models and entertainment and thus supported many writers of history.[81] Cornell accuses the Republic's last historians of being unable to separate the past from the present because they "saw the remote past as an idealized model of the society in which they themselves lived".[82] Late Republican historians subsequently contemporized the past in service of their present and thus "they were not very good at interpreting the traditional facts".[83] Creating and

[78] Second battle of Philippi on October 23rd, 42 BCE (Vergil, *Georgics*, 1.493-497): *scilicet et tempus veniet, cum finibus illis / agricola incurvo terram molitus aratro / exesa inveniet scabra robigine pila, / aut gravibus rastris galeas pulsabit inanis, / grandiaque effossis mirabitur ossa sepulcris*. See also, Ovid, *Fasti*, 3.707-708.
[79] Joyce, 2003, 107.
[80] Some modern exceptions, primarily in Europe, include markers on paving of where the foundations of earlier churches once stood: e.g. Montreal or Paris's Notre Dame squares.
[81] Gowing, 2005, 11.
[82] Cornell, 1986, 83.
[83] *Ibid.*, 86.

recreating the Lapis Niger would reflect these problems of interpreting a past for present means.

In turn, writing history for Cicero provided the "lifeblood of memory".[84] Although not all Romans shared his view, both history and memory could reorganize and fabricate things past.[85] Since one aim of ancient *historia* was "the preservation and even the *creation* of memory", some Romans used the words *memoria* and *historia* interchangeably.[86] With memory and history linked, another means of manipulating memory may have also presaged the choices made with Lapis Niger. By the Late Republic, some orators had revived a method of strengthening (*confirmare*) their memory by site-association.[87] Well known rhetoric textbooks like the *Ad Herennium* (c. 85 BCE) advised students to mentally project thoughts, ideas or speech-sections onto parts of buildings or artworks in order to later retreve and reconstruct whole memories or

[84] *Historia…vita memoriae…qua voce alia, nisi oratoris, immortalitiati commendatur?*: "By whose voice other than the orator's is history, the lifeblood of memory, entrusted to immortality?" (Cicero, *de Orat.* 2.360). Gowing considers history to serve "the presevation and even the *creation* of memory" for ancient Romans (Gowing, 2005, 11).
[85] Caesar inferred of others that "it generally occurs to most men that because of their reliance on writing they relax…their employment of memory": *quod fere plerisque accidit, ut praesidio litterarum diligentiam in perdiscendo ac memoriam remittant* (Caesar, *Gallic Wars*, 6.14). Plato considered writing to be antithetical to memory (Plato, *Phardra*, 274C-275B), a supposedly Greek trait that Cicero laments (Cicero, *Brut.*, 28.39).
[86] Gowing, 2005, 11-12. On a side note to this, the Oxford Latin Dictionary offers "history" as one definition of *memoria* (OLD s.v. 7 and 8-10 p. 1096-1097). Although it never defines *historia* as *memoria*, it does separate history as "recorded knowledge" (OLD s.v. 3 p. 799). Other translations for *memoria* include: "7 The collective memory which men have of the past, tradition, history; the period known to history or tradition"; "8 Tradition preserved in writing or other form, a memorial, record"; "9 A recording, mention"; "10 A reminder, memorial, monument".
[87] *Ad Herennium*, 3.16.28.

speeches following the order they placed them in.[88] The images (*imagines*) within places (*loci*) could thus serve as symbolic vessels for storing memories akin to words on wax-tablets.[89]

For Cicero, this art of memory hinged primarily on sight: "the most complete pictures are formed in our minds of the things that have been conveyed to them and imprinted on them by the senses, but that the keenest of all our senses is the sense of sight, and that consequently perceptions received by the ears or by reflection can be most easily retained if they are also conveyed to our minds by the meditation of the eyes".[90] Relying on visual cues can provide immediate and nearly limitless options. For instance, Metrodorus of Scepsis was renown before his death around 70 BCE for his use of Zodiac signs to recall memorized speeches.[91] One could simply apply the art of memory to objects around them.

The location was also not restrictive. The *Ad Herennium* posits that "the imagination can embrace any region whatsoever and in it will fashion and construct the setting of some background".[92] The Lapis Niger sat at the heart of Rome's urban center.

[88] Although we cannot claim –as copyists of the middle ages did– that Cicero or 'Tullius' wrote the *Ad Herennium*, at least his generation deserves credit, since the text references actors including Aesopus, a well-known tragic actor and friend of Cicero: Yates (1966), 17.
[89] "…persons desiring to train this faculty [of memory] must select places and form mental images of the things they wish to remember and store those images in the places, so that the order of the places will preserve the order of the things, and the images of the things will denote the things themselves, and we shall employ the places and images respectively as a wax writing-tablet and the letters written on it": Cicero, *De oratore*, 2. 86.351-4: trans. Yates (1966), 2; 5-21.
[90] Cicero, *De oratore*, 2.87.357: trans. Yates (1966), 3.
[91] Cicero, *De oratore*, 2.88.360.
[92] *Cogitatio enim quamvis regionem potest amplecti, et in ea situm loci cuiusdam ad suum arbitrium fabricari et architectari*. *Ad Herennium*, 3.19.32.

Although Quintilian later uses the art of memory to decorate a hypothetical villa, Cicero ruminates on how effective the method is in cities like Rome and Athens.[93] He writes that, "[f]or my own part even the sight of our senate-house…used to call up to me thoughts of Scipio, Cato, Laelius, and chief of all, my grandfather; such powers of suggestion do places possess. No wonder the scientific training of memory is based on these things".[94] These local examples were not limited to the recently dead or personal relations.

Cicero also recalls a friendly competition of site-associated memory when he was a student wandering in Athens.[95] There, each of Cicero's characters envisions historic figures when they pass a relevant spot.[96] For example, Piso muses, "[t]o my mind comes Plato, the first philosopher, so we are told, who customarily held discussions in this place; and indeed the nearby garden not only brings back his memory but seems to set the actual man before my eyes".[97] Therefore, cities like Athens and Rome provided rich environments to employ the art of memory.

The art of memory was hardly foreign to the elite planners of the Lapis Niger. For instance, Cicero's third Catilinarian oration to the people trusts that his audience

[93] Quintilian, *Institutio oratoria*, 3.3; 11.2.19-20.
[94] Cicero, *De finibus*, 5.1.2: *Equidem etiam curiam nostram (Hostiliam dico, non hanc novam, quae minor mihi esse videtur qostequam est maior) solebam intuens Scipionem, Catonem, Laelium, nostrum vero in primis avum cogitare; tanta vis admonitionis inest in locis; ut non sine causa ex iis memoriae ducta, sit disciplina.*
[95] Vasaly, 1983, 10-13.
[96] These sites include Sophocles's home, Demosthenes's beach, Perikles's tomb, Epicurus's Gardens (Cicero, *De finibus* 5.5.2).
[97] Cicero, *De Finibus* 5.1.1–2: *Venit enim mihi Platonis in mentem, quem accepimus primum hic disputare solitum; cuius etiam illi propinqui hortuli non memoriam solum mihi afferunt sed ipsum videntur in conspectus meo ponere…"* (Gowing, 2005, 16).

could "hold in their memories" (*memoria tenetis*) an image of the statue of Jupiter on the Capitoline struck by lightning.[98] More than just a strict visual recall, Cicero hopes his audience associates the damage (*quod videtis*) with memories of Catiline's plans against the state, causing them to "see clearly" (*perspici*) the conspiracy that is now "illuminated and disclosed" (*inlustrata et patefacta vidistis*).[99] In addition, Cicero and Quintilian both summarize the art of memory because they believe that their readers already know of it.[100] Therefore, the art of memory was a familiar and functional part of Late Republican culture.[101]

Creating the Lapis Niger was hardly just a mnemonic exercise. The site was too sacred to serve as only a rhetorical touch point. Object or site-association was hardly unique to the art of memory. Seeing connected so intimately with conceptualizing sacred spaces and augury that Varro incorrectly thought that the term *templum* derived from *tueri* (to behold).[102] Examples of such sacred associations include Cicero and Ovid's translations of Aratus's *Phainomena*, which identified constellations with myths and deities.[103] Actual intellectual and religious site experiences, in tandem with memory

[98] However, Morstein-Marx points out that the brevity of advance notice in general limited attendance: Morstein-Marx, 2004, 10, 36.
[99] *memoria tenetis* (Cicero, Cat., 3.19); *non solum eas quas audistis sed eas quas vosmet ipsi meministis atque vidistis* (Cicero, Cat. 3.24; 3.20-21; cf. Vasaly, 1983, 165-166).
[100] Quintilian may allude to non-rhetoricians and even possibly non-elites who practiced the art of memory. He mentions Hortensius, an auctioneer who recounted his sales in order to money-takers who confirmed his statements with their record books: Quintilian, *Institutio oratoria*, 11.2.23-26.
[101] Yates, 1966, 5-21; Coleman, 1992, 41.
[102] Cancik, 1985-1986, 253.
[103] Carruthers, 1998, 24-29

training, may have shaped the building choices for planners and the responses for guests to the Lapis Niger.

The following chapters will depict how masons paved a unique site like the Lapis Niger into a *locus* that contained and evoked its past. I cannot claim that Romans paved the Lapis Niger *because* of the historic tradition, the art of memory, animism, theoria or other forms of thought. Rather, the planners' choices share a cultural affinity to these mnemonic conditionings. Favro suggests that "[f]amiliar with this mnemonic system, learned Romans were predisposed to look for an underlying, coherent narrative in built environments".[104] If some Romans were capable of site-associated recall then they could conceivably pave according to a culturally similar method of site isolation and association. Paving was another form of remembering. The method valued a site's uniqueness as equal to its ability to convey the things past. It trusted a viewer's memory to inform itself regardless of what it actually depicts. Paving also carries many of the problems inherent in historiographical, rhetorical, religious and intellectual site association.

[104] Favro, 1996, 7.

CHAPTER TWO:

PAVING REVOLUTION IN THE COMITIUM

This chapter reconstructs how architects paved the first Lapis Niger in the Comitium. The Comitium's piazza joined the Senate House to the Sacra Via, providing the Forum's northwestern corner with a junction for augury, orations, sacrifices, memorials, funerals, juridical advice, meetings and views of Senate-debates through the Curia's open doors (Fig. 1).[105] The Lapis Niger would come to sit in the Comitium a few meters in front of the Senate's steps and border the Sacra Via. Regrettably, little of the Republic's Comitium survived intact. Throughout the Republic, Romans dug up the previous paving and discarded or reused its blocks for the next. We therefore have only the beddings, fills, and debris to determine each repaving.[106] Meskell finds that "[m]emory cannot be transmitted without continual revision and refashioning. This entails diverse moments of modification, reuse, ignoring and forgetting, and investing with new meanings".[107] To help us comprehend how the Comitium's architectural changes altered the memories of visitors, the following pages will explore how Romans paved the Lapis Niger and the Comitium that surrounded it in the eighties BCE.

[105] For Cicero, the Comitium's Rostra was a 'path to public esteem' (*aditus laudis*) invested with the 'dignity' (*auctoritas*) of the Roman People (Morstein-Marx, 2004, 54). The Senate considered "the Rostra the greatest focal point" of Rome (*quam oculatissmo loco eaque est in rostris*) (Pliny, *HN*, 34.24). For funerals, such as Sulla's: Appian, *B Civ*, 1.106. For juridical advice: Morstein-Marx, 2004, 52. For the Curia's open door: Cicero, *Phil.*, 2.112, 5.18, *Cat.*, 4.3; Lintott, 1999, 82.
[106] Only Imperial blocks survive *in situ*. We determine prior pavings primarily by their remaining rubble bedding and fill: Gjerstad, 1953, 44.
[107] Meskell, 2003, 36.

Experiencing this construction would shape the meanings and memories that visitors would then bring to the Comitium.

THE COMITIUM BEFORE THE LAPIS NIGER

Rome's rulers had held sacrifices, speeches and other rites in the Comitium since the city's founding.[108] The site saw countless built additions and retractions. In paving the Comitium, the Late Republic's architects chose to level the clutter of statues, honorary columns, cippus, altar, votive pits and two stepped podia that had come to fill this political center. Although I cannot fully reconstruct what the Comitium looked like before the Lapis Niger, the following pages will reveal what remains beneath it and the rest of the Imperial Comitium. These remains and the habits of memorial that survived into the Late Republic then defined the choices for planners paving the Lapis Niger in the eighties BCE.

A focal point of the old Comitium was Altar G-H (Fig. 3). This altar faced the Senate along a south-north axis. Its two grotta oscura tufa plinths (G^1 and G^2) created a 3.63 by 4.50 meter base that possibly supported two lion statues, now lost (Fig. 4).[109] Backing the plinths, Platform H may have held up an aedicula for a cult statue that once faced the Senate House.[110] Alternatively, a bronze quadriga or a statue of Romulus may

[108] Anderson, 1984.
[109] Carter, 1909, 19-29.
[110] Pinza first compared this aedicula to the Forum's sacellum to Juturna. Gjerstad adds private lararia at Pompeii and other altars to the formal comparison: Gjerstad, 1941, 135-136, fig. 7.

have rested on Platform H.[111] The cappellaccio tufa well (T) squeezed between the back of Platform H and the Sacra Via (Fig. 3), possibly for drainage or street side votives. This composite of architecture made up Altar G-H, which had functioned as the Comitium's main altar since at least the start of the third century BCE.[112]

Squeezed between Altar G-H and Podium E to the West stood the even older, tapering Cippus B that was also cut from grotta oscura tufa (Fig. 3). A boustrophedon inscription in archaic Latin covered its four faces. The inscription indicates the sacrifice of or by a king (*rex*) and various jurisdictional activities or proscriptions.[113] The inscription may date to around 500 BCE, while Coarelli links it to a mid-sixth century

[111] Dionysius of Halicarnassus (2.54.2) mentions that this quadriga was dedicated by Romulus himself, with no mention of its survival. Coarelli believes that the Romulus quadriga (or a copy of it) was placed on Altar G-H in the third century (Coarelli, 1983, 172-176). Plutarch complicates this tale by stating that Romulus "celebrated a second triumph, and out of the spoils he dedicated a four-horse chariot in bronze to Vulcan, and he set up his own statue near it with an inscription in Greek characters setting forth his deeds." ἐκ ταὔτης τῆς στρατείας δεὔτερον θρίαμβον κατήγαγε, καὶ ᾧαπὸ τῶν λαφὔρων τέθριππον χαλκεον ανέθηκε τῷ ᾧΗφαίστῳ, καὶ παρῷ αυτῷ τὴν ἰδίαν ᾧανέστησεω εἰκόνα, ἐπιγραψας ᾧΕλληνικοῖς γραμμασι τὰς ᾧεαυτου˜ πραξεις: Plutarch, *Rom*., 24.5.

[112] The grotta oscura tufa of the altar, and its placement in Stratum 7 from Exploration IX (Fig. 6) limits Altar G-H to around the third century BCE, since the tufa later went out of use. Although Gjerstad believes Altar G-H and Podium E derive from the second century (Gjerstad, 1941, 151), these monuments predate the yellow river gravel possibly deriving from major floods (Stratum 6B from Exploration IX [Fig. 6]; Stratum 8 from Exploration X-XII [Fig. 5]; 8B from Section a-a [Fig. 7]).

[113] The archaic form of Latin and lost upper section of the inscription make it impossible to fully translate. Gjerstad places cippus B after 450 BCE, from his second phase of building (Gjerstad, 1941, 131-133); while Romanelli places it in the late sixth or early fifth centuries; Romanelli, 1983, 29. Richardson believes it "is more likely to be a boundary stone…[with] a curse on anyone who moved it": Richardson, 1992, 268.

inscription from Servius's Temple of Diana on the Aventine Hill.[114] Although Cippus B was still legible by 200 BCE, centuries of natural disasters and use had worn on it.

Evidence for one of these disasters may survive in the Comitium's stratigraphy. A layer of yellow river gravel "arranged horizontally over a small layer of coal and ash, covering the smoothed [blocks] of [the earlier grotta oscura] tufa and free of impurity" sat between the Altar and Cippus (Figs. 5, 6 and 7). Without bone or artifacts, this previously ignored coal and ash layer may mark a natural fire rather than a sacrifice.[115] Since the gravel also lacks any cultural material and was deposited horizontally, Rome's frequent floods likely laid it.[116] Yet when did these disasters happen?

The decades around 200 BCE witnessed some of the Forum's greatest natural disasters. Livy records that "[m]assive floods occurred twice during this year [215 BCE] and the Tiber inundated the fields, with great demolition of houses and destruction of

[114] The inscription is quoted by Dionysius of Halicarnassus (4.26.4). Coarelli rejects any more recent dates: Coarelli, 1983, 175, 185-186.

[115] Regrettably, the burnt layer appears in neither Gjerstad nor Boni's stratigraphic drawings and Coarelli makes no mention of it. The original horizontally deposited yellow river gravel includes strata: 6B from Ex. IX (Fig. 6); 8 from Ex. X-XII (Fig. 5) and Section b-b; 8B from Section a-a (Fig. 7): Boni, 1899, 153. The gravel is rich in augite crystal**,** similar to that found at the ancient Molle Bridge in Rome: Gjerstad, 1941, 151.

[116] Aldrete (2007, 232) estimates that minor floods occurred in Rome every four or five years, whereas catastrophic floods came every 20-25 years. Cross-sections of river sedimentation are usually more uniformly horizontal than human deposits. Aldrete (2007, 40) notes that "[f]loods could have contributed as well [to Rome's ground levels], both by depositing layers of sediment and by causing the collapse of buildings" and he attests to the "uniform layer of fill" (Aldrete, 2007, 41, 98-99). Boni and Gjerstad incorrectly thought that Romans dredged the Tiber for this gravel. Boni claims that the direction of layering runs across excluding the possibility that the yellow gravel came from a "violent inundation of the Tiber or torrential rain" (Boni, 1899, 153; Gjerstad, 1941, 151). Coarelli does not bother with this stratum.

men and cattle".[117] Around 210 BCE, a fire burnt many buildings throughout the Forum and ended speeches in the Comitium.[118] Eight years later, the Tiber flooded the Circus Maximus and a fire ravaged the Clivus Publicanus.[119] Livy places thirty-eight days of earthquakes, a fire in the cattle-market and another flood in "the lower parts of the city" that swept away two bridges and buildings near the Flumentan gate at around 192 BCE.[120] Even small floods of fifteen meters above sea level would send water and silt back up the Cloaca Maxima and into the Forum.[121] Although Livy often inflated the scale and number of omens to highlight historic events, such natural disasters may have damaged the Comitium and driven Roman planners to rebuild it.

[117] During the fourth consulship of Q. Fabius Maximus Verrucosus and the fifth of M. Claudius Marcellus: Livy, 24.9: *aquae magnae bis eo anno fuerunt Tiberisque agros inundauit cum magna strage tectorum pecorumque et hominum pernicie*. Livy makes no effort to explain these floods as omens, so their dating seems reliable: Aldrete, 2007, 17, 82.

[118] Livy, 26.27.1-4: Livy's mention of the consul "[M. Valerius] Laevinus [II]" places the fire's date in 210 BCE, "the night before the Minerva festival". "Interrupting these speeches, the night before the Quinquatrus [Minerva festival, there] had been many [people] wandering around the Forum once a fire began. At the time seven shops, where after five [were erected], and the banks that are now called the new [banks], had burnt all at once. Afterwards the private dwellings caught [fire]—for there were no public halls there then—the prisons called the Quarry, the fish-market, and the Regium. The temple of Vesta was saved with difficulty, principally by the efforts of thirteen slaves, who were redeemed at the public expense and freed. The fire continued for a day and a night": cf. Purcell, 1993, 330-331; Gjerstad, 1941, 148, 151.

[119] Although this flood dissipated in a day it moved the games of Apollo and was rare for being a summer flood, occurring during the consulships of Tiberius Claudius Nero and Marcus Servilius Pulex Geminus: Livy, 30.26, 30.38.10-12; Aldrete, 2007, 17, 63, 67, 95-97.

[120] Livy inflates these omens for the Punic War, however, he must draw them from some record. During the consulships of L. Quinctius Flaminius and Cn. Domitius Ahenobarbus: Livy, 35.9, 35.21, and 35.40; Aldrete, 2007, 17, 67, 82.

[121] The Cloaca Maxima had no valves to prevent water backing up: Aldrete, 2007, 47, 175-176; Pliny, *HN*, 30.105.

Instead of removing the very difficult river gravel, masons paved on top of it, flooring the Comitium in monteverde tufa blocks.[122] This paving abutted the lower plinths of Altar G-H but left its upper molded blocks and statuary in the open, possibly for continued ritual.[123] With this paving, masons also squeezed Column K (Figs. 3 and 8) just twenty-two centimeters in front of Cippus B.[124] Column K may have supported a votive object, such as a statue to Vulcan or Horatius Cocles.[125] Masons also built the stepped podium "Rostra J" abutting against Altar G-H and curving east at least twenty meters (Fig. 3).[126] Like the pavement and Column K, Rostra J also consisted of

[122] Aldrete (2007, 123, 125-126) describes how flood sedimentation can reach upwards of a meter in depth, especially in slower moving pools, and how "the inhabitants of ancient Rome would have had to dig out their city by hand". Gjerstad considers monteverde tufa, albeit mostly gone, a typical paving for the fifth period (i.e. before the first Lapis Niger) as long as "Platform L" later recycled such blocks: Gjerstad, 1941, 117, 126.

[123] "The laying of the fifth pavement had instead hidden the major part of the plinth of monument G [the altar], which certainly did not reflect the original condition": Gjerstad, 1941, 124, 126.

[124] Both Column K and its base consist of monteverde tufa and also match the general depth of 200 BCE's paving (Fig. 8). Column K was later cropped at a height 0.48 meters, while its base runs 0.78 meters in diameter (Gjerstad, 1941, 126). The yellow gravel's depth (stratum 8) almost matches that of the Column K's base (11.70 meters above sea level on top of Stratum 6B, yellow gravel, Ex. IX [Gjerstad, 1941, 126]). Outside of the altar group stratum 8 ranges from 11.52 to 11.75 masl; for Ex. X-XI stratum 8, with some sand in Ex. XII's stratum 8 (Fig. 5): Gjerstad, 1941, 109, 117, n. 1 and 126; see also Boni, 1900, 335.

[125] For a votive object, see: Gjerstad, 1941, 138. Livy mentions that "[i]n the Forum, Comitium and Capitolium, drops of blood had been seen. And the earth several times rained and the head of Vulcan burned": *In foro et Comitio et Capitolio sanguinis guttae visae sunt. Et terra aliquotiens pluvit et caput Vulcani arsit*: (Livy, 34.45.6; Coarelli, 1983, 174 n. 28). Gellius, drawing on Verrus Flaccus, places the statue of Horatius Cocles in the Comitium "in the elevated place…in the open area of Vulcan" (Gellius, 4.5.1-6): *Statua Romae in comitio posita Horatii Coclitis…in locum editum subducendam atque ita in area Volcani sublimiore loco statuendam...scripta est in annalibus maximis, libro undecimo, et in Verri Flacci libro primo rerum memoria dignarum.* Coarelli, 1983, 162, 174.

[126] Morstein-Marx, Pina Polo, Vaahtera and Carafa question Coarelli's (actually Boni and Gjerstad's) continuous circular stepped theatre platform in the Comitium. Since we have found no convincing remains the building of the Sacra Via and the rebuildings of the Curia and the repavings of the 80s and 50s BCE had destroyed them. Greek tradition would place the speaker at

monteverde tufa and matched their levels on top of the river gravel.[127] Varro and Diodorus confirm that the Republican Rostra faced the Curia.[128] The planners responsible for at least this paving could include Cato the Elder, who may have repaved the Forum during his censorship in 184 BCE,[129] or Quintus Fulvius Flaccus and Aulus Postumius Albinus, who may have paved the Clivus Capitolinus area around the Temple of Saturn and "above the Curia" in 174 BCE.[130] Since grotta oscura tufa fell out of use by the second century BCE, this paving of monteverde tufa likely dates to these known magistrates.[131] All this light gray-brown monteverde pavement and architecture would frame and highlight the pale yellow porous fabric of the older grotta oscura tufa Altar G-H and Cippus B. Even if plastered and painted, Altar G-H's moldings and Cippus B's

the bottom of the steps not the top, while Coarelli's comparanda of third-century Curia-Comitii at Cosa, Alba Fucens and Paestum are unconvincing: Pina Polo, 1989, 190-196; Vaahtera, 1993, 116; Carafa, 1998, 150-151; Morstein-Marx, 2004, 46 n. 42.

[127] (Figs. 5, 6, 7) Gjerstad 1941, 117, 126.

[128] Varro, *De ling. lat.*, 5.155: *Comitium, ab eo quod coibant eo comitiis curiatis et litium causa. Curiae duorum generum, nam et ubi curarent sacerdotes res divinas, ut curiae veteres, et ubi senatus humanas, ut curia Hositilia, quod primus aedificavit Hostilius rex. Ante hanc Rostra; quoius id vocabulum ex hostibus capta fixa sunt rostra. Sub dextra huius a comitio locus substructus ubi nationum subsisterent legati qui ad senatum essent missi; is Graecostasis appellatus a parte, ut multa. Senaculum supra Graecostasin, ubi Aedis Concordiae et Basilica Opimia* (see also: Diodorus, 7.26.1; Gjerstad, 1941, 138). Writing during Nero's reign, Asconius (*in Mil.* 12) places the old Rostra "by the Comitium, closely joining the Curia": *Erant enim tunc Rostra non eo loco quo nun sunt, sed ad comitium, prope iuncta curiae.* Coarelli doubts Asconius's certainty of how "close" the Curia and Rostra were, since he lived under the Empire: Coarelli, 1985, 240-242.

[129] Pliny, *Nat. Hist*., 19.1(6).24: *Deinde et sine ludis Marcellus Octavia Augusti sorore genitus in ardilitate sua, avunculo XI cos., a Kal. Aug. velis forum inumbravit, ut salubrius litigantes consisterent, quantam mutatis moribus Catonis censorii, qui sternendum quoque forum muricibus censuerat.*

[130] Livy, 41.27.7: *et clivom Capitolinum silice sternendum curaverunt, et porticum ab aede Saturni in Capitolium ad Senaculum, ac super id curiam.*

[131] Monteverde, anio and peperino tufas soon replaced grotta oscura (Claridge, 1998, 37; Coarelli, 1983, 133, n. 43; Gjerstad, 1941, 124). Aldrete (2007, 178) places this paving around 179 BCE.

script revealed their age. Their continued presence served the vital function of keeping Rome's past alive and in turn legitimating those ruling the present. This was the last paving before the establishment of the Lapis Niger and it would withstand use and the elements for roughly a century.[132]

Beyond the extant physical evidence, other columns and statues may have cluttered this Comitium. Cicero frequented this old Comitium into his mid-twenties.[133] He spoke of once seeing a column with a bronze inscription, possibly the *foedus Cassianum*, behind the Rostra.[134] Cicero also saw four statues honoring murdered ambassadors from 438 BCE, before they were removed from the "Rostra" (Podium J).[135] Even in 44 BCE, he directs his audience to a statue of the legate Gnaeus Octavius and then recalls the statues of Publius Giunius and Titus Coruncanius in the Rostra.[136] In

[132] Gjerstad believes this repair work refers to the creation of Altar G-H, Platform E and his fourth pavement (Stratum 9, Ex. X-XII, Stratum 7, Ex. IX) of grotta oscura tufa (Gjerstad, 1941, 151). This forcibly turns the culturally sterile coal, ash and gravel strata into intentional fills under Sulla.

[133] This assumes that the Lapis Niger and attendant paving purged the space around 80 BCE (see sections below). Cicero was born around January 3rd, 106 BCE, and began serving as a lawyer around 83 in Rome until leaving for Greece in 79 returning to Rome around 75 BCE when little was left.

[134] In 56 BCE, Cicero's mention of the column's loss places it before the fire of 52 BCE (thus discrediting Gjerstad's assumption that the Comitium remained untouched). Coarelli believes this column carried a bronze copy of the early fifth-century treaty of Cassius, *foedus Cassianum*. Column K is too recent for this date but may be a copy. Cicero, *pro Balb.*, 53: *Quod quidem nuper in columna aenea meminimus post rostra incisum et perscriptum fuisse*.

[135] They included: Tullus Clevius, Lucius Roscius, Spurius Nauzius (or Antius) and Gaius Fulcinius Cic. *Phil.* 9.4: *Lars Tolumnius, rex Veientium, quattuor legatos populi Romani Fidenis interemit, quorum statuae steterunt usque ad meam memoriam in rostris: iustus honos: eis enim maiores nostri qui ob rem publicam mortem obierant pro brevi vita diuturnam memoriam reddiderunt*. Cf. Livy, 4.17.6; Pliny, *Nat. Hist.*, 34.6(11).23-4.

[136] Gnaeus Octavius (a Roman legate to Antioch); Publius Giunius and Titus Coruncanius (Roman legates killed by the king of Illirium Teutus) "Cn. Octavi…statuam videmus in rostris" Cicero, *Phil.*, 9.4.

addition to Cicero's direct experience of the Comitium, Dionysius of Halicarnassus, Pliny and Livy place the statue of Navius Attus in the Comitium, near or on the steps of the Curia or "near the sacred fig tree", the *ficus Ruminalis.*[137] Other post-Republic historians place equestrian or togate statues from the Latin War (340-338 BCE) that honored Lucius Camillus and possibly Gaius Maenius in the Comitium.[138] Statues of Marcus Furius Camillus, the victor at Veii (circa 396),[139] and the Ephesian Hermodorius were also once "in the Comitium" according to Pliny and Cicero.[140] Amidst many remodelings, these and other statues and columns had been moved, lost, repaired or copied. Yet respect for maintaining the past in the present kept the space brimming with statues, inscriptions, altars and other memorials. This Comitium provided a stage for pavers to revise by the eighties BCE.

[137] Morstein-Marx and Coarelli also place the statue of Marsyas (*Liber Pater*) in the vicinity of the statue of Navius Attus and the *ficus Ruminalis* (Fig. 1). The denarius from 82 BCE (*RRC* 363) depicts a statue of Marsyas standing before a short (or foreshortened) column (possibly the *foedus Cassianum* or Column K?). Whether this depicts the Comitium is uncertain. The Hadrianic Anaglypha Traiani may depict a statue (copy) of Marsyas and *ficus Ruminalis* actually in the Forum. Morstein-Marx dangerously draws on late antique authors to prove this: Pseud. Acr. and Porphyry ad Hor., *Sat.*, 1.6.120-121; "[near the Comitium] who was in tutelage the father of the *liberi*": *qui in tutela Liberi patris est*" (Servius, *ad Aen*., 4.58, 3.20, *224*; Morstein-Marx, 2004, 50 n.54; Coarelli, 1985, 234 and 91-119). Livy, 1.36.5: *Statua Atti capite velato, quo in loco res acta est in comitio in gradibus ipsis ad laevam curiae fuit, cotem quoque eodem loco sitam fuisse memorant ut esset ad posteros miraculi eius monumentum.* Pliny, *Nat. Hist.*, 34.21: *Namque et Atti Navi statua fuit ante curiam…basis eius conflagravit curia incensa P. Clodii funere*: Dionysius of Halicarnassus, 3.71.5.

[138] These equestrian or togate statues sat either in the Forum, Comitium or on top of the Rostra of either space (unless the following imperial authors confused the Forum's Rostra of their time for the Comitium's earlier one): Livy, 8.13.9: "*statuae equestres…in foro ponerentur*"; Asc. *Pro M. Scauro*. 29 C: "*in rostris Camilli fuerunt togatae sine tunicis*"; Eutr. 2.7.3 "*Statuae consulibus…in Rostris positae sunt*"; Pliny, *Nat. Hist*., 34.23.

[139] Pliny, *Nat. Hist.*, 34.6(11).23-4; Cicero, *Phil*., 9.4-5.

[140] Pliny, *Nat. Hist.*, 34.21: *fuit et Hermodori Ephesii in comitio, legum, quas decemviri scribebant, interpretis, publice dicata*.

CLEARING THE COMITIUM

If the art of memory reflects anything about how Romans came to think about space, then the Comitium's clutter of columns and statues would seem ripe for an overhaul by the Late Republic. The *Ad Herrenium* advises that the more unique and spacious a site is, the better it can receive projected memories. For instance, too many intercolumnar spaces that resemble one another will confuse the memories and their order.[141] Meanwhile, the text's author "believe[s] that the intervals between sites should be of moderate extent, more or less thirty feet; for, like the external eye, so the inner eye of thought is less powerful when you have moved the object of sight too near or too far away".[142] This need for space may parallel the seemingly drastic overhaul of the Comitium that follows.[143]

THE PLANNERS AND PRIESTS OF THE FIRST LAPIS NIGER

Boni found no artifacts that fix a dedication date or planners to the clearing of the Comitium and paving of the Lapis Niger.[144] Nevertheless, the legal infrastructure of the Late Republic can inform our understanding of those possibly involved in paving the

[141] *Ad Herennium*, 3.19.31: *…nam si qui multa intercolumnia sumpserit, conturbabitur similitudine ut ignoret quid in quoque loco conlocarit.* See also, Yates (1966) 7.
[142] *Ad Herennium*, 3.19.32: *Intervalla locorum mediocria placet esse, fere paulo plus aut minus pedum tricenum; nam ut aspectus item cogitatio minus valet sive nimis procul removeris sive vehementer prope admoveris id quod oportet videri*. See also, Yates (1966) 8.
[143] Eber and Neal (2001, 5) similarily note that in modern memory's need "[t]o reduce clutter, only specific things are noticed or remembered within the total environment matrix".
[144] The pottery and bronzes all range from the fifth to the first centuries BCE in strata 6A, 5 and 4 (Exploration IX: Fig. 6); strata 6 and 7 (Exploration X-XII: Fig. 5); strata 6, 7A, 7B, 8A (Section a-a: Fig. 7); strata 6 and 7 (Section b-b: Fig. 7) according to Savignoni's ceramic dating in 1900: Boni, 1900, 143. The previous pavement has no datable material.

Lapis Niger.[145] Cicero and the *lex Julia municipalis* explain that censors usually held responsibility for public building, street construction and maintenance. For *templa* akin to the Comitium, these censors went to the Senate for approval and funding (from tribute and taxes) for their plan.[146] Consuls and praetors occasionally lobbied for their own projects to the Senate and could supplement them with their war gains.[147] These magistrates then directed the aediles to recruit contractors and architects who would supervise teams of masons.[148] Since the Comitium was a historic space, the censors, consuls or praetors may have appointed commissioners specialized in paving.[149] Most of the magistrates and senators involved with the Lapis Niger came from the Republic's ruling clans and therefore had similar exposure to Rome's history and practices of site-association. These planners would have encountered advice similar to the *Ad Herennium*'s for creating clear spaces meant for projecting memories.

Ancient and modern scholars generally agree that Sulla built the Curia Cornelia to accommodate his doubled Senate, while he was dictator around 81 BCE.[150] But it is less

[145] Gjerstad, 1953, 44.
[146] Whereas secular sites did not require direct approval beyond funding: Livy, 36.36.4; 40.51-52.
[147] Since consulships and praetorships lasted only a year, a project like the Lapis Niger would have required supervision from other magistrates. Censors could serve five years but normally left after eighteen months, creating a similar problem of turnover: Robinson, 1992, 16.
[148] Cicero, *de leg*., 3.3.7. The *lex Julia municipalis* or Table of Heraclea details offices of Roman officials, dating probably from 46 or 45 BCE, under Julius Caesar. Roads were superintended by *quattuorviri viis in urbe purgandis* (Chevallier, 1976, 72-73; Robinson, 1992, 25, 48, 59-62).
[149] Livy, 25.7; Robinson, 1992, 49 n.18.
[150] I have yet to find any author that refutes this. Piso, as a mouthpiece for Cicero, ironically pointed out that Sulla's Curia "seemed smaller since its enlargement" (Cicero, *de finibus*, 5.2): *Hostiliam dico, non hanc novam, quae minor mihi esse videtur, posteaquam est maior* [150] Morstein-Marx believes Sulla's "enlarged Curia also shed some of the reverence that historical

clear if Sulla oversaw the paving the Comitium and Lapis Niger that abutted his new Curia.[151] Pliny states that Greek statues of Invenius, Pythagoras, Alcibiades and Apollo Pythias "were placed in the curved Comitium…[and] stood there until Sulla built the Curia".[152] The loss of these statues may either mean that Sulla saw to the demolition of Rostra C and the building of Rostra J,[153] or the demolition of Rostra J without replacing it, since Pliny refers to the old shape of the "curved Comitium" (*cornua comitii*).[154] While Sulla's Curia was still standing, Cicero had claimed that "there had been" a column with a bronze inscription behind the Rostra.[155] Cicero also lamented that the Comitium's

memory had conferred on its predecessor": Morstein-Marx, 2004, 56 n.78; Pliny, *Nat. Hist*., 34.26; Dio Cass., 40.50.3.

[151] Cassius Dio (40.50.2) *only* credits Sulla with building the Curia Hostilia, not the entire Comitium: τό τε βουλευτήριον τῷ Φαὺστῳ τῷ του˜ Σὺλλου υἱεῖ ανοικοδομῆσαι προσέταξαν. ἦν μὲν γὰρ τὸ ᾽Οστίλιον, μετεσκεὕαστο δὲ ὑπὸ του˜ Σὺλλου. However, Dio wrote over two centuries after Sulla. In 81 BCE, Sulla dug up Marius's remains and destroyed his monuments, a ripe time to clear the Comitium of anything Marian (Cic., Leg., 2.56; Val. Max., 9.2.1; Pliny, *Nat. Hist*., 7.187; Suet. *Caes*. 11.1; Gran., *Lic*., 33). He also extended Rome's Pomerium and enlarged the Curia around this year.

[152] Pliny, *Nat. hist*., 34.5(12).26: *Invenio et Pythagorae et Alcibiadi [sc. Statuas] in cornibus comitii positas, cum bello Samniti Apollo Pythius iussisset fortissimo Gra[c]iae gentis et alteri sapientissimo simulacra celebri loco dicari. Eae stetere donec Sulla ibi curiam faceret.*

[153] Gjerstad credits Sulla with building Rostra J and paving. He compares the "perfectly sullan style" on Palicanus's coin rostra (Denarius *RRC* 473/1), with buildings like the Tabularium, temple of Fortuna Primigenia at Palestrina and the temple of Zeus at Terracina, to prove that Sulla built Rostra J. However, no decoration survives from Rostra J to claim its "style". Even Gjerstad admits that any rostra in the Comitium would inevitably follow similar traditions. Palicanus's coin has never found a reasonable dating, and its rostra could be anywhere (Gjerstad, 1941, 151, 152 n. 1 and 2, 158). Rostra J rests above the level of pavement six and Channel U runs parallel to its front wall. Therefore, Gjerstad believes it was in use with the Lapis Niger, whereas Pinza believes the sixth pavement cut and covered it (Gjerstad, 1941, 127). The Comitium's levels need not be level to be paved.

[154] Coarelli, 1983, 135, n. 49, 149; Coarelli, 1985, 234. Coarelli attributes his sixth paving in the Forum and Comitium to Sulla: Coarelli, 1985, 131; Coarelli, 1983, 134-136, 157-160.

[155] Cicero, *pro Balb*., 53; Coarelli, 1985, 234. Morstein-Marx rejects "Coarelli's hypothesis of a thoroughgoing revision of the whole contional area by Sulla" but provides nothing to disprove Coarelli's use of Cicero. Morstein-Marx aligns himself with Dio Cassius. However, just because

"Rostra had long been vacant [until 74], and since the rise of Lucius Sulla that place had been bereft of the tribunician voice".[156] Cicero here claims that Sulla's "rise" quieted the Comitium, probably referring to the suppressions of his dictatorship.[157] However, Cicero may also imply that the Comitium "had long been vacant…bereft of the tribunician voice" because it was also under heavy construction or without a functional rostra until 74 BCE. Incidentally, also around 81, masons had built the Aurelian Steps, a temporary theater-like auditorium for trials in the Forum's southeast end, near the Temple of Castor and Pollux.[158] Whether the Aurelian Steps supplemented or replaced the function of the Comitium's Rostra between 81 and 74 remains unclear.[159] If Pliny and Cicero's accounts refer to a Sullan-era demolition and not smaller renovations by censors, then the Sullan

Dio did not mention the Comitium does not mean that Sulla did not have it paved. Dio wrote over two centuries after Sulla and this distance leaves me to doubt him (Morstein-Marx, 56). Morstein-Marx dangerously romanticizes that Rostra J was "the late-Republican Rostra, the platform from which Tiberius Gracchus as well as Cicero spoke to…the open Forum". Yet with Sulla's new Curia and other renovations around the end of 80 BCE, he demands too much cultural continuity (Morstein-Marx, 2004, 48).

[156] Cicero, *Pro Cluento*, 40, 110: "and that for a short time [Quinctius] was popular with a certain sort of men because [Quinctius] had recalled the multitude, long unaccustomed to *contiones*, to something resembling their old customs" (The tribunate of Quinctius dates the revival of *contiones* on the Comitium's new Rostra to 74 BCE): *Qui [Quinctius] quod rostra iam diu vacua locumque illum post adventum L. Sullae a tribunicia voce desertum oppresserat, multitudinemque desuefactam iam a contionibus ad veteris consuetudinis similitudinem revocarat, idcirco cuidam hominum generi paulisper iucundior fuit. Atque idem quanto in odio postea fuit illis ipsis per quos in altiorem locum ascenderat!*

[157] We might simply blame Sulla's proscriptions and suppressions for quieting the Rostra, if Cicero implies only a change in tradition and not also architecture. Yet Sulla had been retired four years and dead another two when Quinctius brought the Comitium back into use. Also, the fact that Cicero traveled to the East from 79 until 75 BCE does not mean he could falsify the Comitium's usage before his audience at his defense of Cluentus.

[158] Cicero, *Pro Sestio*, 15.34; *Pro Cluentio*, 34.92; Grant, 1970, 218; Coarelli, 1985, 205-207; Nash, 1962, 478 ff.

[159] Coarelli meanwhile argues that the move was "due in great part to the need of a greater space for an amplified civic body" (Coarelli, 1985, 199). Yet why did this "amplified civic body" then return to Comitium if its space was not great enough?

dictatorship saw the Comitium purged of some statues, a column and its Rostra, possibly in order to repave the entire space.

Since excavations have yet to find out whether the Curia Cornelia and the Comitium's repaving connect, we must still question whether Sulla directly involved himself with the Lapis Niger.[160] Even during Sulla's three years as proconsul, dictator and consul (82-79 BCE), other constructions churned throughout the Forum: Gaius Aurelius Cotta's Steps were finished, Marcus Aemilius Lepidus oversaw the rebuilding of his family's basilica, parts of the Forum and Lacus Curtius were repaved by a Cotta and Curtius, while the Tabularium may have had a variety of planners.[161] Sulla also left many works to his successors. After a decade, Quintus Lutatius Catulus, an enemy of Sulla's, finally dedicated the Capitolium that Sulla rebuilt.[162] In competing for familial and individual prestige, senators and magistrates also allied with each other behind building projects.[163] Sulla and his followers created support with his purges and

[160] We have yet to find even the foundations for the Curia Cornelia: Ammerman, 1996,124, n.16.
[161] Marcus Aemilius Lepidus served as praetor in 81 BCE (when he may have built the Basilica Aemilia) and served as consul in 78 BCE. Coarelli phrases the situation well without over-crediting a planner: "[t]he years of the Sullan dictatorship saw a total restructuring of the [Forum] piazza, in tune with the political and administrative reforms that came to light in the same years, starting in 81 BCE": Coarelli, 1985, 209.
[162] To what degree Sulla left it incomplete is less certain. Cic. *Verr*. 2.4.69; for name see Val. Max. 4.4.11; cf. Coarelli, 1985, 209.
[163] Favro notes that the "[d]onors of public buildings in Rome never stood alone. All Romans were aligned through a complex system of interrelated families, patron/client relationships, and personal fealties" (Favro, 1996, 86). Wiseman explains the rise of competition and cooperation between elites of the late republic, as inscriptions of many types capture (Wiseman, 1985; Robinson, 1992, 48-49). Lintott (1999, 170-173) discusses how the ties of blood, friendship, faction loyalty and the patron/client relationship could make or break one's political career.

reorganization of the Senate.[164] As dictator, Sulla could have even funded the building of his Curia and the Lapis Niger from the Mithridatic wars, proscriptions and the annexation of Sicily in 80 BCE.[165] However, it would have been politically advantageous for him to respect the Late Republic's infrastructure for consuls, praetors or censors with aediles, contractors and masons to build only with the Senate's approval and funding, especially with such a politically charged site like the Comitium.[166] Although factions or parties in the modern sense hardly materialized in the Late Republic, Sulla's dictatorship drew many politicians together who would have advised and finished his plans.[167] Equally, contracted architects had to make practical decisions, implementing but adapting the magistrate's plans. For all of these reasons, we cannot view the Lapis Niger as the product of one mind. Instead, various members of the Republic's oligarchy weighed in on how a repaving could function as a memorial without entirely cutting Rome from its past.

[164] Lintott, 1999, 213.
[165] Sallust, *Hist.*, 18 Maur.; Coarelli, 1985, 205 n.23; Robinson (1992, 16) estimates 3,000 talents from the Mithridatic wars alone.
[166] Sulla desired to reinstate the authority of the Senate and proposed measures in 88 that would require all measures go through the Senate before the assembly, and limit votes to the *comitia centuriata* (Appian, *Bciv*. 1.59.266; Lintott, 1999, 210) claims that. Favro summarizes that, "[c]ollectively, the range and extent of Sullan alterations were made possible by a change in the scale and conceptualization of individual patronage" (Favro, 1996, 57). Richardson reminds us that "the fundamental reason why a city planned as an entity could not be considered in Republican Rome was the constitutional arrangement of annual magistracies" (Richardson, 1992, 16).
[167] Paterson explains that "[t]he coalition of interests which each politician had to put together to get elected was complex, transitory and entirely personal to that individual", *partes* and *factio* are usually only terms to slander enemies, no constituency, only the individual and those out to get theirs (Paterson, 1985, 35-36). See: Lintott, 1999, 173-176; R. Seager, "*Factio:* Some Obsevervations", *JRS* 62 (1972): 53; P. A. Brunt, *The Fall of the Roman Republic and Related Essays*, Oxford: Clarendon, 1988, chap. 9 "Factions".

Repaving the Comitium also involved the supervision and advice of augurs and priests serving Altar G-H's deity or deities, such as the Flamen Vulcanalis or Flamen Quirinalis.[168] In 81 BCE, Sulla's *lex Cornelia de Sacerdotiis* had restored patrician control over the selection of basic priests, augurs and the *decemviri sacris faciundis* by the method of *co-optatio* (selection by remaining members), thus removing plebians from the vote and service.[169] This law also entitled patricians to select a Sullan supporter as the new Pontifex Maximus in 81, who in turn selected the Flamens serving specific cults and the Vestal Virgins.[170] These priestly politicians often also served as magistrates along with some of their relatives ensuring elite control over the religiopolitcal landscape of the Sulla-era Republic (however, magistrates who planned paving usually were not also priests).[171] Therefore, the planners and priests involved in the preparatory rites of paving the Comitium would have informed and supported each other's decisions, defining and ensuring methods and memorials that could meet the outlooks, interests and needs of

[168] If Column K or Altar G-H supported a statue of Vulcan as Livy implies (Livy, 34.45.6; Coarelli, 1983, 174 n. 28). Coarelli believes that the Romulus quadriga, or a copy of it (Dionysius of Halicarnassus, 2.54.2) was placed on Altar G-H in the third century. Plutarch points to the possible growth of dual cults to Quirinus and Vulcan, claiming that Romulus "celebrated a second triumph, and out of the spoils he dedicated a four-horse chariot in bronze to Vulcan, and he set up his own statue near it with an inscription in Greek characters setting forth his deeds" (Plutarch, *Rom.*, 24.5; cf. Coarelli, 1983, 172-176).
[169] Since the *lex Domitia* of 104, the *comitia tributa* (albeit seventeen of Rome's voting tribes) could elect these pontifices, and earlier both plebeian and patrician classes could serve as priests: Dio, 37.37.1; *Staatsr*. 2.1.30-31; Cic., *ad Brut*., 13(1.5).3; *Fam*., 8.4.1; Caes., *BG*, 8.50.1-4; Livy, *Epit.*, 89; Lintott, 1999, 184.
[170] The Pontifex Maximus (Sulla's own Quintus Caecilius Metellus Pius [81-63 BCE]) selected the Flamen of Quirinus and the Vestal Virgins for life (Lintott, 1999, 183-184).
[171] Beard and Crawford, 1985, 30, 37.

Sulla's reign. Sulla's restructuring of the political and religious infrastructure of Rome likely facilitated the drastic changes to the Comitium that followed.

SACRIFICING THE ALTAR

Cicero repeatedly called the Comitium with its Rostra a *templum* or consecrated space that allowed magistrates to conduct political business and assemblies.[172] Festus records that Roman priests would often desanctify altars or *templa*, rendering them as secular space (*profana loca*), before new builders could demolish them.[173] If Romulus connects to Altar G-H or the *rex* on Cippus B, then Flamen Quirinalis and the Vestal Virgins, who at least jointly presided over chthonic rituals at the Altar of Consus, may have also guided the deconsecration of Altar G-H.[174] Such rites usually required the consent of the people through a law (*lex*) or resolution (*plebiscitum*), although Sulla's

[172] Beard and Crawford (1985, 33) aptly term the areas for magistrates to conduct political business, like a speaker's platform, as a consecrated space, not necessarily a sacred space: Cicero, *In Vat.* 10. 24: *…in rostris, in illo, inquam, augurato templo ac loco…*; Cicero, *Pro Sest.* 35. 75-76: *Princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit…pulsus e rostris in comitio iacuit…*; Cicero, *De imp. Cn Pomp.* 24.70: *…id omne ad hanc rem conficiendam tibi et populo Romano polliceor ac defero testorque omnes deos et eos maxime, qui huic loco temploque praesident…*; Livy, 8.14.12: *Naves Antiatium partim in navalia Romae subductae, partim incensae, rostrisque earum suggestum in foro exstructum adornare placuit Rostraque id templum appellatum*; Livy 2.56.10: *Occupant tribuni templum postero die; consules nobilitasque ad inpendiendam legem in contione consistunt.*

[173] Festus records Cn. Domitius Calvinus demolishing the small shrine of Mutinus before building his baths (Festus, *Mutini Titini*, p. 142 L); Varro, discussing divine law (*ius divinum*), considered places either profane (*profanum*) or not (*fanum*) (Varro, *Antiquitates*, 5; Varro, *ling. Lat.*, 6.54; Watson, 1968, 1-4).

[174] Tertullian, *De Spect*. 5.7: "There is still (I might add) an underground altar, dedicated to that Consus, in the Circus, at the first turning-point, with this inscription 'Consus in counsel, Mars in war, Lares Coillo mighty'. Sacrifice is offered on it on the twenty [first] of August by the Flamen of Quirinus and the [Vestal] Virgins": *Et nunc ara Conso illi in circo demersa est ad primas metas sub terra cum inscriptione eiusmodi: CONSUS CONSILIO MARS DUELLO LARES COILLO POTENTES. Sacrificant apud eam nonis Iuliis sacerdotes publici, XII. Kalend. Septembres flamn Quirinalis et virgins*.

changes may have streamlined the process.[175] If a deconsecration preceded any groundbreaking in the Comitium, masons removed any evidence of it once they began lifting the monteverde tufa paving.[176] Beneath they found the aforementioned layer of yellow river gravel and dug no deeper.[177]

Regardless of the state of repair, workers withdrew the sculpture, plinths and blocks that once formed the superstructure of Altar G-H. They left the plinths standing at under a meter in total height (Fig. 8). They also evenly chopped the upper sections of the inscribed Cippus B, Column K and Well T, to roughly the same height as Altar G-H, around 12.35 meters above sea level. Supervising architects also had Rostra J leveled down to its first two stepped coursings (Fig. 3). No architectural remnants or decorations survived in the subsequent fill. We therefore lack complete evidence for the original appearance or heights of the old Comitium's monuments.

Next, workers removed the yellow river gravel from spots outside of Altar G-H, later becoming pits M, N, O and P (below). Masons then dumped forty centimeters of the yellow gravel on top the altar group. Section a–a (Fig. 7) clearly shows stratum 8A thinning out as it gets further northeast (right) of the altar group. This yellow gravel

[175] For the plebian *lex* and *plebiscitum*: Cic. *De harusp. resp.* 14.32: *Vetera fortasse loquimur; quamquam hoc si minus civili iure prescriptum est, lege tamen naturae, communi iure gentium sanctum est ut nihil mortals a dis immortalibus usu capere possint.*

[176] If Coarelli has proven that Lapis Niger marks the Volcanal (Altar G-H) and if its rituals survived, then the deconsecration of Altar G-H and possibly the consecration of the Lapis Niger may have occurred on the festival date for celebrating Romulus's death or apotheosis: the Quirinalia, February 17th (13 Kal. 17) or another holiday associated with Quirinus and Vulcan: Ovid, *Fasti*, 2.475; Festus, *s.v.*; Varro, *de Ling. Lat.* 6.13.

[177] Stratum 6B (Exploration IX and Section a-a); Stratum 8 (Exploration X-XII and Section b-b): Gjerstad, 1941, tav. III. We lack the final height of circa 200's paving since later masons gutted much of it. The bases of Column K and Rostra J may preserve the height at 11.70 masl.

lacks the lower stratum 8B's horizontal packing and is more mixed because it is a reused fill.[178] Masons thus cleared the Comitium of its past clutter in preparation to rarify the history of the site. However, if the art of memory reflects a secular need for memory to function effectively in a clear space, planners had to also respect the religious underpinnings of the site.

The clearing was followed by a massive sacrifice. A terracotta bas-relief of a cavalryman with a spear sat at the bottom of this burnt sacrifice layer, either having drifted down or placed before the sacrifice.[179] Either way the object was a votive taken from a temple, altar or personal collection. With some of Altar G-H still protruding, burnt soil, bones and artifacts built up on the reused yellow gravel, fully covering Altar G-H by thirty centimeters (Fig. 6).[180] Boni reports that bones of "several tens of young bulls, sheep, wild boars and goats" were found in the burnt layer directly on top of the Altar.[181] Gjerstad mentions that bones of pig, wolf or dog and fowl (either chicken or vulture) were also in this fill.[182]

Next, "hundreds of vases and other objects" were thrown on the fire.[183] These artifacts included statuettes of bronze, ivory and terracotta placed around Cippus K and

[178] Section a–a's Stratum 8A is Exploration IX's Stratum 6A (Fig. 6, 7); Section a–a's Stratum 8B is Exploration IX's Stratum 6B (Fig. 6, 7): Gjerstad, 1941, 118.
[179] Boni, 1899, 158.
[180] Stratum 5 (Exploration IX: Fig. 6) and Stratum 7B (Section a–a: Fig. 7): Boni, 1899, 153; Einar Gjerstad, 1941, 118.
[181] Boni, 1899, 153-154.
[182] Gjerstad, 1941, 154.
[183] Boni, 1899, 153-154.

Column B.[184] Small personal objects of bronze, lead, iron and clay, such as four spindle whorls, a terracotta loom weight, fibulae, bracelets, hair pins, laminates, glass paste beads and even a dog head in an earlier style scattered throughout the altar.[185] One hundred and sixty four sheep knucklebones, worn, likely from augury and gambling, along with two bone dice were thrown in the mix.[186] There were fragments of terracotta revetments and antefixes,[187] the upper part of an archaic Gorgon head antefix, arm pieces from marble statues, pentelic and antique yellow marble and travertine fragments, with other clay, stone and bone chips.[188]

Many datable ceramics added to the fill. These included some small but intact jugs, a wide variety of red pottery shards, complete vessels and an enormous quantity of bucchero, italic-geometric and Greek black-figure vase shards.[189] The earlier material included fragments of a local style of black figure from the fifth century BCE, one of which had inscribed graffiti from the end of the fourth century, etrusco-campanian wares and fragments of common Roman wares: such as large pithoi, wine amphorae, cups and "lacrimatoi" (glass vials).[190] The most recent material came from the first century BCE.

[184] Most of the statuettes are of nude males in kouroi-like stances; Boni erroneously relates them to Egyptian types (Boni, 1899, 154). They resemble Etruscan versions of Greek kouroi. For the location of these see Boni, 1899, 158. Gjerstad believes the statuettes substitute sacrificed humans.
[185] Gjerstad, 1941, 153. Boni believes this is a dog head: Boni, 1899: 154.
[186] Boni, 1899, 155.
[187] Coarelli parallels these antefixes to the Velletri-type that Brown found in the *Regia* and dated to around the late sixth century BCE: Coarelli, 1983, 136.
[188] Boni, 1899, 158.
[189] One black figure fragment depicts Bacchus in a white chiton and purple mantel, a donkey rider carrying a kantharos: Boni, 1899, 157, fig. 18.
[190] Gjerstad, 1941, 153; Boni, 1899: 154.

Surprisingly, "most objects were quite intact", likely because people placed them carefully amidst Altar G-H during and especially after the animal sacrifices.[191]

Throughout the rest of the Comitium,[192] the mix of burnt earth continued directly on top of the yellow river gravel at the same level.[193] Artifacts here were less concentrated and more fragmented than around Altar G-H. A fragment of a lamp, a terracotta statue and pieces of bronze and iron peppered the fill. The pottery outside the altar group was mostly similar in type and date.[194] This fill also ranges from the sixth through the first century BCE. The wide range of dates throughout the Comitium and within the altar group, in only one stratum, indicate either a fill from a very unique midden or dump, or, more likely, personal votive offerings of family heirlooms, or archaic collections from magistrates, elite families, priests and others, given their high level of preservation, range in quality and selective placement around Altar G-H. Romans reaffirmed their connection to the living past by devoting objects from the last five centuries with rituals just as old.

Coarelli logically connects the *Volcanalia* to Altar G-H.[195] However, instead of explaining the sacrifice, he only mentions the sacrificed fish to indirectly prove that the

[191] According to Savignoni's ceramic dating in 1900 (Boni, 1900, 143). Gjerstad dates the sixth paving (including Platform L, Pits Q and R, Channel U and the original Lapis Niger) to around 50 BCE: Gjerstad, 1941, 154.
[192] Stratum 7, Exploration X, near pit O (Fig. 5).
[193] Around 12.10 meters above sea level (Explorations X-XII: Fig. 5).
[194] Aside from some impasto, bucchero, geometric-italic ware, and more etrusco-campanian and domestic wares (Boni, 1900, 332; Gjerstad, 1941, 153).
[195] Gjerstad deserves credit for first linking the Volcanl with Altar G-H. He uses Varro, Livy and Pliny (Gjerstad, 1941, 144-145, 148): e.g. "I think that the Volcanal was the place of the first political ruin of the Comitium, being in 449 BCE". Coarelli aligns the same textual references to

votive statuettes were substitutes for human sacrifices.[196] The *Volcanalia* festival occurred on the 23rd of August, at Vulcan's temple in the Campus Martius and possibly at Altar G-H on a corresponding date. Festus, Varro and Tacitus record that for the *Volcanalia*, Romans threw live animals and fish onto bonfires at night to prevent urban fires.[197] The ritual's concern for the city might explain the presence of domestic votives, since Rome's citizens would desire to protect their homes.

If Altar G-H was the *Volcanal*, what aspect of Vulcan did Romans honor? Livy does recall a ritual of devoting enemy spoils to Vulcan by piling and burning them,[198] yet he never mentions the use of Rome's *Volcanal*, only battlefields, where commanders burnt spoils to Vulcan or "any other deity" they vowed to.[199] Coarelli argues Altar G-H saw a militaristic sacrifice, believing that Livy's "ceremony obviously happened in the Volcanal", adding that "[t]he presence of weapon fragments in the [votive] stipes of the

prove the same point (Coarelli, 1983, 161-164. Chapter II, section 3). However, Coarelli does a more complete job of explaining the rituals there: Coarelli, 1983, 161-164, 186-188. Chapter II, section 3.

[196] Coarelli, 1983, 178.

[197] Sextus Pompeius Festus, *On the Meaning of Words*, s.v. "*piscatorii ludi*"; Varro, *lingua Latina*, 6.3: "*Volcanalia a Volcano, quod ei tum feriae et quod eo die populus pro se in ignem animalia mittit.*" Tacitus records that Domitian sacrificed a red bull and red boar: Tacitus, *Annales*, 15.44.1.

[198] All of Coarelli's references from Livy mention devotions that occur at the battle field the day after a victory and the burial of troops: Tarquin sends prisoners and booty to Rome *but* burns the spoils in devotion to Vulcan before campaigning immediately (1.37.5); then the Latins devote while in refuge at Menturnae (8.10.13); Marcellus burns Carthaginian spolia while campaigning (23.46.5); Scipio does likewise in Africa (30.6.9); the consul Tiberius Sempronius does the same in Sardinia (41.12.6). Meanwhile, Vergil mentions no ritual of Vulcan: *Aen*. 8.561

[199] Livy notes that religious law entitles commanders who survive battle the right to devote their weapons, by offering sacrifice to Vulcan or any other deity (*qui sese deuouerit Volcano arma siue cui alii diuo uouere uolet ius est*), the consul must stand on a spear when repeating the formula for devotion, if this spear falls into enemy hands he must give a *suovetaurilia* to Mars (8.10.13).

Lapis Niger seem to confirm this tradition".[200] Yet Boni found no weapons in the burnt deposits and Coarelli provides no footnote for any. Therefore, Altar G-H's sacrifice lacked any verifiable military overtones. The votives around it instead point toward the *Volconalia*'s domestic and private concerns for safety mentioned by Festus, Varro and Tacitus.

Following the sacrifice, pits were roughly dug into the burnt layer and yellow gravel outside of the altar (Figs. 3 and 7). In those pits nearest Altar G-H, Boni found pottery, roof tiles, and opus signinum floor fragments with domestic animal teeth, bones and oyster shells. The pottery again runs from the sixth to the first century BCE, with pithoi, yellow-slipped amphorae, and one early etrusco-campanian black storage vessel.[201] The dug out yellow gravel and burnt soil then filled the pits back in.[202] Gjerstad considers these pits to be *favisae* (ritual foundation pits) filled with *piaculae* (expiatory offerings).[203] Varro explains that *favisae* were "certain chambers and cisterns, which were in the area beneath the earth, where the old statues that had collapsed from a temple and the other consecrated religious gifts were habitually put into".[204] Since objects in the

[200] Coarelli, 1983, 176-177.
[201] The fragments of pan and cover tiles were of yellow clay: Boni, 1900, 332.
[202] Stratum 7A (Section a–a: Fig. 7): Gjerstad, 1941, 118.
[203] Boni (1900, 332) considered these to be "ritual pits". Gjerstad generalizes that "the Romans had the religious habit of conserving votive objects in the *favissae* of temples and sacred areas": Gjerstad, 1941, 154.
[204] This anecdote comes from letters written between Varro and Servius Sulpicius. It survives in Aulus Gellius's reliable anecdotes (*Noctes Atticae*, 2.10.3) that he compiled during the mid-second century CE. In them, Servius Sulpicius asks Varro what the term "*favisae*" meant in the censor records (*Legamen ad versionem Latinam*), while Varro describes the *favisae Capitolinae*: *[favisas] id esse cellas quasdam et cisternas, quae in area sub terra essent, ubi reponi solerent signa vetera quae ex eo templo collapsa essent et alia quaedam religiosa e donis consecratis.*

pits again relate to domestic contexts, the range of people involved with the sacrifice may go beyond only priests or magistrates. Varro also explains that *favisae* made a space taboo (*religiosa*), preventing any new building.[205] Gjerstad and Richardson believe the fill objects served as part of the ritual foundation for the demolished sanctuary of the Comitium.[206] Priests, masons and elite families therefore worked together to permanently close the Comitium.

Earlier deconsecration rituals throughout Italy echo what happened in the Comitium. At Lavinium, a row of thirteen altars –with molded plinths similar to Altar G-H's– were ritually buried under a packed layer of dirt and small objects during the cult-site's decline in the second century BCE (Fig. 9).[207] Dionysius of Syracuse's ritual destruction of the sanctuary to Uni at Pyrgi included burying its gold tablets with debris from Temple B and Temple A (Fig. 10).[208] At Poggio Civitate, locals or invaders selectively buried the center's roof terracottas and decorative elements in a ditch that they

[205] In Varro's example, *favisae* prevented Quintus Catulus from cutting into and building lower steps along the Capitoline (Gellius, *Noctes Atticae*, 2.10.3).
[206] Gjerstad, 1941, 154. Richardson believes all the votives littering the sacred space should associate with the Comitium, yet he cannot bring himself to claim such things were dedicated in the Comitium, instead he views it as an "inaugurated templum", like Gjerstad's "luogo sacro, un sacellum": Richardson, 1992, 268; Gjerstad, 1941, 134.
[207] Castagnoli, 1997, 475. Against Merritt's argument that the archaic structure shares its design with altars in Lavinium, Gantz again turns to his red herring, "we cannot, I think, simply overlook the evidence of the stone lions". However, the lions do not remove the altar's function. Even U-shaped altars in Lavinium may have once supported flanking lions (Gantz, 1974, 67.24). Coarelli considers Altar G-H a more recent imitation of these altars, but he forgets their ritual closure: Coarelli, 1983, 132.
[208] This closure created space for an open-air healing cult later on: Colonna, 1985, 133-134: cf. Edlund-Berry, 1994, 22.

covered with dirt and a "layer of stones" in the late sixth-century BCE (Fig. 11).[209] Edlund-Berry argues that these rituals were variations on an *exauguratio*: the ritual un-founding of a *templum* or city by a bull and cow plowing a ditch.[210] Gjerstad is not far from an *exauguratio*, when he considers the Comitium's burnt fill to be evidence of a *suovetaurilia*.[211] However, Boni found many other animal remains than bulls, sheep and pigs. Therefore, a *Volcanalia* may have been held with bonfire sacrifices and votives from many periods and people. Closure rites akin to an *exauguratio*, coupled with *favisae* (ritual foundation pits), may have followed the *Volcanalia*, closing the Comitium's once consecrated space. With the space went artifacts and rituals from throughout Rome's past, possibly in an attempt unify past and present in the city's religiopolitcal heart.

PAVING THE LAPIS NIGER AND COMITIUM

With the Comitium and Altar G-H ritually buried, select blocks arrived for the new pavement of the Lapis Niger. The petrographic fabric of the Lapis Niger differs too greatly imports to have come from outside Italy.[212] It is instead a local calcareous black

[209] Kyle M. Philips, *Siena 1985*, 64-65; Edlund-Berry, 1994, 18, 22.
[210] Servius describes that an *exauguratio*, the ceremonial deconsecration of a templum or city, had its status revoked by plowing with a bull and cow: (Servius, *ad Aen.* 4.212); Edlund-Berry also views the *fossa* (furrow) and *agger* (earthen mound) as remnants of this un-founding plowing ritual (Edlund-Berry, 1994, 18, 22). Excavator Kyle M. Philips postulated that the destruction is vaguely akin to the modern concept of *damnatio memoriae*, wherein the sight and memory of the site must be erased (Philips, 1985, 64-65). For consecration and deconsecration by augurs: Gargola, 1995, 26-27.
[211] Gjerstad, 1941, 154.
[212] Many scholars still believe that the Lapis Niger consists of either: a marble from the Taenarian promontory (now Cape Matapan) in Greece because it had a cave to the underworld (Richardson, 1992, 268); a "Black Stone" from Eleusis, Attica; or a mix of "Black Marbles" from Bithynia in

limestone. Stonemasons likely quarried the Lapis Niger in Italy because Rome still lacked networks with Greece, Egypt, Asia Minor, and Numidia.[213] Comparative tests found isotopic and microscopic matches with Palombino limestones in the Civitavecchia-Tolfa region north of Rome, near known late Republican quarries of Pietre Paesine (red) and Litomarghe (green) Palombino.[214] Therefore, the Lapis Niger's blocks were a local but special order for the Comitium.

Once carts imported the Palombino blocks to the Comitium, stoneworkers cut them into at least sixteen slabs on site.[215] Boni determined this because "[m]any chips of the same black marble were found in the mix of tufa, some 0.35 meters thick, which cover the stratum of the sacrifice and reach the height of the truncation of the cippus [B]".[216] However, future masons removed this pavement. Without the original position of the Lapis Niger, Gjerstad suggests that Romans fitted it to match and lay on top of Altar G-H because their dimensions coincide almost perfectly (Fig. 12).[217] Therefore, the

Asia Minor and Numidia (Gnoli et al., 1989, 131-302); For an analysis of the petrographic fabric: A. Moretti. "Marmo. I marmi antichi". In *Enciclopedia dell'Arte Antica IV*, Roma, 860-866.

[213] Fornaseri et al., 1995, 236.

[214] Only Palombino limestones altered by hydrothemic fluids match the Lapis Niger: *Ibid*., 239.

[215] The Lapis Niger in its present state is a reworked tetragon, 4.10 by 3.67 meters square with sixteen slabs, each 2.01 to 0.66 meters long, 0.77 to 0.58 meters wide, and 0.22 meters thick (Gjerstad, 1941, 111). Shipment of stone for public or religious buildings was unregulated during the day: *Tab*. *Hera*. Vv 56-61; Richardson, 1992, 73-74)

[216] The mixed materials came up to 12.61 masl. Gjerstad states that "[f]ragments of the Lapis Niger found in the fill and in the bedding of the sixth paving, incontestably demonstrate that the Lapis Niger was put in its original position with the sixth pavement…the fragments…derive from the refinishing of the blocks for placement": Boni, 1899, 158; Boni, 1900, 323; Gjerstad, 1941, 127, cf. 110.

[217] The width of the Lapis is 3.67 meters, while the width of Altar G-H is 3.63 meters; the length of the Lapis is 4.10 meters, while the length of the Altar and its back (both G and H) total 4.50 meters: Gjerstad, 1941, 111 and fig. 3.

Lapis recorded only the rectangular silhouette of the Altar in black.[218] The *Ad Herennium* advises a similar use of rarified iconography: "[s]ince, then, images must resemble objects, we ourselves should choose the likenesses for our use from all objects…we enlist images that present a general view of the matter with which we are dealing…often we encompass the record of an entire matter by one notation, a single image".[219] Therefore, a single and general likeness, image or notation of Altar G-H would serve best as a signifier through its silhouette.

The Lapis Niger could have been more monumental in order to better catch the eyes or mark more of the precinct, Cippus B or Column K. However, its scale of 3.6 by 4.1 meters relates more to the size of its human visitors than the Senate, temples or basilicas that loomed over them. As part of choosing the Altar, this modesty may reflect the expected effectiveness of the Lapis Niger as a mnemonic device. The *Ad Herennium* advises that "these sites ought to be of moderate size and medium extent, for when excessively large they render images vague, and when too small often seem incapable of receiving an arrangement of images".[220] The Lapis Niger's minimal scale certainly made

[218] Although unlikely, I cannot rule out that the Lapis Niger may have been painted with text or a design to mark what it was, there may have even been a statue on it or a plaque like the Lacus Curtius.

[219] *Ad Herennium*, 3.20.33: *Quoniam ergo rerum similes imagines esse oportet, ex omibus rebus nosmet nobis similtudines eligere debemus...exprimuntur cum cummatim ipsorum negotiorum imagines conparamus…Rei totius memoriam saepe una nota et imagine simplici conprehendimus*.

[220] Yates's assumption that *Ad Herennium*'s '*imagines*' are clearly human seems a bit reductive given the text's openness to sites and objects of the imagination (Yates, 1966, 10). *Ad Herennium*, 3.19.31-2: *Et magnitudine modica et mediocres locos habere oportet; nam et praeter modum ampli vagas imagines reddunt, et nimis angusti saepe non videntur posse capere imaginum conlocationem.*

it an effective symbol of a small, archaic altar. This size could equally service the projection of memories, and in theory needed no embellishment or labels.

Yet what paved the rest of the Comitium? Lamboglia found large blocks of peperino tufa immediately behind Caesar's Curia, while Bartoli found more beneath the Curia (Figs. 13 and 14).[221] Coarelli reasonably asserts that similar tufa slabs may have covered the whole of the Comitium.[222] Meanwhile, the only contemporary paving to survive near the Lapis Niger may be Feature L (Fig. 3).[223] The average lengths and widths of blocks from Feature L and the Lapis Niger nearly match, and Feature L sits only ten centimeters higher than the layer of worked Lapis Niger fragments.[224] A gravel of cappellaccio tufa first formed a lining for this paving. The blocks may have been recycled from the previous paving(s) because they were a mix of monteverde, cappellaccio, grotta oscura and capitoline tufas, all of which share the thickness of the previous paving.[225] Also a 157-degree obtuse angle was cut into the block closest to the

[221] Lamboglia, 1964-1965, 120-121.
[222] Coarelli, 1983, 133-134.
[223] Van Deman first considered Platform L to be the new Sullan Rostra, in the place of the demolished Rostra J (van Deman, 1922, 22; Gjerstad, 1941, 145 n. 4). However, only 4 by 3.5 meters survive, also leading Boni and Gjerstad to call it a platform (Gjerstad, 1941, 109-110). Feature L cut and filled into Platform E, therefore postdating it: Gjerstad, 1941, 126.
[224] Oddly, no scholar considers this similarity: Platform L 1.50 to 1.75 meters long; Lapis Niger 2.01 to 0.66 meters long; Platform L 0.75 meters wide; Laps Niger 0.77 to 0.58 meters wide and 0.22 meters thick. Feature L sits at 12.70 and 12.98 meters above sea level.
[225] Gjerstad claims that blocks from his fifth and sixth pavings have equal thickness (Gjerstad, 1941, 117). Coarelli uniformly and incorrectly labels these blocks as monteverde tufa, and dates them to Sulla: Coarelli, 1983, 127 and 134.

southwestern corner of the Altar group (Fig. 12). Because of this cut, the Lapis Niger was at least flanked on its southwest, if not surrounded, by a tufa pavement.[226]

However, we lack any blocks connecting Feature L and the Lapis Niger. Scholars have forgotten that Boni found some fragments of travertine mixed with the black limestone fragments in the bedding.[227] Such travertine may have framed the black Lapis Niger within a meter-wide boarder in white, possibly lipped with a *puteal* similar to the Lacus Curtius.[228] Feature L's blocks run roughly east to west, following the Sacra Via. The Lapis Niger's blocks (at least in their reused fittings) are off this alignment.[229] Therefore, pavers may have cut and laid Feature L and other tufa pavement before using travertine to fit and frame the Lapis Niger in place. The *Ad Herennium* advised slightly similar clear outlines for sites: "the sites ought to be neither too bright nor too dim, so that the shadow may not obscure the images nor the luster make them glitter".[230] Although the *Ad Herennium*, like the Lapis Niger, merely indicates ways of dealing with the past in the Late Republic, in all the surviving blocks and future versions of the Lapis

[226] Gjerstad argues that "[r]egardless of the discrepancy of lengths…originally the Lapis Niger was incased in the paving of platform L to its eastern extremity, directly on top of the 'Tomb of Romulus' [Altar G-H] with the same orientation": Gjerstad, 1941, 111 and 127.
[227] *Ibid.*, 113, tav. III.
[228] No scholar has considered how this paving came together. Some travertine blocks survived near the Curia (Quadrants Q-R: 4-5). These too were 0.23 meters thick (Gjerstad, 1941, 117). Coarelli admits that Sulla could have used travertine at this date in the Comitium because of "the greater importance of the area to pave" than the Forum: Coarelli, 1985, 135.
[229] Gjerstad states that "the change of the orientation did not influence the 'Tomb of Romulus' [i.e. Lapis Niger] but it…was found at the level of the platform, on top of the 'Tomb of Romulus' and as it is orientated": Gjerstad, 1941, 113, tav. III.
[230] *Ad Herennium*, 3.19.31: *Tum nec nimis inlustres nec vehementer obscuros locos habere oportet, ne aut obcaecentur tenebris imagines aut splendore praeflugeant.* See also, Yates (1966) 8.

Niger, no grooves for gold or other distracting metal attachments or blocking elements survive. Architects seem to have kept the Lapis as simple and clear an icon as possible, framing it in travertine so that it stood out from the rest of the Comitium's tufa.

The Lapis Niger was not alone in recreating the Comitium's past. Immediately East of the Lapis, masons packed the shell of Rostra J with the worked tufa and travertine and paved the rest of the Comitium.[231] They also cut Channel U along the border of the Rostra and the Sacra Via (Figs. 3 and 15), from which Coarelli rightly deduces that Channel U "has conserved the circular form of the most ancient Comitium".[232] In addition, seven pits (M through S) reset the boundaries of the Comitium (Figs. 3 and 15).[233] Pits O and P actually cut into the bottom steps of the old Rostra, thus marking its interior, Curia-facing outline. Even if only for practical functions, Channel U and Pits M through S created a constellation that could retain the old form of Rostra J for posterity.

[231] Stratum 6 (Explorations X-XII [Fig. 5] and Sections a–a and b–b [Fig. 7]) (Gjerstad, 1941, 117, n. 3). This specialized packing could have supported a new Rostra, or statues that the next paving destroyed. Against Gjerstad, Lugli believes that Sulla merely expanded the Rostra: Lugli, 1947, 10.

[232] Channel U is lined in quasi-reticulate blocks of monteverde and grotta oscura tufas, pointing towards Sullan-era construction (Gjerstad, 1941, 112; Coarelli, 1983, 134, 160).

[233] Whether these were wells (Ammerman, 1996, 100), sewer drains (Hülsen, *Röm. Mitt.* 1902, 36, 58), or post-holes (Gjerstad, 1941, 146) is debatable. The blocks that frame these pits nearly match the Lapis Niger's height above sea level, and therefore likely share its date. They lay between 12.60 to 12.63 masl, matching the others on either side range only between 12.42 and 13.21 meters above sea level (Gjerstad, 1941, 111-112). Coarelli incorrectly dates these pits to the Caesarian level, although their tops lay a meter below it, their tufa material is too early, and Channel U cuts and covers Pit Q: "the Sullan level has been nearly completely demolished by the subsequent paving (of it only remains some pits, probably in relation to the new inauguration of the area)": Coarelli, 1983, 160.

In the decades following this construction, Cicero repeatedly referred to the Rostra and Comitium a *templum* for augury.[234] Varro affirms that ancestors once planted trees to consecrate the boundary of this *templum*, while Festus and Servius mention fences.[235] Whatever their use, pits Q, R and S may form the southern front of the *templum* with Channel U, along the Via Sacra.[236] The northern pits M, N, O (and maybe P) parallel the southern pits, closing in a space ten meters wide, north to south, without a certain length.[237] Here, even mundane paving and pits were employed to recall selective past forms because of reverence and nostalgia for the old rostra (these minor choices may even be the on-site decisions of the architect). The Lapis Niger and this renewed *templum* therefore jointly reified the basic *functional* forms into a visual shorthand of the

[234] Cicero, *In Vat.* 10. 24: *in rostris, in illo, inquam, augurato templo ac loco*; Cicero, *Pro Sest.* 35. 75-76: *Princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit…pulsus e rostris in comitio iacuit…*; Cicero, *De imp. Cn Pomp.* 24.70: *…id omne ad hanc rem conficiendam tibi et populo Romano polliceor ac defero testorque omnes deos et eos maxime, qui huic loco temploque praesident…*; Livy, 8.14.12: *Naves Antiatium partim in navalia Romae subductae, partim incensae, rostrisque earum suggestum in foro exstructum adornare placuit Rostraque id templum appellatum*; Livy 2.56.10: *Occupant tribuni templum postero die; consules nobilitasque ad inpendiendam legem in contione consistunt.*

[235] Varro, *lingua Latinae*, 7.8-9: *In hoc templo faciundo arbores constitui fines apparet* : "trees appear to be placed in this sacred space having been made". Meanwhile, Coarelli defends Festus and Servius by claiming they "were too late because the trees had been replaced" (Coarelli, 1985, 127); Festus, 146.50: *Minora templa fiunt ab auguribus cum loca aliqua tabulis aut linteis sepiuntur*; Servius, *ad Aen*. 4.200: *Alii templum dicunt…quod palis aut hastis aut aliqua tali re et linteis aut loris aut simili re saeptum est*.

[236] Grotta oscura tufa made up the slightly smaller pits along the Sacra Via (Q, R, S). Pit S was made in two layers, the bottom in monteverde with the top in grotta oscura. Pit N was filled with the remains of the yellow gravel removed during an expansion of the pits (Gjerstad, 1941, 127). Boni found no sacrificial materials within the pits (*Ibid.*, 146). They were therefore covered along with the altar before the sixth pavement lay on top. Elsewhere, the pits cut down into the last pavement and dredged up a mixture its soil. Coarelli, 1983, 140, 145.

[237] Romans framed the pits in aniene tufa along the northern parallel (M, N, O, P) M: 1.10 by 1 meter; N: 0.95 by 0.85 by 1.10 meter; O: 1.25 by 0.65 by 1.20-1.25 meters; P 1.40 by 0.80 by 1.20-1.25 meters.

Comitium. Visitors could potentially see these markers and recall the Comitium's history.[238]

The choices to recall the Altar and Rostra may stem from the their utility. Physical interaction with a site through ritual or even watching that ritual can ingrain it longer in the mind.[239] Lefebvre generalizes that "Roman space, though encumbered by objects (as in the Forum), was a productive space…[and that] need appears to have been an almost total determinant".[240] As long as this sentiment fitted with the planners or architects of the Lapis Niger it helps to explain why only the Altar and Rostra were marked out. Pine points out that "[s]tudies of social memory show us that people remember through bodily or habitual practices…while those of cultural memory emphasize the communication and transmission of shared pasts through place and space, through texts and through monuments or buildings".[241] Between these social and cultural approaches, Altar G-H and the Rostra mattered most because people interacted with them more than the columns or statues lost beneath the paving.

COMPLETING THE COMITIUM

[238] This space cannot be reduced by semiotics that merely quantifies the space as text. Lefebvre puts it best: "[w]hen codes worked up from literary texts are applied to space – to urban spaces, say – we remain, as may easily be shown, on a purely descriptive level. Any attempt to use such codes as a means of deciphering social space must surely reduce that space itself to the status of a *message*, and the inhabiting of it to the status of *reading*": Lefebvre, 2005, 7.
[239] Preucel, 2006.
[240] Lefebvre, 2005, 239.
[241] Pine, et al., 2004, 18.

Sometime after the paving of the Comitium, a gilded bronze equestrian statue of Sulla was erected "on the Rostra".[242] Feature L or the Rostra space east of the Lapis Niger could easily have supported this statue, with their mixed and ununiform tufa packings. Coarelli claims that Sulla added the statue himself to mark his completion of the Curia Cornelia and Comitium.[243] However, Cicero refers to the honor as posthumous and Velleius credits the Senate.[244] Therefore, Sulla's supporters and successors may have had to complete the Comitium during his year of retirement and pressured the Senate to venerate him after death.

With Sulla's funeral in 78 BCE and his followers still in power, the Senate could have easily honored him with the statue after death. Appian recounts that Sulla's funeral procession ended with his body displayed "in the forum on the rostra" accompanied by funeral orations.[245] Potentially caught between the Lapis Niger, Sulla's equestrian statue, and his enlarged Curia Cornelia, would have materialized Sulla's revolution in Rome. Whereas the tribunals and basilicas of the *Aemilii* or *Aurelii* honored their *gens*, a Sullan

[242] By "Rostra", Appian and Vellieus may misconstrue the Augustan Rostra in the Forum from the one lost beneath the Comitium (Appian, *B. Civ*. 1.97): "Everything that Sulla had done as consul, or as proconsul, was confirmed and ratified, and "his gilded equestrian statue was erected in front of the rostra with the inscription, 'Cornelius Sulla, the ever Fortunate'"; (Cassius Dio 42.18.2): after the Battle of Pharsalus in 48 BCE, the Roman government "removed the statues of Pompey and Sulla that stood upon the rostra".
[243] Coarelli, 1983, 157, n. 53.
[244] Cic. *Phil*. 9.13: *Mihi autem recordanti Ser. Sulpici multos in nostra familiaritate sermones gratior illi videtur, si qui est sensus in morte, aenea statua futura, et ea pedestris, quam inaurata equestris, qualis L. Sullae primum statuta est*.; Velleius credits the honor to the Senate: (Vell. Pat. 2.61.3): *Eum senatus honoratum equestri statua, quae hodieque in rostris posita aetatem eius scriptura indicat (qui honor non alii per trecentos annos quam L. Sullae et Cn. Pompeio et C. Caesari contigerat)*.
[245] However, Appian wrote a century and a half later, and may have tried to fit this placement with the Augustan Rostra he knew of: App. *B Civ*. 1.106.

revision of the Curia or Comitium lacked such familial obligation. In a way, remodeling Rome's religiopolitical heart reflected Sulla and the Senate's interest in not only restoring the aristocracy's control but in redefining their links to the past as more abstract. By turning an altar into an icon of black and a rostra into an outline of pits and channels, Rome's elite guaranteed and defined the Comitium's meanings and pasts.

Beyond clearing and reordering the old Comitium, Sulla and his successors also displayed their power. By erasing smaller monuments and statues, while preserving only the shadow of Altar G-H and Rostra J, planners at once glorified and neutralized Rome's past.[246] They effectively killed the Comitium, "robbing the tribunician" of its rostra and burying its altar.[247] Favro argues that "Sulla focused his attention on the long-venerated *loci* of central Rome", efforts to which Purcell applies the term nomothetic, referring to broad law giving or myth making.[248] We should hesitate to solely credit Sulla with building everything as part of a proto-Augustan, urban plan.[249] He still required and desired the support of a Senate, even if purged of opposition, while relying on a system of censors, aediles, contractors and architects to realize his vision. If Sulla and his

[246] Purcell, 1993, 330-331.
[247] Cicero, *Pro Cluento,* 40, 110: Maybe the Altar was already losing its functions, but the massive sacrifice speaks otherwise.
[248] Favro, 1996, 57; Purcell, 1993, 332.
[249] Favro correctly emphasizes how, "[a]s Dictator, Sulla was able to make his own expansive interventions at Rome and direct those of others. Holding dictatorial powers in perpetuity, he began to look beyond individual projects to urban environments as conveyors of his elevated personal stature. Such a reconceptualization of urban patronage was directly in line with the examples of Hellenistic dynasts" (Favro, 1996, 57). However, Favro dangerously claims that during and following his dictatorship, "Sulla's cumulative actions confirmed the possibility of near-absolute individual control" (*Ibid.*, 56). She continues to claim that "Sulla remains in many ways a transitional figure", primarily so she can create precedence for Augustus (*Ibid*., 57).

supporters could also expand Rome's Pomerium –the sacred boundary of Rome untouched since Servius Tullius–[250]then overhauling the Comitium and Curia –arguably Rome's political and religious heart– displayed his loose faction's far-reaching control.

These magistrates and architects believed that capturing the silhouette of Altar G-H had sufficed in recording memory of the site. Their belief echoes that of the late Republic's historians who "assumed a false continuity of institutional function and mental outlook from the earliest days of the Republic. The consequence was that they completely failed to appreciate the peculiar character of the archaic age". [251] The black icon of the Lapis Niger could have served as a visual juncture, connecting visitors to the Curia or those passing it with a subterranean history but not necessarily the past itself. Like Meskell's study of Egyptian false doors, "[t]he material of the stela acted as a conduit for transactions between this world and the next, establishing contact with…past and present". Yet like Meskell's unmarked busts "multiple memories could reside in their material form. Their lack of specificity might also designate them as objects of forgetting, material places where fixed memory was deemed unnecessary".[252] The blank slate of the Lapis Niger could provide a conduit for many memories but also a means of

[250] No physical evidence has corroborated the literary traditions of Tacitus, *Ann.* 12.23; Gellius, *Attic Nights*, 8.14.3; and Seneca, *de brev. vit.* 13. By expanding Rome's walls, Sulla may have tried to invoke the memory of Servius Tullius, the last man believed to have performed this ceremony. Servius Tullius had done much to shape the Roman constitution, and Sulla may have compared himself to this great leader: Mommsen, *Staatsrecht*, 2.738.
[251] Cornell, 1986, 84.
[252] Meskell, 2003, 42-43 and 44.

forgetting the site's history. The efforts of Rome's next generation to repave the Comitium reveal these difficulties in preserving the past.

CHAPTER THREE:

REINVENTING THE COMITIUM & LAPIS NIGER

By the end of the Republic, ancient historians –like the new pavers of the Lapis Niger– recast the past according to the needs and interests that they shared with their generation. Cornell imparts that "the accepted picture of Rome's history was subject to a process of constant interpretation and reappraisal as succeeding generations attempted to make sense of their past and to harness it to their own present needs".[253] Wiseman takes a more cynical view: "[m]alice is not at all an inappropriate concept to invoke when considering the motivation of first-century historians [who employed] unscrupulous invention if it suited their purpose".[254] Even legal history saw greater revisions than before, with a rise in censoring and fabricating old civic and tax documents.[255] Such change in the approaches of ancient historians resembles the physical reuse of the Lapis Niger by Republic's last elites. For whatever reasons, although its materials remained revered, the consecrated placement of the Lapis Niger became irrelevant to the changing political needs of the time.

SACRIFICING SULLA'S SENATE

[253] Cornell, 1986, 83.
[254] Wiseman, 1986, 99: Theophanes *FGrHist* 188F1 (Plut. *Pomp*. 37.4).
[255] Moreau, 1994, 121, 143-144; see also Fezzi, 2003.

On January 19th, 52 BCE, the Senate House burnt down. Asconius provides our earliest account of how.[256] Supposedly, Titus Annius Milo's slave killed the populist Publius Clodius Pulcher when they crossed each other on the Via Appia. The next day,

> At the urging of these men [tribunes Titus Munatius Plancus and Quintus Pompeius Rufus], the common people carried down Clodius' unprepared nude and trampled body into the Forum, as if it had been put in a sedan, so that the wounds could be seen, and placed it on the Rostra. There, before a public meeting, Plancus and Pompeius, who were friends of Milo's rivals, roused hatred against Milo. The people, directed by the scribe Sextus Clodius, carried the corpse of Publius Clodius into the Senate House and cremated it, using the benches and risers and tables and books of the stenographers; thanks to this fire the Curia itself also burned down, and the Basilica Porcia that was joined with it, was similarly charred.[257]

[256] Cicero mentions the fire in his defense of Milo (that went unspoken) but does not describe how it happened (Cicero, *Pro Milo,* 5.12-13; 5.61; 33.90-91). Cicero, defends Milo by symbolically linking Sextus Clodius burning death in the Senate with his violent consulship: Cicero, *pro Milone,* 33.9.

[257] Cassius Dio guesses that "the real reason [for destroying Sulla's Curia] was so that the name of Sulla should not be preserved on it, and that another, newly constructed, could be called the Curia Julia" (Cass. Dio, 44.4.4). However, Cassius Dio conflates these turbulent years and assumes that Sulla's Curia burnt for Caesar's building plans. Appian retells the story during the 160s CE, only adding motives and that "many buildings in the neighborhood caught fire and were consumed with the corpse of Clodius" (Appian, 2.21); Asconius, 33 C: *eisque hortantibus vulgus imperitum corpus nudum ac calcatum, sicut in lecto erat positum, ut vulnera videri possent in forum detulit et in rostris posuit. Ibi pro contione Plancus et Pompeius qui competitoribus Milonis studebant invidiam Miloni fecerunt. Populus duce Sex.Clodio scriba corpus P. Clodi in curiam intulit cremavitque subselliis et tribunalibus et mensis et codicibus librariorum; quo igne et ipsa quoque curia flagravit, et item Porcia basilica quae erat ei iuncta ambusta est.*

The fire's total damage is uncertain. Pliny records that it burnt the base of a statue to Navius Attus that "stood before/facing the Curia", which Livy places "in the Comitium, upon the very steps on the left of the senate-house, on the spot where the transaction [between Attus and Tarquinius Priscus] occurred".[258] The Curia was still burning when Milo arrived in the Forum a day later.[259] By the first day of the next year, senators reentered the Curia, implying that it could function again.[260] Although the Comitium may have not needed repaving to function, the rebuilding of the Curia would soon reverberate to its blocks.

THE LAPIS NIGER'S NEW PLANNERS

With a new generation came renewed interests in reworking the Comitium. Pine clarifies that modern memorials "change periodically as they are contested by different interest groups all holding complex, and dissimilar, ideas about what such sites do, and should, represent".[261] The Lapis Niger became a living artifact representative of the last

[258] Pliny, *Nat. Hist*., 34.21: *Namque et Atti Navi statua fuit ante curiam…basis eius conflagravit curia incensa P. Clodii funere*. Pavers likely re-erected the statue in its traditional place because the whetstone and razor had originally been buried in the site. Dionysius claims to have seen it "in front of the senate-house near the sacred fig tree" near its sacred a puteal (Dionysius of Halicarnassus, 3.71.5); Livy, 1.36.5: *Statua Atti capite uelato, quo in loco res acta est in comitio in gradibus ipsis ad laevam curiae fuit, cotem quoque eodem loco sitam fuisse memorant ut esset ad posteros miraculi eius monumentum*:

[259] Cicero, *Pro Milo*, 33.90-91; Asconius 29 KS. Days after the fire, Appian places M. Caelius Rufus's trial of Milo trial "in the Forum" (Appian. *B Civ.* 2.22). Morstein-Marx (2004, 2) places Milo's trail "probably at the Rostra itself, where he could make good rhetorical use of the burnt-out shell of the Curia at his back". Albeit a very dramatic scene that I suppose shows Caelius Rufus reaffirming the power of the Senate, even at the foot of the burnt Curia, Appian's choice of the Forum cannot be ignored.

[260] Favro keeps the burnt shell of the Curia in place for another year to fit her tour of Republican Rome. However, Appian. *B. Civ.* 2.32; Favro, 1996, 36.

[261] Pine, Kaneff and Haukanes, 2004, 1.

regime and worth contesting since it sat in Rome's political heart. Most scholars connect either Sulla's son, Faustus Cornelius Sulla, or Julius Caesar with repaving the Comitium and Lapis Niger in 52 BCE or later.[262] Although writing two and a half centuries later, Cassius Dio records that in 52, the Senate "assigned the rebuilding of the senate house to Faustus, the son of Sulla…they ordered that when restored it should receive again the name of the same man".[263] Following such respectful orders, Faustus also likely honored the orientation and location of his father's Curia Cornelia.[264] Yet did the Lapis Niger and Comitium also see repaving by Faustus in 52?[265]

Firstly, Faustus had inherited his father's wealth and amongst other things became a moneyer.[266] He propagated memory of Sulla (and indirectly himself) by minting coins in his honor.[267] By 54 BCE he became quaestor, followed by the aedile and praetorships.[268] Cicero claims Faustus certainly had enough ambition, being "bitter, fond of raking up accusations, [having] a hunger after popularity, and [being] a turbulent man". He also had enough funds "with his great wealth, numerous relatives, connections,

[262] Coarelli, 1985, 132-135; Coarelli, 1983, 133-136; Gjerstad, 1941, 152.
[263] Dio Cassius, 40.50.1-3.
[264] Dio later claims that Faustus's Curia "although repaired, had been demolished [because] a temple of Felicitas was to be built there, which Lepidus, indeed, brought to completion while Master of the Horse [in 44 BCE]": Dio Cassius, 44.5.2.
[265] Gjerstad and Gantz specifically credit Faustus with paving the Comitium and Lapis: Gjerstad, 1941, 152; Gantz, 1974, 67.16.
[266] Wiseman, 1971, 148-149, 164-165.
[267] However, Wiseman believes that coinage had little effect on swaying elites, who let their slaves and freedmen dirty their hands with money-management: Wiseman, 1971, 148-149.
[268] It took Faustus this long to rise to quaestor because he was busy fighting off pressure to repay his father's debts. Wiseman suggests that "it may be that he was anxious to minimize the length of time between his quaestorship [54 BCE] and praetorship because he could not afford to be aedile": Wiseman, 1971, 156 (cf. Dio 48.43.2); Asc. 73 C; Cicero, *pro Cluentio*, 94, *leg. ag.* 1.12.

friends [and] clients".[269] He built public baths and put on lavish gladiatorial games in 60 BCE,[270] and rebuilding the Curia Cornelia in 52 led him into debt three years later.[271] Therefore, in 52, Faustus serving as an aedile in charge of maintaining public buildings and supervising works could have also planned a repaving of the Comitium, to echo the efforts of his father's circle.

Within days of 52's fire, the mob and Senate had made Pompey sole consul to restore order.[272] By the year's end, an equestrian statue of Pompey was added to the Comitium near Sulla's statue.[273] Pompey's statue may also have corresponded with the quick completion of Faustus's Curia Cornelia (when Appian claims it opened again) and reflect the growing his alliance between Pompey and Faustus.[274] Faustus was one of Pompey's soldiers, a son in law, and in 56 BCE he even minted a silver denarius to honor Pompey's three victories.[275] Also Pompey's decade of concord with Caesar concluded in

[269] Cicero, *pro Cluentio*, 34.94: *sed etiam seditiosis adversarius, ille autem acerbus, criminosus, popularis homo ac turbulentus…illud omnibus invidiae tempestatibus concitatum…Sulla maximis opibus, cognatis, adfinibus, necessariis, clientibus plurimis.*
[270] Baths: Dio, 37.51.4, 49.43.3 Games: Dio 37.51.4; Cicero, *Sull.* 54-55.
[271] Cicero, *ad Att.*, 9.11.4: *et tamen omnis spes salutis in illis est et ego excubo animo nec partem ullam capio quietis et, ut has pestis effugiam, cum dissimillimis nostri esse cupio! quid enim tu illic Scipionem, quid Faustum, quid Libonem praetermissurum sceleris putas quorum creditores convenire dicuntur?*"; cf. Dio Cassius, xl.50.2.
[272] Asconius records the mob carrying the fasces to Pompey's gardens offering him the consulship if he wished or dictatorship if he preferred: Asconius, 33C 29KS.
[273] Morstein-Marx considers it a sign of the Senate's approval of Pompey: (Morstein-Marx, 2004, 50 n.53); Vell. Pat. 2.61.2-3; Cic. *Deiot.* 34; Cass. Dio 42.18.2, 43.49.1-2; Suet. *Iul*. 75.4.
[274] Lamboglia suggests that the coalitions between Pompey, Faustus and even Caesar may have created a "true and actual contest or building competition" for paving the Comitium: Lamboglia, 1980, 130; Appian. *B. Civ.* 2.32.
[275] Faustus married Pompeia Magna, whom Caesar had asked to marry in exchange for his sister's granddaughter Octavia, but Pompey declined him (Suet. *Caes.* 27.1). Whereas no Julian

52 BCE.[276] Pompey's statue marks both his relationship with Faustus and the Senate, and like Sulla's statue, requires a complete Comitium to stand in. Since Sulla's statue was still standing when Pompey's was added, and since Faustus rebuilt the Curia in under a year, he may have not needed or chosen to repave the Comitium and Lapis Niger.[277]

Even if Faustus did not repave the Comitium, we must avoid over-crediting the next candidate in line, Caesar. Coarelli argues that "[i]n truth the precise testimony of Cicero (*ad Att.* 4.16.8) is that clearly the work [of Caesar on the Curia and Comitium] had already been initiated in 54 BCE…thus whatever connection with the works of Faustus Sulla can therefore be excluded with certainty, after 52".[278] Yet Cicero explains that he and Oppius had only *received* Caesar's plans to expand the Forum in 54, while Caesar would campaign in Gaul for four more years.[279] Cicero never claims they had

allegiance marks Faustus's short career, which Caesar's troops finally ended in 47 BCE: Dio Cassius, 43.12.1.

[276] When Pompey did not marry Caesar's grandniece Octavia, in favor of a daughter of Caesar's enemy Quintus Caecilius Metellus Scipio: Suet. *Caes.* 27.1.

[277] Gantz precedes Coarelli by placing the Julian-era re-paving after the fire of 52 BCE (Gantz, 1974, 67). Anderson meanwhile follows Coarelli's elision of Faustus: "The fire of 52 B.C. cleared out at least one other old structure in the area [north of the Curia] and made the need for Caesar's complex the more pressing": Anderson, 1984, 43; Coarelli, 1985, 134, 235-236.

[278] Coarelli, 1985, 134 n. 37; 234-236.

[279] Cicero provides this date because he mentions the end of Caesar's campaign in Britain: *Britannici belli exitus exspectatur* (Cicero, *ad Att.*, 4.16.7; Anderson, 1984, 9 n. 1). Cicero, *ad Atticus*, 4.16.8-14: *Paulus in medio foro basilicam iam paene texerat isdem antiquis columnis. Illam autem quam locavit facit magnificentissimam. Quid quaeris? Nihil gratius illo monumento, nihil gloriosius. Itaque Caesaris amici, me dico et Oppium, dirumparis licet, (in) monumentum ilud quod tollere laudibus solebas, ut forum laxaremus et usque ad atrium Libertatis explicaremus, contempsimus sescenties HS (cum priuatis non poterit transigi minore pecunia); efficiemus rem gloriosissimam. Iam in campo Martio saepta tributis comitiis marmorea sumus et tecta facturi eaque cingemus excelsa porticu, ut mille passum conficiatur; simul adiungentur huic operi uilla etiam publica. Dices 'qui mihi hoc monunumentum proderit?'; at quid id laboramus.*

begun and even Caesar's funds have yet to arrive (*poterit transigi*).[280] Coarelli also manipulates Lamboglia's excavation to factor out Faustus.[281] He insists that the "few meters of distance" between the Caesar's Forum and Curia "reveal one implicit controversy": that Caesar had to build both "contemporaneously".[282] However, Lamboglia's single trench found no pavement or architecture that connects Caesar's Forum with Caesar's Curia, while the Sullan pavement sits higher than Caesar's Forum (Figs. 13, 14 and 16).[283] Lamboglia even credits Faustus or an earlier planner with repaving this Comitium.[284] Subsequently, Caesar may have built his Forum later and independently of the Curia Cornelia, since he did not dedicate his Forum until 46 BCE and left it for Augustus to finish.[285] Simply because Caesar's Forum came into thought in 54 BCE, we cannot assume that he circumvented Faustus and the Senate, built his own

[280] Caesar tells (*dico*) Cicero and Oppius in the present tense. Cicero says, "I *will* bring about a most great thing [i.e. Caesar's Forum]" (*efficiemus rem gloriosissimam*), in the future tense (Cicero, *ad Atticus*, 4.16.8-14). In the same breath, Caesar's new Saepta (voting precinct) in the Campus Martius *will* begin (*facturi*) and its portico *will* surround (*cingemus*) an altar there. Yet this Saepta sat unfinished until Agrippa completed it in 26 BCE: Cicero, *ad Atticus*, 4.16.8-14; *cf.* Pliny, *Nat. Hist*., 16.201.

[281] Yet Coarelli never references a single specific page from Lamboglia: e.g. "Lamboglia1964-5;Lamboglia 1980" (Coarelli, 1985, 236; see also, Coarelli, 1985, 132-134). Meanwhile, Coarelli confidently claims that "[t]he dating of the pavement has been determined with certainty from the recent digging of Lamboglia, that has brought back to light the feature, in peperino blocks, in the zone to the East of the *curia Iulia*" (Coarelli, 1983, 134).

[282] Coarelli, 1985, 134, n 42.

[283] Regrettably, Lamboglia died before he could clarify his findings: Lamboglia, 1980, 128.

[284] Lamboglia on the pre-Caesarian work on the Forum: **"**that belongs to the moment, already in Caesar's era, in which Faustus Sulla, son of the dictator, in 52 BCE was charged with restoration or reconstruction of the Curia Hostilia, burnt…during the funerals of Clodius; or still to an intermediate moment, when the Basilica Aemilia was remade in 61 preserving its columns": Lamboglia, 1980, 128.

[285] In concordance with Caesar's triumph on September 26th (Dio Cassius, 43.22.2), Anderson meanwhile argues that Augustus completed and took credit for the Forum by adding the western *tabernae*: Anderson, 1984.

Curia, Forum and Comitium within the year of 52's fire, all while campaigning abroad for two more years.

Did Caesar repave the Comitium with the Lapis Niger at some later point?[286] After he defeated Pompey at the Battle of Pharsalus in 48 BCE, the Senate "removed", or the populace "broke to pieces" the statues of Pompey and Sulla in the Comitium.[287] This loss certainly helped clear the square. It may also mark a purposeful purging before the next pavement. Two years later, Cicero supported Caesar for placing his own statue on the Rostra "amongst the kings".[288] Suetonius and Dio Cassius confirm this, adding that Caesar ordered the return of Sulla's and Pompey's statues.[289] At least by 43 BCE, a statue of the murdered ambassador Servius Sulpicius Rufus sat on the Rostra, following the tradition of honoring murdered ambassadors.[290] The shifts of these statues may date the

[286] Anderson argues on Caesar's motivations that the "unpopularity [of Faustus and Sulla] may have suggested to Caesar that a new Senate house might become a part of his architectural scheme and an element that would alter his plans for the land northeast of the old Forum" Anderson 1984, 41.

[287] Following Cicero's view of Sulla, Morstein-Marx homogenizes the urban plebs into one mind "who hated the man so cordially", with a unified "craw" into which Sulla's "statue clearly struck": Morstein-Marx, 2004, 57. For mob: Suet., *Caes.* 75.4; For senate: Cassius Dio 42.18.2: Plut. *Cic*. 40.4; *Caes.* 57.4; Morstein-Marx, 2004, 57 n. 82.

[288] Cicero's reference to "the kings" may refer to belief that the Lapis Niger marked Romulus and his relative's burial. Cicero on Caesar's statue "*statua inter reges posit…valde enim invidendum est eius statuis cuius tropaeis non invidemu…nullus est ad statuam quidem rostris clarior*": Cic. *Deiot.* 33-34.

[289] Suet. *Iul*. 75.4; Velleius Paterculus (c. 20 BCE–30 CE) views Caesar's equestrian statue as a posthumous honor: "The senate honored him with an equestrian statue, which still stands upon the rostra and testifies to his years by its inscription. This is an honor which in three hundred years had fallen to the lot of Lucius Sulla, Gnaeus Pompeius, and Gaius Caesar, and to these alone": Vell. Pat. 2.61.2-3; Cass. Dio 42.18.2, 43.49.1-2.

[290] Cicero, *Phil*. 9.5-7; cf. Pompon. *Dig.* 1.2.2.43; Coarelli, 1985, 242-243

removal of the Comitium's paving to after 48 BCE along with the completion with statues by 43 BCE at the latest.

However, Marcus Aemilius Lepidus and Marcus Antonius may deserve credit for planning and supervising the repaving of the Comitium with its Lapis Niger. Lepidus served as Caesar's deputy in Rome, guiding many building projects, while Caesar campaigned until September of 45 BCE.[291] Dio's source claims that the Senate had charged Caesar with "constructing a new senate-house, since that of Hostilius, although repaired [by Faustus], had been demolished [because] a temple of Felicitas was to be built there, which Lepidus brought to completion while Master of the Horse" in 44 BCE, after Caesar's death.[292] In order for Lepidus to inaugurate his Temple to Felicitas by 44 BCE, he may have demolished and replaced Faustus's Curia Cornelia between 46 and 44.[293] Pompey's death in 48 and Faustus's in 47 freed him to destroy the Curia Cornelia and its pavement.[294]

Meanwhile, Dio claimed that during Antony's consulship in 44 BCE, "the Rostra, which once was in the center of the Forum, was moved back to its present position; also the statues of Sulla and Pompey were returned to it. For this Caesar received praise, and

[291] In 50 BCE, for example, Lepidus utilized 1,500 talents of Caesar's to remodel his Basilica Aemilia: Plutarch, *Caes*. 29; *Pomp*. 58; App., *b.c.* 2.101.
[292] For Dio, the "real purpose was that the name of Sulla should not be preserved on it [the Senate], and that another senate-house, newly constructed, might be named Julian": Cassius Dio, 44.4.1; Coarelli, 1985, 236.
[293] Coarelli, 1985, 236.
[294] Dio Cassius, 43.12.1.

also because he gave Antony both the glory of the work and the inscription on it".[295] With the Curia and Comitium under construction, Antony may have displayed his allegiance to Lepidus by heading construction of the Rostra. In these last two years, Lepidus and Antony would have to coordinate repaving the Comitium with its Lapis Niger to get their temple, rostra and Curia in place. The paving was complete only when they added Caesar's equestrian statue and returned Sulla and Pompey's statues under the Senate's approval.[296]

Regardless of what new planners we select, many respected the living past or at least wished to legitimate themselves by association with it. For many of them, "tradition –the *mos maiorum*– provided the standard by which all political and moral actions were judged, the living past had an importance that is difficult for us now to appreciate".[297] The Sullan addition of the Lapis Niger could not be ignored when repaving, just as his statue had to be returned to the Comitium when the political climate cooled. As Jonker found studying Mesopotamia, "[r]epairs, reconstructions and respect for earlier builders

[295] I do not trust that Dio, writing over two centuries later, knows that Caesar died before the Rostra went up. For Antony to get his name inscribed on the Rostra (Dio's evidence) it only follows that he was the one in charge of the project. Cassius Dio, 43.49.1-3: καιώ τοώ βη·μα εξν μεωσς/ που προωτεροω τη·ω αξγορα·ω ο]ν τοών νυ·ν τοωπον αξνεψςριωσφη, καιώ αυξτς·/ η του· Συωλλου του· τε Πομπηιωου ειξκςών αξπεδοωφη. καιώ εξπιώ (τε) τουωτς/ ευ[κλειαν Και·σαρ ε[σψε, καιώ οὢτι Αντςνιως/ καιώ τη·ω δοωχηω του· ε[ργου καιώ εξπ ξαυξτς·/ εξπιγραφη·ω παρεψςωρησε. Coarelli believes that all the "false problems that accumulated…can be practically reduced by one single quote from Cassius Dio", yet this quote (above) never mentions the Comitium: Coarelli, 1985, 237-238.

[296] Although probably built within a year or two of 44 BCE, Augustus finally dedicated the Curia Iulia around 29 BCE, however, the paving would have been complete before then to facilitate transport of materials to complete the Curia (Mon. Anc. IV.1: *curiam et continens ei chalcidicum feci*; VI.13; Suet. Calig. 60; Cass. Dio LI.22).

[297] Cornell, 1986, 83.

were the catchwords with which one generation summoned the next to administer their inheritance".[298] Although the Julian reorientation of the Curia would reverberate throughout the Comitium's floor, the Lapis Niger had to return in some form in order to summon the past's presence for its inheritors.[299]

REUSING THE LAPIS NIGER

Between one Curia going down and another going up, masons tore out the monteverde pavement. However, they became extremely cautious and left the last fill of tufa and travertine fragments untouched at its original level (12.49-12.61 masl).[300] Upon lifting the Lapis, masons did not dig down to find Altar G-H. They left it covered with the last sacrifice and fill. Instead, they uncovered Column K and the inscribed Cippus B, possibly by accident. Stonemasons either damaged the Lapis Niger while lifting it or cut it to match a new bend in the Sacra Via, cropping its southeast corner blocks and turning it into a irregular pentagon.[301] Pavers then prepared the space with another fill, followed by a bedding of Lapis Niger fragments and other stones.[302] No evidence of a new ritual opening or closure lies in this material. Next workers centered the Lapis Niger's blocks on top of Column K, with the inscribed Cippus B also beneath (Fig. 19). They rotated the Lapis thirty-five degrees to the northwest of Altar G-H. This rotation aligned the Lapis

[298] Jonker, 1995, 37.
[299] Morstein-Marx, 2004, 57.
[300] Gjerstad, 1941, 127.
[301] The Lapis Niger's measurements ended at 4.10 by 3.67 meters square with sixteen slabs, each 2.01 to 0.66 meters long, 0.77 to 0.58 meters wide, and 0.22 meters thick: Gjerstad, 1941, 111.
[302] Exploration IX: Stratum 3: fill (*colmatura*), Stratum 2: rock fragments or bedding (*pietrisco o letto di posa*) (Einar Gjerstad, 1941, 119; Boni, 1899: 158). Gantz notes that, "shavings in the fill underneath [the paving] suggest that the fill and pavement are contemporary": Gantz, 1974, 67.

with the front of new Curia Iulia (Fig. 20), creating a visual communication that legitimated the building's present with the paving's past.[303]

The rotation also ended the cardinal orientation of the Comitium. The space's functions for auspices or as a horologium seem long over, even if *Volcanalia* sacrifices occurred in 80 BCE.[304] The Comitium's *sacred* orientation did not matter enough to prevent a *political* reorientation of it. In thirty years, this next generation of architects either willfully chose Column K and Cippus B as more significant or had simply forgotten Altar G-H, having never found it. Cippus B's mention of a king, its age or its other sacred regulations may have provided new and tantalizing legitimacy for the Senate and Caesar's supporters. Carruthers discusses how "relocation" manipulates social memory by "appropriating visually recognizable material remains and re-installing them into a new web of associations, thereby recharging them with new meaning".[305] The relocated Lapis Niger, in addition to marking a different subterranean past now became associated with the future Curia.

RITUAL FOR REPAVING THE REST OF THE COMITIUM

Ten centimeters of burnt soil spanned the rest of the Comitium, possibly after the black limestone Lapis was in place.[306] Fragments of an ivory statue, tufa, pumice, pentelic marble, Lapis Niger pieces, tile, an archaic relief of a horse and rider, and

[303] Boni, 1899, 158; Richardson, 1992, 268; Gantz, 1974, 66.14.
[304] Coarelli suggests the horologium had a "limited duration": See Pliny's summary of Varro: Pliny, *Nat. Hist.*, 7.60; Varro, *ling. Lat.*, 6.9.89, 6.2.5; Coarelli, 1983, 137-140, 150.
[305] Carruthers, 1998, 52-57; summary in: Papalexandrou, 2003, 69.
[306] Exploration X-XII: Stratum 5 "avanzo di sacrifici" (Fig. 5).

fragments of earlier black figure pottery littered the layer. This soil also held a canine's tooth, a fresh-water fish vertebra, a scallop shell and pig, sheep and bull bones.[307] The ritual that created this layer may have sanctified or desanctified the Lapis Niger itself or the Comitium in general. However, it lacked the variety or amount of domestic votives seen with the Sullan paving. If this was another *Volcanalia* for the Lapis Niger, deconsecration (*exauguratio*), or *suovetaurilia* for the Comitium it seems almost perfunctory in comparison to the sacrifice thirty years before.[308]

The turning and moving of the Lapis Niger may have also required an *evocatio*, asking the associated deity to move. Although Coarelli argues that "the cult of Romulus-Quirinus –like all the hero cults– was probably considered immoveable", he also places non-hero cults to Vulcan and Stata Mater beneath the Lapis Niger, both of which would have to be dealt with if there.[309] Sacrifices such as a *devotio* and *consecratio* could force the deity to move by adding a curse, facilitating and legitimating the planners' efforts.[310]

[307] Stratum 5, "remains of sacrifice" in Exploration X, XI and XII (Fig. 5), and Session a–a and b–b (Fig. 7). Festus records that little fish (*pisciculi*) were sacrificed in the Volcanal in substitution for human victims (*pro animis humanis*) (Sextus Pompeius Festus, *On the Meaning of Words*, s.v. "*piscatorii ludi*"). Oddly, Coarelli ignores the fish and uses Festus to indirectly justify the *kouroi* statuettes as substitutes for human sacrifices: Coarelli, 1983, 178.
[308] Gjerstad, 1941, 155.
[309] "The material identification between the *Volcanal* and the *heroon* of the founder perfectly overlaps the ideal identification and function between Vulcan and Quirinus" (Coarelli, 1983, 197). For the cult of Stata Mater: "In the Sullan era the sanctuary (with other buildings of the Comitium) were built in an adjacent place: that also happens in the imperial age for the placement of the *Volcanal* and the cult of *Stata Mater*": *Ibid*.
[310] Augurs once invoked Terminus and Juventus to move from the Capitoline Hill, but ended up integrating their shrines into the Capitolium. Although an annalist's explanation, before clearing the Capitolium, "[t]he augurs thought it appropriate to consult the auspices concerning each one of the altars that were erected there, and if the gods were willing to withdraw, then to move them elsewhere…but Terminus and Juventas…refused to leave their places…one of them now stands

Whatever deity or deceased connected with the Lapis Niger, it could have seen an evocation with attendant sacrifices. Regardless of which cult(s) planners and their supervising priests respected, they chose to move the Lapis Niger anyway. It remains possible that the Lapis Niger may have no longer carried the cult connotations of the altar it once marked, since Sullan pavers had already ended the spatial functions and ritual practices that coded the old Comitium, and especially since pavers of the forties never found Altar G-H.

Dirt then sealed the sacrificial layer, followed by a bedding of travertine and marble fragments. From this bedding, we presume that masons paved the rest of the Comitium with new blocks of travertine and marble.[311] They also cut out the north end of Feature L and then covered it with peperino tufa blocks (from the last pavement), possibly to support a statue or platform just west of the Lapis Niger (Figs. 15 and 17).[312] Masons also extended Channel U through Pit Q, adding a new facing of opus signinum

in the vestibule of Minerva's shrine and the other in the shrine itself near the statue of the goddess" (Dionysius of Halicarnassus, 3.69.5-6 p.247; Servius, *ad Aen.*, 9.446; Augustine, *De civ. D.*, 4.23, 4.29, 5.22). Livy also records how, in 396 BCE, Romans soldiers could not completely capture Veii, until Juno, the city's protective goddess, relinquished her town and went Rome: Livy, 5.19-23; cf. Edlund-Berry, 1994, 18.

[311] The travertine paving is 0.44 meters thick, whereas the Lapis Niger's blocks are 0.22 meters thick: Boni, 1899, 158.

[312] Their proximity to Platform L and their incised circles suggests that they provided the unseen fill of a platform. These blocks match the new orientation and height of the Lapis Niger and rest at 13.10 to 13.09 masl, while the Lapis Niger ranges from 13.17 to 13.20 masl (Gjerstad, 1941, 127). Workers may have reused these three blocks from the last pavement. Gjerstad believes the two blocks with circular incisions may have held columns for "votive offerings". Yet that function seems over since they are incomplete and consist of the last paving's peperino tufa: *Ibid.*, 111.

cappellaccio blocks (Figs. 3 and 15).[313] Channel U continued to echo the curve of the last, pre-Sullan Rostra, and may have provided drainage for Antony's new Rostra.[314] Although no physical evidence of this Rostra survived the Severan repavings, a denarius minted roughly around 44 by a Marcus Lollius Palicanus depicts a rostra with engaged columns and a bench atop (Fig. 18).[315] If Antony dedicated this rostra, he would logically have coordinated it with Lepidus's paving of the Comitium. Otherwise, Channel U's extension makes little functional sense.

With or without a rostra, the recycled Lapis Niger permanently aligned with the Curia Iulia. Davies believes that "to the place adhered a mysterious aura of sanctity and dread, the origin of which Romans themselves struggled to explain".[316] This difficulty might derive from changing what the Lapis signified: builders had left Altar G-H to reset the Lapis Niger on top of Column K and Cippus B. Much as "[t]he historical tradition of

[313] The cement was made of monteverde, grotta oscura, cappellaccio tufas, travertine, and earth mixed.
[314] Dio credits Antony with the inscription on the Rostra, but credits Caesar for guiding it (Cassius Dio, 43.49.1-3). Whether this was the Rostra that ancient authors referred to and not the Forum's is less clear. Coarelli claims that "the Sullan level has been nearly completely demolished by the subsequent paving (of it only remains some pits, probably in relation to the new inauguration of the area)": Coarelli, 1983, 160.
[315] Although scholars connect the coin to Caesar or even Sulla, nothing on it securely places or dates its rostra. Coarelli believes that Caesar used Palicanus's name on the coin to mark his anti-sullan revision of the Forum, since Palicanus's father was an anti-sullan tribune of 72 BCE (Coarelli, 1985, 243-245). Morstein-Marx trusts Dio Cassius' dating Caesar's rostra to 44 so that he can disprove Coarelli's reattributing the coin to Caesar and not the name written on it (Morstein-Marx, 2004, 52 n. 60). Although Gjerstad sees a "perfectly Sullan style" in Palicanus's rostra, placing it in the Comitium, or at least as a descendant type from Sulla's Rostra, Coarelli, Morstein-Marx and even Gjerstad think that tradition would keep any new version similar in style. Regardless, Gjerstad turns this into his curving, stepped podium of Sulla (Fig. 10, p. 143): Gjerstad, 1941, 152.
[316] Davies, 2000, 30.

the Roman Republic…was an ideological construct, designed to control, to justify and to inspire", the Lapis Niger became a tool of political ideology for Caesar's followers.[317] Planners left behind the Comitium's consecrated and cardinal alignment with the memory of the Altar marked within it. Instead, they dealt with the most immediate and meaningful precedent, the Sullan overhauling the Comitium. By mimicking and altering the last generation's Comitium, the planners of the forties appropriated and realigned its power to run flush with Caesar's Forum and Curia. Papalexandrou clarifies that "fragmented material in second use held tremendous potential as a mnemonic device for the viewer…albeit perhaps in an oblique and not always intentional way".[318] One of these unintended results may include the plurality of attempts by ancient authors to write the history of the Lapis Niger that followed. The planners' choice to move the Lapis Niger would complicate the written and oral traditions that concerned the altar that came before it.

[317] Cornell, 1986, 83.
[318] Papalexadrou draws on Carruthers, 1998, 52-57: Papalexandrou, 2003, 68.

CHAPTER FOUR:

REMEMBERING & FORGETTING THE LAPIS NIGER

How effective was the Lapis Niger in conveying memory of what it covered? Many modern scholars have romanced its cultural continuity. Ammerman personifies the site with a "long lifetime…that was honored dutifully by one generation after the next".[319] Gantz believes that the burnt deposit beneath the Lapis Niger "points to a continuous use of the site for religious purposes from about 570 B.C. down to the destruction in 52 B.C."[320] Yet in fifty years and after an altered Lapis Niger, the Comitium had borne a disparity of monuments and functions. The changes to the Comitium consequently left ancient writers to create many competing histories.

We must understand why so many views of the Lapis Niger emerged. Otherwise, like ancient antiquarians, we will re-identify sites, dates and patrons without end. Still Richardson professes that with the Lapis Niger, "[t]hese various stories do not need to concern us overmuch".[321] Even Coarelli only once remarks at the "the plurality of the interpretations that were attributed to the monument".[322] Few scholars search to understand or explain these perspectives; they only pick the one they consider right or

[319] Ammerman claims that Romans here had a "strong commitment to tradition: in particular, to conserving and maintaining the memory of a place that was venerated…[i]f the site in this location took several different forms during its long lifetime and if the significance that the Romans themselves attributed to it witnessed elaboration and even change over time, it was to remain for centuries a place that was honored dutifully by one generation after the next": Ammerman, 1996, 135-136.
[320] Gantz, 1974, 68.
[321] Richardson, 1992, 267.
[322] Coarelli, 1999, 296.

conflate them all.[323] Instead, these perspectives grant us opportunities to better understand the unique ways in which Romans thought about and created subterranean pasts.

THE PLURALITY OF MEMORIES & ASSOCIATIONS

According to the *Ad Herennium*, the Lapis Niger was bound to confuse visitors. This manual from the eighties BCE warned that "it would be more advantageous to obtain backgrounds in a deserted rather than in a populous region, because the crowding and passing back and forth of people confuse and weaken the imprint of projected memories, while solitude keeps their outlines sharp."[324] The Comitium and Forum rarely afforded such solitude. The Forum in fact drew in thousands of visitors from throughout the Mediterranean daily.[325] Meanwhile, the Comitium could have easily held hundreds of people.[326] The many foreigners who wandered about the Forum during the late Republic brought their own culturally specific ways of interacting with built space.[327]

[323] I reiterate Kampen's clarification that the "reliance on texts is quite different from the use of texts as interpretative tools in the search to understand the meanings and programs of Roman monuments": Kampen, 2003, 371.

[324] *Ad Herennium*, 3.19.31: *Item commodius est in derelicta quam frequentia et regione locos conparare, propterea quod frequentia et obambulatio hominum conturbat et infirmat imaginum notas, solitudo conservat integras simulacrorum figuras*; Yates, 1966, 7.

[325] The central Forum square might have held 6,000 to 20,000 people (Corbeill, 2002, 199): followed by Thommen (1995, 364) who guesses 6,000; MacMullen (1980, 455-456) and Millar, (2001, 224) posit 15,000 to 20,000, while Mouritsen (2001, 20-23) numbers 10,000 based on voting assembly estimates (Morstein-Marx, 2004, 45 n. 36).

[326] We cannot ascertain the audience size within the Comitium itself, since we do not know its exact dimensions. Morstein-Marx sides with Carafa and Coarelli at 3,000 (Morstein-Marx, 2001, 45 n.36; Carafa, 1998, 140 n. 52), while Corbeill follows Thommen's estimate of "several hundred people": Corbeill, 2002, 199.

[327] According to Cicero, the Forum was filled with too few Roman citizens: "*haec turba et babaria forensis*" (Cicero, *De or*. 1.118; cf. Livy 9.46.10); *contiones* were dominated by

The excavation, rituals, paving and daily carting in and out of materials for each Lapis Niger certainly drew attention to the site.[328] However, this din could also confuse "one [who] grazes in admiration at the rostra".[329] Even if fences or trees limited access to either Lapis Niger, visitors could hardly meditate on them amidst what Vergil saw as the "Forum's insanity".[330] Spectacles and trials in the Forum, carts and feet on the Sacra Via, or speeches and bodies blustering about the Senate engulfed each Lapis Niger with distractions.[331] Against the best efforts of each Lapis Nigers' architects, "[t]he everyday microgestural realm generates its own spaces (for example, footways, corridors, places for eating), and so does the most highly formalized macrogestural realm (for instance, the ambulatories of Christian churches, or podia)".[332] The bustle of Rome's Forum could have easily weakened the effectiveness of the original Lapis Niger, leading to its mixed reuse in the forties and consequent confusion.

disruptive Phrygians, Mysians, and other decadent 'Greeks' (Cicero, *Flac*. 17; Cic. *Leg*. *Man*. 11-12, 14, 54-55), Jews (66-67); "pants-wearing Gauls" wandering wherever they wanted in the Forum: "*Hi contra vagantur laeti atque erecti passim toto foro*" (Cicero, *Fonteio*, 33). See, Morstein-Marx 2001, 41 n. 30.

[328] Richardson, 1992, 73-75; *Tab*. *Herr*. 56-61.

[329] *…hic stupet attonitus rostris…*Vergil, *Georgics*, 2.508

[330] Cicero mentions possibly temporary Forum balustrades (*cancelli Fori*) in 56 BCE (Cicero *Sest*. 124; Dion. Hal. 7.59.2, App. *Civ*. 3.30). Purcell (1993, 326) believes that lines of holes or pits in "various pavements" around the Comitium likely supported "barriers of different kinds". Coarelli argues that yoked animals were kept out "*iouxmenta*": Cippus B, Face 3[a]: (Coarelli, 1983, 183-185; Coarelli, 1985, 130). For *insanumque forum*: Vergil, *Georgics*, 2.501-502.

[331] During turbulent times Cicero claims that officeholders nearly "lived on the Rostra…almost every day" (*et hic quidem habitabant in rostris*: Cic. *Brut*., 305), or held "daily *contiones*" (*hinc contiones magistratuum paene pernoctantium in rostris*: Tac. *Dial*. 36.3), with two *contiones* held back to back (e.g. the informer Vettius was tried by Caesar then Vatinius: Cic. *Att*. 2.24.3; *Vat*. 24, 26. See also Morstein-Marx, 2004, 8 n. 40; Millar, 2001, 47-48).

[332] Lefebvre, 2005, 216.

Another factor working against each Lapis Niger includes the personalized nature of memory.[333] A visitor's familiarity with the Comitium and the limits of their visual recall may have limited their associations of either Lapis Niger. Nickerson and Adams's recent study highlights the poverty of our ability to revisualize items that we passively observe on a frequent basis, such as a penny.[334] Eber and Neal confirm that "[w]e notice only a small proportion of environmental events in our everyday experiences; most we ignore or give only slight attention in passing".[335] Unless one actively interacted with the Lapis Niger and passed its meanings on to others, the black icon and what it signified would fade. Natives of Rome who traversed the Sacra Via daily might even forget that the Lapis Niger existed because of its familiarity.

In addition, the physical context of the Comitium could contain countless oral traditions.[336] Alcock argues that "[m]emory's mutability makes it possible for multiple and conflicting versions of events to co-exist, sometimes in the interests of competing

[333] Schultz (2000, 48) believes that "[t]here are two kinds of memory: direct, referring to the building's original shape or style; and indirect, a narrative component evoking historic places or elements", the latter requiring more effort to understand.

[334] The majority of their test group could not reproduce or remember the penny's specific attributes (e.g. only 50% accurately described or drew the direction Lincoln faces on the coin, while even fewer could place or even recite words like LIBERTY or IN GOD WE TRUST): Nickerson and Adams, 2000, 125-136.

[335] I must stress that the conditioning of occupation, gender role, class, available education and daily experience differed throughout antiquity in ways that these modern scientific studies cannot reflect. Eber and Neal, 2001, 4; Pashler and Carrier show that visual memory decays ten times as rapidly as auditory memory Pashler and Carrier, 1996, 6-7: in Joyce, 2003, 105-107.

[336] Thomas's study of genealogies in Classical Greece has shown that oral traditions within families could recall unorganized anecdotes four generations back (Thomas, 1989, 155-195). Familial oral traditions last longer because of their tightly integrated members, whereas memories for larger groups are more mutable.

parties".[337] In the turbulent Comitium and Forum, the mutability of memories was nearly infinite with only a blank slate for orators and visitors to work with. This turmoil of opinions could then destroy a monument. Lefebvre notes that "inasmuch as sites, forms and functions are no longer focused and appropriated by monuments, the city's contexture or fabric – its streets, its underground levels, its frontiers – unravel, and generate not concord but violence", at least in terms of their associations.[338]

The author of *Ad Herennium* believes that each individual has different associative memories and must tailor the art of memory according to their needs: "[o]ften in fact when we declare that some one form resembles another, we fail to receive universal assent, because things seem different to different persons. The same is true with respect to images: one that is well-defined to us appears relatively inconspicuous to others".[339] The Sullan and Julian pavers of the Comitium and its Lapis Niger may have never realized this, assumed their audience shared their knowledge of Rome's past or thought that their paving could bridge this gap. The following competing opinions attest to the opposite.

VARRO

Varro provides our first comments on the Lapis Niger, but they survive only in quotes. He published his major works in the mid-forties BCE, around the paving second

[337] This summarizes Alonso (1988): Susan E. Alcock & Ruth M. Van Dyke, 2003, 3.
[338] Lefebvre, 2005, 223.
[339] Ad Herennium, 3.23.38: *Nam ut saepe, formam si quam similem cuipiam dixerimus esse, non omnes habemus adsensores, quod alii videtur aliud, item fit in imaginibus ut quae nobis diligenter notata sit, ea parum videatur insignis aliis.*

Lapis Niger.[340] Horace drew from him, or similar traditions, roughly fifteen years later to threaten that a future conqueror will cause "the ultimate sacrilege, he will scatter in his arrogance the bones of Quirinus [Romulus] that are now sheltered from the wind and sun".[341] Two centuries later, Porphyry adds that "Varro says that Romulus was buried behind the Rostra", while Acron claims that "Varro says that the tomb of Romulus is before the Rostra".[342] Therefore, Varro recorded that Romulus's remains were buried somewhere near the Rostra around the time when the second paving of the Lapis Niger was complete.[343] Although Varro could have seen the Comitium before and after both pavings –where pavers found no clear evidence for a tomb– he still defended a tradition of Romulus's burial there.[344] The weathered Altar G-H and its attendant monuments,

[340] Varro published his *antiquitates rerum divinarum* around 47 BCE and dedicated it to Caesar, and finished his *de lingua Latina* in dedication to Cicero around 43 BCE. Varro's political allegiance switched from Pompey to Julius Caesar, who pardoned him twice, sent him to re-colonize in Capua and Campania in 59 BCE and put him in charge of Rome's public library in 47 BCE: Cancik, 1985-1986, 251, 258-259.

[341] Horace was around twenty when Varro published, and Horace published his *Epodes* around 30 BCE: "*quaeque carent venti[bu]s et solibus ossa Quirini / nefas videre dissipait insolens*": Horace, *Epodes*, 16.13-14.

[342] Porphyry comments, in the mid-late third century CE, on Horace's quote from Varro "It is said that, as if Romulus were buried, not snatched up to heaven or torn apart. For Varro says that Romulus was buried behind the Rostra.": "*ad l.: hoc sic dicitur, quasi Romulus sepultus sit, non ad caelum raptus aut discerptus. Nam Varro post rostra fuisse sepulcrum Romuli dicit*"; Pseudo Acronian scholia: "*ad l.: plerique aiunt in Rostris Romulum sepultum esse et in memoriam huius rei leones duos ibi fuisse, sicut hodieque in sepulcris videmus, atque inde esse ut pro rostris mortui laudarentur…Nam et Varro pro rostris fuisse sepulcrum Romuli dicit*": Coarelli, 1999, 295.

[343] Borrowing from Gamurrini (*Rendic. Acc. Linc.* Ser. V, 1900, 181, 186), Coarelli believes that the Greek tradition of placing a founder's grave in an agora influenced Varro's association. However, his attempt to connect Altar G-H to lion-topped tomb types "tomba dell'ecista", such as one at the Porta Nocera at Pompeii, is hardly convincing from a stylistic or formal standpoint; Coarelli, 1999, 295; Coarelli, 1983, 174, n.25: *EAA* VI, 355, fig. 383.

[344] Coarelli believes that Varro "certainly" saw the Altar and Cippus before the Lapis Niger: Coarelli, 1999, 296.

possibly coupled by the rituals and closure of the site, provided enough of a frame for Varro and others to keep believing in Romulus's tomb.[345] Even when Boni found no tomb in 1900, his contemporaries, versed in written history, also kept trying to imagine Romulus's tomb in Altar G-H.[346]

As Blake explains with Sicily's rock-cut tombs, "the materiality of the place demanded a response from later inhabitants, who fabricate a social 'memory'".[347] After centuries of ritual decline in the Comitium,[348] Varro or his sources took Altar G-H and fused myths of Romulus's burial with it. In addition, Papalexandrou describes how "too many images lead to confusion and subsequently to a canceling out of the original meaning" for visitors.[349] The memorial clutter throughout the second century BCE Comitium may also have led Varro or his sources to simplify the space with Romulus's tomb. The return of rituals to Altar G-H in the second century may have refurnished the

[345] Gjerstad believes that Varro literally saw the altar before the Lapis Niger covered it, whereas Dionysius did not. He uses his testimony to put the paving after 52's fire (Gjerstad, 1941, 130-131). However, Varro was born early enough to see Altar G-H before even Sulla's faction had paved it, roughly in his thirty's during the 80s BCE.

[346] Scholars continued to assume that a burial pit existed between the Altar G-H's plinths until Gjerstad refuted them in the 1940's, even though Boni mentions no pit. Attempts at linking the structures beneath the Lapis Niger with Romulus's burial include: Gamurrini who thought it a part of a *heroon*, Milani's *mundus* pit with aniconic cult statues atop, or Studniczka's cremation altar for chthonic worship of Romulus. However, without revetment between the bases to hold them, no pit could lay beneath without G's flanking plinths falling in: Gjerstad, 1941, 131-133, 135; Gantz, 1974, 67.

[347] However, I question her singular conception of "social 'memory'". Blake studies the reuse of rock-cut tombs of Pantalica, Sicily. Unlike the Forum, her site has broken occupation. "After 1,300-odd years and numerous cultural transformations, it is almost certain that the Byzantine residents of the site knew less about it than we do now from archaeological research": Blake, 2003, 218 and 216.

[348] Gjerstad's survey of "votive deposits" around Altar G-H reveals the highest concentrations of materials during the sixth and fifth centuries, with a rapid drop during the fourth and third centuries, only to rise again during the second century: Gantz, 1974, 68.

[349] Papalexandrou, 2003, 69.

site with new associations that influenced Varro to ignore the fact that he could see no tomb in the Comitium.

However, other traditions held that Romulus was apotheosized before death.[350] Varro's entombed Romulus hardly works without a body.[351] Therefore, Wissowa and Gjerstad believe that Varro and Horace contradicted the Augustan popularization of Romulus's apotheosis.[352] Gantz reasons that Romulus's "growing importance as a god" led the Iulii to suppress myths of the tomb and its symbolic reference to Romulus's mortality.[353] Since Horace wrote his sixteenth Epode after the rotation of the Lapis Niger,[354] his mention of Romulus's bones could have been a political barb against Octavian's triumvirate.[355] These competing histories, coupled with the changing pavings, would complicate future recollections of the Lapis Niger.

DIONYSIUS OF HALICARNASSUS

The next mention of the Lapis Niger comes from Dionysius of Halicarnassus, a Greek historian who arrived in Rome around 36 BCE.[356] Although he never saw beneath

[350] Livy, 1.16; Plutarch, *Life of Numa Pompilius*.
[351] Coarelli notes that because of the myth of Romulus's apotheosis, Porphyry challenges Varro's claim that Romulus was ever buried: Coarelli, 1999, 295.
[352] Wissowa, *Rel. u. Kult. d. Röm.*, 155; Gjerstad, 1941, 132.
[353] Gantz, 1974, 66.
[354] Horace could have seen the Sullan Lapis Niger and heard of what was found beneath it. His father had sent him to Rome at seven years of age, around 58 BCE: Wissowa, *Rel. u. Kult. d. Röm.*, 154-155; Gjerstad, 1941, 132 n.3.
[355] Losing to Octavian while fighting at Philippi in 42 BCE certainly left Horace bitter. Coarelli has pointed out that Horace (referencing Varro) alone records a tomb of Romulus near the Comitium: Coarelli, 1999, 295.
[356] Dionysius of Halicarnassus, *Antiquitates Romanae* 1.7.2: Schultze, 1986, 121. Given Dionysius's Greek origin, Coarelli's origin for the Lapis theory of founder tombs in the Greek

the Lapis Niger,[357] he states that "[s]ome also say that the stone lion which used to stand in the main part of the Roman Forum, near the Rostra, was set up over the tomb of Faustulus, who was buried where he fell by those finding him".[358] Faustulus was Romulus's foster father.[359] Gantz points out that "Dionysios, a newcomer…knows of his lion only by hearsay, his use of ἔκειτο implies that it was standing in place not long before his arrival".[360] Dionysius may have even misconstrued tales of two lions for one. For even by the third century CE: "many say that Romulus was buried in the Rostra and that two lions stood there in commemoration of this fact".[361] The pavings of each Lapis Niger had convoluted the past, turning Varro's tomb of Romulus into Faustulus's with a lion by the 30s BCE, at least in the minds of Dionysius's sources.

Adding to the confusion, Dionysius records that Hostus Hostilius may have also been honored in the Comitium: "[t]his man, after taking part with Romulus in many wars and performing mighty deeds in the battles with the Sabines, died…and he was buried

agora might apply here as an influence on Dionysius but not an absolute fact (Coarelli, 1999, 295); Dionysius was born near 60 BCE and died after 7 BCE: Gantz, 1974, 66;

[357] With the Lapis Niger, Gjerstad points out that although "Varro and Dionysius describe the monuments [of the Comitium] from the era before their demolition…Dionysius used Varro and the annalists, lacking the opportunity to see and describe" (Gjerstad, 1941, 130-131). Coarelli concurs that Dionysius did not see the Altar G-H and Cippus B before the first Lapis Niger: Coarelli, 1999, 296.

[358] Dionysius of Halicarnassus, *Antiquitates Romanae*, 1.87.2.

[359] Purcell believes that this lion represents Faustulus's violent self-sacrifice since he considers the Forum to be Rome's traditional center of violence: Purcell, 1993, 335.

[360] Gantz, 1974, 66.

[361] Carter first suggested that Altar G-H's bases supported one if not two of Dionysius's lions (Carter, 1909, 19-29; Gjerstad, 1941, 130); Pseudo Acronian scholia: *"ad l.: plerique aiunt in Rostris Romulum sepultum esse et in memoriam huius rei leones duos ibi fuisse, sicut hodieque in sepulcris videmus, atque inde esse ut pro rostris mortui laudarentur…Nam et Varro pro rostris fuisse sepulcrum Romuli dicit."*

near [or by] the kings in the main part of the Forum, being honored with an inscribed stele testifying to his excellence".[362] Carter first suggested that the inscribed Cippus B marked Hostilius's burial.[363] Dionysius later makes note of an "inscription in Greek characters" in the Volcanal.[364] Coarelli argues that these inscriptions are both Hostilius's, and are also Cippus B.[365] Albeit convenient, Coarelli may consolidate too many myths of tombs and markers beneath a Lapis Niger that Dionysius never mentions by name.

We should be careful to take the hearsay that Dionysius reports as literal fact. He modified history to make Rome as Greek as possible for his philhellenic patrons and Greek-speaking audience.[366] He and his audience may have expected to find a *heroon* (founder tomb) like those in Greek agoras.[367] Also, he claimed to draw upon "the compilers of Roman history" and to supplement them by visiting sites and asking very learned men (*logiotatoi*) and locals.[368] Dionysius embellished his tales with conflicting monuments and memories, regardless of their reality, because his sources were equally

[362] Dionysius, *Antiquitates Romanae*, 3.1.2. Richardson oddly assumes that Dionysius could have gone underground and guessed that Altar G-H served as a base for the two funerary lions. However, there were no stairs there in antiquity, no ancient author mentions an Altar, let alone secret passages underground: Richardson, 1992, 268.
[363] Carter, 1909, 19-29; Gjerstad, 1941, 130.
[364] Dionysius of Halicarnassus, *AR*, 2.54.2: "ἐπιγραψας 'ελληνικοῖς γραμμασι".
[365] Coarelli, 1999, 296; Coarelli believes that the inscription was "incomprehensible by the end of the Republic": Coarelli, 1983, 172-177, 197.
[366] The Metilii, Q. Aelius Tubero (Dionysius, *A.R.*, 3.29.7) and even Tiberius (Suet. *Tib.* 70) may have patronized Dionysius: Schultze, 1986, 121-122; 138.
[367] Gamurrini (*Rendic. Acc. Linc.* Ser. V, 1900, 181, 186) and Coarelli's insistence on Altar G-H marking a *heroon* reflects their reliance on Dionysius: Coarelli, 1999, 295; Coarelli, 1983, 174, n.25).
[368] Dionysius, *Antiquitates Romanae*, 1.7.3; 3.69.3; although he finds no statue to Cloelia on the Sacred Way, he learns that fires to nearby houses destroyed it (*ibid.*, 5.35.2); Gjerstad believes Dionysius used one of the annalists to explain the *Lapis Niger*: Gjerstad, 1941, 131.

various.[369] The rediscovery in the forties of the clipped Cippus B, with a partial and archaic inscription but without a tomb likely drove many new attempts to explain the Lapis Niger. Even if Dionysius caught rumor of what pavers found, his placing of Faustulus and Hostilius there merely reflects the conflicting opinions of his time.

FLACCUS & FESTUS

Writing under Augustus and Tiberius, Verrius Flaccus (55 BCE – 20 CE) defined the Lapis Niger in his encyclopedia *De verborum significatu*. By the late second century CE, Festus summarized it: "[t]he Lapis Niger in the Comitium marks the fatal spot, intended for Romulus's corpse but instead not used in this [way, but] by his foster father Faustulus, according to some, by [Hostus] Hostilius, the grandfather of Tullus Hostilius…according to others".[370] The Lapis Niger becomes a marker for Romulus's unfulfilled burial –thwarted possibly by his apotheosis– that either Faustulus or Hostilius then filled.[371] Most modern scholars prefer Flaccus and Festus because they seem to iron out the Comitium's confusing traditions. Gantz relies on Festus because he "permits a number of important inferences".[372] Gjerstad and Coarelli also favor Flaccus and Festus's reasoning, since the site of Romulus's death would not need a burial but could instead

[369] Schultze, 1986, 126-127.
[370] "*Niger Lapis in Comitio locum funestum significant, ut alii, Romuli morti destinatum sed non usu ob in [ferias]…Fau[stulum nutri]cium eius, ut alii dicunt Hos[tilium avum Tu]lli Hostilii, Romanorum regis cuius familia e Medullia Roma, venit post destruc [tionem eius]*": Festus, 50.177.
[371] Gjerstad thinks Flaccus compressed the myths, because an apotheosized Romulus could not be buried: Gjerstad, 1941, 132.
[372] Gantz, 1974, 66.

lead to a *heroon* for him.[373] Since Livy and Plutarch mention speculations that senators had torn Romulus to pieces, their contemporaries could associate the Comitium, home of the Senate, with such regicide.[374] However, by siding with Flaccus and Festus we risk reducing all that lies beneath the Lapis Niger into a single, continuous founder cult site.[375] They do note that their information about Hostilius or Faustulus comes from differing groups. The variety of votives and sacrificed animals in the two burnt fills on top of Altar G-H point toward to very dissimilar rituals. In addition, since the Lapis Niger was placed over two different artifacts, which of the two marked Romulus's "fatal spot", or Hostilius/Faustulus's tomb?

With only the blank slate of the recycled Lapis Niger and legends to work with, Flaccus and Festus consolidated the site's myths. As Halbwachs warns, "in repetition memories are not transmitted intact. Rather they are conflated as they are continually being revised".[376] Flaccus references Varro often. Although Flaccus' writings survive incomplete, he could have mentioned the lion(s), the inscription(s) or Romulus's burial but may have simply not chosen to. Maybe these traditions had confused visitors to the Lapis Niger. Conversely, Festus may have streamlined Flaccus's account to not conflict

[373] Variously a *naiskos*, *eschara*, or *heroa*: Gjerstad, 1941, 131-132, 137; Coarelli, 1999, 296; Coarelli, 1983, 189-198.
[374] Livy, 1.16; Plutarch, *Life of Numa Pompilius*; Coarelli adds that Romulus's apotheosis in the Campus Martius and death in the Comitium may derive from the Senate's need to legitimize its assemblies in both areas. He draws on the theories of B. Liou-Gille, 1980: Coarelli, 1983, 191-196.
[375] Gjerstad, 1941, 132-133. Gjerstad at least suggests that another hero cult predated Romulus. While Gantz follows him in that "[p]reviously the site must have been sacred to someone else…": Gantz, 1974, 68.
[376] Trans., Hutton, 1993, 5.

with prevailing assumptions about the Lapis Niger and Romulus's apotheosis during the second century. These authors diverged from Dionysius because "there is a fairly rapid change of meanings within a somewhat static natural and material landscape and, as such, we cannot assume an implicit continuity on the basis of a similarity of forms" according to Meskell.[377] Akin to each Lapis Niger's summation of the site, Flaccus and Festus molded their past as much as their predecessors to concur with their times.

COLLAPSING THE COMITIUM'S CULTS

Memories of a sanctuary to Vulcan also hung around the Lapis Niger. Coarelli has taken credit for placing Varro, Livy and Pliny's Volcanal beneath the Lapis Niger,[378] (although Gjerstad had paired these authors with Altar G-H forty years earlier).[379] Yet Coarelli does add one Attic black-figure krater fragment that depicts Vulcan.[380] He also includes an inscription to Vulcan from 9 BCE found nearby. He argues that this inscription proves that Vulcan's cult survived in the Comitium from the sixth century BCE into the imperial era.[381] Nevertheless, with the massive decline in votives during the

[377] Meskell, 2003, 52.
[378] Wiseman in particular praises Coarelli's "accomplishment": "The altar beneath the black stone, with its sixth-century *lex sacra*, is the Volcanal, What Boni thought was the Volcanal, the archaic altar just south-west of the Arch of Septimius Severus, is the Ara Saturni, as the literary sources show with particular clarity.": Wiseman, 1985, 230.
[379] Gjerstad uses Varro, Livy and Pliny (Gjerstad, 1941, 144-145, 148): e.g. "I think that the Volcanal was the place of the first political ruin of the Comitium, being in 449 BCE"; Coarelli aligns the same textual references to prove the same point: Coarelli, 1983, 161-164. Chapter II, section 3.
[380] The fragment dates to around 570 to 560 BCE. It is not extremely significant since it sat in a stratum with countless other ceramics dating from the sixth through the first century BCE: Boni, 1899, 157-158, fig. 18.
[381] Excavations in 1548 found 9 BCE's inscription *CIL* VI 457 between the Arch of Septemius Severus and the Church of Saint Adriano, roughly near the Lapis Niger. The accuracy of its

fourth and third centuries BCE,[382] the changes to the site's architecture and votives types, and the legends convoluting the Lapis Niger with a variety historic figures, we must accept Vulcan's presence but doubt his longevity here.

A greater problem emerges when Coarelli professes that "[t]he material identification between the *Volcanal* and the *heroon* of the founder [Romulus] perfectly overlaps the ideal identification and function between Vulcan and Quirinus".[383] He also tries to melt this Vulcan/Quirinus conglomerate with Stata Mater: claiming that their connections to fire, an inscription from the Campus Martius (not the Comitium), and her disappearance from the Forum (also not the Comitium) somehow intertwines all their cults beneath the Lapis Niger.[384] Instead, Blake warns that, "there is something inherently problematic with…stories of cultural continuity, because they tend to naturalize complex social processes…[due to] a lingering romantic tendency in Mediterranean anthropology to identify the timeless community".[385] The need of many scholars to sustain a single

discovery raises some concern. It reads: *Imp[erator] Caesar / Divi f[ilius] Augustus / pontifex maximus / imp[erator] XIII co[n]s[ul] XI, trib[unicia] / potest[ate] XV / ex stipe quam populus Romanus / anno novo apsenti contulit / Nerone Claudio Druso / T[ito] Quinctio Crispino / co[n]s[ulibus] / Volcano*: Coarelli, 1983, 169-170, n. 13, 14.

[382] Gantz, 1974, 68.

[383] Coarelli even suggests a relationship between the *Volcanal* and *Hora Quirini* festivals took place for both on the 23rd of August, above the Comitium (*supra Comitium*): Coarelli, 1983, 197.

[384] The inscription *CIL* VI 802 dates to 3 BCE: *Volcano Quieto Augusto / et Statae Matri Augustae / sacrum / P. Pinarius Thiasus et / M. Rabutius Berullus / mag[istri] vici Armilustri anni V*. Festus mentions that "The statue of *Stata Mater* was venerated in the Forum; after Cotta paved it, a major part of the people withdrew the cult of the goddess to each of their districts [of the town] in order that fire not ruin the stones, that [often] caught fire at night." (Festus, p. 416 50). Coarelli argues that if the statue (*simulacrum*) of Stata Mater "rose" in the area of the *Volcanal*, given the fire parity between Vulcan and Stata Mater, this *simulacrum* may be the Lapis Niger itself: Coarelli, 1983, 172-174, 197.

[385] Blake, 2003, 216.

cultural continuity blurs any boundaries between these cults and the complicated changes to their traditions. The cults of Vulcan, Quirinus, Stata Mater and others may well have connected to the area of Altar G-H and the Lapis Niger, but with a greater deal of variance than we realize. Each version of the Lapis Niger, its attendant rituals and historic associations deserves consideration in its sociocultural, intellectual and religiopolitical contexts.

THE LIMITS OF MEMORY AND EACH LAPIS NIGER

The Republic's fall also paralleled a decline in the practice of the art of memory. By the mid first century CE, Quintilian discusses the method as an antiquated novelty, since many of his generation simply assume memory as given "by nature not by art".[386] He worries, "will not the flow of our speech inevitably be impeded by the double task imposed on our memory?", since the mind would have to work twice as hard to remember first the symbol and then what it symbolized.[387] Although the Lapis Niger primarily preserved the site's sacred nature, its design attempted to represent the site's past forms and possibly what they meant. With the art of memory in decline, some Romans may have also lost interest in the retaining the Lapis Niger's original referents (since both practice and site are sides of a similar cultural coin). Unless locals and

[386] Quintilian, *Institutio oratoria*, 11.2.1-10.
[387] *none impediri quoque dicendi cursum necesse est duplici memoriae cura?* (Quintilian, *Institutio oratoria*, 11.2.25-6). Plato previously shared Quintilian's concern (Coleman, 1992, 35). Recent studies find that short-term memory recalls sensations of sight and sound separately from long-term memory's retention of their meanings and associations, reflecting in a more complicated way the double task that Quintilian laments. Baddeley also notes that "the short-term [memory] store relies on a phonological code, while the long-term store is primarily concerning with meaning" (Baddeley 1990, 54-57).

visitors made an active effort to remember and pass on the form and its referent, the site could take on a plethora of traditions. Future rituals or repaving may have sustained the Lapis Niger's meanings, but without physical evidence of such, the shifting histories hint at its limits at least as a symbol.

The ambiguity of each Lapis Niger unwound many memories and traditions associated with the Comitium. In a way, the blocks expected too much of future audiences. Either its planners or pavers seem to have assumed that site-associated memory was monolithic and sustainable. The clutter and crowds of the Comitium further complicated both Lapis Nigers' attempt to reference the past. The rediscovery of Cippus B in the forties BCE spurred new rumors, while providing a new focal point for the black blocks. These changes, once fixed in stone, redefined the range of explanations for the span of the Empire. Varro and Horace's tomb for Romulus, Dionysius's lion of Faustulus and inscriptions to Hostilius, with Flaccus and Festus's site for Romulus's death and tomb for his relatives, and the potential shrines of Vulcan, Quirinus, Stata Mater or other cults all present aspects of a richer plurality of opinions now lost to us. Recreating how each of these material and mental landscapes interacted and spawned new pasts tells us more about the Lapis Niger and Roman thinking than assigning it any one dictator, deity or date.

CONCLUSIONS

With each Lapis Niger, paving briefly became a "technology of memory" for recording past events and people.[388] Much like Lucretius' poetic footprints of the past, each Lapis Niger made memory tangible.[389] Yet like any new record, architects only marked certain things and forgot the rest with a level plane. Unlike written or pictographic histories, the Lapis Niger consisted of plain blocks.[390] It could not tell narratives. It was also not the altar, cippus or column beneath it. It instead referenced these ruins with a rectangular subterfuge. The Lapis Niger therefore lived and died with the rituals and memories that people brought to it.

Each time architects repaved the Comitium they removed the last flooring and uncovered confusing ruins.[391] Patrons, architects, priests and pedestrians might watch and interact as Rome unveiled its past amidst this construction. Meanwhile, oral traditions, written histories and the din of the Forum enriched and challenged this information. It is in these conflicting rebuildings and writings that we can begin to understand how some Romans thought. For example, Schultze defends that Dionysius's histories "should not be dismissed as mere rhetorical hackwork – and even a middling work may still be of value for what it reveals about the interests and modes of thought of its author and his

[388] Joyce, 2003, 105.
[389] Lucretius, 3.670-3.673, 5.1440-5.1447.
[390] Gregory dangerously uses modern recording to explain antiquity's: "To reduce knowledge to a magnetic image which is then stored in a computer memory is more truly an act of forgetting than remembering, for as we perform this process we simultaneously dismiss the material from our minds": Gregory, 1980, 13-26.
[391] Only Imperial blocks survive *in situ*. We determine prior pavings primarily by their remaining rubble bedding and fill: Gjerstad, 1941, 44.

intended audience".[392] Like Dionysius's accounts, how one manufactures the past with words or blocks reflects the limits of what they know, how they view it and what they expect of their audience.

The Lapis Niger is not entirely alone in the Roman world. The Lacus Curtius saw multiple repavings during the Republic (Fig. 22).[393] Such changes ambiguated its past as well. For instance, Varro lamented that the annalists Procilius, Piso and Cornelius each associated the Lacus Curtius with different legends of the *Curtii* family. Meanwhile, Ovid wondered why repavings in his lifetime had turned this lake dry.[394] Another paving, now physically lost, may have covered the Forum's Tombs of the Gauls (*busta Gallica*), where "the bones of the Gauls who had held the city were heaped up there and fenced in".[395] Also, "the spot near the Cloaca Maxima, where spitting is prohibited" was called 'The Jars' (*doliola*) because of "some jars that were buried under the earth" with debated contents.[396] These memorial sites survived at least in name to the time of Varro.

[392] Schultze, 1986, 121.
[393] We know that Cato the Elder repaved the Forum sometime around his censorship (184 BCE) from Pliny (Pliny, *Nat. hist.* 19.1(6).24), while Festus provides the cognomen Cotta for a magistrate who paved the Forum (Festus, p 416 50). This may have been Gaius Aurelius Cotta (consul in 75), or his brother, Marcus Aurelius Cotta (consul in 74) who were also both praetors around 80 BCE (Coarelli, 1983, 159-160, 172). Boni discovered the Lacus Curtius after 1901, while Gjerstad re-excavated his findings: Gjerstad, 1953; Coarelli, 1985, 131, 220; La Regina, 1995, 233-253.
[394] Varro, *de lingua Latina*. 5.148-50; Ovid, *Fasti*, 6.395-414; Pliny, *HN* 15.78; G; Livy, 1.12.10, 1.13.5, 7.6.1-6; Dionysius of Halicarnassus 2.42.5-6; Suet. *Aug*., 57; Tagliamonte, 1993, 314.
[395] Varro, *Ling. Lat.*, 5.157: *Locus ad Busta Gallica, quod Roma recuperata Gallorum ossa qui possederunt urbem ibi coacervata ac consepta*.
[396] Varro, *Ling. Lat.*, 5.157: "some say that bones of dead men were in them, others that certain sacred objects of Numa Pompilius were buried in them after his death": *Locus qui vocatur Doliola ad Cluacam Maxumam, ubi non licet despuere, a doliolis sub terra. Eorum duae traditae*

However, the ambiguous nature of paving, the bustle of the Forum and memory's mutability had rendered the histories of all of these sites open to opinion by the Imperial period.

To credit any Romans with an archaeological consciousness is anachronistic. When architects cut new building foundations or the galleries beneath the Forum for Sulla or Caesar (Fig. 21), they certainly churned up artifacts.[397] Yet neither version of the Lapis Niger reflects a unified or scientific approach akin to our concept of excavation.[398] Even grouping these pavings, ancient historiography and memnotechnics together risks hinting that everyone understood and believed in them. Instead, there emerges a complicated generational shift for certain elites in how they thought about creating and maintaining a subterranean past. The elite planners of Sulla's generation saw Altar G-H as the legitimizing religious object of the Comitium that was worth highlighting. Meanwhile, Caesar's generation –upon finding only Cippus B and Column K– felt free to appropriate and alter the Sullan paving according to their own political needs. Whether the generation of the forties even considered paving to be a viable form of record or site-association anymore did not stop them from valuing the vague historic importance of the Lapis Niger.

historiae, quod alii inesse aiunt ossa cadaverum, alii Numa Pompilii religiosa quaedam post mortem eius infossa.

[397] Purcell, 1993, 331; Carettoni, 1956-1958, 23-44; Pliny *nat. hist.* 19.23; Cass. Dio, 53.22.

[398] "It is not enough to [view] the reuse of the past in the past [as] a primitive kind of field archaeology, for that says little or nothing about the reasons why particular places, monuments, and landscapes were so carefully selected for this purpose": Bradley, 2003, 225.

Equally, paving each Lapis Niger involved the supervision of priests and augurs with various religious sacrifices and rituals. We must remember that for Varro and other Romans of his generation, "sacred landscape is a constellation of natural phenomena constituted as a meaningful system by means of artificial and religious signs, by telling names or etiological stories fixed to certain places, and by rituals which actualize the space".[399] Altar G-H certainly carried an ancient and sacred function that the Sullan planners could not ignore when paving it. A massive sacrifice, possibly a *Volcanalia*, involving a variety of participants and their votives should have clarified, unified and preserved memory of the site through the physical interaction with it.[400] However, the paving that followed provided only a blank slate for orators, historians and visitors to work with. The next generation of priests also guided rituals and sacrifices on a smaller scale that did not resemble those that came before, because the Comitium had changed. The constellation that bound the Lapis Niger to the Curia and outline of the Rostra unraveled by the forties BCE.

The decline in votives in the forties at the Lapis Niger parallels a similar decline during at Altar G-H during the second century BCE. Both drops in votives may reflect confusion over the site's religious functions, first allowing Sullan planners to repave the whole Comitium and Julian planners to do the same. This timing corresponds with Pine and Nora's theory that "sites of memory, such as archives, monuments, museums and so

[399] Cancik, 1985-1986, 253.
[400] Jan Assmann's dualities of cultural memory and communicative memory pair with Connerton's distinctions between inscribed (built or written) memory and embodied (ritual or behavioral) memory work: Connerton, 1989.

on, are identified and built when memory itself fades and becomes petrified as history…fixed as points".[401] Upon echoing a site, a pavement also defines its loss, taking with it all the ritual and daily functions that imparted the space with meaning. Lefebvre warns that "spatial codes" of meaning are specific to their temporal context, by "characterizing a particular spatial/social practice" they are "*produced* along with the space corresponding to them" and inevitably they die with that space.[402] A paving could never fully recreate and sustain the functions of the Comitium it consolidated and with it went the coded meanings that participants associated with the space.

The repavings of the Comitium revolutionized the range of associations that visitors latched to the Lapis Niger. Still modern scholars twist these legends to pin down the true year, planner, or cult beneath the Lapis, or generalize them all to fulfill a misguided search for cultural continuity or a universal Roman nature. Yet "often in fact when we declare that some single form resembles another, we fail to hear universal agreement, because things seem different to different people. The same is true with respect to images: one that is clear to us appears relatively vague to others" according to the *Ad Herennium*.[403] Once it no longer matters what source is right, we can start to understand how individuals created and interacted with the past below their feet.

[401] Frances Pine, Deema Kaneff and Haldis Haukanes, 2004, 14.
[402] Lefebvre, 2005, 17-18.
[403] *Ad Herennium*, 3.23.38: *Nam ut saepe, formam si quam similem cuipiam dixerimus esse, non omnes habemus adsensores, quod alii videtur aliud, item fit in imaginibus ut quae nobis diligenter notata sit, ea parum videatur insignis aliis.*

FIGURES

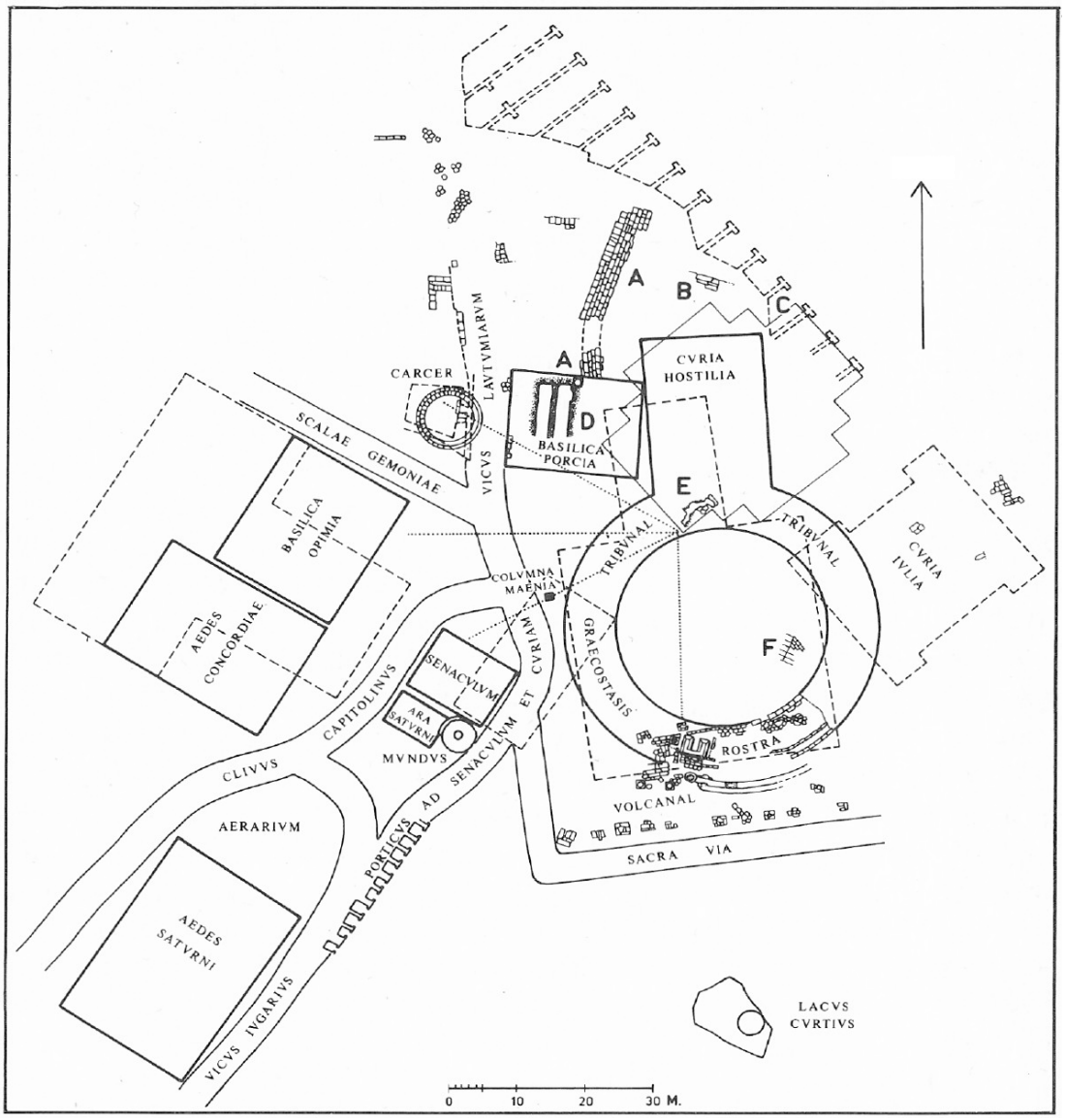

Figure 1: Schematic plan of the northwestern end of the Forum and the Comitium around 200 BCE. The first Senate, the Curia Hostilia, later expanded into the Curia Cornelia by Sulla, faces south onto Altar G-H, here the "Volcanal" and "Rostra". The Curia Iulia (Right) and the southeastern porticus of the Forum Iulia (Top) of the 40s BCE are superimposed (Coarelli, 1983, 139, fig. 39).

Figure 2: Photograph of Boni's excavations beneath the Lapis Niger (supported on crossbars), facing the Arch of Septemius Severus (Gnoli, 1989, fig. 194).

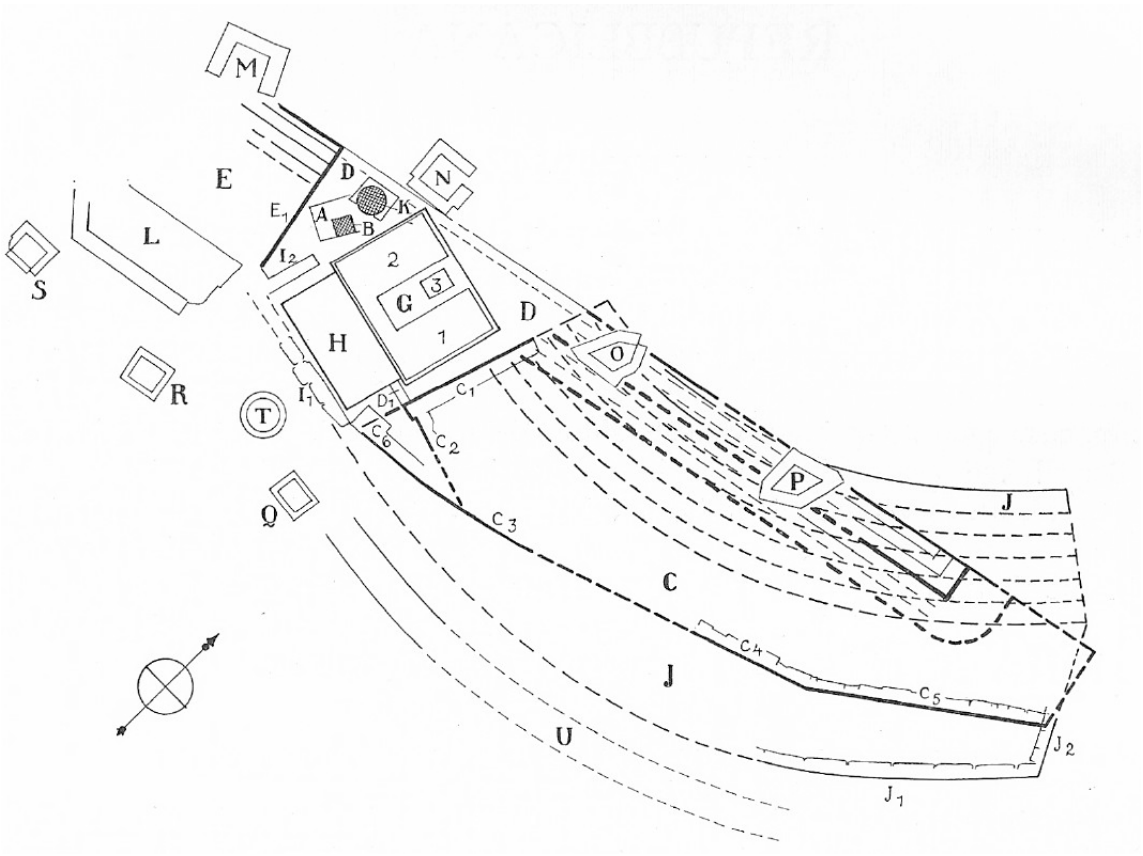

Figure 3: Gjerstad's schematic drawing of the Comitium's monuments beneath the Lapis Niger and the 80s BCE paving (Gjerstad, 1941, 98, fig. 1).

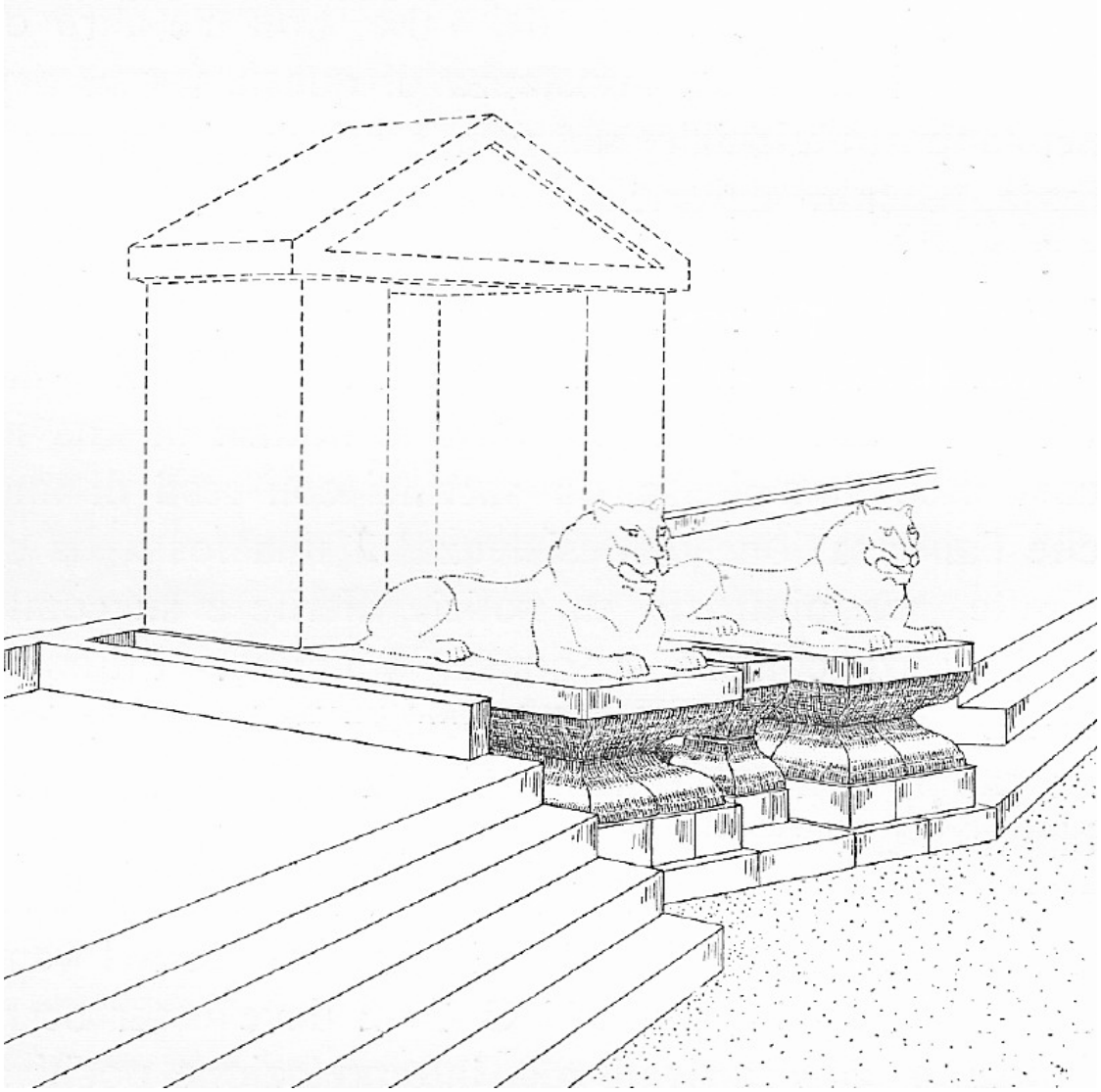

Figure 4: Gjerstad's hypothetical recreation of Altar G-H with Dionysius's lion(s) upon the surviving plinths (G) and an aedicula upon the platform (H) behind. Platform/rostra J (Left), platform E (Right) (Gjerstad, 1941, 136, fig. 8).

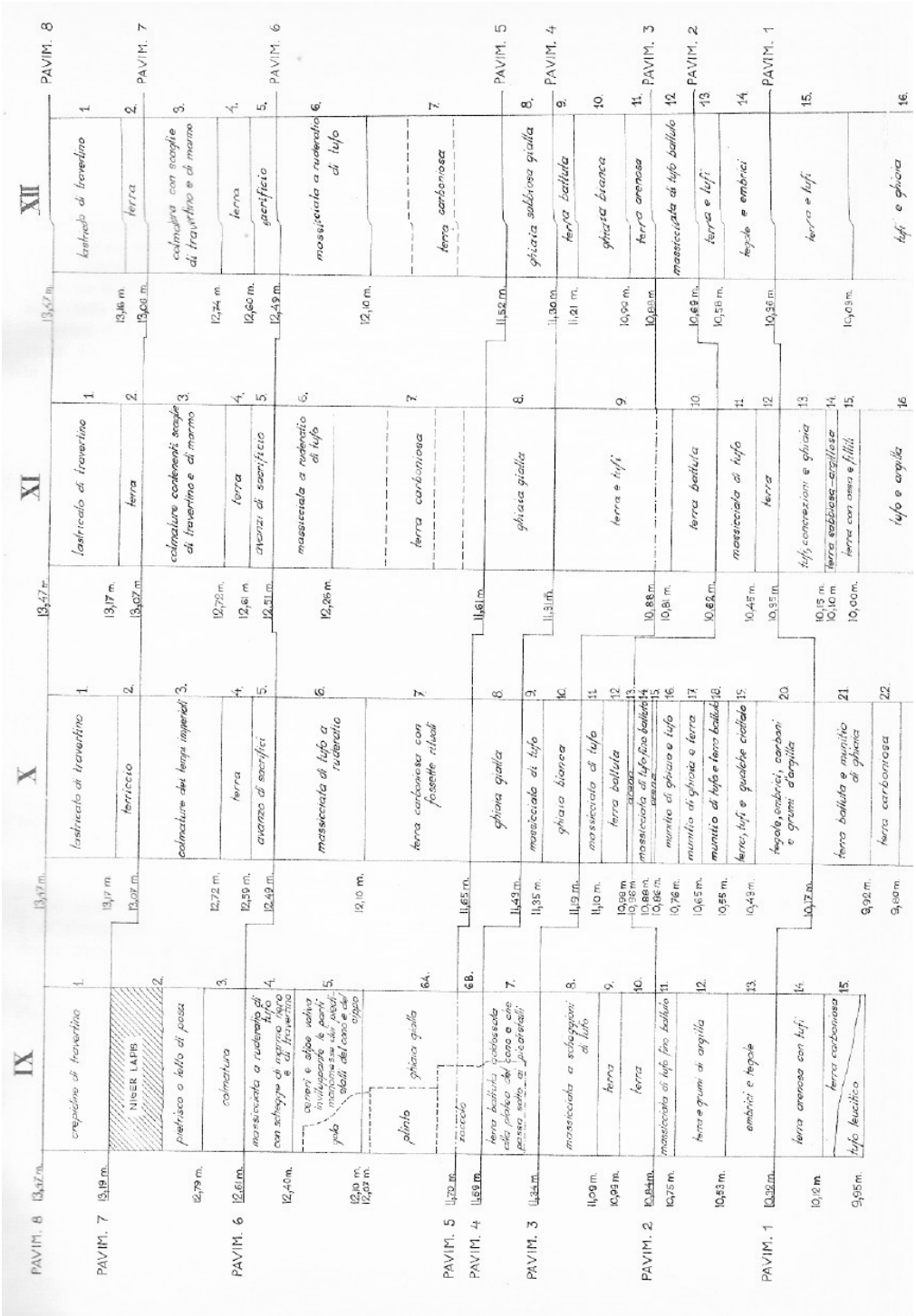

Figure 5: Gjerstad's cross-section of Boni's stratigraphy in the Comitium. The Lapis Niger is on the Left (Exploration IX) with the other soundings running east (Explorations X-XII) (Gjerstad, 1941, tav. 3).

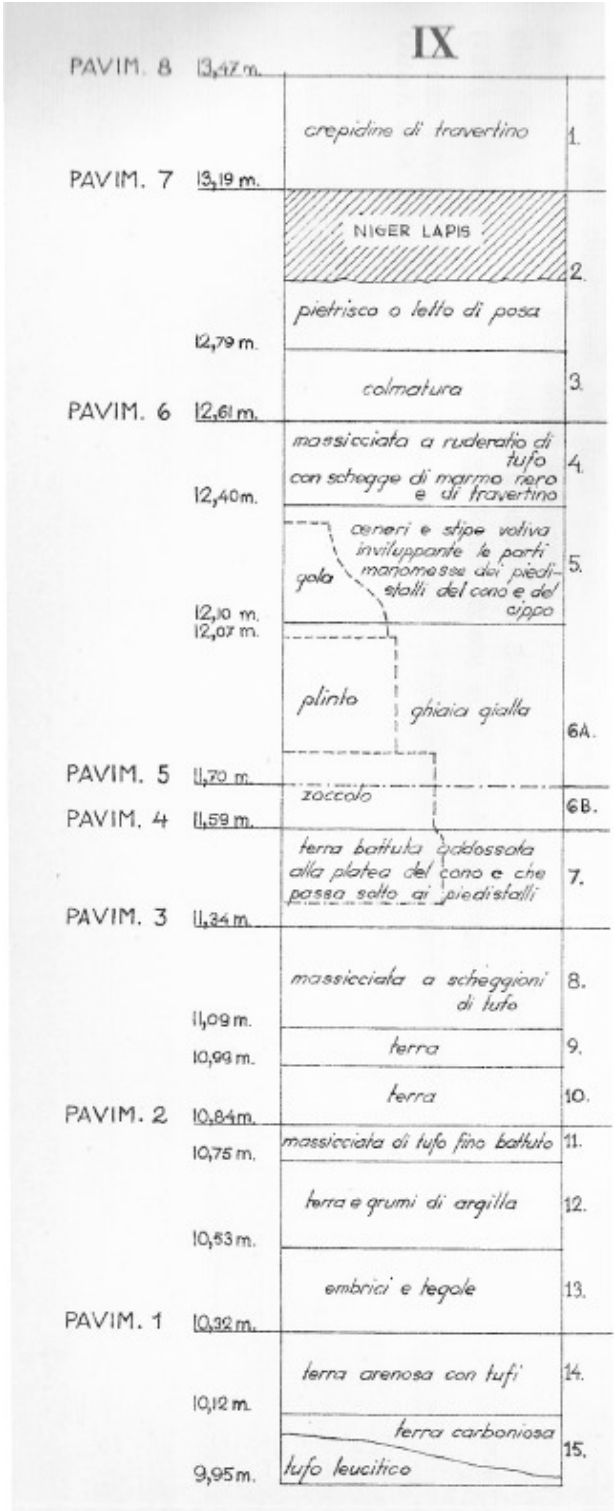

Figure 6: Detail of the strata including and beneath the Lapis Niger from Boni's Exploration XI (Gjerstad, 1941, tav. 3).

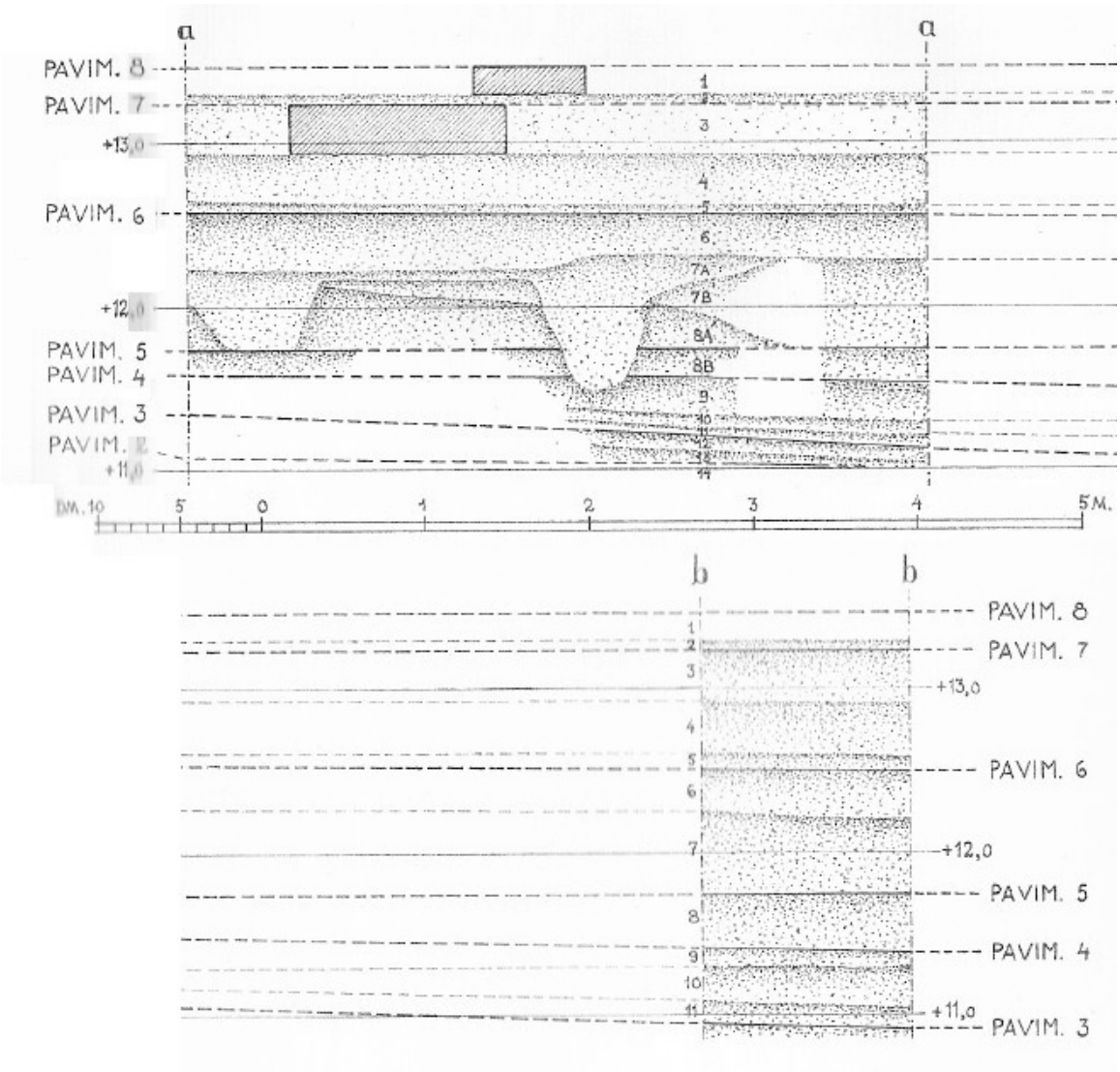

Figure 7: Section “a-a” of stratigraphy (Top) runs West to East from the front edge of Altar G-H. Section b-b (Bottom) also runs west to East in front of Podium C/J (Gjerstad, 1941, tav. 3).

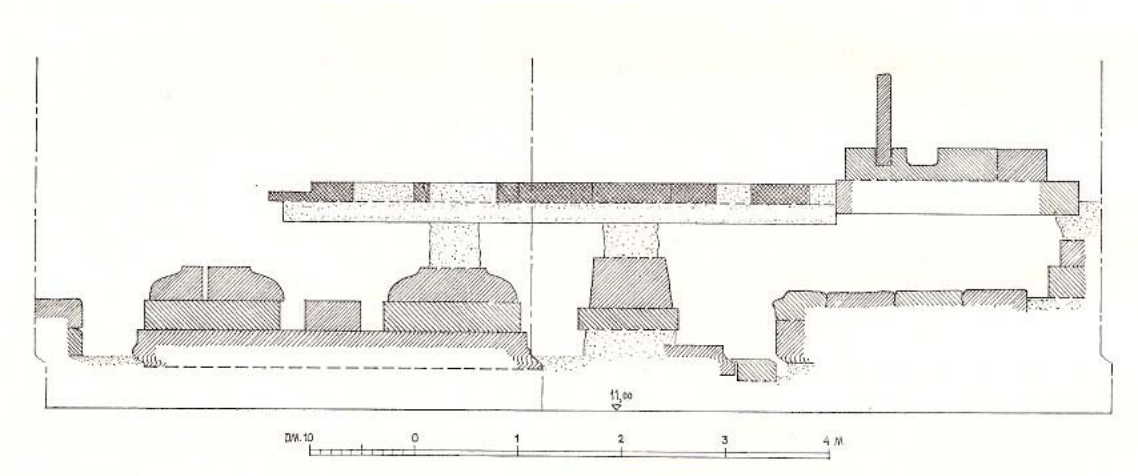

Figure 8: Schematic cross-section facing South onto Altar G-H (Left), with Column K (Center), Podium E (Right) and Lapis Niger (Above Center) (Gjerstad, 1941, fig. 5.1).

Figure 9: Altars at Lavinium (Edlund-Berry, 1994, 24, fig. 3.9).

Figure 10: Foundation remains of Temple A at Pyrgi (Edlund-Berry, 1994, fig. 3.11).

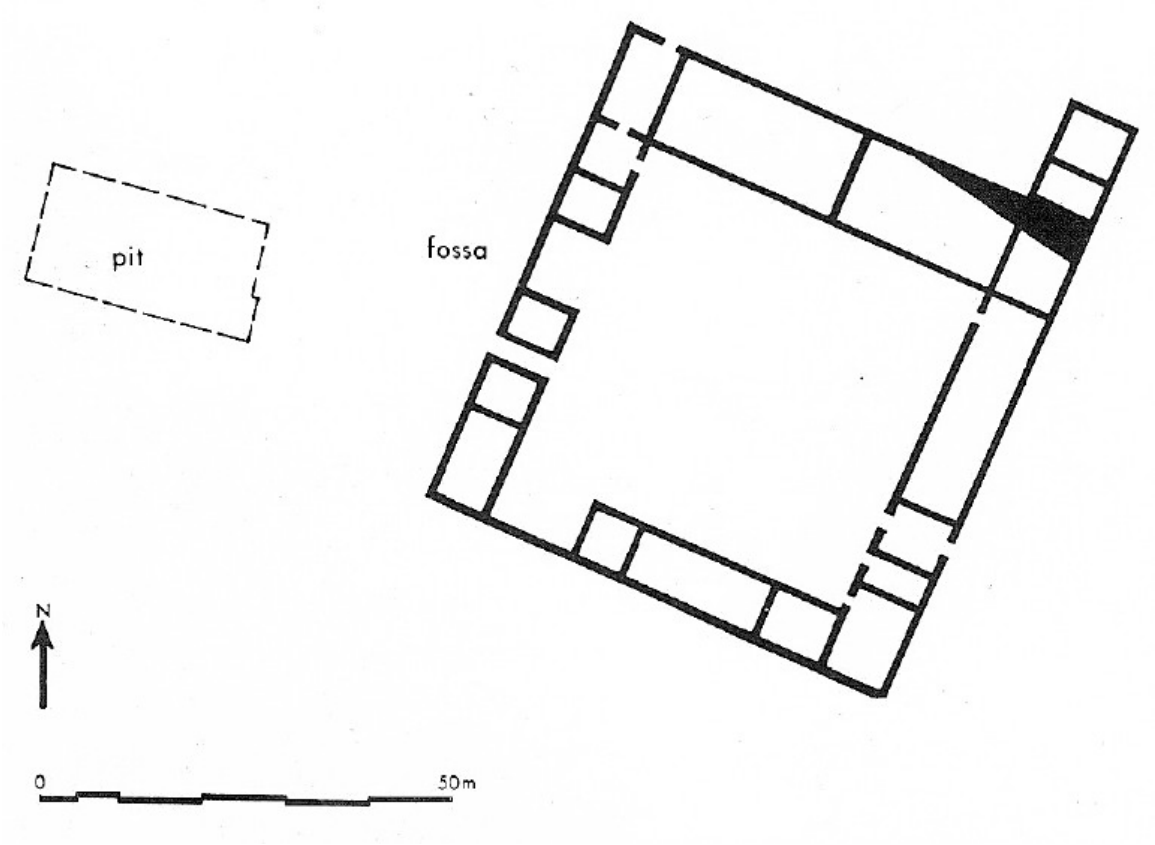

Figure 11: Pit filled with rooftop terracottas (Left) and main complex (Right) (Edlund-Berry, 1994, fig. 3.1).

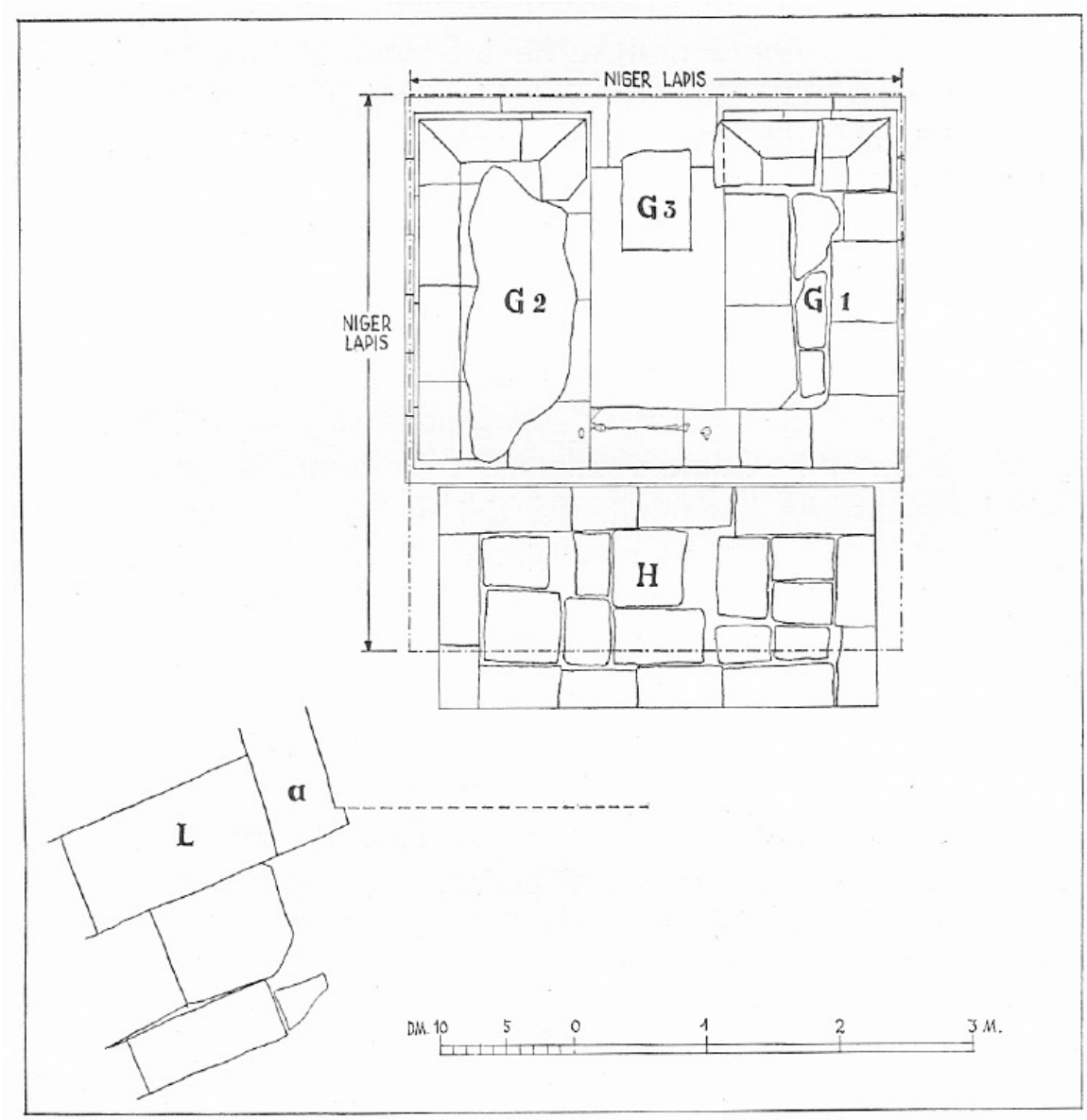

Figure 12: Altar G-H (Top), with the original Lapis Niger superimposed on top. Block "a" on Platform L (Bottom Left) has a canted edge (dotted line) that may form a stone frame for the Lapis Niger (Gjerstad, 1941, 110, fig. 3).

Figure 13: Sullan tufa pavement behind the Curia Iulia (Lamboglia, 1980, 114, fig. 7).

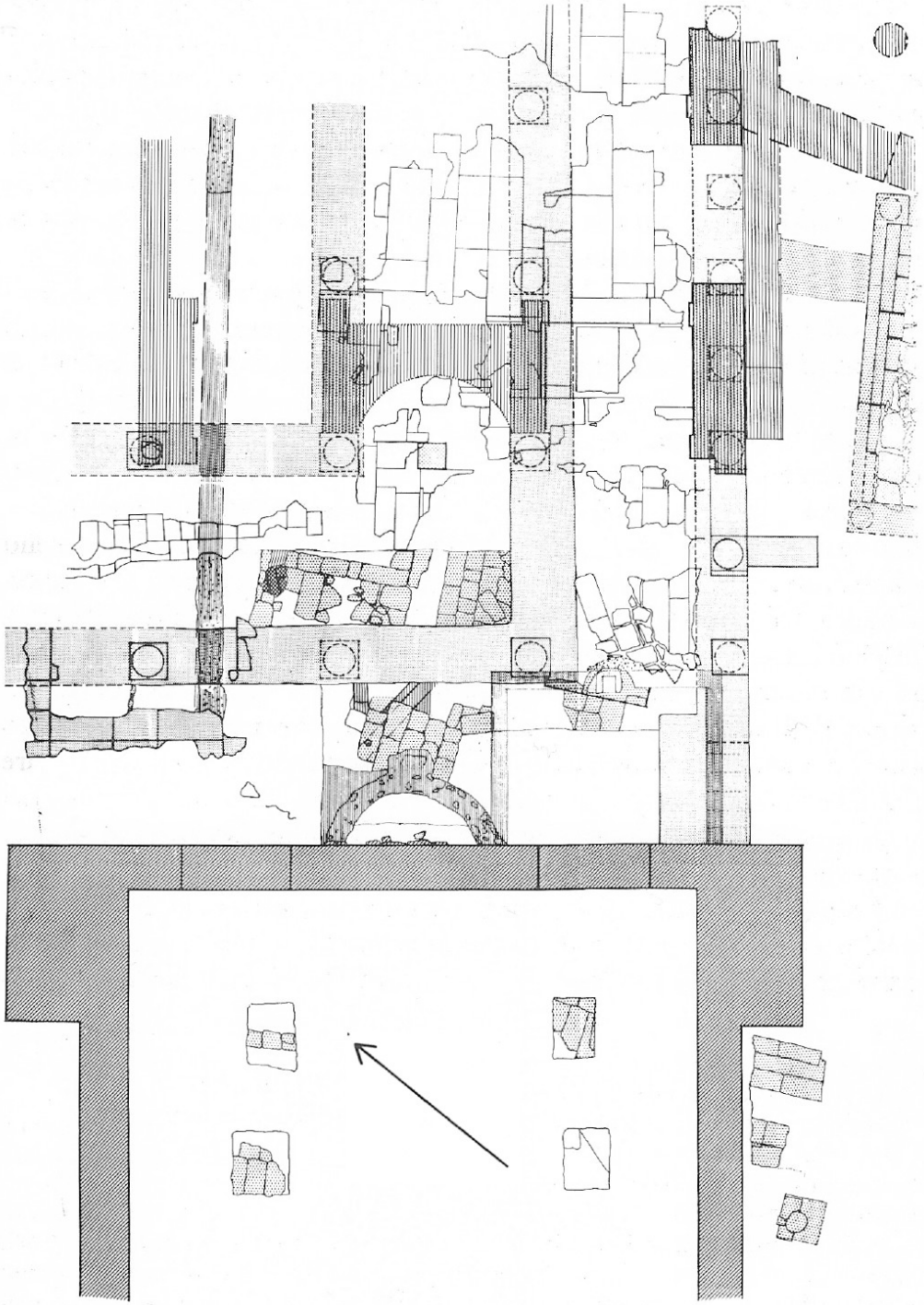

Figure 14: Schematic plan of the rear of the Curia Iulia and the southeast end of the Julian Forum. Sullan paving may be the grey tufa blocks inside the Curia, outside on its right and behind it (Lamboglia, 1980, 133, fig. 23).

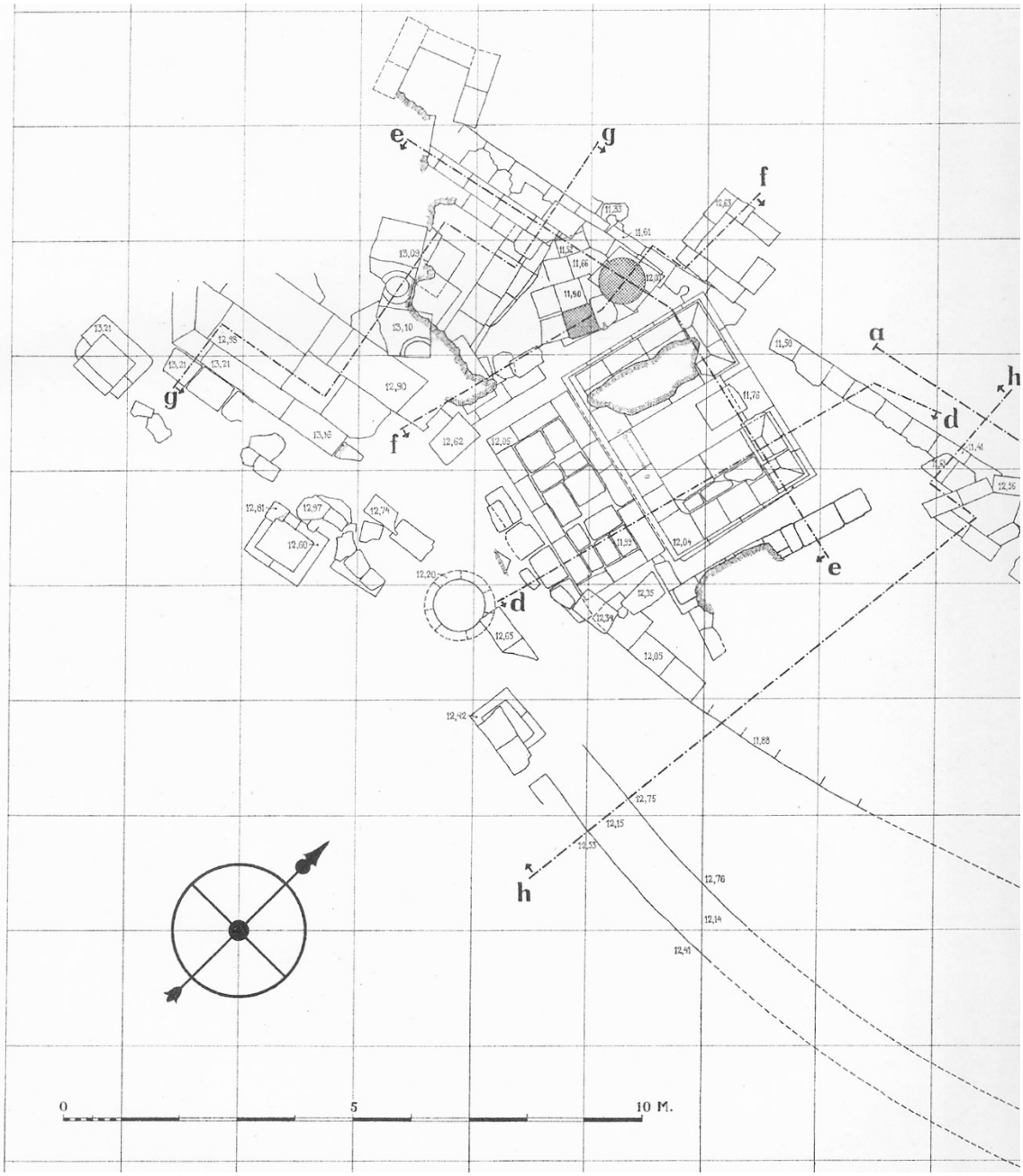

Figure 15: Detailed schematic of the first Lapis Niger pavement cut to show Altar G-H, Cippus B and Column K. Channel U cuts through and on top of Pit Q (Bottom Right, above “h”). Three blocks with two, partial, incised circles rest on top of Platform L (Upper Left, above “f”) (Gjerstad, 1941, tav. 1).

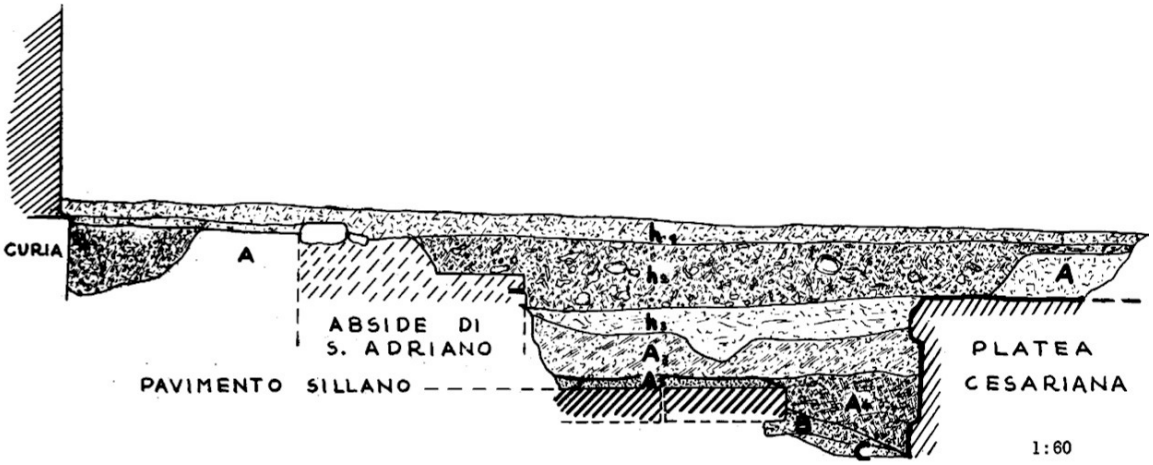

Figure 16: Sullan pavement behind the Curia Iulia that rests above and disconnected from the foundations of the Forum of Caesar (Lamboglia, 1964-1965, fig. 8).

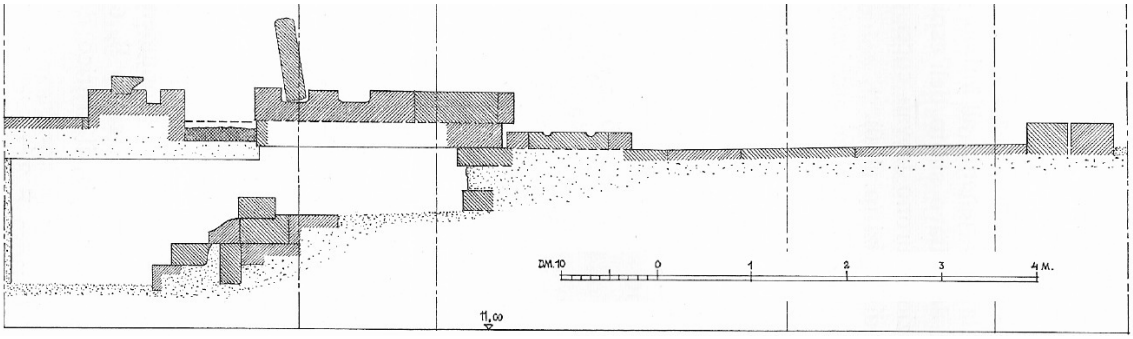

Figure 17: Cross-section of pavements west of the Lapis Niger. Platform E (Left Below). Note how the double-incised block (above the start of scale "DM 10") rests atop and post-dates the Platform L pavement continuing beneath it (Gjerstad, 1941, 121, fig. 5.2).

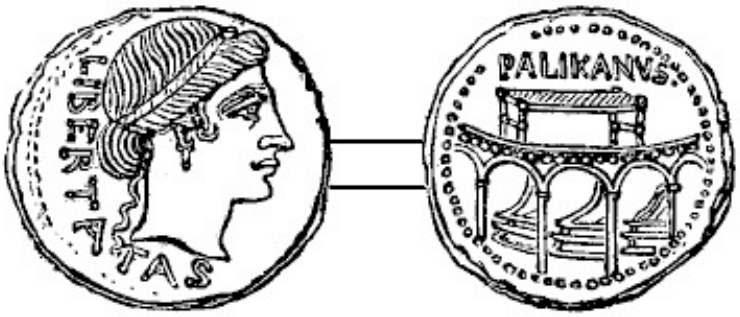

Figure 18: Marcus Lollius Palicanus's denarius from around 45 BCE. The reverse depicts a rostra with engaged columns, projecting ship prows and a curile bench atop (Smith, 1875, 995-996).

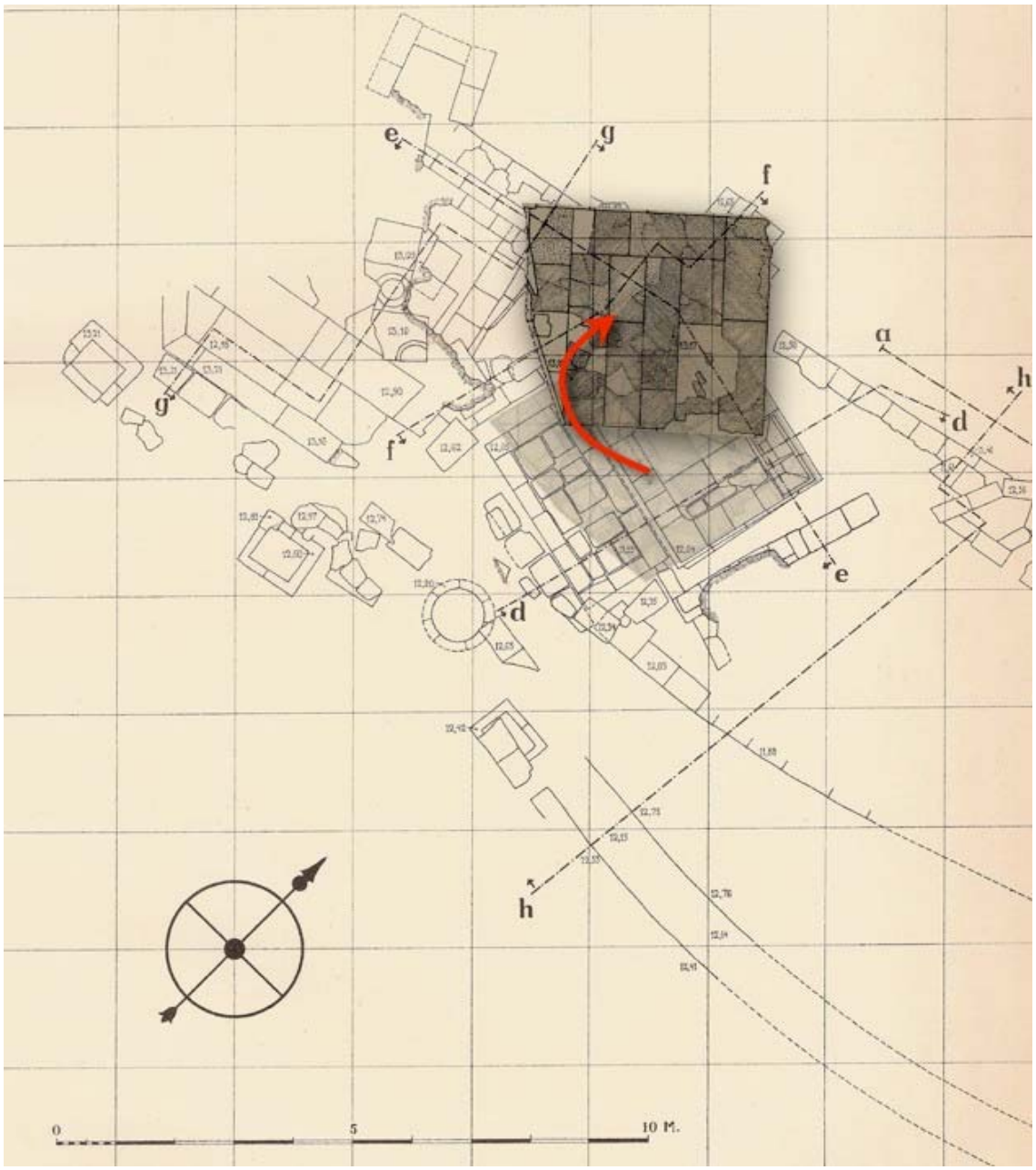

Figure 19: Composite depicting the 35 degree rotation of the Lapis Niger off of Altar G-H and on top of Cippus B and Column K (composite of: Gjerstad, 1941, tav. 1 and 2).

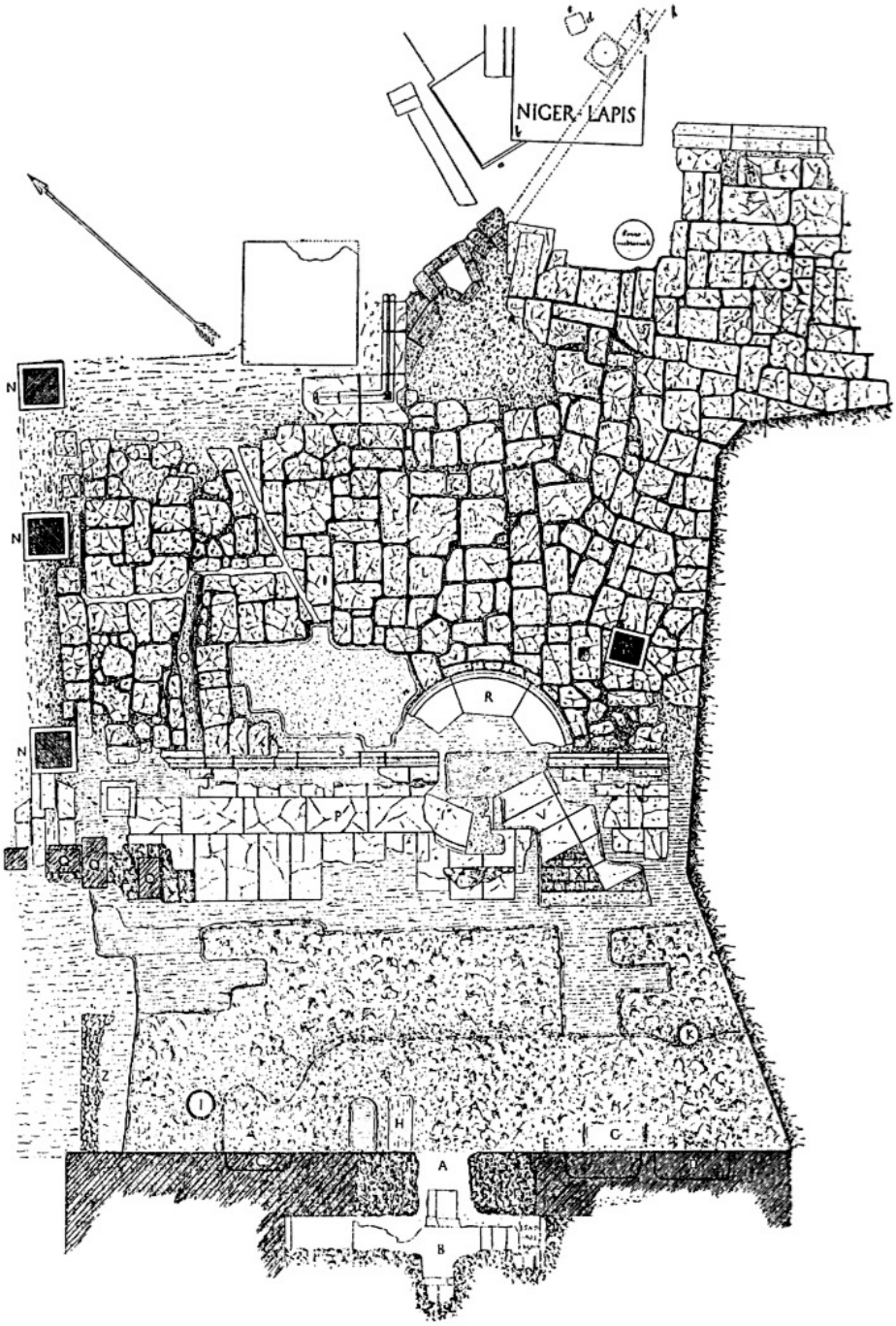

Figure 20: The post 44 BCE Comitium. The second Lapis Niger (Top) matches the orientation of the Curia Iulia's façade (Bottom), its steps stop before the circular feature R (beneath which Sullan-era oriented paving "V") (Boni, 1900, fig. 1).

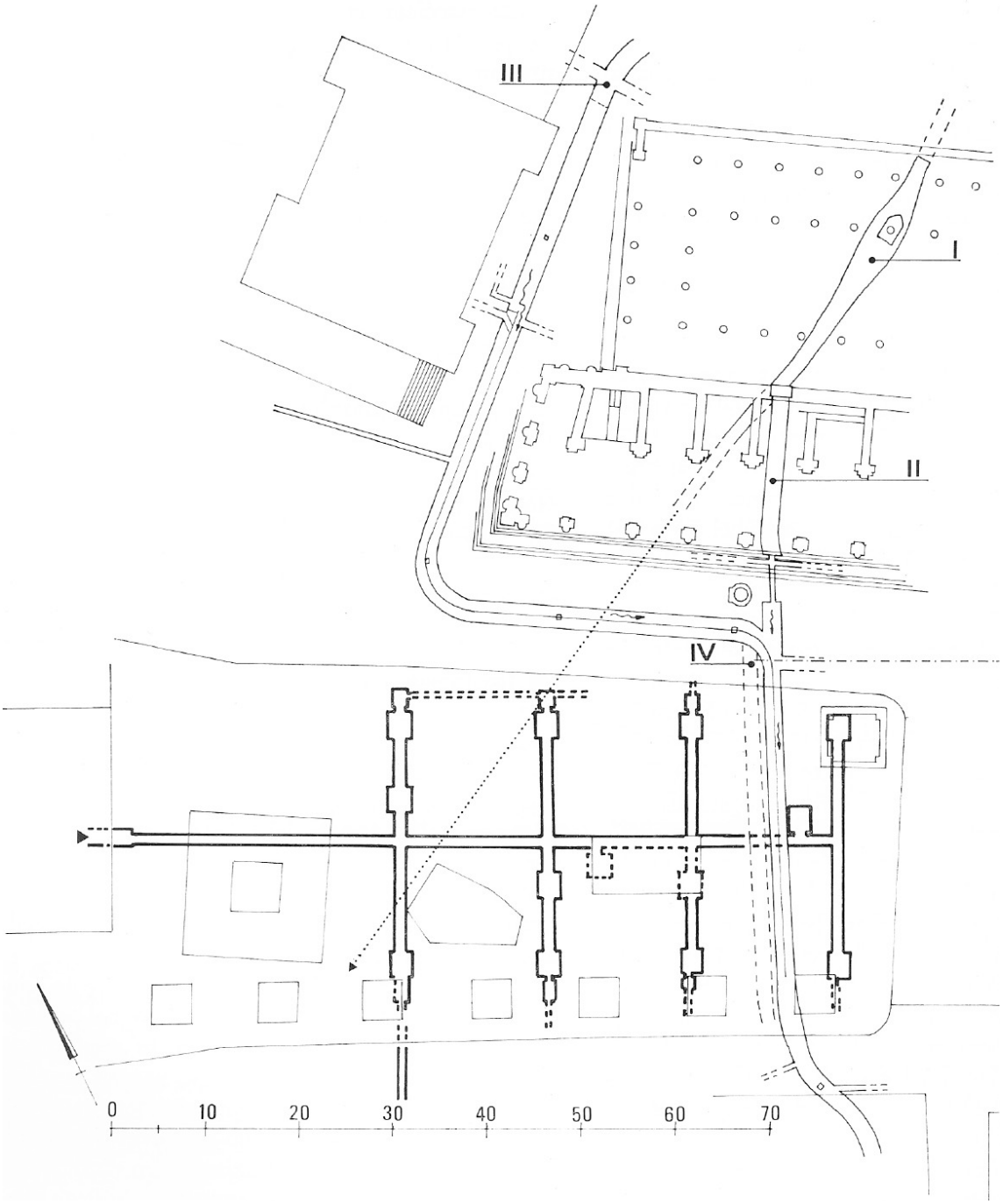

Figure 21: Sullan or Caesarian subterranean gallery system (Bottom), with Basilica Aemilia and Curia Iulia (Top) (Giuliani and Verduchi, 1987, 54, fig. 52).

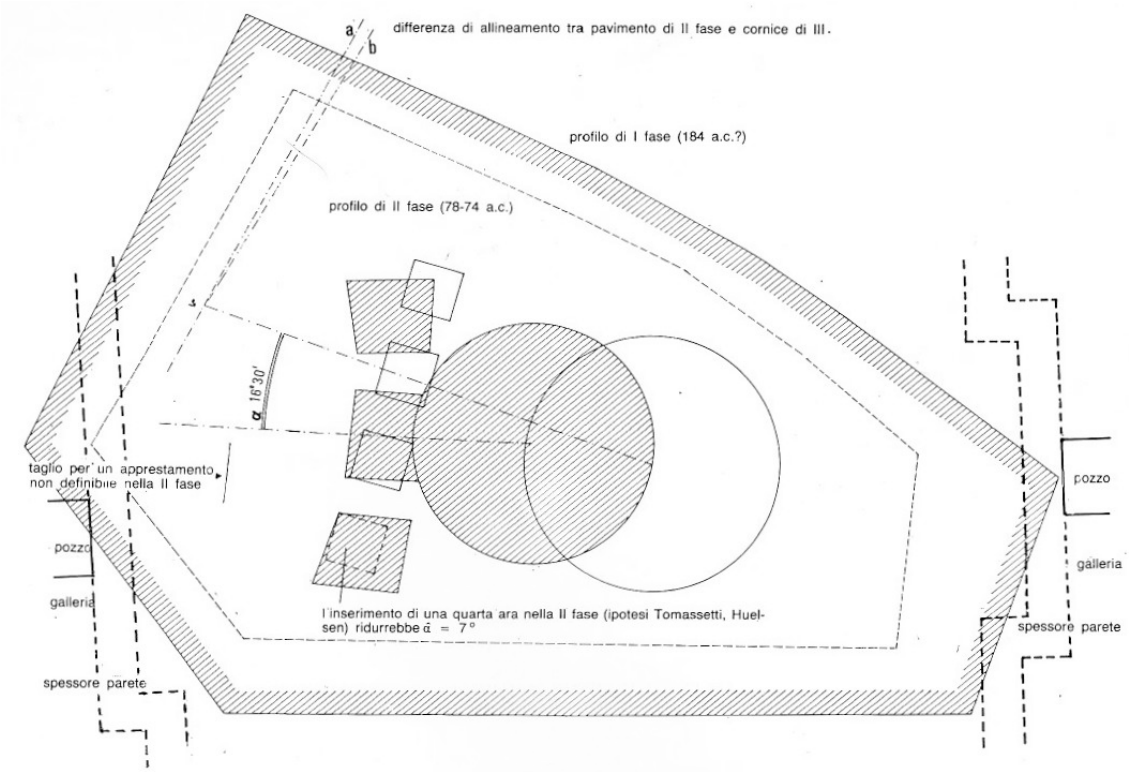

Figure 22: Schematic overlay of two phases of paving of the Lacus Curtius (Giuliani and Verduchi, 1987, 107, fig. 107).

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