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LA SOCIETÀ GENTILIZIA NELL'ITALIA ANTICA TRA REALTÀ E MITO STORIOGRAFICO

a cura di
Massimiliano Di Fazio
Silvia Paltineri

E S T R A T T O




EDIPUGLIA

© 2019 Edipuglia srl, via Dalmazia 22/B - 70127 Bari-S. Spirito
tel. 080 5333056-5333057 (fax) - <http://www.edipuglia.it> - e-mail: info@edipuglia.it

Stampato da Global Print

ISSN 1721-3274

ISBN 978-88-7228-885-6

DOI <http://dx.doi.org/10.4475/885>

SOMMARIO

Introduzione (M. Di Fazio - S. Paltineri)

LA GENS TRA DIRITTO, ANTROPOLOGIA E STORIA

U. Fabietti, *Teorie antropologiche del clan*

C. Smith, *Revisiting The Roman Clan*

E. Benelli, *Nascita e diffusione del gentilizio nell'Italia antica. Qualche riflessione sulle testimonianze dall'epigrafia*

L. Capogrossi Colognesi, *La gens nel diritto*

M. Di Fazio, *Religioni e memoria della gens*

LA GENS NELLA CULTURA MATERIALE

M. Naglak - N. Terrenato, *A House Society in Iron Age Latium? Kinship and State Formation in the Context of New Discoveries at Gabii*

L. M. Michetti, *La società gentilizia nell'Italia antica: riflessioni su alcuni contesti dell'Etruria meridionale*

M. Cuozzo - C. Pellegrino, *Gentes e complessità archeologica: il caso di studio di Pontecagnano*

A. Naso, *Clan e gentes nell'Italia medio-adriatica in epoca preromana*

S. Paltineri, *La società gentilizia nell'Italia settentrionale preromana: problemi di metodo e casi di studio*

Conclusioni (M. Harari)

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CHRISTOPHER SMITH

REVISITING THE ROMAN CLAN

In 2006, *The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology* represented my best attempt to deepen my understanding of a social phenomenon which I had noticed in my earlier book *Early Rome and Latium Economy and Society c.1000-500 BC* (1996), but the treatment of which I knew was unsatisfactory. Time and our knowledge have moved on, and so in revisiting *The Roman Clan*, I hope to tease out what I think is still important, and how I would now rephrase my position¹. First I will restate briefly the argument I hoped to make, and then I put forward my current reflections on kinship, factions and community.

The Roman Clan

The *gens* as a social formation at Rome is known to us from a few definitions, most notably in Cicero, and from the observed behaviour of groups we believe to be *gentes*.

The key definition is Cic. *Top.* 29: «Again: “gentiles in relation to each other are those who share the same *nomen*”. That is not enough. “Those who are born from freeborn citizens”. That too is not enough. “Of whose ancestors no-one has served in slavery”. There is still something missing. “Who have not suffered *capitis diminutio*”. Perhaps that is enough. For I see that Scaevola the pontifex has added nothing to this definition»².

The other crucial passage is the reconstructed elements of the fifth of the Twelve Tables, the lawcode which was promulgated in the middle of the fifth century BC.

V.1 A Vestal Virgin <<<is to be free of *tutela*.>>>

V.2 <<<To a woman her guardian is to be *auctor*.>>>

* *University of St. Andrews.*

¹ Important works which came out after the publication of Smith 2006 include Farney 2007; Capogrossi Colognesi 2009; Viglietti 2012; Barthelet 2012.

² *itemque [ut illud – sc. hereditas]: gentiles sunt inter se qui eodem nomine sunt. non est satis. qui ab ingenuis oriundi sunt. ne id quidem satis est. quorum maiorum nemo seruitutem seruiuit. abest etiam nunc. qui capite non sunt diminuti. Hoc fortasse satis est. nihil enim uideo Scaeuolam pontificem ad hanc definitionem addidisse.*

V.3 As he has disposed by will concerning his *familia* ?or goods?, or guardianship, so is there to be source of rights.

V.4 If he dies intestate, to whom there be no *suus heres*, the nearest agnate is to have the *familia* ?and goods?.

V.5 If there be no agnate, the *gentiles* are to have the *familia* ?and goods?.

V.6 <<<If there be no guardian, the nearest agnate is to have guardianship.>>>

V.7 If there be a madman ?or spendthrift?, power in respect of him <and his *familia*> ?and goods? is to belong to his agnates and *gentiles*.

V.8 If a freedman . . . from that *familia* . . . to that *familia* . . .

V.9-10 <<<They are to collect and divide the *familia*. If he sues, he is to demand a judge or arbiter>>>³.

By the time of Gaius, the law was said to be in desuetude⁴. That is to say, we have late Republican or early imperial evidence, but in practice this is largely used to explain the history of early Rome. The reasons put starkly are as follows:

1. What is significant about the definitions of the *gens* seem to point to features of Rome which

a. Belong to an early phase of Roman history, from the time of the Twelve Tables.

b. This is regularly connected to presumed features of the anthropology of early society, summed up in the Italian phrase *società gentilizia*.

2. The observable behaviour of the *gens* and indeed its plausible impact on history is not visible in the late Republic, except in some rather special cases, in particular the *transitio ad plebem* of Publius Clodius Pulcher, and the celebration of the Julii by Augustus in his Forum.

Taken together, the evidence suggests that the *gens* operated in an early period (and I leave that deliberately vague for now) as a wider network, beyond the family,

³ *Roman Statutes*, II.581:

V.1 uirgo Vestalis <<<a tutela libera esto.>>>

V.2 <<<mulieri tutor auctor esto.>>>

V.3 uti legassit super familia ?pecuniaue? tutelaue sua, ita ius esto.

V.4 si intestato moritur, cui suus heres nec essit, agnatus proximus familiam ?pecuniamque? habeto.

V.5 si agnatus nec essit, gentiles familiam ?pecuniamque? h[abento].

V.6 <<<si tutor nec essit, agnatus proximus tutelam habeto.>>>

V.7 si furiosus ?prodigusue? ess<i>t, agnatum gentiliumque in eo <familiaque> ?pecuniaque? eius potestas esto.

V.8 si libertus . . . ex ea familia . . . in eam familiam . . .

V.9-10 <<<familiam erciscunto ciento. si petit, iudicem arbitrumue postulato.>>>

⁴ Gaius *Inst.* 3.17

in cases of guardianship and inheritance. The kinds of bonding ties which link this wider group appear to be predominantly religious; we hear of gentilicial *sacra*, and one of the accusations made by Cicero against Clodius was that by leaving his patrician Claudian family, he was abandoning their *sacra*⁵.

There is however a significant challenge which arises when one considers the size of the *gens* if it actually contained everyone who shared the same *nomen*. A glance at any prosopographical account will show that the number of Claudii or Fabii at any point in time could be significant⁶. Yet it is very difficult to see any example of a clan operating cohesively in the political field in the late Republic, and there are some indications of internal tension. Moreover, another significant claim for the *gens*, that it was a social organization which existed only for patricians, made little sense by the later Republic⁷.

Both the case of Clodius Pulcher, where Cicero is looking for any excuse to criticise his enemy, and the case of the Julii, tend to make the same point. Augustus Caesar's forum contained, we are told, the statues of his ancestors back to the mythical Iulus, Aeneas' son and Aeneas himself⁸. This exceptional familial self-presentation is, as far as we know, unprecedented in scale at Rome. Masks of the ancestors adorned the atria of elite houses, and were paraded in funerals⁹. This gallery of statues of what was (until Julius Caesar) a noble but not massively distinguished family¹⁰, is most unusual. It even contained a line of the kings of Alba Longa, who were the invention of the period after the matching up of the stable Greek chronology of Eratosthenes with the Roman story, the third or second century BC in other words, to fill the gap between the Trojan war and the putative eighth century foundation of Rome¹¹. It is very much possible to understand this in terms of the unique and exceptional self-advertisement of Augustus, and actually rather difficult to see it as typical of the way that a *gens* operated. Indeed, this is one of the key arguments of *The Roman Clan*, that much of what we see is not structural features of a deeply rooted kinship institution which conservatively preserved its characteristics across time. Instead, what we see is a highly fictional, rather unstable institution, which gained and lost meaning as part of arguments about privilege and access. It was a resource which could be deployed

⁵ Smith 2006, pp. 44-50 in general; Tatum 1999, pp. 101-106 for Clodius.

⁶ Münzer 1999 remains the standard account, supplemented and amended by a brilliant rereading in Hölkeskamp 2011.

⁷ Livy 10.8.9; see Oakley 1997-2006 *ad loc.*; Giuffrè 1970; Falcone 1994; Viglietti 2012.

⁸ *Ov. Fast.* 5.563-564: *hinc videt Aenean oneratum pondere caro et tot Iuleae nobililatis avos*. Geiger 2008, who is rather too certain about what was actually there, and what Varro might have said about it; see also Zanker 1988; Hoffer *et al.* 1988; La Rocca - Ungaro - Meneghini 1995; Galinsky 1996; for some contextual accounts. The presentation also fits into a late Republican tradition of legendary genealogies on which Wiseman 1974 remains the best account.

⁹ Flower 1996; Geiger 2008, pp. 25-51.

¹⁰ Badian 2009; Farney 2012.

¹¹ Kyriakidis 2001; Feeney 2007.

but it was not a sufficient guarantee of success; and rather than seeing a long and deep continuity with the past, we should instead envisage contingent reinventions of a notion which were sometimes only marginally related to any historical reality.

The key factors which reduced the significance of the *gens* over time were as follows. First, the critical rules on intestacy where the *gens* seems to have operated at the time of the Twelve Tables, changed over time towards the narrower family. Thus one of the key important function of the *gens*, for whatever reason, withered away¹².

Second, it seems clear that the narrower family was more significant in terms of identity and activity, including in some of the areas where one might expect to have seen the operation of the *gens*. Internal disputes between families within the Claudii, or the familial rather than gentilicial nature of the group tomb of the Scipios underline the point¹³.

Third, insofar as the *gens* was a patrician only institution, the ending of the Struggle of the Orders and the sharing of power with the plebeians meant that the *gentes* had lost many of the privileges which marked them out. In other words, if the *gens* was indeed deployed as part of an argument, it was unsuccessful¹⁴.

The most significant wider claim is that social institutions are fluid and not static; and that this is especially true perhaps of aristocracy¹⁵. Given that there are no ‘natural’ formations in society, that all are to some extent constructed and contingent, one must expect aristocracy to be always in motion and contested. And indeed, when one looks to other social formations which might offer a parallel, for example the *genos* in Athens, we find first that the *genos* and the *gens* are not the same at all, which indicates the specificity of social formations, and second that the *genos* underwent considerable change over its history¹⁶.

This does not mean of course that the *gens* was not important. What it means is that its importance was different at different times, and that any assumption of real rather invented continuity is dangerous. The *gens* was first part of an argument not a narrative; and insofar as it ever entered a narrative what we see is the trace of those arguments as much as any ‘social reality’. And we absolutely cannot assume that the arguments, some of which at least may belong to the Struggle of the Orders, attest to some primordial structural features of Rome, rather than to the invention of attributes in a competition for distinctiveness between social groups.

Now this is actually rather surprising in some respects, because traditional accounts tend to assume that there was something very real in the archaic period, and that we glimpse the traces of that reality, as it was eroded and dissolved over time.

¹² Gardner 2011; Růfner 2015

¹³ Claudii and Claudii Marcelli: Cic. *de orat.* 1.176; Smith 2006, pp. 51-55. Scipios: Etcheto 2012.

¹⁴ See Raaflaub 2006.

¹⁵ See generally Fisher - van Wees 2015.

¹⁶ Smith 2006, based in Bourriot 1976; Roussel 1976.

Put bluntly, and over schematically, my suggestion is that Scaevola and Cicero may have been the first to come up with a definition of the *gens*, which was a historical invention to explain a variety of not necessarily connected features, whereas a more traditional view might be that they recovered or transmitted a reality of a distant past. Neither version makes a strong assumption that the *gens* had real significance in the first century BC.

A story of discontinuity, rupture, invention and contingency is challenging because it throws into doubt the apparently secure foundations of early society, as they have operated in the anthropological and archaeological literature. Here a general consensus has existed for some time which would suggest that kinship was a strong structuring feature of early society and that it gave way over time to political and artificial structures like the state. This is a venerable story; it can be traced back to the early days of anthropology, from Lewis Henry Morgan onwards¹⁷. Yet increasingly we have come to recognise that this story is a complex fiction. David Schneider powerfully argued that kinship was constructed, not a matter of real bloodlines, but a negotiated fiction, locally contingent in structure and history¹⁸. As anthropologists have increasingly become aware of the subjectivity of its early practitioners, they have tended to move further away from this story, which was highly evolutionary in nature. Its most surprisingly influential statement was not in fact by an anthropologist, but by Friedrich Engels, who, in *The Family, Private Property and the State* borrowed Morgan's anthropology of the Iroquois to make a set of general claims about the development of society. This has been a sort of silent orthodoxy for a century or more, and re-entered archaeology as it took up a more radical Marxist stance¹⁹. Where did Morgan get his ideas from? Almost certainly, the American railway lawyer saw in the Iroquois the familiar shadow of the Roman *gens* as it was narrated in legal textbooks²⁰.

Circularity is obviously not in and of itself proof of falsehood in argument, but it is worrying and leads to further questions. How does one compare across cultures? Were the Iroquois whom Morgan saw on the same level as Bronze Age Italians? 6th century BC Italians? Are kinship structures found in highly dispersed and non-urban contexts likely to survive to a city with a minimum of 30,000 people such as archaic Rome?²¹ How do we settle the alleged equality of an early kinship based system with

¹⁷ Morgan 1877; Trautmann 2008.

¹⁸ Schneider 1984; cf. Feinberg - Ottenheimer 2001.

¹⁹ Engels 2010.

²⁰ Morgan 1965, pp. 1-2 gives the impression that he worked the other way round, and goes on to insist on a fundamental similarity: «The Grecian gens, phratry and tribe, the Roman gens, *curia* and tribe find their analogues in the gens, phratry and tribe of the American aborigines. ... Gentile society wherever found is the same in structural organization and in principles of action; but changing from lower to higher forms with the progressive advancement of the people. These changes give the history of development of the same original conceptions».

²¹ The archaic population of Rome is of course unknowable, but this is a low estimate; see Fulminante 2014.

the evident inequality of the seventh and sixth centuries BC in central Italy? And so on.

To summarise, the main argument of my book was to try to deconstruct our picture of the *gens* as a secure archaic reality, and part of a common evolutionary narrative, and to resituate it within historically and culturally specific debates over privilege, which were then reconstructed into Roman narratives, which were themselves part of cultural and political assumptions. Whatever the *gens* was at any given point in time can then only be recovered as part of an argument, and not as a social given.

Having outlined the argument I made over a decade ago, I now want to think a little about how it has fared, both in terms of my own thinking and in the development of the various disciplines which it touched upon, and by which it was influenced.

Kinship

Schneider's critique has not gone without challenge²². Ultimately, kinship is a factor in human society; it is a vital part of the way we relate to each other. Moreover, when Schneider wrote, he was in a position to claim that blood kinship could be simply fictive. Now we can deploy an array of increasingly sophisticated tools to prove biological descent. It is only a matter of time before someone will be able to give us very clear evidence for burial groups, and my expectation is that there will indeed be actual relationships.

However, the question remains as to what that will actually prove, and how much damage it does to the argument. Whilst Marshall Sahlins was deeply critical of Schneider's reductive position, in a brilliant argument he insists that even when we acknowledge the importance of kinship, it does not therefore become simply a biological term. It is rather a thoroughly symbolic-*cum*-cultural phenomenon²³. At the risk of appearing captious, the issue is less whether two people are related to each other, and more how they conceptualise and mark that relationship. Let us take for instance by far the most tempting case of large scale burial groups derived from ancestors, the two 'lineages' at the major Latin necropolis of Osteria dell'Osa²⁴. It would be astonishing if there were not some direct biological relationships, and maybe we will find one day that this is pervasive. The question is then whether this group self-identified as a relationship group, or a political entity. My argument has always been that whatever social and kinship forms are operating at Gabii as opposed to Osteria dell'Osa will be contingent on the broader social and political world, and that it is evident that sixth century Gabii, with incipient urbanization must have been quite different from

²² A fierce recent critique in Shapiro 2017; more nuanced accounts in Franklin - McKinnon 2000; Wilson 2016.

²³ Sahlins 2013, quote at p. 66, with reference to Lévi-Strauss.

²⁴ Bietti-Sestieri 1992.

whatever community structure was operating nearby from the ninth to the seventh century and from which the burial population of Osteria dell'Osa came²⁵.

In an authoritative recent account, González-Ruibal and Ruiz-Gálvez have used the model of house society to apply to the central and eastern Mediterranean during the Bronze Age and Early Iron Age, and specifically the city-based states of the Levant; the Aegean world; central Italy; and Sardinia²⁶. The classic statement (and Lévi-Strauss never considered the subject in detail) is as follows: the house is primarily a «moral person holding an estate made up of material and immaterial wealth which perpetuates itself through the transmission of its name down a real or imaginary line, considered legitimate as long as this continuity can express itself in the language of kinship or of affinity, and most often of both»²⁷. This argument is taken up in this volume by Naglak and Terrenato for the case of Latium and generally, and Gabii specifically. The following remarks endeavour to align my arguments with the general theory²⁸.

Lévi-Strauss noted that kinship stood in for separate discursive languages which did not yet exist, but increasingly the house as an anthropological concept is seen as something which is between kinship and the state, not necessarily as an evolutionary step, but as another possible world²⁹. The house, and specifically its architecture, is part of the social and material mechanisms which facilitate the flows of social and reproductive life³⁰. In other words, the house, as a discourse, as a fiction, as an economic reality, and as a material space transforms persons and things and their flows across time into memory, politics and the reproduction of power and authority. Other characteristics of the house in Lévi-Strauss' sense include, according to González-Ruibal and Ruiz-Gálvez, bilaterality, cognatic systems and other kinship forms in which the wife's patrilineage are relevant; houses as key symbolic elements and the focus of significant investment; titles and/or symbols of nobility, rank or office; a strong concern with the past; and linguistic usage which connects the physical building to its inhabitants³¹.

When González-Ruibal and Ruiz-Gálvez come to central Italy, their account plac-

²⁵ Smith 2006, p. 149, but see now Naglak - Terrenato (this volume).

²⁶ González-Ruibal - Ruiz-Gálvez 2016; see pp. 420-427 for central Italy. See also González-Ruibal 2006 for work on Iberia. I am grateful to Corinna Riva for drawing my attention to this article.

²⁷ Lévi-Strauss 1982, p. 174, cited and discussed at Carsten - Hugh-Jones 1995, p. 7, and González-Ruibal - Ruiz-Gálvez 2016, p. 385. The original term was 'sociétés à maisons.'

²⁸ I am very grateful to Matthew Naglak and Nicola Terrenato for allowing me to see their inspiring paper and to respond to their ideas.

²⁹ González-Ruibal - Ruiz-Gálvez 2016 use the term 'stage' to try to avoid some of the problems, and see Gillespie 2007 for the house society within history.

³⁰ Buchli 2013, pp. 72; 88.

³¹ González-Ruibal - Ruiz-Gálvez 2016, pp. 387-8. It should perhaps be noted in passing that Gillespie 2007, pp. 34-35 is slightly more agnostic on the significance of the physical structure: «*nothing* in the definition refers to a structure, a residence».

es the rise of house society firmly in the Bronze Age to Iron Age transition, naturally using the emergence of hut urns as a key piece of evidence. Physical structures, for example at Luni sul Mignone, are taken to be the supporting evidence, whilst the formation of cities is led by heads of houses, which would then feed into the famous debate over the patchy settlement of sites like Veii or even Rome with its hills.

Evidence of elite female graves, and the presence of ritual knives, suggest that women may have had status and power, both in Etruria, where that discourse is well known, but also in other parts of central Italy³². González-Ruibal and Ruiz-Gálvez map the orientalising period onto the development of palaces such as Murlo; they note ever wealthier tombs, the continuing evidence of elite women even in the traditions at Rome, and argues that this indicates a capacity to transmit rights which would come to an end. The model offers a potential though not fully explored way of conceptualizing tensions between elite spectacle and munificence, and apparently communal or religious action. What changes then at the end of the sixth century is the demise of the house and the rise of the state. González-Ruibal and Ruiz-Gálvez place the *gens* not in the context of house society, but in those state formation processes which come afterwards.

Taken together these observations serve at the least to nuance the very common reference in Italian archaeological literature to *società gentilizia*³³. Seldom actually defined, this often seems to be a catch-all for a stage of social development between the family and the state. Now it appears that we can genuinely do something with the idea of house society which fulfils some of the underexplained elements of that model.

In their edited volume *About the House: Lévi-Strauss and Beyond: Lévi-Strauss and Beyond* Carsten and Hugh-Jones note some of the difficulties arising from the theory which they call both too broad and too confining³⁴. As the theory has developed, we are beginning to see the house as an ‘illusory objectification’ but also one which in Althusserian terms forms the actual means by which the constructed world-view is apprehended, produced and becomes constitutive of human relations, a recursive relationship which Bourdieu also studied in the villages of the Kabyle³⁵.

It is particularly important, as Gillespie noted, that evidence of a house does not mean automatically a house society³⁶. The materiality of the notion is important and especially useful for archaeologists, but Lévi-Strauss’ notion of the house as a ‘moral person’ emphasises that the mechanisms at work are more embodied, including

³² On Etruria see Rallo 1989, Pitzalis 2011.

³³ Bartoloni 2003 offers an excellent introduction to these challenges.

³⁴ Carsten - Hugh-Jones 1995, pp. 1-46.

³⁵ Bourdieu 1972.

³⁶ Gillespie 2007.

memory and narrative³⁷. Inevitably, given Lévi-Strauss' other interests, it is tempting to extend stories which are part of the mechanism of preserving property through preserving history into a wider concern with situating the house within a community.

This is particularly relevant to the potential of reading the archaic house as mediating between kinship and universe. At one level *suggrundaria*, ancestor busts and lineages represent mechanisms for embedding the notion of kinship into a physical structure³⁸. At another level, household gods, orientation of houses and their positioning within urban structures may show increasing attempts to reflect the features of the external universe into the domestic sphere; and then the imitation of houses in necropoleis reproduce that in the context of the dead.

There is interesting work to be done I think on how and when the house takes on a more cosmic signification³⁹. This was hinted at many years ago by Joseph Rykwert in his work on *The Idea of a Town* and was also explored more recently by Vedia Izzet who looked at ways in which the transformations of surface could be mapped onto social change⁴⁰. Whilst not completely convincing in her chronological location of this change, which she places too late, Izzet's account is highly relevant to the material and transformative function of the house⁴¹.

This is the area where Corinna Riva's work has been particularly helpful. By noticing the new seventh-century BC focus on banqueting and drinking in tomb assemblages, she is able to read back what she describes as 'public mnemonic practices generating collective memory outside the elite group'. Tomb architecture mirrors but also illuminates changes in domestic architecture. New modes of commensality, with a heavy emphasis on imported practices and goods, as well as custom-made *buccherro*, often circulating through gift giving, created new social and political dynamics. This is part of the wider transformation of Etruscan society which would lead to what Riva rightly insists is a distinctive Etruscan form of community⁴².

It is extremely important that the house and the plot in which it stands offered both a physical location for a family, but also an array of opportunities for feasting, visiting and visible display. Although examples are not plentiful, one thinks in the case of central Italy of key examples such as Murlo or the later development of houses at Satrium, and it is important to note that we should not at this stage differentiate between religious and private – there is a significant overlap in function and decoration, which

³⁷ Gillespie 2007, p. 33.

³⁸ On *suggrundaria*, the Gabii evidence is of exceptional importance; see Mogetta - Cohen forthcoming, and I am grateful to Nic Terrenato and the Michigan team for this reference.

³⁹ González-Ruibal - Ruiz-Gálvez 2016, p. 387.

⁴⁰ Rykwert 1988; Izzet 2007.

⁴¹ See Poehler 2009 for some concerns about chronology.

⁴² Riva 2010.

takes us back to the argument over the ‘cosmic’ significance of the house, which may mediate substantially between social, religious and political axes in society⁴³.

The importance of exogamy and non-material exchange is also highly relevant to the situation as we see it in central Italy. Lévi-Strauss saw exchange at the heart of these societies, and this takes us back to Mauss⁴⁴. The importance of exchange places emphasis on another critical aspect of house society, that the house was rarely if ever synonymous with a whole community – there were multiple houses, and that drives society towards heterarchy⁴⁵. As we have noted, the house as a social phenomenon can be a mechanism for protecting the transmission of property, and that is indeed exactly how we see the *gens* working in an early period. Recruitment into this broader unit by kinship or affinity then protects the material means by which the house is socially reproduced⁴⁶, and since recruitment requires a significant attractive capacity, it is by definition an elite activity. It is also however a competitive activity.

This would take us beyond kinship to alliance groups, which may then offer exciting opportunities for explaining forms of relationship between what in other contexts might be called nobles and commoners, and which would in time in Rome probably crystallise as patron client relationships. The house also legitimises recruitment mechanisms which go beyond biological kinship. At this point, Gillespie’s insistence on the non-physical house, on the role of religious buildings in constructing the notion of the sociological house, on house-to-house alliances, and on symbolic capital are all relevant⁴⁷.

In this sense the fact that only patricians have the *gens* might indeed look like a feature of economic and social capital which is translated into a claim of status with religious connotations, until it is overcome by other political, social and economic transformations. It is at this point, in the fourth century or thereabouts, that the *gens* begins to look more like a relic than an active feature of the reproduction of power.

As is often pointed out, house society is so broad a term that it has little explanatory force, but I take it that this means that it is precisely in the often invisible specifics (of architecture, recruitment structures, balances between genuine and fictional kinship, broader social and political context) that a house gains its character. Definitions of the *gens* naturally ‘lump’ but in fact we should expect significant ‘splitting’, and this should make us wary of inter-community comparison. Saying that the Etruscans were organised by *gentes* is problematic on several different levels. It may even ex-

⁴³ Useful brief comments and bibliography in Potts 2015.

⁴⁴ Carsten - Hugh-Jones 1995, pp. 13-14. In south east Asia, commensality both within the house and reciprocally as an act of generosity to those outside is evident; Sparkes - Howell 2003, pp. 9-11.

⁴⁵ González-Ruibal - Ruiz-Gálvez 2016, pp. 388-390; for heterarchy in ancient society see Terrenato - Haggis 2011.

⁴⁶ Gillespie 2000; Wiener 1992.

⁴⁷ Gillespie 2007.

tend to intra-community comparison; we should not assume that the Claudii and the Fabii were necessarily all that similar.

Second, the emergence of a house is context-specific. If we are right to see it as a complex combination of factors which required and enabled recruitment to sustain resources, it is a product of inequality and social hierarchy, but it is also one in which the aspiration towards stability is met by the reality of instability.

However it follows from what we have been saying that it would be dangerous to make the little we know about the *gens* define what is gentilicial society. González-Ruibal and Ruiz-Gálvez place the *gens* as a construct that follows house society; whether or not we regard this as an evolutionary process, the consequence would be that there is no necessary connection between the Roman legal and historiographical fiction of the *gens* and the social realities of society in the 8th to 6th centuries across Italy. In fact, as González-Ruibal and Ruiz-Gálvez themselves point out, the *gens* as we see it is agnatic not cognatic, and any possibility of the transmission of rights through the female line has disappeared.⁴⁸

How strongly one wishes to make this break is now a subject for future debate. Naglak and Terrenato (this volume) rightly insist on the relevance of the archaeological material, especially after the remarkable work at Gabii. We are in agreement on the chimaera of egalitarianism. There is no question that their use of the house society model offers a substantial and significant heuristic model for central Italy, and one which has potential to operate across the rather artificial divide between the sixth and the fifth centuries⁴⁹. The imperfection of the fit between a general model of house society and the picture which we are building of the *gens* as we see it at Rome is however useful in that it permits us to identify a specific historical response at a critical moment and in a critical context, but leaves the broader model intact. This is preferable to driving the general model through the specific example of Rome.

In short, González-Ruibal and Ruiz-Gálvez's general model, and Naglak and Terrenato's elaboration, amend some aspects of my previous position, but also help to make much clearer two of the points I was trying to make in *The Roman Clan*. First, the relationship of the *gens* to preceding social formations in central Italy is not straightforward. The consequence is that we are not able simply to use the phrase *società gentilizia* without a proper explanation of what we mean. It does not by itself have explanatory force; we cannot necessarily see it in evolutionary terms as on the way from one situation to another; and we cannot assume that it is identical across all Italian society. Secondly, if it does come close to house society, then the high degree of contingency of that model, albeit within certain overarching paradigms, should encourage us to emphasise specificity and local variation. The Roman clan

⁴⁸ González-Ruibal - Ruiz-Gálvez 2016, p. 427. One of the areas where I think more work does need to be done is precisely on this complex apparent shift in the status of women, and how we explain it.

⁴⁹ See Hopkins 2016 for a vigorous argument against over-emphasising this 'watershed moment.'

cannot be used paradigmatically; it was the product of specific political and social circumstances which we still need to understand. More positively, this liberates us to think in more complex and interesting ways about the phenomena of elite behaviour in central Italy, and that takes me to my next section.

Factions

As noted above, the house as an anthropological phenomenon is very widely and indiscriminately found. Its intrinsic heterarchy encourages the construction of shifting unstable alliances made between groups, or factions⁵⁰. I want briefly to explore the relevance of factions to our model through two accounts, one by Guy Bradley in an important account of the development of aristocracy, and the other by the social anthropologist Jeremy Boissevain⁵¹.

Bradley's important article differentiates between individual elite groups and notion of an elite; whilst families or wider groups may have been fragile and unstable, the notion of an elite becomes an increasingly stable element of central Italian society from the seventh century onwards. This stability is critical to the way aristocracy will develop structurally, because it allows for the concentration of power, which in turn reinforces stability. The positive feedback loop operates to create the symbolic capital which aristocracy can draw upon, by appropriating rituals, cityscapes, spectacle as legitimating elements of its own self-reproduction.

If we see the house as a step outside the family, a mechanism of recruitment to provide greater stability and to manage the transmission property, then the aristocracy becomes a mechanism for securing, or better attempting to secure the differentiation of an elite. Hence we see the attempt to 'close' the patriciate, to take markers of the powerful and to make them permanent features of an aristocracy⁵². This shift from symbols of power to attributes of status implies a hardening of categories. The patrician red shoe may have begun as a luxury item but it becomes something only some men can wear.

The tension remains however between this aristocracy as a group set apart from the rest of the community, and a group driven by its own factions. It is necessary to hypothesise both vertical and horizontal divisions and the model of course will start to become much more complex when one recognises that the house as we have described it may recruit from and appeal to different levels of society. Thus we are moving towards a competition over the precious resource of popular support and consent.

Bradley's model is strong enough to encompass this, though his emphasis on

⁵⁰ Gillespie 2007.

⁵¹ Bradley 2015; Boissevain 2013.

⁵² De Sanctis 1907, pp. 233-236 applied the medieval Venetian 'serrata del patriziato' to the attempts by the Roman patriciate to tighten their control – the shortlived prohibition on intermarriage with plebeians is an example.

stability may slightly underplay the shifting boundaries of how the aristocracy is defined, but it is a really helpful step in the argument. I want to continue however to think about the factions within the aristocracy, using Boissevain's account, because his ethnography, rooted in small scale societies such as Malta and Sicily, seems to me to be potentially very helpful. These societies, particularly at the time he began to study them, were still highly Mediterranean and not very modern. They clustered around shared and competing rituals, deployed limited resources, and were somewhat outside the full development of the apparatus of the state (not least because of their para-state organizations).

One of Boissevain's key observations for me is that «divisions underline the community's oneness»⁵³. In his account of factionalism he stresses that factions drive change; they are an essential feature of societal dynamism. Their own kaleidoscopic rearrangements are not only products of societies in movement, but also constitute flows within society; they are one of the ways in which, to borrow a term from Castoriadis, the society can imagine itself as other than it is⁵⁴.

Critically, it is Boissevain's contention that the inevitable inequalities lend ideological weight to factional struggles as weaker groups seek to recruit support. There are obvious potential comparisons with whatever underlay the historiographical account of the struggle of the orders, but Boissevain's insistence on transient expedient groups reminds us that there is a possible alternative narrative to the traditional picture of two opposing blocs of interest. We should expect a much more complex picture, and that would support the argument that we may be unable to see the multiplicity of groups at Rome, which may indeed have been themselves the product of the recruitment exercises of the houses or *gentes*. To be specific, one of the reasons why we may have had difficulties with what look like plebeians in the consular *fasti*, or in defining what made a patrician *gens* minor, is because the duality of the patricians and plebeians in the historiographical account conceals a greater complexity⁵⁵.

This leads us back to the question of what the *gens* was for, and both from the angle of house society and also from the perspective of the ubiquity of factions and their instability, within a broader discourse of power. Each *gens* at Rome was a constellation of affinities, arguments and alliances; it drew upon the language of power, and may indeed have expressed its unity through a fictive kinship claim. The *gens* had the huge advantage over the family that it could recruit, not least through adoption, and sustain itself over time. However this very necessity is a reminder of the essential fragility of the family, and even the *gens* alone is fragile against the strength of the broader community. Indeed, one of the ways in which one might conceive of the emergent *plebs* is that the individual families, unable to recruit to the same extent as

⁵³ Boissevain 2013, p. 112.

⁵⁴ Castoriadis 1998.

⁵⁵ This had already been observed by Momigliano 1966; cf. Musti 1989.

the patrician *gentes*, operated as an almost inexhaustible *gens*, with cults, offices and symbols of unity which were not reliant on an even fictive kinship, but on an identification with the city. The *plebs urbana* or *Romana* was about Rome⁵⁶.

Community

The reconstruction which is emerging has two elements so far: the development of groups which used kinship as the basis for recruitment, which then permitted the preservation of property, and the shifting factions comprising elements of the broader community, which combined variously to generate change. What is missing is that wider community and its values.

This is not the place to rehearse the development of the city of Rome⁵⁷, but I wish to make a few specific points which relate to the argument over the *gens*. In *The Roman Clan*, one of my main concerns was to get as far as I could with reinstating the role of the *curiae* as an early assembly and association, and one which appears not to have been exclusively for patricians or run by patrician *gentes*. Indeed, the *curiae* insofar as we can tell were driven by association of families (*genera*) and the difference is important, because of the linguistic restriction of *gens* to patricians, whereas *genera* may be used indiscriminately⁵⁸.

The other significant feature of the *curiae* for our purpose is that they to some extent regulate the behaviour of the *gentes*, overseeing movement between *gentes* and orders. The collective community of the *curiae* therefore are guardians at least of the symbolism of factions, and also the audience we assume of some of the political spectacle.

This tension between faction and community, between horizontal and vertical definitions, is highly significant. It both indicates the way the city has to manage the centrifugal destructive forces of competition and rivalry, and how the city's resources offered a rich opportunity for faction leaders. Much of my current focus is on how this interplay worked, which clearly needs to go beyond a dichotomy of coercion and cohesion to more sophisticated models.

A hugely significant part rests with models of communication, broadly understood, and, within this, the establishment of religion as a form of communicative action puts into sharp relief its significance for the functioning of the *gens*⁵⁹. On my reconstruction, the developing religious systems of Rome may have offered one of the most important resources of symbolic capital for the elite, so important that alongside

⁵⁶ On the plebs, the critical starting point is Richard 1978.

⁵⁷ See Fulminante 2014; Potts 2015; Hopkins 2016; Armstrong 2016; Lulof - Smith 2017.

⁵⁸ Smith 2006; Armstrong 2016, pp. 82-86, makes the relationship more oppositional, identifying the *curiae* as an urban population and the *gentes* as a rural one.

⁵⁹ Rüpke 2012; Rüpke 2015.

political office it was subject to very strong rules around distribution and sharing of office. The story of the Republic is one of decreasing monopolies on roles and privilege, but the tendency to avoid accumulation of power at a personal or family level appears to be there from the beginning of the account of the Republic⁶⁰.

Moreover, it is interesting how awkwardly the king sits in the constitutional history of Rome, and whilst I cannot expand this argument here, a sketch of a potential model might suggest that the *rex* acts as a mediator or a figure above the local factional politics of Rome. It is interesting that the last three kings of Rome are not Roman themselves. The privileges of the patriciate did not emerge from nowhere at the beginning of the Republic; their occlusion by the historiographical record is a sort of mirror to the role of the king standing above political rivalries, and it may be that this permitted the concentration of power in the figure of the king, in a way that would not have been permitted to a Roman aristocrat in the Republic⁶¹.

To return to a theory of communicative action, it is obvious that we must somehow get behind the deliberately modern theory of Habermas, which characterises a system which is liberated from a more traditional normative framework⁶². Yet the basic principle is that societies are stable over the long run only if their members generally perceive them as legitimate. That communication can only work on the basis of a shared set of agreements about the validity of claims must also work for antiquity at some level, unless one wishes to argue for absolutely pervasive coercion. And that coercive model is to some extent made very much more difficult in a world of houses and factions.

In this context, the claim to religious expertise and privilege is an important part of stabilizing power, and it is unsurprising that it was one of the battlegrounds over which the patricians fought hardest and longest. However, it is for my purposes particularly interesting that one of the dynamics of the passage out of the archaic period is the emergence of monumental temple architecture. These temples are associated with kings, but not easily with factions – they have a community function, just as the development of the forum serves some notion of a broader community. Here again, Boissevain's formulation 'divisions underline the community's oneness' seems appropriate. At precisely the time when the notion of religion was being increasingly claimed by one faction of the community, the ground of communication was increasingly shifting towards the protection of the community, and the addition of the temple

⁶⁰ For the often overlooked *turnus of imperium*, meaning that even within the consulship the magistrates exchanged the fasces, thereby mediating between the exclusivity of *summum imperium* and the necessity to control it, see Vervaeke 2014, pp. 51-53. For other 'distributive' mechanisms see Smith 2006, pp. 299-335.

⁶¹ The Roman tradition on *adfectatio regni* is one way of conceptualizing the problem; see now Neel 2015; Torelli 2017.

⁶² Habermas argued that mythical thought is closed and represents only the collective consciousness. See Bertland 2000; Henry 2000 for some challenges to this view.

of Ceres Liber Liberaque as a plebeian triad, which may be a genuine memory of the early fifth century, is further evidence⁶³.

If one runs the argument further in time, one comes to another of Nicola Terrenato's groundshifting arguments, the idea of faction as the agenda-setting dynamic of Roman expansion in the mid-Republic⁶⁴. The *gens* has been given a role in this in the past as part of the very politicised narratives which for a while dominated the discussion of the middle Republic, and which to an extent rather overlooked other social and cultural aspects of the transformation of Rome⁶⁵. In particular the disjunction between the supposedly single-minded pursuit of imperial expansion and the intense political competition was mediated by a model of individual family interests. Terrenato moves this onto a new level by emphasising the importance of non-Roman families and by sustaining an interpretation which uses the idea of factions, and includes their capacity for transformation, but locates Rome as a 'vehicle for political clustering which was constantly hijacked and appropriated by an ever-growing number of trans-ethnic factions'.

The capture of Rome by outside interests is an intriguing rewriting of the imperial script. Rather than the powerful internal motivations identified by Harris, the accidents of history proposed by Gruen, or the chaotic external environment suggested by Eckstein, Terrenato locates the growth of empire in the aspirations of local elites to attain power through using Rome's resources, actual manpower, capacity to project power over space, and symbolic capital, to gain prestige⁶⁶.

What is striking, however, is the relatively short-lived nature of each individual group, and the intensely competitive environment in which they operate. To take the Plautii, who are at their most visible and active from 347 to 329 BC, no fewer than 18 other families held the consulship at the same time, and they largely disappear after the later fourth century. Even being of the most distinguished Roman stock was no guarantee. The family of the Scipios, one of the most powerful of all, may have had undue influence on our understanding of dynastic longevity. In fact, one wonders whether they rather invented the rules of their own game, so unusual is their cohesion, but even that ultimately could not survive the cauldron of late Roman Republican politics⁶⁷.

This reminds us that if the *gens* was about the maintenance of power, property and privilege, the obstacles to success were ferocious⁶⁸. In fact, relatively few *gentes* were that successful, and it might be better to say that the *gens* was merely one of the

⁶³ For the development of the Aventine see Mignone 2016; for Ceres, see Spaeth 1996.

⁶⁴ Terrenato 2014.

⁶⁵ Cassola 1962; Develin 1979.

⁶⁶ Harris 1984; Gruen 1984; Eckstein 2006.

⁶⁷ Etcheto 2012.

⁶⁸ The challenge of continuity was one of Keith Hopkins' research themes: Hopkins 1983.

mechanisms and characteristics whereby some highly unusual groups were able to survive. As Bradley says, it is the aristocracy which continues, and even then through constant change and flux.

Conclusion

The *gens* remains I think an important feature of the Roman social landscape even after the debates and discussions outlined here, but not perhaps because it is an entity we can identify or classify. If the reconstruction offered here is correct, then we do not have a specific closed group of more or less identical groups, but rather a mechanism for creating and preserving affinities, and certain privileges, which emerged at a specific point in time, and may have contributed to the development of other factions and affinities at different levels of society. It also follows that we cannot use the *gens* straightforwardly to explain what was happening elsewhere, and there is still work to be done I think on how to effect comparative analysis across central Italy, for instance.

Nevertheless, the *gens* tells us something about the fluidity of Roman society, whose deeply competitive nature eroded and undermined the stability of its constituent structural elements. Consequently, those elements needed constantly to regroup and reconfigure themselves, and this was indeed part of the vitality of Rome⁶⁹. Even when the Romans were trying to define stability, we should be looking for the evidence of change.

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⁶⁹ Two recent accounts show brilliantly how this is obliquely reflected in the historiographical account. Neel 2014 demonstrates the dangers of excessive rivalry, and Haimson Lushkov 2015 demonstrates the way that the regularity of the magistracy, despite the immense challenges it faced, is itself exemplary of Roman self-control and success.

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