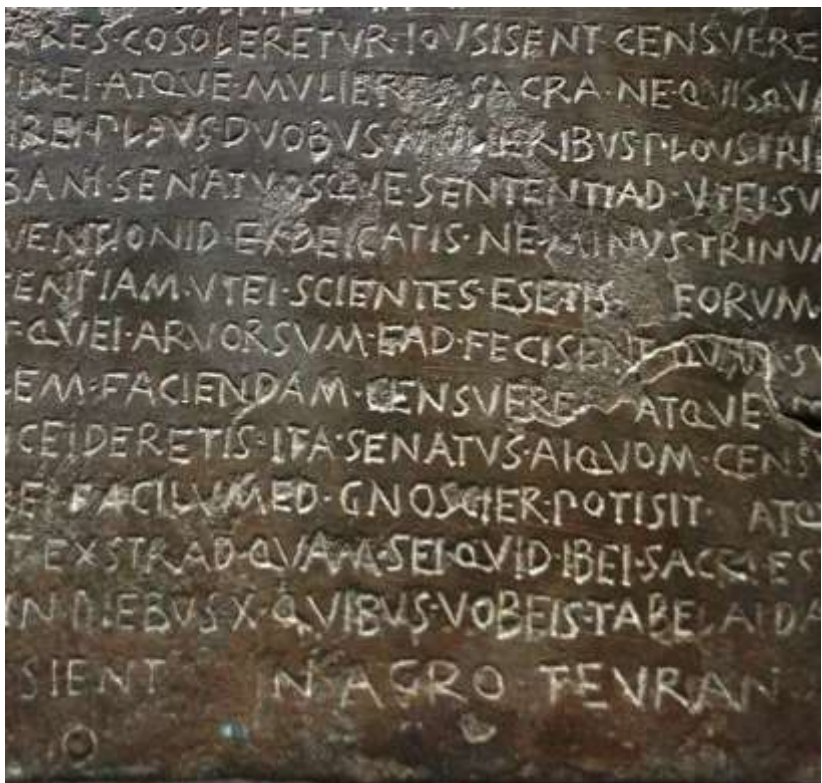


BASILIO PERRI

Consulum Edictum de Bacchanalibus

Content and Language



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EDICTUM CONSULUM DE BACCHANALIBUS

Content and language

INTRODUCTION

In 1640 in Tiriolo (pr. Catanzaro), during the excavation of foundation of the palace of the prince Giovan Battista Cigala, in the middle of ancient ruins was found a bronze table that had once been affixed to the wall of some important building with nails (the table still bears the marks of them). Mommsen transmitted the little information about the place and conditions of the discovery of the tablet¹.

This table, now preserved in the *Antike Sammlungen* of the *Kunsthistorisches Museum* of Vienna,² was believed for a long time a copy of *Senatus consultum*³ *de Bacchanalibus* of 186 B.C. by authoritative scholars too⁴. But already Mommsen⁵ called into question this assumption and gave to the document the more appropriate title of *Epistula consulum ad Teuranos de Bacchanalibus*. And rightly Keil titled his famous essay of 1933 in «Hermes»: *Das sogenannte* (the so-called) *Senatusconsultum de Bacchanalibus*. Evidently

¹ CIL I², 581. *Lamina ahenea olim clavis parieti affixa [...] reperta inter plurima antiquitatis vestigia, columnarum scapos integros fractos, bases, zophoros, epistylia a 1640 Tirioli, cum principis eius loci Io. Bapt. Cigalae iussu fundamenta aedium effoderentur. Tiriolo vicus est in Bruttiiis inter Catanzarum et Nicastrum in montibus inter utrumque mare medius, ubi aetate Romana agrum Teuranum fuisse ex hac tabula extrema apparet. Eius agri praeterea certa memoria nulla superest [...]*.

² In 1727, the document was given to the Emperor Charles VI of Austria by the legitimate heirs of the family Cigala (SPADEA 1977, pp. 137-138). In Tiriolo there is a genuine copy.

³ For all the characteristics of *senatus consulta* see: GUARINO 1963, pp. 204-206.

⁴ DESSAU 1934-37, n. 8 ; BRUNS-GRADENWITZ 1909, n. 36 ; DIEHL 1921, n. 262; FRAENKEL 1932, pp. 369-396, p. 391; KRAUSE 1936, pp. 214-220, p. 217.

⁵ CIL I² 2, 581 (= CIL X, 104).

he was not convinced that the title commonly used was appropriate.

Edict of the consuls

Now it is, generally, believed an original copy of an edict⁶ of consuls, in the form of a circular letter. To demonstrate this, it is enough to correctly interpret the phrase *de Bacchanalibus quei foideratei esent ita exdeicendum censuere* (rr. 2-3). The consuls Marcius and Postumius⁷, after notifying the identification data of *consultum* of the Senate, point out that the senators "have recommended (*censuere*) that it was necessary to enact through an edict (*exdeicendum*) these provisions (literally *ita*) to those who had made arrangements (*quei foideratei esent*) about the Bacchanalia (*de Bacchanalibus*). The addressees of the edict were therefore those who in the context of the Bacchanalia had made some kind of agreement between them, i.e. the followers of Bacchus. They were all the inhabitants of *ager* interested in the observation of the rules contained in the edict. To support this interpretation of the passage I want to mention the translation made by the great expert of the Latin language Marius Lavency⁸: "«Décision a été prise de rendre le présent édit à propos des Bacchanales à l'égard des gentes y affiliés»"⁹.

Other scholars interpret the text in a different way and attribute to *exdeicendum* a generic meaning, like "you had to

⁶ LIVY, XXXIX, 14, 7: *Edici praeterea in urbe Roma et per totam Italiam edicta mitti [...]. Haec senatus decreuit.*

⁷ Note that their names stand out at the beginning of document.

⁸ LAVENCY 1998, p. 62.

⁹ This translation is, in my opinion, perfect. It emphasizes that the document is an edict (consular) and *foideratei* are the affiliated to the cult of Bacchus.

proclaim" or "you should intimate"¹⁰. But there is no reason not to give the verb its technical meaning, so to understand the expression *censuere ita exdeicendum* as an advice of the senate to the consuls to make a real edict.

The technical meaning of *exdeicere* also occurs in the final part of the epigraph (l. 22: ... *utei in contionid exdeicatis*), in which the consuls ordered the local authorities to promulgate, through an edict, the rules to the people gathered in a *contio*.

It seems almost superfluous to point out that the expression *ita exdeicendum* cannot allude to the content of the decision of the Senate and cannot be rendered as "the senators settled to order to *foederatei*." The verb *edicere* is never used for resolutions senatorial; Technical verbs are especially *censere* and *decernere*, which occur also in the epigraph" (the first to ll. 3, 9, 18 and 26; the second to l. 6).¹¹

In short we can conclude that the epigraph of Tiriolo is precisely a copy of consular edict, recommended by the Senate. No doubt the consuls followed the procedure used in such cases. When a magistrate in the exercise of his office was faced with an important contingent problem to be solved he asked the Senate for an opinion on possible solutions. The consultation of the Senate was, for many subjects, considered *more maiorum* obligatory for the magistrates, but the related *consultum* was never conceived as binding but was always subordinated to the clause «If it seems appropriate to the magistrates»¹². The magistrates therefore could not respect the prescriptions of the

¹⁰ PAILLER 1988, p. 57: «de proclamer»; MARTINA 1998, p. 108: «si dovesse intimare».

¹¹ ALBANESE 2001, p. 10.

¹² GUARINO 1963, p. 204: *si magistratibus videbitur*.

consultation, respect them in whole or even only in part. The ITA (so) keyword, which the Consuls use in the preamble, suggests, however, that in our case they followed the rules approved by the senators fairly faithfully.

This procedure is confirmed twice by the same Livy. First he tells us that the senate ordered (certainly to the consuls) to promulgate edicts in the city of Rome, and that these edicts had to be sent throughout Italy¹³. Secondly Livy¹⁴ affirms that the *consultum* of the Senate was followed by a *contio* and soon after by the edict of the consuls.

Not a decree of the Senate

Some scholars, just for a change a little the form, speak of "decree of the senate" for that document. Even this definition is at all inapposite. It is, in fact, well known that the senators, as a rule, could not issue a decree (the executive power (*ius edendi*) was responsibility of the sole magistrates); they could only give an opinion (*censere*), that alone had no legal value, if the magistrates requesting the opinion did not make it executive through an edict. In fact, the *consultum* of the Senate was never intended to be binding, but it was always subject to the proviso «*si magistratibus videbitur*».¹⁵ But we must add that the senators could somehow force the magistrates to make executive their consults.¹⁶

¹³ XXXIX, 14, 7: *edici praeterea in urbe Roma et per totam Italiam edicta mitti, ... haec senatus decreuit.*

¹⁴ Livy, XXXIX, 17. 4: *passim per totam Italiam, litteris hospitum **de senatus consulto et contione et edicto consulum** acceptis, trepidari coeptum est.*

¹⁵ GUARINO 1963, p. 204.

¹⁶ The reluctance of the magistrate, to execute the *consultum*, could easily be won in various ways (through the refusal of public money,

Edicts of magistrates

Normally the edicts of magistrates (*consules, praetores, dictatores, aediles, etc.*) were not laws or rules of law¹⁷, but simply public ordinances where were communicated concrete orders (*Edictum repentinum*: rules made for the occasion (*prout incidit res*)) or a government program (*edictum perpetuum*)¹⁸. Edicts were exposed to the public in a place well in view (*“unde de plano recte legi potest”*),¹⁹ which was accessible to all and thus were avoided also arbitrary changes. The text was written with brush and paint on wooden boards whitened with white lead²⁰ (*tabulae dealbatae*), a perishable material designed to last only for the period of office of the magistrate who issued it²¹.

Aim of the edict, according to the Roman jurists, was as follows: *“Adiuvandi vel supplendi vel corrigendi iuris civilis gratia propter utilitatem publicam”*²². The magistrates, in practice, for public interest interpreted, supplemented or corrected civil law rules in force. It was in fact an indirect method of legislation and was a means by which were established several legal rules. It was the most efficient way, because it is easier and practical, to gradually expand and modify the existing law without disruption and to keep the entire system of civil law in harmony with the needs of a

appellatio to the *tribuni plebis*, appointment of a dictator, etc.) (GUARINO 1963, pp. 204-205).

¹⁷ WIEACKER 1988, p. 407.

¹⁸ New PAULY, s.u. *edictum*.

¹⁹ *Lex repetundarum*, RS nr. 1, ll. 15, 18; *Tabula Heracleensis*, RS nr. 24, ll. 13-16.

²⁰ That is to say, with a white coloring material consisting of basic lead carbonate, today considered harmful.

²¹ WIEACKER 1988 p. 407.

²² PAPINIANUS, Dig. 1 tit. I s7.

changing society. If a magistrate had adopted a rule that the practice proved unsuitable or damaging it fell into disuse, if not adopted by his successor. In fact, since the office of a magistrate was annual, the rules promulgated by a predecessor were not binding for a successor.

The consuls of 186 a. C. (Postumius and Philip) in the first half of the year of charge, by order of the Senate operated a severe persecution of the followers of the cult of Bacchus who with their behaviour had become, in the opinion of the authorities, a public danger. Livy tells, but often with romantic and fictional tones, all the events related to the persecution.²³ He also specifies that the people condemned were about seven thousand, some to the death penalty other to prison, but they were more killed than imprisoned. Women condemned were entrusted to their relatives so that they privately performed the penalty.

Immediately after completing the repression of the followers of the cult, they realized that it was now necessary to establish new legal measures to prevent that the problem resurfaced again in the future. The consuls then consulted the senate, October 7th (*nonis Octobribus*), about the places of worship of Bacchus, and the ceremonies that took place there²⁴.

The senators came together and gave an opinion: advised (*censuere*) a detailed set of rules that addressed the problem from various points of view and were not intended to eliminate the cult of Bacchus, but to regulate the practice, placing it as possible within the Roman religious tradition. The rules recommended, in fact, prohibited only the actions of the followers considered dangerous, not the worship of

²³ Livy, XXXIX, 8-18

²⁴ Cfr. Livy, XXXIX, 14, 4: *de bacchanalibus sacrisque nocturnis*.

the god that, according to them, could continue his life, in practice it obtains legitimacy²⁵.

Extraordinary power of the senators

But we must add that the senators in this case assumed a power that was unprecedented. As is evident from the lines 24-25²⁶ of the edict of the consuls, the Senate had approved the death penalty for the breach of any of the prohibitions listed above.

But, by the laws in force, the violation not of all previous orders was punishable by death. From this we can deduce that a number of individual offenses were subsumed under in a single indictment involving the death penalty. So the Senate, in its meeting of 7 October 186, was not limited to giving advice to the consuls, according to the law in force, but had decided, without a doubt, new rules, new repressive procedures for new offenses²⁷. Therefore the *senatus consultum* had a clear normative character, it indicated precisely the facts banned and after them imposed capital punishment. It is true that the senators did not introduce a new penalty, but introduced new provisions of the facts, thus they enlarged the old category of crimes against the state²⁸.

The consuls also in this case would have the right to reject all or part of the recommendations of the Senate, also because, as mentioned before, some provisions were contrary with current regulations. They accepted totally the rules recommended, but, with the use of gerundive, suggest

²⁵ KUPFER 2004, p. 158.

²⁶ *sei ques esent, quei aruorsum ead fecisent, quam suprad scriptum est, eeis rem capitalem faciendam censuere*.

²⁷ PAILLER 1988, p. 260.

²⁸ DE MARTINO 1962, p. 174.

that they were urged, perhaps in some way forced to issue their edict²⁹.

The consuls in their edict reproduce mostly the rules as they were expressed in the minutes of the meeting of the Senate, only in some parts the text of Senate is only synthesized to be simpler and therefore more understandable to the people.

First is reproduced the part of the preamble containing the identifying elements of *consultum* and the procedure followed by the consuls, immediately after the series of prohibitions that tended to render harmless the destabilizing religious practices of the followers of Bacchus. The prohibitions concerning the hierarchy of the cult, the common fund and the organization are absolute and without exception. Others, concerning places of worship and participation of affiliates, derogations are granted, although under very strict conditions. It is mainly in the derogations that the consuls sometimes change the text of the senatorial verbal, not for changing the content, but only to simplify it and avoid duplication, in short to make it more understandable to people.

From line 22 follow the orders given to the competent authorities with regard to the publication of the rules, the penalties on offenders and the demolition of places of worship. In this final part the consuls usually do not reproduce more the words the minutes but underline that these provisions are too in accordance with the opinion expressed by the Senators, but almost certainly not all expressed in the same session. Only two provisions had been approved at the same meeting of 7 October: the threat of the

²⁹ CIL X 581, 3: (*senatores*) ita **exdeicendum** censuere.

death penalty³⁰ and the order of write the text on a bronze table³¹. The order of demolition of the Bacchanalia was approved in *consultum* previous.³² The publication oral and written of text had been approved almost certainly in the past and for other circumstances³³.

Worthy of note is the order that the edict on Bacchanalia was to be transcribed on a bronze table³⁴, which was usually the material used for the publication written of laws. It is evident that the aim was to make the publication as long as possible and in any case far beyond year of office of the consuls. Also from this particular we can deduce that the rules to be published were not contingent orders for an occasional problem and that the procedure of edicts had been used inappropriately to approve a law.

The edict of Tiriolo therefore is not the usual consular edict: it is not programmatic or contains temporary rules to apply only during the mandate of the consuls in office that the consuls of the following year would have repealed but a body of actual provisions of law to be valid for the future everywhere even after the charge output of the consuls who had promulgated them. The procedure used on this occasion was thus in sharp contrast to that normally used in the approval of the Roman laws.

³⁰ See n.17.

³¹ See below.

³² Livy, XXXIX, 18, 7 and 16, 16. See p. 75.

³³ It was, in fact, a common practice in the time that the markets (*nundinae*) were not used only to buy and sell but also to inform the public of the laws which he would then follow.

³⁴ CIL, X, 104, ll. 25-27: *atque utei hoc in tabulam aheneam inceideretis ita senatus aiqum censuit uteique eam figier ioubeatis ubei facilumed gnoscier potisit.*

Approval of the laws

The responsibility for approving the laws was, from ancient times, of the *comitia centuriata*, and later, probably from the fourth century BC, it was extended to the *comitia tributa*, the use of which became overwhelmingly in the age of classical republic³⁵. The bills were the exclusive competence of the magistrates supplied of the *ius agendi cum populo*, namely the consuls and praetors. Those proposed by the consules are recognizable because normally carry two names, while the others bear only one.

The bill, or *rogatio*, was presented by the proponent magistrate in the Senate, which had not the power to change the text but approved them or disapproved in a *senatusconsultum*. After approval by the Senate the bill was exposed to the public. This operation was called *promulgatio*. The *promulgatio* was an expression of *ius edicendi* of the magistrate and in fact it took place in the form in which were published all the edicts (see above).

The text promulgated should normally remain exposed to the people for *trinundinum*, or *trinum nundinum* (also in the variant later *nundinium*), that is to say for the time that had to normally elapse, in every case in which were reunited the comitia, between the announcement of the invitation and the actual meeting. The day of the vote, first oral, then, from the second century BC, written and secret, citizens in the assembly chose whether to approve or reject the law. Was made the count of the votes, *diribitio*, and if the law was passed, it was given public reading of it (lex is derived from read): *renuntiatio*. This was the only act that gave the law advertising, so that, after reading of his text, the law could

³⁵ GAGLIARDI 2009, n. 3.

enter into force immediately, without *vacatio*, except that it did not provide for herself differently.³⁶

From what was said before it is clear that the senators claim the right to legislate on Bacchanalia, use the procedure for the edicts of the magistrates to approve legislation that regulated for the future the practice of cult of Bacchus. This was clearly a gimmick used to make appear legitimate a procedure that it was not at all. In practice are the senators that prepare the text of the legislative provisions and not, as a rule, the consuls which for more are urged to perform the wishes of the Senate. The abuse more serious, however, is the fact that, with this procedure, laws become enforceable without approval in the popular meetings (*centuriata* or *tributa*). One of the fundamental principles of the Roman legislative procedure was thus violated.

Despite the use of procedures outside of legal norms in use, innovative and extraordinary, no one dared to oppose and competence in religious matters that the senators had arrogated to themselves in the case of Bacchanalian ended gradually to be recognized as their right.³⁷

This edict is therefore placed clearly within the scope of the process by which the Senate, when he gives an opinion in matters of religion, in practice it is not optional (*si magistratibus videbitur*), but binding to the magistrates who have in practice only the task of make it enforceable. It is very likely that the consuls theoretically maintained their right to decide but in practice from a certain point in time accepted without objection, or because they were forced³⁸, the opinions of the Senate. What is not entirely sure whether

³⁶ GAGLIARDI 2009, n. 3.

³⁷ SANTALUCIA 1998, p. 99.

³⁸ See n. 16.

the edict of the consuls on the Bacchanalian is at the beginning of this process or the process had already begun.

You can, in my opinion, reasonably suppose that the senators have taken advantage of the affair of the Bacchanalia to acquire in religion an enormous power ³⁹, taking into account that their views from this moment certainly becomes binding and the people is totally put from part. Although the process had already begun it is certain that the affair of the Bacchanalia gave it a fundamental impulse. In fact is certain, after 186 the Senate in religious matters has acquired an exclusive power.

Livy⁴⁰ has handed down another decision of the Senate taken after in 181 BC followed by a consular edict which ordered three days of prayers and festivals throughout Italy. The procedure used in the affair of Bacchanalia had made school. The historian also makes us know the formula that was used on such occasions: *senatus censuit et consules edixerunt*. This formula almost identical to the one used in the edict on Bacchanalia (*senatores*) ... *exdeicendum censuere*), clearly confirms that the actors in the field of religion have become just two: the Senate which in practice does not give an opinion but simply decide and consuls make executive what the Senate has decided. It is therefore clear that the people in this field, both in this case and in the case of the Bacchanalia, in practice no longer has no say in the matter.

The enormous power of the Senate in religious matters is also highlighted in the same rules of the edict of the consuls

³⁹ Per RASMUSSEN (2003, p. 232), the affair of the Bacchanalia can be considered as a "power demonstration".

⁴⁰ Livy, XL, 19, 5: *senatus censuit et consules edixerunt ut per totam Italiam triduum supplicatio et feriae essent*.

of 186 BC about the Bacchanalia. In the license to keep a Bacchanal and possible exemptions from certain prohibitions, the Senate consisting of at least one hundred members always have the last word. In the field of religion then not a leaf stirs if the senators do not want.

In conclusion we can say that the document of Tiriolo is a copy of the edict of the consuls of 186 BC about the Bacchanalia. But this is not the usual consular edict *repentinum* (a public notice required of a contingent problem issued on the basis of laws), but a particular edict containing a series of organic legislative provisions adopted by the Senate on an issue (public worship) that certainly from this moment and until a law of C. Gracchus of 123 BC becomes its exclusive competence, and then binding⁴¹.

Copies of the edict were sent identical to various localities of Italy, territories which were Roman property (agri publici dotted around Italy)⁴², those that Paillet⁴³ considers “points chauds” (places where the Bacchic movement had shown and still showed a greater dangerousness).

Copy of the edict preserved in Tiriolo for a fortuitous event

Among the various copies of the edict sent per *totam Italiam*, only that discovered in Tiriolo has come up to the present day, most likely by lucky chance. When the bronze table was yet nailed on the wall of some building of

⁴¹ Cfr. GRUEN 1990, pp. 40-42 e 73: This law required the establishment of special courts, all on the basis of the resolution of a meeting of the people.

⁴² MOURITSEN 1998, p. 52 ss.

⁴³ PAILLET 1988 p. 297.

monumental centre⁴⁴, at least this one was destroyed, “of course by Romans”⁴⁵. Ferri comes to this conclusion on the basis of several considerations: - The latest coin of the Latin colony of Vibo found in Tiriolo dates back to 192 BC; - The discovery of a home destroyed by a fire in the early second century BC; - The order to the inhabitants of the *ager Teuranus* to suspend the Dionysian meetings would have been caused by a situation full of tension ready to explode. The provisions notified by the consuls were not observed and the Romans would have decided to solve the problem drastically and definitively with complete destruction of the entire monumental centre.

You might well think that it was destroyed along with the temple conceivable by the remains found (whole and broken shafts of columns, bases, friezes, lintels)⁴⁶ and apparently not considered worth preserving. But the destruction of the temple along with the entire monumental centre would suggest a punishment because it was considered a centre of protest real or perceived against the Roman power.

R. SPADEA believes that the house was not destroyed by a fire of which he has no record, but by an earthquake⁴⁷. Of

⁴⁴ The territory was scarcely urbanized and populated by small communities straggled in the country, but where the table was found, there was a monumental zone which was probably the centre of more important activities (politic, social, economic and religious), i.e. the *conciliabulum* of *ager Teuranus*.

⁴⁵ FERRI 1927, pp. 341-343. KAHRSTEDT 1959, p. 191) believes on the contrary that “natürlich wurde der Platz nicht von Römern zerstört, sondern er starb ab, als die Präfektursitze durch die Selbstverwaltungskörper abgelöst wurden”.

⁴⁶ See n. 1.

⁴⁷ SPADEA 1977, p. 146.

course we cannot exclude that the cause of the destruction was another.

Whatever was the cause of the destruction of the centre of Tiriolo, the document, fell in middle of the rubbles, kept intact up to 1640 A.C., when it was found during the excavations of the palace basement of the prince G.B. Cigala⁴⁸, as the place had been abandoned till such date. Indeed, after the Roman recapture⁴⁹, Tiriolo⁵⁰ lost the privileged position⁵¹ it had: - it is any more neither a military stronghold nor a obliged check place for the commercial traffic between the two shores of Calabrian along the isthmus that separates the Gulf of Santa Eufemia from that of Squillace⁵² and it fell to a deep crisis⁵³. Such crisis is documented too by the short finding of Roman coins in the Tiriolo territory in comparison with the discovery of a great deal of Punic coins⁵⁴.

⁴⁸ MOMMSEN, CIL I², 581.

⁴⁹ The many Punic coins found in the place (see n. 20), show that also Tiriolo, after the defeat of Cannae, had abandoned the alliance with Rome and was passed with Hannibal.

⁵⁰ The name of the city should have been *Teura* ((KIRSTEN 1962, p. 142).

⁵¹ Tiriolo city occupied, in fact, a particularly important strategic position: it, placed in a dominant position at the narrowest point (saddle of Marcellinara) of the road that connected the Tyrrhenian Sea with the Ionian Sea and allowed the passage from the river Amato to that of Fallaco, a tributary of the Corace.

⁵² It is about thirty kilometres wide.

⁵³ KAHRSTEDT, 1959, p. 191: "In der Kaiserzeit wird das Leben ganz spärlich".

⁵⁴ They are silver coins and by Sicilian Punic mint, with female head surrounded by ears (the goddess Tanit) on obverse and the classic horse on reserve. The animal has a small globe under tummy. This one would show a Punic allied. About a hundred of these are kept in national

A detail of the Tiriolo epigraph shows that it is a copy of the consular edict: the document finishes marking the place of publication (*in agro Teurano*), expressed with a larger writing and different from that of the rest of the inscription. The larger writing and the expression *in agro Teurano* with the current ablative in -o and not with the ancient form in -od which appear in the rest of epigraph, show that the document was a copy of a circular letter. In fact the consular edict was written generically so that it was enough to all the addressees and it was unaddressed; other peoples added the places of destination, as *in agro Teurano* of the Tiriolo's inscription⁵⁵.

We must point out that the lack of final -d does not mean that the expression addition is of a different era, but only that those who have added the place of publication have used the current language, which was already very similar to that of the time classic⁵⁶.

The language of the edict

The language of the text is the legal, typical of the senatorial and consular chanceries, set back a lot and from all points of view on the current one. It is, in fact, characterized by a tenacious conservatism, but not due to immobility language, as in religious language, but to the need to keep intact some special communication needs: linearity of the sentences, maximum clarity, use of words

museum of Reggio Calabria, but many others (about a thousand) are in the large private collections. Cfr. MANFREDI 1989, pp. 55-60.

⁵⁵ ACCAME 1938, p. 234; COSTABILE 1977, p. 392, n. 16.

⁵⁶ To find out the current Latin language at the time of the Bacchanalia is sufficient to read the comedies of Plautus, almost all written shortly before the 186 BC.

from the precise technical meaning that do not give rise to misunderstanding or ambiguity, etc. In short, the legal language is not finalized to formal elegance, but to the greater comprehensibility of the message you want to communicate.

Fortunately we know very well the Latin language in use in the first decades of the second century BC through the twenty-one Plautus comedies. In fact, with the exception of the *Casina*, they were composed in the years preceding the affair of the Bacchanals. From the analysis of the Plautus language we can deduce that the current Latin language was quite similar to that of the classical period. Instead if we read the text of the edict, we can immediately notice that the Latin used contains various linguistic phenomena that are no longer present in Plautus' plays. For example, the classic *Bellonae* in the edict is written *Duelonai*, with **du** instead of **b**. Now the passage of **du** initial a **b** occurred around the middle of the third century BC.⁵⁷

This means that, with this edict, we have a copy of the Latin language more or less corresponding to that used more than fifty years before its promulgation. There is no doubt that the many linguistic phenomena present in the thirty lines of the text of the epigraph are generally archaisms or etymological spellings which, however, are very useful, sometimes indispensable, to let us better understand important aspects of the evolution of the Latin language at the turn of the third and the second century B C.

⁵⁷ LEUMANN-BENGTSON 1963, p. 147.

In this work, we have endeavoured to analyze, in as much detail as possible, the content and linguistic features of this inscription.

TEXT TRANSLITERATION AND TRANSLATION

Original text

- 1 [Q]. MARCIVS L F S. POSTVMIVS L F COS SENATVM
CONSOLVERVNT N OCTOB APVD AEDEM
- 2 DVELONAI SC ARf M. CLAVDI M F L VALERI P F Q MINVCI C F DE
BACANALIBVS QVEI FOIDERATEI
- 3 ESENT, ITA EXDEICENDVM CENSVERE: «NEIQVIS EORVM
SACANAL HABVISE VELET. SEI QVES
- 4 ESENT QVEI SIBEI DEICERENT NECESSVS ESE BACANAL
HABERE, EEIS VTEI AD PR VRBANVM
- 5 ROMAM VENIRENT, DEQVE EEIS REBVS, UBEI EORVM VTRA
AVDITA ESENT, VTEI SENATVS
- 6 NOSTER DECERNERET, DVM NE MINVS SENATORBVS C
ADESENT [QVOM (e)A RES COSOLERETVR.
- 7 BACAS VIR NEQVIS ADIESE VELET CEIVIS ROMANVS NEVE
NOMINVS LATINI NEVE SOCIVM
- 8 QVISQVAM NISEI PR VRBANUM ADIESENT, ISQVE [d]E SENATVS
SENTENTIAD DVM NE
- 9 MINVS SENATORIBVS C ADESENT QVOM EA RES COSOLERETUR
IOUSISENT. CENSVERE.
- 10 SACERDOS NEQVIS VIR ESET. MAGISTER NEQVE VIR NEQVE
MVLIER QVISQVAM ESET.
- 11 NEVE PECVNIAM QVISQVAM EORVM COMOINE[m ha]BUISE
VE[l]ET NEQVE MAGISTRATVM
- 12 NEVE PRO MAGISTRATVO NEVE VIRVM [neque mul]IEREM
QVIQVAM FECISE VELET.
- 13 NEVE POST HAC INTER SED CONIVRA[se neu]E COMVOVISE
NEVE CONSPONDISE
- 14 NEVE CONPROMESISE VELET, NEVE QVISQVAM FIDEM INTER
SED DEISE VELET.
- 15 SACRA IN DQVOLTOD NE QVISQVAM FECISE VELET. NEVE IN
POPLICOD NEVE IN
- 16 PREIVATOD NEVE EXSTRAD VRBEM SACRA QVISQVAM FECISE
VELET, NISEI
- 17 PR VRBANVM ADIESET, ISQVE DE SENATVOS SENTENTIAD,
DVM NE MINVS
- 18 SENATORIBVS C ADESENT QVOM EA RES CO COSOLERETVR,
IOVSISENT. CENSVERE.
- 19 HOMINES PLOVS V OINVORSEI VIREI ATQVE MVLIERES SACRA
NE QVISQVAM

- 20 FECISE VELET NEVE INTER IBEI VIREI PLOVS DVOBVS,
MVLIERIBVS PLOVS TRIBVS
- 21 ARFVISE VELENT, NISEI DE PR VRBANI SENATVOSQVE
SENTENTIAD, VTEI SVPRAD
- 22 SCRIPTVM EST. » HAICE VTEI IN COVENTIONID EXDEICATIS NE
MINVS TRINVM
- 23 NOVNDINVM SENATVOSQVE SENTENTIAM VTEI SCIENTES
ESETIS, EORVM
- 24 SENTENTIA ITA FVIT: «SEI QVES ESENT, QVEI ARVORSVM EAD
FECISENT, QVAM SVPRAD
- 25 SCRIPTVM EST, EEIS REM CAOVTALEM FACIENDAM
CENSVERE ». ATQVE VTEI
- 26 HOCE IN TABOLAM AHENEAM INCIDEIRETIS, ITA SENATVS
AIQVOM CENVIT,
- 27 VTEIQVE EAM FIGIER IOVBEATIS VBEI FACILVMED GNOSCIER
POTISIT, ATQVE
- 28 VTEI BACANALIA SEI QVA SVNT, EXSTRAD QVAM SEI QVID IBEI
SACRI EST
- 29 ITA VTEI SVPRAD SCRIPTVM EST, IN DIEBVS X QVIBVS VOBES
TABELAI DATAI
- 30 ERVNT FACIATIS VTEI DISMOTA SIENT. **IN AGRO TEVRANO.**

Transliteration

[Q(uintus)] Marcius L(uci) f(ilius), S(purius) Postumius
L(uci) f(ilius) co(n)s(ules) senatum consoluerunt n(onis)
Octob(ribus), apud aedem Duellonai. Sc(ribundo)
arf(uerunt) M(arcus) Claudi(us) M(arci) f(ilius), L(ucius)
Valeri(us) P(ubli) f(ilius), Q(uintus) Minuci(us) C(ai)
f(ilius).

De Bacanalibus quei foederatei esent ita exdeicendum
censuere: «Neiquis eorum [B]acanal habuisse uelet. Sei
ques esent, quei sibi deicerent necesus ese Bacanal
habere, eis utei ad pr(aitorem) urbanum Romam uenirent,
deque eis rebus, ubi eorum u[e]r[b]a audita esent, utei

senatus noster decerneret, dum ne minus senator[i]bus C adesent, [quom e]a res cosoleretur.

Bacas uir nequis adiese uelet ceiuis Romanus neue nominus Latini neue socium quisquam, nisei pr(aitorem) urbanum adiesent, isque [d]e senatuos sententiad, dum ne minus senatoribus C adesent, quom ea res cosoleretur, iousisent.

Ce[n]suere.

Sacerdos nequis uir eset, magister neque uir neque mulier quisquam eset. neve pecuniam quisquam eorum comoine[m h]abuisse uelet, neue magistratum neue pro magistratu[d], neque uirum [neque mul]ierem qui[s]quam fecise uelet, neve post hac inter sed onioura[se neu]e comuuisse neue conspondise neue conpromesise uelet, neue quisquam fidem inter sed dedise uelet. Sacra in [o]quoltod ne quisquam fecise uelet, neue in poplicod neue in preivatod neue extrad urbem sacra quisquam fecise uelet, nisei pr(aitorem) urbanum adieset, isque de senatuos sententiad, dum ne minus senatoribus C adesent, quom ea res cosoleretur, iousisent.

Censuere.

Homines plous V oinvorsei uirei atque mulieres sacra ne quisquam fecise uelet, neve inter ibei uirei plous duobus, mulieribus plous tribus arfuisse uelent, nisei de pr(aitoris) urbani senatuosque sententiad, utei suprad scriptum est.»

Haice utei in couentionid exdeicatis ne minus trinum noundinum, senatuosque sententiam utei scientes esetis, eorum sententia ita fuit: «Sei ques esent, quei aruorsum ead fecisent, quam suprad scriptum est, eeis rem capitalem faciendam censuere». atque utei hoc in tabolam ahenam inceideretis, ita senatus aikuom censuit, uteique eam figier ioubeatis, ubei facilumed gnoscier potisit. Atque utei ea Bacanalia, sei qua sunt, extrad quam sei quid

ibei sacri est, ita ut ei suprad scriptum est, in diebus X, quibus uobis tabelai datai erunt, faciatis ut ei dismota sient.

In agro Teurano.

Translation

The consuls Q. Marcius, son of Lucius, and S. Postumius, son of Lucius consulted the Senate on October 7 in the temple of Bellona. M. Claudius, son of Marcus, L. Valerius, son of Publius, and Q. Minucius, son of Gaius, controlled the recording.

(The senators) suggested that it was necessary issue an edict for those who had made agreements between them in the context of the Bacchanals as follows:

None of them wanted to have a Bacchanal. If there were any who said that they had a need for such a shrine, they should come in Rome before the urban praetor; and when their words had been heard, our Senate should make a decision regarding these matters, on condition that no fewer than 100 senators were present when the matter was discussed.

No Roman citizen, or man of Latin right or anyone of the allies wanted to approach the Bacchantes, unless they had appeared before the urban praetor, and he had given permission, in accord with the opinion of the Senate, delivered while no fewer than 100 senators were present when they discussed the subject." passed.

No man should be a priest, no man or woman should be church leader. None of them wanted to have a common fund. None wanted to appoint a man or a woman as magistrate or deputy magistrate; after this edict they did not want to make conspiracies among them, to make in

common vows, to make mutual agreements, to make reciprocal promises nor anyone should want to establish reciprocal relationships of trust.

None wanted to perform rites in secret. Nobody wanted to perform rites in public, in private or outside the City, unless he had appeared before the urban praetor, and this magistrate had given permission, in accordance with the opinion of the Senate, delivered while no less than 100 senators were present when they discussed the matter." passed.

None wanted to perform such rites if were present more than five people together, men and women. No more than two men or three women wanted to take part in the ceremonies, unless this was in accordance with the decision of the urban praetor and the Senate, as has been before written.

The judgment of the senators has been that you publish these measures in public assembly of not less than three consecutive market days, and you were aware of the following opinion of the Senate. "If there were persons who were acting against these rules, to the extent has been written above, they advised that a proceeding for a capital offence should be made against them." The senate rightly suggested that you inscribed this on a bronze table, and you must order that it is posted where it can be read most easily; and, as it has been written above, within ten days after these tablets have been delivered to you, you must provide that the meeting places of the Bacchantes are dismantled, if there are some, unless in the shrines there is something venerable.

In territory of the Teurani

CONTENT ANALYSIS

Preamble

The document of Tiriolo¹ begins with a preamble in which the consuls of 186 B.C. (*Q. Marcius and Sp. Postumius*) emphasize the procedure followed: they premise that have consulted the Senate (*senatum consuluerunt*) on October 7 (*Nonis Octobribus*) in the temple of Bellona (*apud aedem Duellonai*) and the senators M. Claudius, L. Valerius, Q. Minucius have acted as secretaries. Immediately after, at lines 2–3, the consuls point up that senators have advised (*censuere*) that it was necessary to promulgate an *edictum* (*exdeicendum*) with these provisions (*ita*) to those who were *foideratei* within the Bacchanalia (*de Bacanalibus*). The adverb *ita* is a keyword: it clearly tells us that the document is the edict of the consuls, in which they incorporate what the senators recommended. The consuls on this occasion had followed the normal procedure². With the use of gerundive, consuls stress that the senators have not given them a simple advice but urged the rules as something very urgent and necessary for the good of the State. With this, they also want to highlight that the rules of this edict are not their personal initiative: they merely implement the authoritative opinion of the Senate.

According to FRONZA,³ we can consider the expression “*consules Senatum consuluerunt*”, completed soon after by “*de Bacanalibus ...ita ... censuere*” followed by the subjunctive without “*ut*,” as the origin of the formula later usual in the *senatus consulta*: “*quod consules uerba fecerunt, quid fieri censerent, de ea re fieri censuerunt ut ...*”.

¹ CIL, X, 104

² See Introduction.

³ FRONZA 1947, p. 209.

ACCAME⁴ believes that this formula is completely absent in the text and it would be evidence that the original document was revised. ALBANESE⁵ rightly believes, in my opinion, that the consuls, authors of the communication to the *foideratei* of the *Teuranus ager*, have omitted the usual data of *uerba facere*. This fact suggests that the first three lines of our inscription contain the beginning of the text of a *senatus consultum* simplified with omission of data that to consuls, who used it for their edict, did not seem relevant.

The foideratei

Most scholars still consider the *foideratei* the Italic peoples who had established with Rome alliances (*foedera*) that could be under the same conditions (*aequa*) or at disadvantage of either (*iniqua*). But all pieces of the Bacchanalian puzzle tidied up (historical conditions, juridical grounds and linguistic considerations) show, without exceptions, that the *foideratei* were first the associates to Bacchic cult and obliquely all the inhabitants of Roman republic (Roman citizens, Latin citizens, allied) who had some intention to join the cult.

The basic error of these scholars is to consider the term *foideratei* separately and relate it to the Italian allies, without taking into account that it is part of a phrase *de Bacanalibus quei foideratei esent ita exdeicendum censuere*, which must be interpreted in its unity. The expression *quoi foideratei esent* cannot be separated from the other *de Bacanalibus* without completely misunderstand the

⁴ ACCAME 1938, p. 225.

⁵ ALBANESE 2001, p. 5 note 3.

meaning.⁶ If we translate *foideratei* with allies and interpret the phrase in its unity (“the senators recommended that it was necessary to issue an edict to those who were allied in relation to the Bacchanals with these measures”), the meaning of *foideratei* is very clear. The *foideratei* may be the allies, but not the Italic allies, who were not connected with consular edict. They were allies in the context of the Bacchanals, that is the followers of Bacchic cult.

We must add that mostly scholars who have dealt with this document have completely ignored its characteristics as a legal document⁷. They did not take into account that these are legal provisions of the consuls that were necessarily addressed to all subjects in any way subjected to the Roman authority, and therefore, first of all to the *cives*⁸. They did not consider that the document, promulgated by the Roman authorities, was found in a Roman territory (*ager publicus*). And we can say that the discovery of the table in this place shows that the territory of the Teurani was the property of the Roman people.

Finally, they did not take any account of the fact that, in the formulation of a law, always and everywhere the

⁶ The comma that some critics pose after *bacchanalibus*, to give a different meaning to the term *foideratei*, is an obvious abuse, but it is also an implicit recognition that the problem of the meaning of *foideratei* is not lexical (the sense of *foideratei* is insignificant), but syntactic that is, if you consider the phrase *de Bacanalibus qui foideratei esent ita exdeicendum censuere* in its syntactic unit, or divided into two sections.

⁷ It is significant that the scholars of Roman law (ALBANESE, COSTABILE, etc.) believe that the *foideratei* are the followers of Bacchus

⁸ ALBANESE 2001, pp. 8-9.

addressees are never the communities, but the individual members of the community who must respect the norms⁹. Therefore a law governing the exercise of the cult of Bacchus had necessarily to appeal to the individual citizens who had to respect it, that is the adepts of Bacchus. In fact, they were directly interested in respecting the prescriptions of the consuls.

In support of this interpretation Gelzer¹⁰ indicates a passage from Livio¹¹. In this passage Livy seems to explain *quei foederatei esent* with the expression *quis, qui Bacchis initiatus esset*. It is undoubtedly true that the comparison is not entirely legitimate, because the two expressions refer to two different phases of the affair: that of Livy to the initial decisions of the Senate on the Bacchanals, to the first *senatus consultum*, while *quei foederatei esent* is part of the decisions terminal and final, those reproduced in the epigraphic text of Tiriolo¹². However, if we carefully analyze Livy's passage, an element emerges, in my opinion, very important and incontrovertible: the addressees of the first *senatus consultum* were on the one hand the initiates to the cult of Bacchus to whom it was ordered that they could no longer meet for to celebrate their ceremonies, on the other the consuls who had to provide for the repression of the guilty, without exception, throughout Italy¹³. Now, if the address-

⁹ ALBANESE 2001, pp. 8-9.

¹⁰ GELZER 1936, p. 278, n. 4.

¹¹ Livio, XXXIX, 14, 8: (*consules*) *iubent [...] per totam Italiam edicta mitti, ne quis, qui Bacchis initiatus esset, coisse aut conuenisse sacrorum causa uelit*.

¹² PAILLER 1995, p. 167

¹³ Livio, XXXIX, 14, 7: *sacerdotes eorum sacrorum, seu uiri seu feminae essent, non Romae modo sed per omnia fora et conciliabula conquiri*.

ees of the first *senatus consultum* were first of all the followers of Bacchus, certainly not the allies of whom Livy's passage does not speak at all, it is not clear why these would have had to become magically the addressees of the edict of the consuls. There is no justification for the fact that, suddenly and for no reason, the legislative provisions against the Bacchanals were no longer addressed to the interested parties of all Italy but only to the Allies.

After the preamble, begins the central part of the consular document that reproduces the prescriptions recommended by the Senate. From a general analysis of these emerges clearly that they contain no positive determinations. The requirements are always prohibitions to which, however, in certain cases and under certain conditions, may be granted exceptions. But even these exceptions are not expressed in a positive way but with the formula: *ne ... nisei*, then with a reserve of permits.¹⁴

The order, in which follow the various prescriptions, seems to scan the procedure imposed on those who wished to require the maintenance of a sanctuary of Bacchus.

First ordinance

The first prohibition relates to the existence of a Bacchanal (ll. 3-6) and contains a broad ban: "None of them wanted to keep a *Bacanal*."¹⁵ It seems pretty clear that the pronoun *eorum* should refer to *foederatei*. They, as we have pointed out, are the followers of Bacchus. Indeed it is neither logical nor believable that people who were not

¹⁴ CANKI-LINDEMAIER 1996, p. 81 f.

¹⁵ Lines 3-4: *neiquis eorum (B)acanal habuisse uelet*.

followers of Bacchus possessed or they wanted to continue to own a *Bacchanal*.

Before proceeding in the comment, I find it useful to clarify the precise meaning of the term *Bacchanal*. According to various Latin vocabularies *Bacchanal* indicates "a place of the meeting of the Bacchae" and the plural *Bacchanalia* instead indicates the "religious ceremonies in honor of Bacchus." They generally follow the opinion of M. NIEDERMANN¹⁶.

According to SCHWYZER¹⁷ and the authors of the Thesaurus¹⁸, *Bacchanal* is not derived from *Bacchus*, as many believe, but from *baccha*, the Bacchante and it indicates always the place of meeting of the Bacchantes. This interpretation is confirmed by Latin passages in which *Bacchanal* is used. Up to Livy and over the word always has the sense of place of worship both in the singular and in the plural.

So the consuls communicate to the Bacchus followers what is not only the first ban, but also the most important of all edict, their main goal: the drastic limitation of places of worship of the Bacchantes. Livy¹⁹ also underlines this importance when he tells us that Senators entrusted to the consuls an inquiry *de Bacchanalibus sacrisque nocturnis*. In my opinion, the expression is a hendiadys and it means: *about the places of the nocturnal ceremonies of the Bacchantes*. Besides it is very clear that here Livy uses

¹⁶ KZ, 45, pp. 349-353

¹⁷ KZ, 37, p. 149.

¹⁸ Thesaurus II, 166-168.

¹⁹ XXXIX 14, 5: (*consules*) *quaestionem deinde de Bacchanalibus sacrisque nocturnis extra ordinem consulibus mandant.*

Bacchanalia to indicate the places of worship.²⁰ He may not have used two words next to each other that mean the same thing. In this case, as in the edict, Livy use the term *sacra* to indicate the ceremonies and *Bacchanalia* for the places where they took place.

In this ban is used a stereotyped formula, typical of the *Senatus consulta* and edicts of the magistrates. The verb *uolo* is in the volitional subjunctive, and it is followed by the infinite perfect valueless of *perfectum*. In this formula was transported to infinity the subjunctive perfect timeless of the negative imperative *ne feceris*²¹: both the infinite and the perfect subjunctive do not have time value, but aspectual, of aorist. It is a legal formula which, although not so assiduously, was constantly also used in contexts literary of type prohibitive.²² This formula is also used in almost all other prohibitions.

In my opinion, the use of the verb *uolo* wants to emphasize that the violators of the rules committed an offense aggravated by voluntariness and premeditation. The authorities wanted certainly to create in people interested a state of tension and fear. This important nuance of the formula is totally neglected by translators, who only highlight the obligation to do or not to do something. I consider this important shade of meaning should be retained in the translation.

²⁰ In his history Livy uses eight times the term *Bacchanalia*. In six cases (12, 4; 14, 5; 15, 5; 16, 14; 18, 7; 18, 8.) it certainly indicates the places of worship, in two (9, 4; 19, 3) such a sense is pretty sure.

²¹ ERNOUT-THOMAS 1959, p. 259

²² DE MEO 1986², p. 100.

Some people, however, could believe essential the maintenance of a shrine.²³ Livy is clearer on this point and helps us to understand what places of worship could be maintained. You could ask for the conservation of a sanctuary where there was an ancient altar or a statue consecrated of the god²⁴ and ceremonies took place there annually on fixed dates. They had become compulsory since were now an integral part of the uses of the Roman people²⁵. Therefore if you eliminated such a ceremony, you would betray an obligation toward the god and you would commit an act of impiety ²⁶. For these reasons, in this case the consuls provide for an exception. This disposition shows that the ruling class is perfectly aware that some forms of the cult of Bacchus were so deeply rooted in specific cultural contexts, to make impossible and unthinkable their removal.²⁷ The expression *necessus ese bacanal habere* suggests that the authorities, perhaps reluctantly, had to acknowledge that certain ancient traditions could not be abolished.

In cases of persons who claim the need to have a *bacchanal*, the consuls establish that they must go to Rome by the urban *praetor* and ask permission. Since the urban *praetor* had responsibility for Roman internal disputes and not those involving allies, we must assume that those who

²³ CIL X, 104, lines 3-4: *sei ques esent quei sibi dicerent necesus ese bacanal habere*. Livy, 18, 7: *si quis tale sacrum sollemne et necessarium duceret*.

²⁴ Livy, 18, 7: *extra quam si qua ibi uetusta ara aut signum consecratum esset*.

²⁵ Livy, 18, 7: *si quis tale sacrum sollemne et necessarium duceret*.

²⁶ Livy, 18, 8: *nec sine religione et piaculo se id omittere posse*.

²⁷ ALBANESE 2001, p. 15.

could apply for derogation were Roman citizens and not allies.

The praetor could grant the preservation of place of worship, after obtaining the approval of Senate in a session with the presence of at least hundred of its members".²⁸

BISPHAM notes that the unusual expression *senatus noster* is used here. In his opinion, it would be useless if the S.C. do not address, at least in this section, to non-Roman communities and / or individuals²⁹. It is impossible to understand why the Roman consuls who turned to people residing in the Roman territory, first of all to the ciues, should not have used this expression. However he himself gives the answer to this perplexity when he states that the expression would be justified, if the S.C. turned to individuals. The document, in fact, is an edict of the consuls with the value of law, therefore in its juridical formulation it was addressed exclusively to the single individuals of the community who should have respected its provisions.

In this provision seems to emerge also the fear that a small number of senators, more easily influenced, could make decisions on such an important subject that could have dangerous consequences for the Roman State. It also emphasizes that in religious matter, the Senate has gained

²⁸ CLI X 104, lines 4–6: *eeis utei ad pr urbanum / Romam uenirent, deque eeis rebus, ubei eorum utra (=uerba) audita esent, utei senatus / noster decerneret, dum ne minus senatoribus C adesent [quom e]a res cosoleretur*].

²⁹ BISPHAM 2007, p. 117: «What does seem to me unambiguous is the *foederatei* mentioned in l. 2, is to be understood as covering all *socii*, i.e. Roman allied; this also explains the unusual *senatus/noster* (ll. 5-6), otiose unless the S.C. were aimed, at least in this section, at non-roman communities and/or individuals.»

great power. Instead, TIERNEY³⁰ thinks that the requirement of a *quorum* of one hundred senators when the opinion was adopted has been a safeguard introduced by the majority of the Senate more sensible and impartial against the possible dismissal of these appeals en bloc by a small but violent group of ultraconservatives. We may add that even in this procedure the Senate only gives an opinion, even if obligatory. Executive power (final decision) formally remains a responsibility of a magistrate (the *praetor urbanus*).

The issue of places of worship returns in the final part of the edict, when the consuls order local authorities to demolish all existing sanctuaries except those with a long and consolidated venerability.³¹ In this case, the consuls had to respect the divinity of Bacchus, who had long since been introduced and recognized in the Roman Pantheon. He, like the other gods, had a right to every consideration and should be honoured.³²

The presence of places of worship at the beginning and end of the document in a unique circular structure helps to emphasize the importance of this prohibition. These places, symbols for the activities that take place in them, are the particular target of the authorities.³³ If they eliminated many of the existing places of worship, they avoided at the same time that many members participate in their meetings at night, dangerous to the public order and moral,

³⁰ TIERNEY 1947, p. 95.

³¹ CIL X 104, line 28: *exstrad quam sei quid ibei sacri est*; Livy, XXXIX, 18, 8: *extra quam si qua ibi uetusta ara aut signum consecratum esset*.

³² TURCHI 1939, p. 211.

³³ FLOWER 2002, p. 84 note 234.

but also every possibility of future development of Bacchic communities.

Second ordinance

The second ban concerns the entry of men into meeting places of the Bacchae (lines 7-9). In order to avoid the danger of an excessive spread of the cult among the freemen of every social class, the edict of the consuls orders them - Roman citizens, Latin citizens and allies - should not want to enter into a Bacchanal and join the Bacchantes women.³⁴

The entry of a man into the meetings of the Bacchantes is indicated with a verb of general meaning: *adire*, the same that also indicates going to the urban praetor.

The expression *bacas adiese* "to go to the Bacchantes" recalls to Euripides' ἥξει δὲ βάκχας³⁵ and could be the formula that was then used in Rome to indicate "being initiated in the mysteries of Bacchus"³⁶.

Livy also uses a similar expression, *initiari Bacchis*, to indicate the initiation to the cult of Bacchus. It literally means "to be initiated to the Bacchae"³⁷. Of course we wonder why he does not use the expression *initiari Baccho*,

³⁴ CIL X, 104, line 7: *Bacas uir nequis adiese uelet ceiuis Romanus neue nominus Latini neue socium quisquam*. *Baca* = gr. βάκχη, bacchante. In Latin it is always feminine and not has a male counterpart, similar to gr. βάκχος (Euripides, *Hercules mad*, 1119).

³⁵ Bacchantes, 848–849 : Dionysus: γυναῖκες ἀνὲρ ἐς βόλον καθίσθатаι / ἥξει δὲ βάκχας « O women, the man falls into the net, he will go to the Bacchantes ».

³⁶ PAILLER 1985, p. 270.

³⁷ Cfr. also LIVY 10, 1 : *Bacchis initiari uelle* ; Id. : 14, 8 : *qui Bacchis initiatus esset*. 11,7: *obsценis ... sacris initiari nollet*.

as Cicero had used *initiari Cereri*³⁸. "*Bacas adiese*" and "*initiari Bacchis*" seem to suggest what was the common opinion among the people: the Bacchantes had become degenerate, drunk, violent, mad women who had nothing to do with the god Bacchus and the place where they gathered was no longer a true sanctuary of the god³⁹. Thus both the consuls in their edict and Livy in his history carefully keep the Bacchantes from Bacchus separate and keep the God out of the question, whose name is never pronounced by them either as Bacchus or as Liber or as Dionysus. They follow the point of view of the authorities. The senatorial class and the conservatives decide the persecution of the followers of Bacchus because they were safe targets and suitable for the purposes they wanted to achieve. But they, like all the Romans, were particularly superstitious and therefore try in every way to prove, perhaps first of all to themselves, that their persecution concerned only ordinary criminals who committed serious crimes under the veil of religion. Thus the men entered a bacchanal to participate in the rites of the Bacchantes certainly not to venerate the god Bacchus.

It is natural to wonder who the Bacchantes were, to whom men could not unite. If we consider that in the fourth prohibition two men could perform a sacred rite together with three women without any authorization, we must think the men had to be authorized only when they attended the meetings of many women who acted as Bacchae. Since later, the edict no longer mentions the

³⁸ CICERO, De legibus, 2, 37: *initienturque eo ritu Cereri quo Romae initiantur*.

³⁹ PLAUTUS thus represents the Bacchantes in some of his plays, interpreting what was the opinion among the people.

Bacchantes, it is clear that their rites are not touched by the rules at all, to them no limitation is placed. The consuls implicitly acknowledge that there are women who celebrate rites in honor of Bacchus and that no one can afford to ban their meetings.

They cannot ignore the fact that behind these women there is always the god Bacchus, in Rome called Liber, even if they dare not even pronounce his name. They therefore consider it dangerous to prevent the meetings of the Bacchantes, it could have seemed an action against Bacchus, a deity who had always severely punished the opponents of his cult. The Romans had learned from the *fabulae cothurnatae*, already represented before 186, that Liber-Bacchus used to take revenge without pity on his opponents. In particular in the *Lucurgus siue Tropaeum Liberi* of Nevio, the God severely punished the king Lycurgus who had dared to put his Bacchantes in jail. Therefore the authorities are careful not to do something that can be interpreted as an action against the divinity of Liber-Bacchus. The only limitation that is imposed on the women Bacchantes is only indirect: the drastic reduction of places of worship makes their meetings more difficult, but in authorized places of worship they can perform their rituals whenever they want and without any limitation.

We must also ask ourselves who are the allies who cannot join the bacchantes. Rome and the Roman territories scattered in the rest of Italy, after the Second Punic War, were inhabited not only by Roman citizens, but also by the Latins and allies who had moved there, as a result, of immigration or annexations⁴⁰. Thus, the allies mentioned in the edict were simply those who for various

⁴⁰ MOURITSEN 1998, p. 55.

reasons had settled in Roman territories and, therefore, were subject to the same rules of Roman citizens. Therefore we must not confuse these allies with the inhabitants of the cities allied with Rome which were at all not touched by the persecution, contrary to what is believed.

Many scholars believe that the citation in this prohibition of the allies would be the proof that the addressees of the edict (the *foideratei* of the preamble) were the Italic allies ⁴¹. They do not notice or rather do not want to note on one hand "that it would not be very reasonable if they in the same inscription were also called *foideratei*"⁴² (one should know that in a legal text, to avoid any possible ambiguity, two words are never used with the same meaning), on the other that they are mentioned together with the Roman and Latin citizens who together constituted the population of Rome and of all the Roman towns outside Rome⁴³. Therefore, the addressees of the edict cannot have been only the allies and therefore the all-inclusive term of *foideratei*, which indicates at the beginning of the edict all the addressees of the edict, cannot refer only to the Italic allies. This term must have had a sense that together embraced the three social classes and the element that united them was the fact that they were all followers of Bacchus.

To better clarify this aspect, it is enough to make a short argument about the Tiriolo edict. It is issued by the Roman consuls on the advice of the Roman senate and sent to the

⁴¹ DE LIBERO 1994, pp. 303-325, p. 307

⁴² MEYER 1972, p. 981: «... es wäre nicht gut verständlich, wenn sie in der gleichen Inschrift auch *foederatei* genannt werden.»

⁴³ MOURITSEN 1998, pp. 55-56.

ager Teuranus. This place, having sided with Hannibal during the Second Punic War⁴⁴, after the Roman Reconquista, had become an *ager publicus*, a Burgergebiet (a territory of citizens)⁴⁵. This *ager* was naturally inhabited by Roman citizens who had settled there to exploit its economic potential, but also by citizens of Latin law (we must not forget that a few kilometers from Tiriolo there was the Latin colony of Vibo) and allies both local (They may, for some reason, have maintained their status as allies after the annexation), and from allied cities that had remained loyal to Rome.

The second Punic war had, in fact, changed the political map of Italy: there are signs of a substantial emigration from the Latin states and allies in Rome and in the Roman areas⁴⁶. As a result of immigration and annexations a considerable number of Latins and Italics now lived in all the Roman territories. The norms of the edict therefore had as addressees those who in the Bacchanals had made any kind of agreement between them, be they Roman citizens, Latins or allies. Therefore the allies mentioned in the edict

⁴⁴ A close and profitable commercial relationship between the Carthaginians and this locality is demonstrated by the numerous Punic coins found in the territory of Tiriolo. These are silver and Sicilian-Punic mint coins, with a female head crowned with ears (the goddess Tanit) to the right and the classic horse on the verso. The animal under the belly has a small globe that would mean an ally of Carthage. A hundred of them are kept in the National Museum of Reggio Calabria, but many others are in the numerous private collections. The finding is reported by P. MARCHETTI 1978. Sur l'année 211, p. 634. Cfr. MANFREDI 1989, pp. 55-60.

⁴⁵ RUDOLPH 1935, p. 165; NISSEN 1902, II, p. 945; MEYER 1972, pp. 978-982.

⁴⁶ MOURITSEN 1998, p. 55: «After the Second Punic War, there are signs of a substantial emigration from Latin and allied states to Rome and Roman areas.»

are simply those who for various reasons have settled in the Romanus camp and who are of course obliged to respect the Roman laws in force in the place. Therefore, they absolutely must not be confused with the inhabitants of the allied cities of Rome.

The explicit mention of men (*uiri*) and women (*mulieres*) into other prohibitions of this document makes us understand that this prohibition is limited to men only. It does not apply to women; only when is used in the edict the term *homines* (l.19) this will show both men and women.⁴⁷ You have to highlight the sharp contrast in the phrase between *bacas* and *vir*: the man who makes his entrance among the Bacchantes, for the Roman mentality, ceases to be a real man and becomes *simillimus feminis*. You should emphasize finally that the phrase fits well to the *Teuranus ager*, an area in which coexist indigenous (ex allies), Roman citizens installed on the new *publicus ager*, and Latin citizens from nearby Latin colony of Vibo Valentia.⁴⁸

It seems pretty clear that the addressees of this ban are the followers of Bacchus, who, despite having obtained the right to own a sanctuary, must commit to welcome in it only the people legally allowed. Also in this second ban the senators are aware of the spread and the deep roots of the cult of Bacchus, and grant an implied freedom of the Bacchae to participate in the rituals and a possible exception for men.

⁴⁷ *Homo* is distinguished from *uir* as *άνθρωπος* is distinguished from *ανήρ* (ERNOUT-MEILLET, s.u.).

⁴⁸ PAILLER 1988, p. 167. Relations between the *Teuranus ager* and the colony are proved by the discovery of coins of Vibo in the Tiriolo ruins (FERRI 1927, p. 340).

Third ordinance

The third prescription (lines 10-14) has as object the officials of the worship and the forms of organization. It is more articulated of the previous bans but you must consider it as single total resolution. This is clearly demonstrated by the presence of final *censuere* (line 18).⁴⁹

It establishes for the first thing that no man can perform the duties of a priest; therefore priestesses are not prohibited⁵⁰. "The prohibition only for men confirm what was already evident in the preceding clause, namely the inevitability of a senatorial recognition of the existence of women engaged in Bacchic cults."⁵¹ This charge is placed outside the civil status and is not public, because it is not granted by the political community.

The association belongs to a privately regulated sector and is also protected by law.⁵² For this reason, the granting of the priestesses is not in contradiction with the law handed down by Ulpian⁵³ that prohibits women from holding public office. The authorities then return to the ancient Roman tradition when in the Bacchanalia there were exclusively women, at least according to what Livy

⁴⁹ ALBANESE 2001, p. 18. The term *censuere* indicates, in the minutes of the meeting, the approval by the Senate of the preceding paragraph (PISANI 1960, p. 22).

⁵⁰ CIL X, 104, line 10: *Sacerdos nequis uir eset*. It is the first time that in an official document is mentioned a charge reserved for women.

⁵¹ ALBANESE 2001, p. 18.

⁵² CANKI-LINDEMAIER 1996, p. 85.

⁵³ Ulpianus, *Digesta*, 50, 17, 2: *Feminae ab omnibus officiis ciuilibus uel publicis remotae sunt et ideo nec iudices esse possunt nec magistratum gerere nec postulare nec pro alio inuenire nec procuratores existere*.

says. Senators believe it healthier and able to prevent immorality.

The main task of the priest was to take care of the initiation. Livy defines the leaders of the conspiracy *sacerdotes maximos*; perhaps the priests of Bacchus had a hierarchical organization as those of the Romans.⁵⁴

Immediately after, the consuls order that the association does not have a leader (*magister*), be man or woman.⁵⁵ The title of *magister* in Rome is used to indicate the boss of the *Salii*, of the *Arvali* and other priestly colleges and corresponds to the *ἐπιμελητής* that administered the religious Hellenic associations.⁵⁶ The first attestation of this term is found in this document, but is frequently named in the associations a little later. In these, the *magister* is administrator of the common fund and is responsible for curing some sacred practices such as the sacrifice.⁵⁷

The followers of Bacchus then should not want have a common fund.⁵⁸ The Greek religious associations had own funds, the *κοινόν*, but among the Romans the right to possess a common fund was strictly regulated.⁵⁹ Analyzing this provision, Grimal makes an interesting supposition: "We, perhaps, here find the explanation of one of the *crimes* attributed to the Bacchanals: the falsification of wills. One can imagine that some adepts have had the desire to

⁵⁴ Livy, XXXIX, 17, 7: *eos maximos sacerdotes conditoresque eius sacri esse.*

⁵⁵ CIL X, 104, line 10: *Magister neque uir neque mulier quisquam eset.*

⁵⁶ BRUHL 1953, p. 106.

⁵⁷ GALLINI 1970, p. 55.

⁵⁸ CIL X, 104, line 11: *Neue pecuniam quisquam eorum comoine[m ha]buisse uelet.*

⁵⁹ BRUHL 1953, p. 107.

bequeath his property to their *Church*, and this had generated quarrels with relatives of the deceased."⁶⁰

We must consider that the Romans were very careful to the preservation and transmission of family wealth, and they considered every provision of *pecunia communis* by an association not recognized by the State "une dangereuse mutilation" (PAILLER). In short, the *falsi testes, falsa signa testamentaque*, emphasized by Livy⁶¹ among the most serious crimes of the followers of Bacchus, are closely linked to the creation of a common fund. The Romans feared that clandestine associations constituted a common fund, using illegal means: false wills made with false seals and false witnesses.⁶² There could be even murders of relatives who were entitled to inheritance. BAUMAN believes that the prohibition of a fund had as its aim to avoid such a possibility. The limitation to five people participating in the rites of Bacchus, which appears in the edict,⁶³ may have had the purpose of making it impossible

⁶⁰ GRIMAL 1983, p. 31 : « Nous trouvons peut-être là l'explication de l'un des «crimes» reprochés aux Bacchants: la falsification des testaments. On peut imaginer que des initiés aient souhaité léguer leurs biens à leur *église* et qu'il en soit résulté des litiges avec les proches du défunt. La comparaison avec les *sectes* modernes est, à cet égard, instructive ».

⁶¹ Livy, XXXIX, 8, 8.

⁶² The forms of will in force in pre-classical and classical age was the *testamentum per aes et libram*, derivation of an original *mancipatio* of the *hereditas (mancipatio familiae)* to a *familiae emptor*, that, from the original effective buyer, he was reduced to an executor of the will. The provisions of the *testator* were written on *tabulae sigillatae* by him and by other actors in the *mancipatio* (the *familiae emptor*, the five witnesses and the *libripens*) (GUARINO 1963, p. 509). For the technicalities of *mancipatory will*, see Gaius 2, 12, 1 and 3.

⁶³ CIL X, 104, lines 19-20.

during the rituals of preparing a will forged.⁶⁴ Such a hypothesis, however, is entirely unlikely: to make a will were, in fact, necessary seven adult males, because no role was permitted for women⁶⁵.

Nobody should want to appoint a man or women magistrate or deputy magistrate⁶⁶. The magistrate here is the elected official of a religious association. The authorities want to avoid the danger of the plot.⁶⁷ NORTH⁶⁸ observes that the officers of Bacchic cult, of which we have here the Latin approximations, may not have had correspondents in the Bacchic religion. For pro-magistrates he thinks that they may have been inserted by the editor Roman to avoid a possible loophole, rather than reveal a real structural model in religion. The president (magister), the other representatives, the common fund, the ability to nominate magistrates and pro-magistrates are elements of the legal structure of a *collegium*.⁶⁹ The Bacchic communities were then organized as *collegia* and as such they are now prohibited.⁷⁰ The prohibition of this form of organization, publicly recognized, detracts from the Bacchus association the protection of the law and endangers its existence. This lack is the most essential and most effective measure of repression.⁷¹ So an exception is not granted to this ban.

⁶⁴ BAUMAN 1990, p. 343.

⁶⁵ ROBINSON 2007, p. 23.

⁶⁶ CIL X, 104, lines 11-12: *neue magistratum / neue pro magistratuo neue uirum [neque mulierem quiquam fecise uelet.*

⁶⁷ BRUHL 1953, p. 106.

⁶⁸ NORTH 1979, p. 92.

⁶⁹ CANCIK-LINDEMAIER 1996, p. 82.

⁷⁰ ALBANESE 2001, p. 19.

⁷¹ CANCIK-LINDEMAIER 1996, p. 83; cfr. ALBANESE 2001, p. 19.

The subsequent prescription of this complex prohibition is strictly connected to the previous one. The consuls order the followers should not want to bind themselves by an oath (*coniourase*), nor to join with their votes (*comuouise*), nor to engage solemnly between themselves (*conspondise*), nor make reciprocal promises (*conpromesise*), nor to establish mutual relations of trust (*inter fidem sed dedise*). These expressions, for their general sense, are close to each other, but each has a slightly different shade of meaning. It is obvious that they were chosen with great exactitude and the editors of the decree have been extra careful to not forget any of them, not to weaken their system of repression. The prefix *com-*, present in all verbs, highlights what is the main concern of the authorities: they do not care at all about Bacchic rites - of them in the edict there is no trace - but they simply want to prevent for the future a collegial organization.⁷² Moreover, with their legal meaning, they express the need to prevent the formation of initiates groups with a hierarchical organization similar to those of the Hellenic thiasos.⁷³ This total ban is the one that seems more hide the political background that lurked behind the affair of the Bacchanalia and exceptions are not granted to it.

Some super critics, to exclude the sense of "followers of Bacchus" for *foideratei*, have come up with the decisive fact that the term *foedus* or rather the verb *foederare* does not appear between the terms *conpromittere*, *coniurare*,

⁷² PAILLER 1988, p. 542.

⁷³ BRUHL 1953, p. 106.

comvovere e conspondere that appear on the lines 13 -14 of the edict⁷⁴.

The generic terms of *foedus* or *foederare* were simply incompatible with the very precise and punctual verbs used to underline all types of prohibited agreements. Furthermore, these verbs have also been chosen because they all have the prefix *con/com* (*cum*). Also this very significant⁷⁵ alliteration excluded in this case the use of the verb *foederare*, which therefore together with the verbs of the prohibition was not only useless but out of place. It must also be added that the consuls could not absolutely use in their edict a word that was not yet in use. In fact, the verb *foedero* was created by *foederatus* in a rather late age, only starting from Minucio Felice (ERNOUT-MEILLET, s.u. *foederatus*). Such an error to me seems really incredible.

The last prescription contained in this clause, so varied and complex (ll. 15-18), concerns secret religious ceremonies. No one should not want to celebrate fests in secret (*in oquoltod*) and without authorization of the urban *praetor* and the Senate, nobody should not want to celebrate ceremonies both in public, in private and outside the city of Rome.⁷⁶ One would expect that at the latter

74 BISPHAM 2007, pp. 117-118: «The pleonastic language of the document elsewhere uses *coniurare*, *comvovere* and *conspondere* to describe the illicit activity of Bacchanalians but non *foedus* or cognates». KUPFER 2004, p. 178: «...und Fehlen des entsprechenden verbums (*foederare*) in der Liste Z. 13-14.»

75 PAILLER 1988, p. 542.

76 CIL X 104, lines 15-16: *sacra in [o]quoltod ne quisquam fecise uelet neue in poplicod neue in preiuatod neue exstrad urbem sacra quisquam fecise uelet nisei pr urbanum adieset, isque de senatuos sententiad, dum ne minus senatoribus C adesent quom ea res consoleretur, iousisent*. With "*preiuatod*", the document refers not to

provision corresponded another prohibiting the orgies in Rome. But the lack of the term symmetric to *extrad urbem*, i.e. *urbid* or *Romai* is certainly because the *foideratei* of *Teuranus ager* were not interested directly and then it was deleted.⁷⁷

Fourth ordinance

The last prescription (lines 19-22) establishes the maximum number of participants and the structure of the group. "None should want to celebrate religious rites if there were more than five persons in all, men and women. Besides between the sexes more than two men and more than three women should not want to take part in the ceremonies, except after the authorization of the urban praetor and Senate, as was said above."⁷⁸ So the permission of the urban praetor and Senate was not required if five or fewer persons were present at the ceremony and they respected the proportion of men (no more than two), of women (no more than three).

One can assume that below these figures, in the opinion of senators and consuls, you could not even speak of authentic sacred ceremonies but simple acts of veneration for a deity recognized by the State, made by a small number of people, from which negative consequences could not derive.

the secrecy that is radically prohibited, but the celebration in places not open to all, e.g. in private homes" (ALBANESE 2001, p. 20 n. 19).

⁷⁷ ACCAME 1938, p. 226; FRAENKEL 1932, p. 380.

⁷⁸ CIL, X, 104, lines 19 – 21: *homines plous V oinuorsei uirei atque mulieres sacra ne quisquam / fecise uelet, neue inter ibei uirei plous duobus, mulieribus plous tribus / arfuisse uelent, nisei de pr. urbani senatusque sententiad, utei suprad / scriptum est.*

From this provision, it may well be inferred that it was allowed, after a specific authorization from the authorities, not only that the composition of members could be different, but more than five people could participate in the ceremonies.⁷⁹ The two requirements regarding the number of participants and their structure are closely linked by the coordinative conjunction *neue*; therefore the possibility of waiver refers to both.

The message, addressed to the followers of Bacchus, however, was very clear: if they maintained their worship in such minimum limit as to avoid a possible degeneration and they limited only to meet the individual needs of individual religiosity, they could safely continue to honour and revere their god. This last paragraph admits that less than five people to participate, without permission in a religious ceremony, but it even admits, with a distinction poorly understandable⁸⁰ the coexistence of men and women. It seems to be in contradiction with the second ban that prohibits men, without authorization, to participate in meetings with the Bacchantes. But it is likely that men should be authorized only when they participated in a large meeting of women only that, as already noted, could occur without prior permission. However, "the moral disapproval of promiscuity of the sexes, presented by Livy as an innovation rather dangerous, does not prevent the *senatus consultum* and consuls to admit that each Bacchic group will have two men next to three women. Once again the

⁷⁹ JEANMAIRE 1991, p. 456; DUMÉZIL 2001, p. 446.

⁸⁰ We might suppose that one of the three women would act as priestess. She became an autonomous figure compared to other components that so were in perfect equality.

Romans show their ambiguity between the need to control the foreign cults and the scruples not to lose their advantages.”⁸¹

Synthesizing the edict of the consuls authorizes the exercise of the cult of Bacchus but only under strict regulations. In fact, this cult is not a new thing in Italy and Rome, as were foreign religions that Livy describes how invading Rome during the Second Punic War.⁸² It existed in Rome, from the beginning of the Republic in accordance with the traditional dating, or even from the sixth century B.C. in agreement with the arguments of ALTHEIM.⁸³ So it was a traditional Roman religion, not a recent innovation. Therefore, the authorities want not to ban the traditional worship of Bacchus, but rather new and popular religious forms that have been placed in the ancient cult and seem religiously and politically suspect. They want, in short, to reduce the cult to its original proportions by removing all the elements of political danger, appeasing religious susceptibility, allowing the ancient priests and priestesses authorized to officiate in traditional temples.

However, the fact that the consular provisions do not apply at the worship is, in my opinion, an indirect proof that the degeneration of the Roman cult of Bacchus emphasized in a gloomy picture in Livy's account, in reality never existed. The cult of Bacchus in Rome was more or less identical to that of the entire Hellenistic world. This also confirms that the

⁸¹ BAYET 1959, p. 168.

⁸² TIERNEY 1947, p. 95.

⁸³ ALTHEIM 1931, pp.15-90; ALTHEIM 1996, pp.128, 152, 160.

Bacchanalian affair has been a staged operation for political purposes.

Execution orders to local authorities

From the line 22 follow the rules, given to the competent authorities for the area, concerning the publication of the rules, penalties for violators and the demolition of places of worship unauthorized. In this part, the consuls generally do not reproduce more the words of the minutes of *senatus consultum*, but they underline that these requirements too are consistent with opinions expressed by the senators, almost certainly, however, not all expressed in the same session.

The text is structured differently from previous lines, it appears confused and it led Fraenkel to exclaim: "here fall we from the light to dark."⁸⁴ He bases his opinion mainly on alleged syntactical irregularities.⁸⁵ He has attributed the authorship of this final part to a Bruzian or Greek official, which, with little experience of the Latin language would have made mistakes.⁸⁶ After a long debate and the involvement of many scholars, now the prevailing opinion is that also the last part of the edict is work of consuls, and it contains no errors.⁸⁷

⁸⁴ FRAENKEL 1932, p. 373: "*Es ist als trete man plötzlich aus hellen wohlgegliederten Räumen in das Halbdunkel wirren Gänge*".

⁸⁵ FRAENKEL, 1932, pp. 369-396.

⁸⁶ FRAENKEL 1932, p. 392: "*Der Bearbeiter wird ein des Lateinischen einigermaßen kundiger Südtaliker, vielleicht ein Mann mit oskischer oder griechischer Muttersprache, gewesen sein*„.

⁸⁷ See: *Syntax* .

Publication oral of the Edict

First of all, the consuls order the authorities who hold power to formally⁸⁸ communicate to the inhabitants of the territory in convention assembled in at least three consecutive market days the provisions about the Bacchanalia recommended by the Senate and made executive with their edict.⁸⁹ “In essence, they had to hold three meetings, in three successive market days, and had to enunciate every time the set of rules in question.”⁹⁰ This measure probably was not approved in the decree of October 7. It was, in fact, a common practice in the time that the markets (*nundinae*) were not used only to buy and sell, but also to inform the people of the laws which they would then observe. Immediately after, the consuls require competent authorities of become fully aware of the importance of a decision of the Senate.⁹¹ It is not simply an order of the consuls, but expressly communicates a decision of the Senate.⁹² Immediately after, the consuls report this decision with the words of the minutes of the meeting of Senate.

We can add that the proposition regent (*eorum sententia ita fuit*) fits perfectly on a verbatim quotation. ALBANESE perceptively observes that the words used in this structure are similar to those of the first ban which is

⁸⁸ CIL, X, 104, lines 22-23: *Haice utei in conventionid exdeicatis ne minus trinum noundinum*. Note the use of the verb *exdeicere*, the same used in line 3; the competent authorities must carry out a task similar to that played by the magistrates in their *edicta*.

⁸⁹ CIL, X, 104, lines 22-24.

⁹⁰ ALBANESE 2001, p. 28 note 30.

⁹¹ CIL, X, 104, lines 23-24: *senatuosque sententiam utei scientes esetis, eorum sententia ita fuit*.

⁹² HEILMANN 1987, p. 245

a literal quotation of *senatus consultum* (in both there is the characteristic formula: *si ques esent, quei sibi dicerent ... eeis ...*). We can envisage a simplification made by the consuls only for expression *quam suprad scriptum est*. In this expression *quam* is commonly understood as *utei*. But the fact that in the lines 21-22 (*utei suprad scriptum est*) and line 29 (*ita utei suprad scriptum est*) is used regularly *utei* and not *quam* and since this is a legal text in which are avoided with care synonyms, suggests that here *quam* must have been used with a different sense. In my opinion, *quam*, in this case, is not used in place of *utei* but it has limiting value in the sense of "to the extent, within the limits of".⁹³ The meaning of the expression is therefore "within the limits of what has been written above".

Responsible local authorities must keep in mind the following resolution of the Senate, because the process of those who will act against the provisions would have to be managed under their jurisdiction. The text says "this was the *sententia* of them: if there will be some who will act against the rules, within the limits of what has been written above, they will be subjected to a process capital (i.e., a process that could lead to the guilty the death penalty)."⁹⁴

Threat of the death penalty

We can observe that a precise reference to the threat of the death penalty there is only in the edict of consuls. Livy does not mention the death penalty either in *consultum* of Senate of chapter 14 or that of chapter 18. But in chapter 18, after quoting consultation of Senate of

⁹³ Cfr. TRAINA-BERTOTTI 1965, p. 322

⁹⁴ CIL, X, 104, lines 24–25: *sei ques esent quei aruorsum ead fecisent quam suprad scriptum est eeis rem capitalem faciendam censuere.*

October 7, he tells us that a large number of people were put to death because they were considered culprits of serious crimes, as a result of the *quaestio* of the consuls.⁹⁵ From this it follows that the death penalty was approved certainly in the first session of the senators on the Bacchanalia. But it seems almost certain that the senators in sitting of the nones of October have not only confirmed but also punctuated it better. In fact, with the formula *ead quam suprad scriptum est*, the consuls threaten the death penalty for the violation of all the prohibitions listed above. Since the law in force did not foresee the death penalty of all previous orders, we can argue that a number of individual offenses were included in a single indictment involving the death penalty. So the Senate in session of 7 October 186 BC does not merely give advice to the consuls, according to the law in force, but decides, without a doubt, new rules and new enforcement procedures for new offenses.⁹⁶ Therefore, "the *senatus consultum* is of clear normative nature, it shows in detail the facts banned and then it imposes capital punishment. The provisions do not introduce a new penalty, but it is certain that they introduce new provisions of facts, thus enlarging the old category of crimes against the state"⁹⁷. We can add that the expression used has the same structure of the requirements of the central part. The consuls again, perhaps to give greater weight to the

⁹⁵ Livy, 39.18.4: *Qui stupris aut caedibus uiolati erant, qui falsis testimoniis, signis adulterinis, subiectione testamentorum, fraudibus aliis contaminati, eos **capitali poena** adficiebant.*

⁹⁶ PAILLER 1988, p. 260.

⁹⁷ DE MARTINO 1962, p. 174.

provision, reproduce the same words of the minutes of the senatorial session.

All these remarks show that this provision in *senatus consultum* of 7 October was revised and again approved.

One may only add that the condemnation is threatened not to the Bacchus followers as such, as common criminals. They would be prosecuted only if they had not respected the provisions below stated. If we want to qualify the crime punished by death, it might be that of *pertinacia*, obstinate disobedience to the public edicts.⁹⁸ It is the same word used by PLINY THE YOUNGER in respect of the Christians of Bithynia.⁹⁹

Written publication of the Edict

Soon after, the consuls order that the edict is engraved on a bronze table, and this is posted in a very busy place where it can more easily be known.¹⁰⁰ So the provisions may be known even by those who may not have attended the meeting and those who participated can check whether they understood what they have heard,

Normally the edicts of the magistrates were written on a wooden table whitewashed with white lead (*album*), perishable material that was to last only for the period of office of the magistrate who issued it.¹⁰¹

⁹⁸ PAILLER 1988, p. 175 f.

⁹⁹ Pliny the Younger, *Epistulae*, X, 11: *Neque enim dubitabam ... pertinaciam certe et inflexibilem obstinationem debere puniri.*

¹⁰⁰ CIL X 104, lines 25-27: *atque utei hoc in tabulam aheneam inceideretis ita senatus aiqum censuit utique eam figier ioubeatis ubei facilumed gnoscier potisit.*

¹⁰¹ WIEACKER 1988, p. 407.

In this case, there is something new: the consuls of 186, certainly based on the opinion of the Senate, order the local authorities of the *ager Teuranus* to transcribe the ordinance regarding Bacchanalia on a bronze table. Normally, the bronze table was used for the publication of laws. It is evident that the aim is to stretch the publication as long as possible and far beyond the year of charge of consuls. From this, we understand well that the rules of the edict are not contingent orders for an occasional problem that the consuls of the next year could repeal. It is a body of real laws valid everywhere even after the charge output of the consuls from which they were issued. The strangeness comes from the fact that, as a rule, the Roman laws became executive after they had been approved by the people in assembly. In this case, the *senatores censuere* (advised the rules), and *consules edixerunt* (they promulgated the rules through an edict) and the people was entirely put aside. The procedure used by the senate and the consuls at that time was, therefore, unlawful and arbitrary: they in practice amplifying the maximum the danger of the Bacchanals took an unusual power, almost dictatorial. This behaviour suggests that the affair was, as rightly says Gruen, only "a staged operation", the followers of Bacchus were only scapegoats, and the accusations against them were for the most part false and misleading, in short the affair was a political plot. The consuls and the senate used the repression not for eliminate the danger of the followers of Bacchus (actually non-existent) but only to gain more power.

Tabola and Tabellae

Immediately after they order that within ten days after delivery of the tablets containing the rules, the places of worship of Bacchus should be demolished. It should be noted that here the text speaks of the reception of the tablets (*tabellae*, diminutive of *tabola*), whereas previously the order was to transcribe the text on a *tabola* of bronze. You must consider that the edict, as all legal texts, is characterized by the use of words with a precise meaning, almost technical, to avoid possible misunderstandings and give the clearest possible the message that you want to communicate. Therefore, we can be sure that two different words used in the text cannot mean the same thing, and if both *tabola* and *tabellae* are used, this means that the sense of the two words is not the same. The meaning of *tabola* is very clear for us, because we possess a specimen (the one that was found in Tiriolo). It is a sheet of medium size suitable to include the thirty lines of the edict. Normally in the edicts they were made of wood whitewashed with paint (*tabulae dealbatae*), because they were intended to last only for the year in office of the magistrates who issued the decree. In the publication of laws, the tables were made of bronze, as in our case, because they had to last much longer. The diminutive *tabellae* suggests that they were smaller (we do not know how much). They probably were those commonly used, were made of wood coated with wax and could be bought in stores.

If things were so, we can interpret more accurately the passage. The text sent from Rome was written on two or more standard tablets of wood, since one of them alone was not sufficient to include all the text. Later *in agro*

Teurano the text of edict by *tabellae* had to be reproduced in a larger bronze *tabola* so that it alone contained the entire document so important. Thus the text of the edict that the Teurani received was packaged in Rome by the consuls and not, as FRAENKEL¹⁰² thinks, by an official of south Italy inexperienced in Latin. In *agro Teurano*, local authorities wrote down on a table of bronze the text of the edict received on standard wooden boards.

Demolition of Bacchanalia

Also the last order to demolish the Bacchanalia is not part of provisions decided in the senatorial meeting of October 7. It certainly was passed in the previous session of the Senate where it was decided to entrust to the consuls, *extra ordinem*, the investigation about the Bacchanalia and nocturnal rites. This is confirmed twice by Livy. About this first *senatus consultum*, Livy tells us "later the consuls were instructed to destroy all the Bacchanalia first in Rome and then throughout Italy, unless there was in them an ancient altar or a statue consecrated."¹⁰³ The consul Postumius then, in his speech to the people immediately after this session, among other things says: "I thought it best to put you first aware of the situation so that your souls are not surprised by some religious

¹⁰² FRAENKEL 1932, p. 392.

¹⁰³ Livy, XXXIX, 18, 7: *datum deinde consulibus negotium est ut omnia Bacchanalia Romae primum deinde per totam Italiam diruerent extra quam si qua ibi uetusta ara aut signum consecratum esset.*

disturbance when you saw break down the locations of the Bacchanals and disperse those nefarious congregations.”¹⁰⁴

The consuls were able to decide for themselves the ten-day period within which it was necessary to put an end to demolish all Bacchanalian but they may have complied with a rule in use for some time. This provision allows an exemption for demolition for those Bacchanalia where there is something very sacred and venerable.¹⁰⁵ So the Roman Senate considers should be maintained, even if with the strict conditions before specified, those shrines of the god characterized by an ancient cult and a religiosity over time become ever deeper and now recognized by all.

In conclusion, we can observe that, after the followers of Bacchus were pursued with ruthless severity, the senate and the consuls returned to the caution. So they did not want to bring up at the bottom their action by destroying the Bacchic religion, even in its new and foreign form, even with promiscuous meetings. They were concerned only to limit the spread of the cult and submit its exercise to the control of authorities. The Senate always had the last word.

We must finally point out that the rules of the edict of the consuls of 186 on the Bacchanalia govern for the future the participation of the adherents to religious rites, the structure and hierarchy of the cult, but there is not the slightest hint of changes of regulations in the worship of Bacchus. Evidently it for the authorities did not

¹⁰⁴ Livy, XXXIX, 16, 9: *Haec vobis praedicenda ratus sum ne qua supertitio agitare animos uestros, cum demolientes nos Bacchanalia discutientesque coetus cerneretis.*

¹⁰⁵ CIL X, 104, line 29: *extrad quam sei quid sacri est.* This datum is better specified by Livy 39, 18, 7: *extra quam si qua ibi uetusta ara aut signum consecratum esset.*

contain anything illegal and could continue to maintain its unique characteristics.

Place of publication

The text ends pointing the place of publication (*in agro Teurano*), expressed in a bigger handwriting. In the ablative of the second declension, there is no -d final while in the epigraph the ablative of the names of the first, second and third declension (*sententiad, oqultod, preiuatod, couentionid*) always ends in -d. This does not mean that the expression is more recent, as such final -d disappears in the third turn of the century: in cases where it is preserved is due to the archaism graphic of the Registry. The larger writing and the expression *in agro Teurano* show that the inscription was a copy of the consular edict, which was also sent to other locations. In fact, the consular edict was written generically so that it was enough to all the addressees, and it was unaddressed; other peoples added the places of destination, as *in agro Teurano* of the Tiriolo's inscription.¹⁰⁶

Brief conclusions

The prohibitions are expressed according to a fixed pattern, and by now conventional, they are the result of a long practice and refer to a stable organizational structure, social and legal.

Orders are concise, focused and neutral: they do not show any moral or religious controversy or threatening tone. Even the sanction of the death penalty for offenders is

¹⁰⁶ ACCAME 1938, p. 234.

communicated in a subordinate position, almost incidental as something necessary.

The order in which follow the various requirements marks the bureaucratic procedures that have to respect those who want to preserve the cult of Bacchus.

The effectiveness of the rules is based on their accuracy and the consistency of the intervention. The exceptions granted seem very generous, but in reality they are difficult to obtain.

The discourse remains strictly administrative and legal, and there is none of those elements of a nature moral, political or psychological which abound in Livy's account.

In the decisions of the consuls, there is not the slightest hint to the crimes or vices in such detail and with dark colors emphasized by Livy. They are perhaps simply presupposed, but it is more likely that they were invented by the authorities, to hide their political operation.

The text of the inscription does not say one word about the rites of Bacchus and does not report data regarding the history of religions. However, it is possible to obtain a skeleton of legal and religious categories and qualifications of considerable thickness.

The less rigorous conduct towards women is certainly explained with their lower power *de iure*. They can participate in ceremonies and act as priestesses because they are legally irrelevant and perhaps even more controllable. But it could conceal the purpose of discrediting the cult as it was mainly attended by women.

**PHONETIC, MORPHOLOGICAL AND LEXICAL
COMMENTARY**

Text¹

[Q]. Marcius L(ucii) f(ilius) S(purius) Postumius L(ucii) f(ilius) co(n)s(ules) senatum consoluerunt² n(onis). Octob(ribus)³ apud aedem⁴

¹ For the text we take into account the best editions: DEGRASSI 1972, II, n. 511; ERNOUT 1916, n. 58; PISANI A 29; DESSAU 1934, n. 18; BRUNS-GRADENWITZ 1909, n. 36; DIEHL 1921, n. 262. Since it was an epigraphic text, we put in [square brackets] the once extant but now lost letters, in (round brackets) the completions of shortened forms and omissions.

² **CONSOLVERVNT** = cl. *Consuluerunt*. 1. "Convene for deliberation, consult an assembly, particularly the senate by the consuls", 2. "Deliberate, put in the resolution, cf. *quom ea res consoleretur* l. 10" (ERNOUT et MEILLET 1959, s.u.).

The vowel **ö**, in inside open syllable, in front of velar consonant, becomes **u**. In this case and in *tabolam* (l. 26), the vocalism **o**, which contrasts to **u** of classic Latin, represents the early and archaic stage and at the same time the popular and romance continuation of **u** (it. *consolare, tavola*). The question is whether **o** for classic **u** is archaism or vernacularism and whether the romance **o** in such words derives directly from ancient Latin (VÄÄNÄNEN 1959, p. 27). An interesting case of method is the difference between the pre-verbs of *consoluerunt* (r. 1) and *cosoleretur* (r. 18): the first is etymological writing; the latter expresses the pronunciation that was used at the time. Since both stay on text, one is archaism (WACHTER 1987, p. 294).

³ **N(onis) OCTOB(ribus)**. = October 7.

⁴ **AEDEM** of this inscription and *AETOLIA* (CIL I², 616) of 189 BC are the first epigraphic attestations of diphthong **ae** derived by **ai**. They show that the phonetic transition from **ai** to **ae** already had taken place at the beginning of second century. The other forms of document with still intact **ai** (*Duelonai, ai quom, tabelai, datai*) are due exclusively to its archaic spelling. To that may be added still that **ae** became in turn open **ē** at the beginning of second century. This last change was disguised by fact that the Latin did not know, until then, the sound of open **ē** and did not have a sign to indicate it. So was used the following trick: the spelling **ae** was preserved but it was pronounced as open **ē**.

Duelonai⁵

Aedem of the edict is not a phonetic but historical spelling (M. NIEDERMANN 1959, p. 59 s.). **Ai** is used still for long time as archaism and it was put into vogue by the Emperor Claudius (LEUMANN-HOFMANN 1963, p. 75).

Aedes, -is: for the form is derived from an unattested verb **aedo*, cf. gr. αἶθω (in lat. *aestus*, *aestas*). The first meaning is "fire, where you fire". The singular indicates, in particular, the "abode of the God, the temple". At first, probably it was applied to the *aedes Vestae*, whose round shape recalls the primitive hut with fire in the centre. The plural (*aedes*, -ium) has the value of a collective and indicates the whole of a building (ERNOUT-MEILLET, s.u.).

⁵ **DVELONAI** = cl. *Bellonae*. The syllabic group **du-** at beginning of word become **b** around the half of the third century BC. (LEUMANN-HOFMANN 1963, p. 147; BASSOLS DE CLIMENT 1962, p. 207; SOMMER 1948, p. 222).

Cicero informs us that *Duellius*, consul in 260 B.C. was called *Bellius* (*Orator* XLV, 153: *Nam ut duellum bellum et dui bis, sic Duellium eum, qui Poenos classe deuicit, Bellium nominauerunt, cum superiores appellati essent semper Duellii*).

In the ancient Latin **du-** is still intact (*DVENOS* = cl. *Bonus*, CIL I², 2 and 4; *DVONORO* = cl. *Bonorum*, CIL I², 9 (259 BC); *duena* "bina" in Livius Andronicus fr. 26 Morel). That the writing of *Duellonai* is archaic is demonstrated by the fact that in the archaic poets the alliterations starting with **du** occur only in an ancient formula preserved *domi duellique* (Plautus *Asin.* 559, *Capt.* 68), while many are alliterations with **b** derived from **du-** (Plautus *Men.* 626: *bellus blanditur tibi*, *Asin.* 206: *Blande ac benedice*, *Persa* 317: *quia boves bibi hic sunt*, ecc.). Another indirect indication that the modern pronunciation had become rapidly current use after 200 BC is also the fact that the writing of **du-** occurs only in the word *bellum*. The group **du-** was maintained in *Duelonai*, probably because it was the name of a deity (WACHTER 1987, p. 293).

The genitive singular **-ai** (*Duelonai*) is intermediate form between the primitive **-as** and the subsequent evolution **-ae**. The ending of the Indo-European singular genitive of the first declension was **-as**. It has been preserved in Greek (θεᾶς), in the Italic dialects (Oscan *scriftas*

sc(ribundo) arf(uere)⁶ M(arcus) Claudi(us) M(arci) f(ilius)
L(ucius) Valeri(us) P(ublili) f(ilius) Q(uintus) Minuci(us)

"scriptae", *eituas* "pecunias" Umbrian *urtas* "ortae", *tutas* "civitatis") and even in the oldest Latin. It survives in Livius Andronicus (*escas*), in Ennius (*vias*) and in Naevius (*terras, fortunas*). In the inscriptions we find FAMILIAS CIL 582 (about 125 BC). This form is long maintained in juridical expressions like *pater familias* (next to *pater familiae*). But already at the time of Plautus the alive language no longer knows the ending **-as**. Already there is in the place of **-as** the new formation **ai**, probably modeled on the genitive of the second declension (SOMMER 1948.325). It is likely that the process had begun in the expressions in which an adjective in **-o** was combined with a masculine of the declension in **-a**: **boni agricolas* > *boni agricolai* (PALMER 1977.294). **Āī** at the beginning was made up of two syllables; occasionally it is in Plautus as in senarius *Magnai rei publicai gratia* (Mil. 103) and in Ennius whose *terrai frugiferai* abused is teased by Martial (XI,90,5). Later it was used by poets dactylic, particularly by Lucretius and sometimes even by Virgil (Aen. 3, 354, 7, 464, 10 26). **Āī** subsequently contracts and becomes monosyllable **ai** and next **ae** that already in Plautus is a form of common use (Amph. 1053, Asin. 520 etc.). See *aedem*.

In this edict the double consonants are never marked: this is due to bureaucratic conservatism of the official spelling of chancery, back from the current handwriting. Indeed, in the decree of Paulus Aemilius (CIL ², 264) of 189 BC (i.e. written three years earlier) the doubles are regularly expressed, since this is not an official document from the Registry. The introduction of geminates in Latin is attributed to Ennius by Festus (374 Lindsay: *nulla tunc geminatur littera in scribendo: quam consuetudinem Ennius mutauisse fertur, utpote Graecus graeco βαχκειον more usus*.) In *Duelonai* perhaps is there still the **āī** disyllable. For the diphthong **ai** see n. 4.

⁶ **SC(ribundo) ARF(uere)** = cl. *scribendo adfuere*, that is, literally, "to write were present, watched the writing (done by servants), acted as secretaries" (PISANI 1960, p. 21). This is a legal formula. In the archaic Latin pre-verb **ad** appears in the form **ar** in front of **f** e **v**, as *arfuise* l. 21 and *arvorsum* l. 24. Classical Latin has re-established **ad-**

C(ai) f(ilius)⁷ de Bacanalibus⁸, quei⁹

everywhere on the basis of much more numerous cases, in which this pre-verb remained intact (NIEDERMANN 1959, p. 90).

⁷ **CLAVDI VALERI MINVCI** for *Claudius, Valerius, Minucius* are abbreviations that seem a bit “strange” after the names of *Marcus* and *Postumius* (l.1) written in full. Note the ancient writing in the abbreviation **C** for **G(ai)**, with the voiceless velar and not with the voiced consonant **G**. See n. 30.

⁸ **BACANALIBVS** = cl. *Bacchanalibus*. The term *Bacchanal*, contrary to what is mostly believed, derives not from *Bacchus*, the god, but from *baccha*, the *bacchant* (SCHWYZER KZ, 37, 1904, p. 149; THESAURUS, II, 166, 68). It up to *Livy* and beyond, at least on an official level, always indicates, both in the singular and in the plural, the meeting place of the *Bacchae*. In the text of edict the word is used twice in the singular and twice, for the first time in the history of Latin language, in the plural. It, both in the singular and the plural, always means the place of worship of the *Bacchae* (See also *SACRA* n. 51). For the aspirated Greek *χ* rendered with **C**, see n. 31.

⁹ **QVEI** = cl. *qui*. It is the oldest form of the plural masculine nominative of the relative pronoun from ***quoi**. In this document the diphthong **ei** is still preserved, but is not sure whether that spelling is a phonetic writing or simply an archaic form. The old diphthong **ei** tends to become **i**, passing through an intermediate phase **ē** closed (NIEDERMANN 1959, p. 58). In reality, already in this inscription appears the form *compromesise* (l. 14) derived from an older *compromeisise*: this clearly shows that, at least in the middle syllable, the diphthong **ei** at the time of the edict already was pronounced **ē** closed. This has pushed SOMMER (1948, p. 85) to assert that the reduction of **ei** in **ē** closed had already happened in the third century BC. A play of words of *Plautus* between *eram* (lady) and *eiram* (anger) (*Truculentus*, vv. 262-264), the oldest form of the latest *ira*, demonstrates that at least a short time before 186 BC **ei** was pronounced similarly to **ē**. To add that in this document are clearly distinguishable the singular genitives of the themes in **-o-** (e.g. *Latini* l. 7, *sacri* l. 28, *urbani* l. 21) from the plural nominatives of the same themes, outgoing in **ei** (from an original ***-oi**).

foideratei¹⁰ esent,

This shows the different origin of the two **i**, which then coincided in a single **i**.

From 150 BC onwards, in the inscriptions, **ei** and **i** are exchanged after they were also coincided in the pronunciation. For the correct grammatical science, in this period, there is the problem of establishing fair rules for the pronunciation, in order to eliminate the unexpected lack of clarity and confusion. No chapter of the Latin spelling has been debated as the distinction between **ei** and **i** (M. Victorinus, G.L.K., VII, 17, 25: *Denique omnes qui de orthographia scripserunt, de nulla scriptura tam diu quam de hac quaerunt.*). On this issue also intervened poets Lucilius and Accius. "Accius ... *et cum longa sillaba scribenda esset, duas vocales ponebat, praeterquam quae in i littera incideret; hanc per e et i scribebat*" (M. Vittorinus, G.L.K., VII, 8). In the ninth book of the Satires of Lucilius (25 Marx) a pair of fragments are devoted to orthographic problems, especially to his theory about spelling of **ei** and **i**. According to him it was necessary in general write **ei** for **i**, but it was to distinguish words and forms of the same sound. In the nominative plural of the second declension, and in the dative singular it was to be written **ei**, in the remaining cases ending in **i**, **i**. The weapon of the Roman generals was *peilum*, to distinguish it from *pilum* "the bat of mortar". The SOMMER in his manual (1948), and in more detail in an article in «Hermes» (44, *Lucilius als Grammatiker*, p. 70 ff.) raises the question whether the rules of Lucilius may have had an actual value and concludes that an exact consideration leads to a negative rating. Even LINDSAY (1894, p. 9) is of the same opinion and come to call ridiculous the distinctions of Lucilius. Its rules were probably purely practical as modern patterns of writing.

¹⁰ **FOIDERATEI** = cl. *Foederati*. The word derives from a more ancient **foideratoi*. The ending indo-european **-ōs** of the nominative plural of second declension is preserved in Osco-Umbrian (Oscan *Núvlanús* "Nolani", Umbrian *Ikuvinus* "Iguvini"). It, both in Latin and in Greek, is replaced by the ending of the pronouns (Latin: *equi* < **equoi* and Greek: ἵπποι), which later evolves in **i** through intermediate stages **ei** and **ē** closed.

The primitive stage **oi** is not attested, while that in **ei** is in our text (as well as in *foideratei*, in *oinuorsei uirei*, l. 19 and in *uirei* l. 20) and is

used for a long time in the inscriptions. Also the stage in **-e** is well documented epigraphically (*PLOIRUME* CIL I ², 9, *IIIVIRE* 643, *FALESIE* 364).

Foederatus, derived from **foidos** > **foedus**, contamination of a male theme ***bhoido** and a neutral theme ***bheido**, the same root of *fido* ***bheidh**, di *fides* ***bhidh**, had to take the place of an ancient *foedustus* (cf. *onustus* and *oneratus*, and *scelestus* and *sceleratus*) or rather **feidustus* derived from **feidos*, old neutral form with the diphthong **-ei-**. Da *foederatus* is derived, in later times, the verb *foedero*, -as (after Minucius Felix) on which was created *confedero*, *confederatio* (ERNOUT-MILLET, s.u.).

From the examination of all the passages quoted from the Thesaurus in which appears *foederatus*, it can be concluded that its meaning is always "the one who has made any pact, any agreement" without being specified that kind of deal it is. The sense is therefore always the same both in the public and private sectors. In the texts, of course, the words are used more in the public than private sectors, but there is never any difference in meaning. Therefore, the distinction that some critics make between public and private is a pointless technicality. To understand the meaning of *foideratei* in the edict just keep in mind that this term is closely related to *de Bacchanalibus* and indicates "those who have made any type of agreement among them in the context of the Bacchanalia", that is, the associated with the cult, *Kultgenossen* (RUDOLPH 1935), *affiliés* (LAVENCY 1998, p. 62). The point that some critics pose after *Bacchanalibus*, to give a different meaning to the term *foideratei*, is an obvious abuse, but it is also an implicit admitting that the problem of the meaning of *foideratei* is not lexical (the sense of *foideratei* is insignificant), but syntactic, that is if you consider the phrase *de Bacanalibus quei foideratei esent ita exdeicendum censuere* in its syntactic unit, or divided into two sections.

The Indo-European diphthong **oi** was preserved in archaic Latin as **oi**, witnessed in oldest inscriptions, but soon so the diphthong **ai** became **ae**, so **oi** became **oe** at the same period (TAGLIAVINI 1962, p. 38); but also this **oe** is retained for a short time, because, except under certain conditions (for composition, as in *coetus* <*co-itus*; for semantics differentiation, as in *moenia* in front of *munia*; after **f e p**, provided it is not followed by **i**, as in *foedus*, *foederatus*, *Poenus* (but *Punicus*), switch to **u** (TRAINA 1957, p. 36). In the edict **oi** is still intact in the spelling but

(e^{is})¹¹ ita exdeicendum¹² censuere¹³:

it is undoubtedly an historical writing (NIEDERMANN 1959, p. 61). The transition to **u** in the middle of the second century BC has already occurred (e.g. *VSVRA* in an inscription of 146 BC, CIL I², 632). However, there are inscriptions with **oi** preserved for graphic archaisms throughout the second half of the second century BC and for much of the first (E. KIECKERS 1930–31, I, p. 31. The diphthong **oe**, an intermediate stage between **oi** and **u**, preserved, as stated, in special conditions, is very rare in Latin because, even in cases in which it was written, the pronunciation varied in time and was reduced to **e** (TAGLIAVINI 1962, p. 40).

¹¹ **(EEIS)** = cl. *eis*. Plural dative of the demonstrative pronoun *is, ea, id*. In the text in l. 3 it is understood and is recovered from the plural dative of l. 25. The correlative pronoun (*is* etc.) is often lacking when it is in the same case of the relative; when the case is different, it is more easily understood if it is a case rectum. (TRAINA–BERTOTTI 1965, III, p. 113); For a more detailed analysis of the pronoun cataphoric in relative clauses see: LAVENCY 1998, p. 59 ff. "The absence of a link of connection in an absolute relative clause, in a legal document, responds to a desire to select the text (which is so clearly articulated in its internal times)". (MARTINA 1998, p. 101). For the diphthong **ei** see n. 9.

¹² **EXDEICENDVM** = cl. *edicendum*. *Edico* is the technical verb to indicate the orders of magistrates, "proclaiming an edict". According to MEILLET (1966, p. 122), at the time of the edict *exdeicendum* must have already become *edeicendum*. In fact, the prefix **ex-** was reduced to **e** in front of voiced consonant, in this case of the dental **d**. It would thus be an etymological spelling (WACHTER 1987, p. 294–5; LEUMANN–HOFMANN 1963, p. 156.). For the diphthong **ei** see n. 9.

¹³ **CENSVERE** is third plural person of the perfect tense of *censeo, -es*, "to declare formally and solemnly; to express an opinion in the form prescribed." This ancient meaning has been preserved as a technical term for the opinion of the Senate. The verb in this sense corresponds to a noun belonging to another group: *sententia* (ERNOUT–MEILLET, s.u., p. 112). The term *censuere* indicates, in the minutes of the session, the approval by the Senate of the preceding paragraph (PISANI 1960, p.

Neiquis¹⁴ eorum Sacanal¹⁵

22). The senators, in fact, had to express their opinion on each paragraph of a consultation.

In the third person plural of the perfect are attested, from the beginning of the literary tradition, three exits: **ĕrunt**, **ēre**, **ērunt**. For example in Plautus we find all three forms: *fecĕrunt* (*Am.* 184), *occaluĕre* (*As.* 419), *vexĕrunt* (*As.* 342). The relationship that unites the three forms is not sufficiently clear. The form **ēre** is undoubtedly derived from an ancient ending of perfect and has an origin significantly different from **ĕrunt**, that is derived from **is-ont**, i.e. from an ancient aorist (DEVOTO 1940, p. 112; MEILLET 1966, p. 124). The prosodic drawbacks of the ending **ĕrunt** (For example the series of three short syllables (*Tibrachus*) of cases as *mōnŭĕrunt*, *consŭlŭĕrunt* and a short syllable between two long (*Creticus*) of cases as *fĕcĕrunt*, *dĭxĕrunt* were absolutely incompatible with the hexameter) were resolved by the form **ērunt** which is probably contamination of **ĕrunt** and **ēre**. The two forms **ēre**, **ērunt** continued to coexist for a long time; however, they cannot be distinguished on the grammatical level, but in terms of style: forms in **ēre** already in Plautus have a particular tone of superiority. In the classical time, the form **ēre** is used in poetry and artistic prose, but is prevented by Caesar and Cicero (LEUMANN-HOFMANN 1963, p. 338).

¹⁴ **NEIQVIS** = cl. *Nequis*, which is also present later in our inscription (ll. 7 e 10). As mentioned in n. 9, the diphthong **ei** passes to **i** through an intermediate stage **ē** closed. In the period of transition is determined in spelling some confusion between the signs **ei** and **i** to designate **i** by **i** and by **ei**. The reverse writing *neiquis* for *nequis* seems to confirm that, at the time of document, the transition from **ei** in closed **ē** had already happened. According ERNOUT-THOMAS (1964, p. 148) in *neiquis* there would be a reinforced form (*nei > nī*) that is **ne + i**, with the same **i** which is located in *haec < haice* or in greek *οὐχί*. The reinforced form in the l. 3 *neiquis* would be placed at the beginning of the phrase, while the reduced form *ne quis* in l. 10 would be in position enclitic.

¹⁵ **SACANAL** is obvious material error for *bacanal*. The word is, in fact, written correctly in the next line. *Bacanal* derives from an older *Bacanale*. In fact the names in **-al**, **-alis** are ancient singular neutral

habuisse¹⁶ uelet¹⁷ sei¹⁸ ques¹⁹ esent quei

adjectives in **-ale** (m. and f. **-Alis**) used as nouns, with the fall of the final **ĕ** due to the initial intensity (LINDSAY 1897, p. 64).

¹⁶ **HABVISE**, perfect infinitive active of *habeo*, is used here without perfectum value. It forms with the verb *uolo* a formula prohibitive, characteristic of the judgments of the Senate and of the edicts of magistrates. We can say the same thing about the other perfect infinities existing in the text (*adiese, fecise, coniuorase, conuouise*, ecc.). In this formula was transported to infinity the subjunctive perfect timeless of the imperative negative *ne feceris* (ERNOUT-THOMAS 1964, p. 259). Such use is attested regularly since ancient times. The construct remained essentially faithful to its use in the archaic period, but from Lucretius and Catullus also extends increasingly to not prohibitive phrases but only negative and sometimes not even negative. (DE MEO, 1986, p. 100)

¹⁷ **VELET** = cl. *habuisse uellet*. The sign **V** in the history of Latin up to the Classic has had certainly two values: vowel (*tuos*) and semivowel (*uos*), but more or less it was always pronounced as in Italian *uomo* and in French *oui*. From the first century after Christ the semivowel **V** tends to gain the bilabial fricative voiced value (β) and only later acquires the labiodental fricative value of **v** (TRAINA 1957, p. 38 ff.). For this the sign **V** lowercase of epigraphic text has been always written with **u**, even if in our pronunciation that goes back directly to the low Latin we read **v**. For the double consonants see n. 5.

¹⁸ **SEI** = cl. *sĭ*. For the diphthong **ei** see n. 9.

¹⁹ **QVES** is nominative plural of the indefinite. The theme interrogative-undefined of the indo-european had the form **qui- quei-** (gr. $\tau\iota\varsigma$; Osco-Umbrian $*\pi i$), the same for all three genres: *quis, quid* (PALMER 1977, p. 314). In the ancient Latin (but not in Plautus and Terence) appears in the interrogative and the indefinite a plural masculine nominative *ques*. It comes from the ie. ***quej-es**. According to the grammarian Carisius (GLK, 91, 17) Cato would have used the form *quescumque*; in Accius (Trag. 477) appears *quesdam* and in Pacuvius (Trag. 221) the expression ... *nescio ques ignobiles*. Varro (*De lingua Latina* VIII, 5) reports that *ques* was no longer used in his time. *Ques* is connected to *quis* as *oues* is connected to *ouis* (STOLZ-

sibei²⁰ deicerent²¹ necessus²² ese bacanal habere, eeis²³

DEBRUNNER 1973, p. 85). In our case *ques* can have been used as *variatio*, compared to relative **quei** which is immediately after.

²⁰ **SIBEI** = cl. *sibi*; cfr. Oscan *sifei* and Peligno *sefei*. See n. 9.

²¹ **DEICERENT** = cl. *dicerent*. See n. 9.

²² **NECESVS**. The forms **Necesse**, **necessum** and **necessus** are used with verbs *sum* and *habeo* to form phrases like *necesse est* "is necessary, inevitable," indicating a necessity to which it is impossible to escape. *Necessus* is derived from *ne-cessus*, nominative singular of theme in **-tu** from *cedere* (A dental plus **t** become **ss**) next to the theme in **-ti-** *necesse* (PISANI 1960, p. 22). For the old negation *ne* cf. *ne-scio* and *ne-fas*. The most usual form and that one classic is *necesse*. In the archaic period *necessum* is attested in Plautus (*Stich.* v. 219; *Cas.* v. 344) and in Terence (*Ph.* 296). Afterwards it appears in Lucretius (2,468). *Necessus* epigraphically is only found in this document. In literature it occurs in Terence (*Eun.* v. 998 and *Heaut.* v. 359) and in archaizing Gellius (16.8.1). *Necesse* and *necessum* are treated as neuter adjectives; *necessus esse* reminds *opus esse*, on which it can have been created by analogy (ERNOUT-MEILLET, s.u. *necesse*). For double consonants see n. 5.

²³ **EEIS** = cl. **ei**, nominative plural masculine of *is*, *ea*, *id*. The nominative plural masculine of the pronouns ends in **-ī**, archaic **-ei**, from **-oi**. In fact **-oi** in the final syllable evolves in **-ī**, through the intermediate phases **ei** and **ē** closed. This ending was also taken by the nouns with theme in **o-**, where it was not original (original ending was **-os**, see n. 10). In **eeis** there is the conservation of the diphthong **ei** and the addition of a **-s**. Plural nominatives in **-eis** of names of the second declension are attested in numerous inscriptions, especially in Campania, up to the first century BC. For example: *magistreis*, *leibereis* etc. Generally is thought that in these forms the **-s** plural of names of III, IV and V declension has been added to the ending of the themes in **-o-** (KIEKERS 1930-31, II, p. 10.). DEVOTO (*Storia*, p. 192-193, cfr. also SOMMER (1948, p. 345) believes that in this cases there is the contamination of the ending **-ei** (**-i**) with that of the italic names in **-os-**, type Osco-Umbrian. The PISANI (1974, p. 163) seems to reconcile the two theories when says that these are forms of compromise between

utei²⁴ ad pr(aetorem) urbanum Romam uenirent, deque eis²⁵ rebus, ubei²⁶ eorum utra²⁷ audita esent, utei senatus noster decerneret²⁸, dum ne minus senatoribus²⁹ C adesent [quom³⁰ [e]a res consoleretur.

Oscan plurals in **-os** and those Latin in **-ei**, on which may have affected the example of the plurals with **-s** of the declension s III, IV and V.

²⁴ **VTEI** = cl. *utī*. The form *ut*, used in classical Latin with the same meaning, is not derived from *utī*, showing another formation (SOMMER 1948, p. 151). It is probably a form with apocope from **utī* (BASSOLS DE CLIMENT 1962, p. 125; LINDSAY 1894, p. 605 f.), whose final short vowel is preserved in the forms *utīnam*, *utīque*, etc. Perhaps *utei* is analogical form of *ubei*.

²⁵ **EEIS** = cl. *eis īs (iīs)*, plural ablative of *is*, *ea id*. In the dative-ablative of old Latin, the forms are **eiois* (m.n.) and **eiais* (f.). The development corresponds to that of the masculine nominative, see n. 10.

²⁶ **VBEI** = cl. *ubi*. **Ubi** (= Oscan **puf**; Umbrian **pufe**) dates back to indo European **quudhei*, which is formed by the theme interrogative **quu* (in Latin is **qu**, in Osco-Umbrian **pu**) with a forming locatives **dh** (in lat. after *u* becomes **b**). The older form (*UBEI*) is in our inscription, while the intermediate form is attested in *UBE* (CIL VIII 2728, 17, del 152 a.C.).

²⁷ **VTRA** is material error for *uerba*.

²⁸ **DECERNERET**, Imperfect subjunctive of *Decerno*, composed of *de* + *cerno*, -is (1. sifting through, 2 to distinguish between different objects), in legal language is synonymous with *censeo* and indicates the response given by the Senate to a question asked by a magistrate.

²⁹ **SENATORBVS** is obvious material error for *senatoribus*. The word is written correctly to the l. 9 and l. 18.

³⁰ **QVOM** = cl. *cum*. It seems to have been originally the form of the singular masculine accusative of the relative pronoun, then preserved only as a conjunction, while it was replaced by *quem* (PALMER 1977, p.

Bacas³¹ uir nequis adiese³² uelet

314). *Quom* is graphic archaism; in fact, at the time of the edict on the Bacchanalia was pronounced already *cum*.

In ancient Latin the sign **C** had the value both of voiceless and voiced velar (one track is located in the abbreviations **C** and **Cn** for **Gaius** and **Gneus**). In return for the voiceless velar there were three signs **C** **K** **Q** that were used depending on the vowel that followed them: **C** before **e** and **i**, **K** before **a** and consonant, **Q** in front of **o** and **u**. In Lapis Niger (CIL I ² 2, 1) are found side by side **SAKROS**, **KALATOREM**, **RECEI**, **QVOS**. The use of different signs for the same sound could only create confusion and uncertainty. Over time the problem was eliminated with the progressive substitution of **C** to the other two signs. **K** was used only as an abbreviation for **K**(alendae) and few other cases. **Q** was maintained only in the group **Qu** which served to represent in the Latin the labiovelar. But when **qu** is in front of **u**, loses his labial appendix and becomes **C**: *loquor* but *locutus*. The transition from *quom* to *cum* could be explained thus: when in *quom* the **o** final closed becomes **u** as in *filios* > *filius*, *donom* > *donum*, **qu** loses his labial appendix and becomes **C**: *quom* > **quum* > **qum* > *cum*. Another explanation: *quom* > *qu* (*o*) *m* > *cum* (ERNOUT-MEILLET, s.u.).

³¹ **BACAS** = cl. *Bacchas*. *Baccha*, -ae, "Bacchante, woman who was celebrating the mysteries of Bacchus." In this form the aspirate Greek **χ** is reproduced with **C**. In fact the Latin did not know the aspirated voiceless consonants. After the war against Taranto, as the Greek cultural influence grew, Rome had to face the problem of reproducing, in the Latin words, sounds and signs unknown. Until the end of the second century BC and, sometimes, to the beginning of the first, the aspirates **θ** **φ** **χ**, in the words of Greek origin, were replaced with tenues **t**, **p**, **c**, so *πορφυρα* becomes *purpura*, *θυος*, *tus*, *βακχη*, *baca*, so in our inscription with the **c** not geminate. After this period, as the Greek influence increased, they were replaced by **th**, **ph**, **ch**, that is the aspiration was introduced without introducing new signs, but simply adding to tenues a **h** (NIEDERMANN 1959, p. 84, TRAINA 1957, pp. 17-18). For the geminates see n. 5.

³² **ADIESE** = cl. *adiisse*, infinite perfect of *adeo*, -is (cfr. *adiesent* r. 8, *adieset* r. 17). In these cases we find **ie** for **ii**, probably by dissimilation occurred originally in *adiissemus*, *adiissetis*. Ancient **i** passed to **e** after

ceiuis³³ Romanus neue nominus³⁴ Latini³⁵ neue socium³⁶
quisquam

i, as long as one of the two did not have the trisyllabic historical accent (PISANI 1960, p. 22). For the geminates see n. 5. For the perfect infinitive without perfectum value see n. 16.

³³ **CEIVIS** = cl. *ciuis*. For the diphthong **ei** see n. 9.

³⁴ **NOMINVS** = cl. *Nominis*, genitive singular of the third declension. The ending I.E. of the consonant themes of the third declension was –ōs or ěs. The Greeks adopted the first ending, the Romans the second. The third declension has the ending of the genitive singular **-is** from **-es**, but next to it appears in the inscriptions until the end of the republic **-us (-os)**. The form with **es** is rare, preserved only in the inscriptions: APOLONES CIL I² 37, SALVTES CIL I² 450, VENERES CIL I² 451; In classical Latin switch to **is** (*ducis*), certificated since ancient times: FLAMINIS CIL I² 10, PATRIS CIL I² 15. The ending **-us (-os)** is well documented, but generally outside of Rome, particularly at Praeneste and in southern Italy. The frequency of the genitive in the inscriptions of southern Italy has prompted many to think that there was a Greek influence of the genitive **-os** (SOMMER 1948, p. 372). It is, however, very early in the inscriptions, as in this decree and the ancient stone of Praeneste (CIL I², 298: *SALVTVS*) and in various official inscriptions. This suggests that it is the ending of the themes in consonant in which **-es** and **-os** are linked by an apophonic relationship (PISANI 1974, p. 149; DEVOTO 1940, p. 152).

³⁵ **LATINI** The genitive singular of the second declension in our text (see also: *urbani* l.21, *sacri* l.29) endings regularly in **-i**, as in classical Latin. Note that the genitive singular of themes in **o-** is never written **ei**, and not only in our document, but also in other oldest inscriptions, which so clearly distinguish between old **-i** and **-ī** derived from the diphthong **-ei**. Only later when you lose the distinction between '*tenuis*' and '*pinguis*', is written **ei**, for example in the Lex Agraria CIL I² 2, 440 r. 1 *POPVL I ROMANEI*; CIL X 3772 = Degr. 719: *MAGISTREI* (93 a.C.); CIL X 3783 = Degr. 722: *PAGEI* (70 a.C.).

³⁶ **SOCIVM** = cl. *sociorum*. *Socius*, "accompanying, associated with". Often noun: *socius*, *socia*: partner, companion. In the language of the law (*allies*) is mostly used in the plural. There is no connection

nisei³⁷ pr urbanum adiesent, isque [d]e senatuos³⁸

between *socius* and *sequor*. *Socius* is not one who follows, but one that goes together.

The plural genitive of the themes in **-o-** in old Latin ends in **-om** (*ROMANOM*, CIL, I, 1; prior to 264 BC) (Cfr. Oscan Núlanúm "Nolanorum", Umbrian: Piaklu "piaculorum"). **-Om**, since the second half of the third century BC, becomes **-um**. The forme in **-um** is still maintained in the authors of archaic period (*meum parentum*, Plautus, Mercator, 834; *maiorum nostrum*, Plautus, Aulularia, 166). In the Chancery language and in that of the culture it continues to be used as archaism: *socium* Liv. XXI 17, 2 *deum* Cicero, *Pro Roscio*, 33 ecc., poetic *diuom* for ex. Virgil, *Aeneid*, I, 46. Note that, after **u** and **v**, **-om** remains until the end of the republic and beyond (KIECKERS, 1930-31, II, p. 5). But already in the age of Plautus appears the classical form **-orum** (*uerborum*, Plautus, Captiui 125; *deorum*, Captiui, 622) which is neo-formation by analogy of **-arum** of the themes **-a-**. **-Arum** is derived from the pronominal ending **-asom**, then becomes **-arom** for the rhotacism of the intervocaliac **-s-** and afterwards **-arum** (**o** in final closed syllable becomes **u**), already had replaced in the ancient Italic the ending **-om**. The first example in the inscriptions is *duonoro* CIL I² 9.

³⁷ **NISEI** = cl. *nisi*. Particle of conditional sense, it is composed of *nĩ* + *sĩ*, with *sĩ* abbreviated according to law of the iambic words. This law says: the series of two syllables forming an iamb (short syllable + long syllable), with accent on the short or on the long just after the long, becomes pyrrhic (two short syllables) (PISANI, 1974, p. 21; KIECKERS, 1930-31, I, p.81). The possibility of the iambic abbreviation disappears in the classical era. It remains as a residue stable in many disyllables of common use as *nĩsĩ*, *quĩsĩ*, *mĩhĩ* etc. (CAMILLI 1949, p. 26). According to WACHTER (1987, p. 292), we can understand from *nisei* that **ei** not only was written but also already had to be pronounced as **ĩ**: in fact **ni-** is derived from **ně** through regressive assimilation (LEUMANN-HOFMANN 1963, p. 101) and the apophony (**ě** > **ĩ**) occurred just because **ei** was pronounced **ĩ**, equally if long or short for iambic shortening. The same thing goes for *sibei* (l. 4). See n. 9 for the diphthong **ei**.

³⁸ **SENATVOS** = cl. *senatus*. The classic form of singular genitive of the fourth declension **-us** comes from **-eus** or from **-ous** with strong

sententiad³⁹ dum ne minus senatoribus C adesent quom ea
res cosoleretur⁴⁰

degree of the thematic vowel and the ending **-s** (SOMMER, 1948, p. 388). You can compare Latin *SENATOUS* CIL I² 2197, Oscan *castrous*, Umbrian *trifor* from *trifous "tribus". In some inscriptions (*MAGISTRATVOS* CIL X 4725, also Faliscan *DE ZENATVO(S) SENTENTIAD* CIL I² 365) and in our document (l. 8, 17, 23) appears a singular genitive of theme **-u-** in **-os**, *senatuos*. This archaic form of singular genitive is explained in different ways by scholars: a dialectal treatment of diphthong **ou** (ERNOUT 1953, 82), intermediate stage **ō**, in the evolution of diphthong **ou** in final syllable open or closed (NIEDERMANN 1959, p. 65), but perhaps it shows the apophonic strong degree of the original ending. The endings of Indo-European genitive are in fact **-os**, **-es**, **-s** alternating in themes in **-o**, **-e** **-a**; The ending **-i** in themes **o-** and **io-** that is witnessed in our inscription (*Latini, urbani, sacri*) is an innovation. The ending **-os** becomes in classic Latin **-us**, but it remains intact until classical time, when it is preceded by **V**, be it vowel or semi-vowel.

³⁹ **SENTENTIAD** = cl. *Sententia* "opinion". Although belonging to another group, it is the noun corresponding to *censeo*: see n.12. In Indo-European only the themes in **-o-** had a particular form of singular ablative; in the other declensions the ablative was identical to the genitive. But already in ancient Italic, by analogy to **-od** of the themes in **-o-**, was created in the themes in **-a-** the ending **-ad** (In the same way **-id**, **-ud** in the themes in **-i** and **-u**) (KIECKERS 1930-31, I, p. 17). The **-d** final disappears around 200 B.C. after long vowel (PALMER 1977, p. 295). In the edict, the **-d** is still intact: it is however a graphic archaism of senatorial bureaucracy. In fact, at the end of inscription, in an addition, not coming from senatorial chancellery appears already the classic form without the **-d**: *in agro teurano*. In the literary Latin, final **-d** of the ablative singular is present in Naevius (*Troiad*) but it is absent in Plautus. This shows that it has disappeared in the second half of the third century.

⁴⁰ **COSOLERETUR** = cl. *consuleretur*. *Consulo* "convene for a resolution; consult an assembly, in particular the Senate by the consuls". In this form there is the disappearance of **n** before the **s**, as on the abbreviation *cos* of the l. 1 (In the other cases it has restored:

iousisent⁴¹. censuere. acerdos nequis uir eset. Magister neque uir neque mulier quisquam eset. Neue pecuniam

consoluerunt, l. 1; *censuere*, l. 3; etc.). The elimination of the nasal in front of the sibilant is an ancient phonetic tendency: the inscriptions of every kind prove this, since the third century BC (COSOL, CESOR in the inscription of the sarcophagus of L. Cornelius Scipio, consul in 259 B.C., CIL I², 8). Probably the current pronunciation reduced the **n** to weak and perhaps unnoticed nasal appendix of precedent vowel that became long. The best evidence is the abbreviation **cos** for consul and **co^{ss}** for *consules*. The phenomenon has continued in Romance languages (TRAINA 1957, p. 62).

⁴¹ **IOVSISSENT**: Here and in the line 18 = cl. *iussissent*. The verb *iubeo*, in the language of public law is used in political resolutions and in the laws passed by the people with the sense of “to decide”.

The plural instead of singular is perhaps due to the fact that the subject *isque de senatuos sententiad*, in an archaic language, was taken as if it expressing two subjects: *is et senatores* (ALTENBURG 1898, p. 518); “*is et senatus, is cum senatu*” (LÖFSTEDT 1942, p. 7). This formula (*isque de senatus sententiad ... iousisent*) may want to highlight the unity of purpose of the Senate and the consuls and also to emphasize the judgment of the Senate as the fundamental basis of any transaction (HEILMANN 1987, p. 244).

The diphthong **ou**, inherited from the Indo-European or derived from **eu**, becomes **u** at the end of the third century (NIEDERMANN, 1949, p. 64). The older evidences of **ou** are *iouxmenta* of the inscription of forum, *noutrix* CIL I²45, *Loucilios* CIL I² 2437, *pouublicom* CIL I² 402. The transition from **ou** to **u** is naturarly very old: the older evidences are *Lucius Luciom* of the tombs of Scipios CIL I² 7 and 9, of thirt century BC (LEUMANN-HOFMANN 1963, p. 80; cf. PISANI 1960, p. 18). In our inscription **ou** is a graphic archaism and as such is used until the early first century BC, but it is used with some regularity only in the words of chancery language as *iou* = cl. *ius*, *iourare* = cl. *iurare*, *ioussit* = cl. *iussit*.

quisquam eorum comoine[m⁴² ha]buisse ue[l]et neque magistratum neue pro magistratuo⁴³ neue uirum [neque mul]ierem quiquam⁴⁴ fecisse uelet. Neue post hac⁴⁵ inter sed⁴⁶

⁴² **COMOINEM** = etymological spelling for cl. *communem*. *Communis* derives from *com* + *munis*, -e (old **moinis*, *moenis*): in historical times means “common” and corresponds to gr. κοινός (ERNOUT-MEILLET, s.u. *munis*). For the geminates and the diphthong **oi** see n. 5 and 10.

⁴³ **MAGISTRATVO** generally is corrected in *magistratud* on the basis of *CASTUD* (CIL, I², 360, 361). The fact that in this case we find the **o** instead of **d** and in *DQVOLTOD* (r. 15) the **d** instead of **o**, has lead Mommsen (CIL I², p. 437) to write: *scriptor elementa D et O uidetur permutasse, latinae linguae fortasse ignarus*. See also Degrassi (1972, II, p.14): *Exemplar autem acceptum magistratus agri Teurani consulibus obtemperantes incidendum curauerunt faberque aerarius qui incidit Latinae linguae imperitus fuisse uidetur*.

⁴⁴ **QVIQVAM** material error for the common *quisquam*; but, in the opinion of PISANI (1960, p. 32), could be the adverb *quiquam* (*ne ... quiquam*) “however”.

⁴⁵ **HAC** singular ablative of the demonstrative *hic*, *haec*, *hoc*, like in CIL, I², 401: ARVORSV HAC. *Post hac* is the classic *posthac*. **Post** like **ante** is used as pre-verb, adverb or as preposition followed by accusative, while in Oscan and in Umbrian it is followed by the ablative (BUCK 1928, § 300, 6). A trace of the ablative after **post** is, in Latin, in the adverbs in which **post** is reinforced by a form derived from theme of the demonstrative pronouns: **posthâc** (cf. Oscan **post exac**) **posteâ**. Perhaps the use of the accusative with **post** is derived by analogy with its opposite **ante** that is followed by the accusative not only in Latin but also in the Oscan-Umbrian (ERNOUT-MEILLET, s.u.).

⁴⁶ **SED** is singular accusative of the personal pronoun of the third person. See still l. 14. In this edict and in other ancient epigraphic texts (MED, CIL, I², 3, fibula prenestina, VII o VI century B.C.; TED, CIL, I², 4, vase of Dueno, VI century BC), but not in Oscan-Umbrian, appears a final -**d** in the singular accusative of the personal pronoun. These forms are used also by Plautus (*med Captiui*, 405; *ted Asinaria*, 299).

conioura[se⁴⁷ neu]e comuouise⁴⁸ neue conspondise⁴⁹ neue
 conpromesise⁵⁰ uelet, neue quisquam fidem inter sed
 dedise uelet. sacra⁵¹

This **-d** generally is considered by scholars of obscure origins. PISANI (1960, p. 201) suggests an influence of the singular ablative in which the final **-d** was normal. PALMER (1977, p. 315) is against this hypothesis and also excludes its origin from neutral pronouns. **Inter sed** is the usual expression of reciprocity.

⁴⁷ **CONIOVRASE** = cl. *Coniurasse*, syncopated form for *coniura(ui)sse*. *Coniuro*, *-as* (da *cum* + *iouro*) “swear togheter”. Of the four synonymims used here (*coniurare*, *conspondere*, *conuovere*, *compromittere*), to indicate the more or less precise notion of «conspire», over time remains only *coniurare*. From this NORDEN (1958, p. 190 ff.) concludes that the language of the classical time among his many merits has also had the defect of having impoverished the Latin. DEVOTO (1940, p. 155) believes that, in this case and in all the other words that are dropped, the Latin language is simplified not impoverished. See n. 41 for the diphthong **ou**.

⁴⁸ **COMVOVISE** = cl. *conuouisse*. **M** for **n** is etymological writing (*cum*). *Convoveo*, *-es* “to make a vow together”

⁴⁹ **CONSPONDISE** = cl. *Conspondisse*, “make a deal”.

⁵⁰ **CONPROMESISE** = cl. *Compromisise*. This verb keeps there the original meaning of “to promise mutually”. Also the Thesaurus in this case gives prominence to the fact that the word appears nowhere with such sense, it is a semantic hapax (THESAURUS, s.u. *compromitto*). After this document *compromitto* reappears in Cicero (Ad Qu. fr., 2, 14, 4), where it has the technical juridical sense of “s’engager réciproquement à remettre la décision d’une affaire à un arbitre, compromettre” (ERNOUT.-MEILLET, p. 408). See n. 9 for **e** < **ei**.

⁵¹ **SACRA**, plural neutral of the adjective *sacer*, *sacra*, *sacrum*, with noun value is the technical term used in the edict to indicate the ceremonies of the Bacchantes. See also rr. 17 and 20. Some scholars believe that the term Bacchanalia also indicates the feasts in honor of Bacchus. It is known, however, that, in a legal document, normally,

in dquoltod⁵² ne quisquam fecise uelet. Neue in poplicod⁵³
neue in preiuatod⁵⁴

two words that have the same meaning are never used, as this would make the message ambiguous. Now if the word "sacra" is used in our document to indicate the meetings of the bacchantes three times, giving the same meaning to the term Bacchanalia is an obvious error.

⁵² **DQVOLTOD** material error for *oquoltod* (= cl. *occulto*) (see n. 45). In *occulto*, expression that means "secretly, in secret". *Occultus* is participle of *occulo*, *is* – *occului* – *occultum* – *ere*. The verb *occulo* da ***ob-kelo**, although ancient and classical, is rare and used mostly in its participle. It tends to be replaced by *occulto*,-as, a form of iterative-intensive. The root is then ***kel** with the voiceless velar and not with the labiovelar. The *oquoltod* spelling with labiovelar is a false etymological spelling and comes from an era in which one had the feeling that to a group **-cu-** contemporary - corresponded an older one **-qu-** (for example *cum* from *quom*) and in which one made the transformation mechanically, even in the forms in which there had never been labiovelar, (ERNOUT-MEILLET, s.u. *celo*, -as, p. 111). About the confusion of the signs **c, k, q** see . 29. See n. 39 for the final **-d**.

⁵³ **POPLICOD** = cl. *publico*, singular ablative with final **-d**; see n. 38. *Poplicos* is derived by *poplus*, attested in the forms *poplico*, *poplice* in the Lex Bantina. (CIL I 197; I² 582), *poplo* in CIL I² 40, *poplus*, *poplom* in CIL I² 614, Cadiz 189 BC, in CIL I² 25, 260 BC and *poplicod* in our inscription. Hence ***poplos**, not ***popelos** must have be the starting form (LEUMANN-HOFMANN 1963, p. 97). The corresponding adjective is *publicus*, but etymologically it has nothing to do with *populus* (ERNOUT-MEILLET, s.u.). *Publicus* has risen by contamination of *poplicus* with *pubes*, "young able-bodied".

⁵⁴ **PREIVATOD** = cl. *priuato*. *Privatus* is adjective common in italic dialects where you can see the different outcome of the diphthong **ei**, still intact in our document, where, however, it is simply an archaic spelling. Generally **ei** becomes **e**, i.e. prevails the first element (umbrian *prever* "singulis"), in Latin prevails the latter and becomes **i** (see n. 9), while the Oscan is the only italic dialect in which the diphthong **ei** remains intact (Oscan *preiuatud* "privato"). For the conservation of

neue extrad⁵⁵ urbem sacra quisquam fecise uelet, nisei
pr(aetorem) urbanum adieset, que de senatuos sententiad,
dum ne minus senatoribus C adesent quom ea res
consoleretur, iousisent. Censuere. Homines plus⁵⁶
oinuorsei⁵⁷

the final -d see n. 38. *In preivatod* is different from *in oquoltod*. This refers not to the secrecy, absolutely prohibited, but to the celebrations in places not open to all, i.e. in private homes.

⁵⁵ **EXSTRAD**, old ablative fossilized as adverb, with syncope from ext(e)ra. See n. 38 for the conservation of final -d. In *extrad* (r. 16, 28), but not in *exdeic*- (r. 3, 22) is conserved the full writing for **ks**. Since **ks** was perceived as a double sound, it is frequently rendered not with the double consonant **x** but with **xs**, especially in older inscriptions (LEUMANN-HOFMANN 1963, p. 50). This spelling becomes frequent later, but remains optional and disappears again (WACHTER 1987, p. 294). Here it is used as preposition: *extrad urbem* "out of town".

⁵⁶ **PLOVS** = cl. *plus* and probably goes back to ***plois** (cf. comparative PLOIRVME = cl. *plurimi*, CIL I², 9, sarcophagus of L. Scipio, 259 B.C.). **Plous** would be a mistake occurred since at the beginning of the second century BC **oi** and **ou** had become both **u** in the spoken language, but they were kept intact in the archaic spelling of stationery and this exposed them to be confused (NIEDERMANN 1959, p. 62 s.).

⁵⁷ **OINVORSEI** = cl. *uniuersi*, from **oino-uorsei*. *Oinuorsei* is normal spelling for *oinuorsei* and it was said doubtless as a quadrisyllable (LINDSAY 1894, p. 66). In fact "in open syllable any short vowel becomes **u** before **v** (which disappears, at least in writing)" (PISANI 1974, p. 27).

The group **uo** in front of the dentals **r**, **s**, **t** becomes **ue** around 150 B.C. (LEUMANN-HOFMANN 1963, p. 61). In fact in Plautus, Terence, Ennius and in the old inscriptions we find *aduorsum*, *uortere*, *reuorti*, *uoster* in place of *aduërsum*, *uërtere*, *reuërti*, *uëster*. Quintilianus (*Istitutio oratoria*, I, 7, 25) says that the spelling **ue** for **uo** has been introduced by Scipio Africanus. Probably he refers to Scipio Africanus Minor, one that lived between 185 and 129. This is confirmed by the comedies of Terence, in which the forms with **ö** and **ë** alternate. The first epigraphic examples with modern form are found in *Lex repetundarum* of the

uirei⁵⁸atque mulieres sacra ne quisquam fecise uelet⁵⁹,
neue inter⁶⁰ ibei⁶¹ uirei plous duobus, mulieribus⁶² plous
tribus arfuisse uelent, nisei de pr(aetoris) urbani utei
senatusque sententiad, suprad⁶³ scriptum est. Haice⁶⁴ utei

123/122 (CIL I² 583): *auersum* and in the *Sententia Minuciorum* of the
117 (CIL I² 584): *controuersiis*. The modern forms appear before in
literary Latin as in the inscriptions is more resistant the archaic
spelling. See n. 9 for the diphthong **ei** and for **oi** n. 10.

⁵⁸ **VIREI** = cl. *uiri*. See n. 9 for the diphthong **ei** .

⁵⁹ **VELET** accords regularly with singular pronoun *quisquam*, which
takes up the subject *homines* and yet the following proposition has its
verb in the plural (*uelent*, r. 21).

⁶⁰ **INTER** old adverb here used as preposition, is formed by the
preposition **in-** + the adverbial suffix **-ter**. Perhaps it is the only adverb
in *ter* by prepositions inherited by ie. ***entér** (LEUMANN-HOFMANN 1963,
p. 299). In literary Latin is used generally as pre-verb and preposition,
as adverb only by Valerius Flaccus, 5, 337; 6, 22; 8, 382.

⁶¹ **IBEI** = cl. *ibi*. Pronominal adverb with suffix **-bi** (Umbrian *-fe*,
Osco *-f*, eg Umbrian *pufe*, Oscan *puf* "ubi"). **Ei** in place of **i** is archaic
spelling.

⁶² **MVLIERIBVS** plural ablative instead of the expected *mulieres*, no
doubt due to attraction of *duobus* [...] *tribus* (ERNOUT-THOMAS 1959, p.
125; cf. GHISELLI 1966, p. 14).

⁶³ **SVPRAD** is old ablative used as adverb. See n. 39 for the final **-d**.

⁶⁴ **HAICE** plural neuter accusative (= cl. *haec*) of the demonstrative
hic. In this form ***ha** is the root and **i** is deictic particle which is found in
old Latin **quai** (= cl. *quae*), oscan *paí*, gr. αὐτοσί. The deictic particle **-**
ce, later reduced to **-c**, in ancient times was a feature of all forms of the
pronoun **hic**. It is also used frequently with the demonstratives in Osco-
Umbrian: Osco *eísak*, Umbrian *ecak*. The limitation in classical Latin in
some cases was not original. The **e** of **-ce** has already disappeared at
the time of Plautus, but remains as **i** in Plautus and Terence in front of
the interrogative particle **-ne**: *huncine, sicine, istuncine*. La particle **-ce**
in the language of the inscriptions remained intact until the second half

in couentionid⁶⁵ exdeicatis⁶⁶ ne minus trinum
noundinum⁶⁷, senatuosque sententiam utei scientes

of the second century BC, even in cases where it had disappeared in classical Latin (LEUMANN-HOFMANN 1963, p. 286; KIECKERS 1930-31, II, p. 136).

⁶⁵ **COVENTIONID** ablative of theme in **-n-** formed according to themes in **-i-**. In ie. there is not an specific form for this case, except for the themes **-o-**. The Latin ablative **-e** dates back to locative **-i-**. The themes **-i-** developed the form **-id** on the model **-od** of the themes in **-o-**. This ending in **-id** is found from time to time, as in our case, also in the themes in consonant (LEUMANN-HOFMANN 1963, p. 274; KIECKERS 1930-31, II, p. 29). The lack of **n** in *con-* may be due to an error material, but *couentionid* may have **co-** (of *co-eo*, etc..) for **com-** and preserves the source of *contio*, or at least represents a etymological graphics reconstruction (PISANI 1960, p. 23).

⁶⁶ **EXDEICATIS** Present subjunctive = cl. *edicatis*. See n. 12, and n. 9.

⁶⁷ **NOUNDINUM** The expression *trinum nundinum* is interpreted in different ways. If it is considered plural genitive (with **-um** instead of **-arum** (See n. 35)) of *trinae noundinae* (LEUMANN-HOFMANN 1963, p. 279) its meaning is "of three consecutive markets", if is a singular accusative neuter (complement of time continued) the sense is "for a period covering three consecutive markets" (PISANI 1960, p. 23).

The market days were used not only to sell and buy, but also to know the laws approved by the competent authorities in meetings convened in at least three consecutive markets. It is clear that the oral promulgation de facto was interrupted in the other intermediate days, when every person came back into their daily routines. So our sentence in its entirety means "that you make know these rules in the assembly of not less three consecutive markets." Grammatically *Trinum noundinum* is, therefore, a genitive plural. So PRIMAVESI (1993, p. 318 ss.), who has studied in detail the problem. He believes that *trinum noundinum* in edict is a partitive genitive of time, indicating the time period within which the SC should be made known in the *contio*. When *contio* loses importance and is introduced the week of seven days, this genitive disappears from the living language and is interpreted as a neutral singular. This is perhaps due to the fact that, even if it were

esetis⁶⁸, eorum sententia ita fuit : « sei ques esent,

only necessary for the promulgation three days of the market, the time period necessary because it would end also included the intermediate days. And is thus understood the passage from the meaning "of three consecutive markets" to the "period of time including three markets." The expression is used several times by Cicero where according Gaffiot (s.u.) "is always used as accusative singular of time continued = during three markets, that is, for seventeen or twenty-four days, according to calculations." this, however, is not true. In fact in Cicero, *Pro Dom.* 41 (*Si quod in ceteris legibus **trinum nundinum esse oportet**, id in adoptione **satis est trium esse horarum***) *Trinum nundinum* is certainly a plural genitive, as it is put in contrast with plural genitive *trium horarum*. In the form *Trinundinum* is considered by the *Lex Caecilia Didia* of 98 B.C as the minimum interval prescribed between *promulgatio* and *rogatio* of a law (LINTOTT 1965, pp 281-285).

⁶⁸ **SCIENTES ESETIS** = cl. *scientes essetis*, "you were aware, knew". This periphrasis governs *sententiam*, "opinion". The present participle, in archaic Latin, was used with functions of adjective, especially in the nominative, for example: *sapiens, intelligens, cupiens*, etc. In colloquial Latin this happens in all its history and, also in the Romance languages, the present participles survive only as adjectives.

In Plautus, Cato and the ancient annalists the present participle has not yet assumed the characteristic verbal function to hold an object in the accusative. Then, slowly and with differences between the various authors, it presents its particular verbal functions. But the transitive participle is used in all possible cases only with Cicero.

Sometimes, as in this case, the participle-adjective is used in predicative sense with *esse*, in a kind of conjugation periphrastic that highlights the aspect durative (PALMER 1977, p. 393). Cfr. Plautus, *Poenulus*, 1038: *ut tu sciens sis*; Idem, *Captivi* 925: *te carens dum hic fui*. In it the verb *sum* has its value of existence and the participle acts as an opposition to the subject. In the history of the literary Latin the participle present, in the periphrastic conjugation, has a very limited role. The expression develops from the imperial age (ERNOUT-THOMAS 1959, p. 275).

quei aruorsum⁶⁹ ead⁷⁰ fecisent, quam⁷¹ suprad scriptum est, eeis rem caputalem⁷² faciendam censuere » atque utei hoce⁷³

⁶⁹ **ARVORSVM** = cl. *aduersum*. See n. 6 for *ad* > *ar* e n. 55 for *uo* > *ue*.

⁷⁰ **EAD** is singular ablative as *hac* of the line 13 (cfr. ARVORSU(m) HAC, CIL, I² 2, 401, Marble table of Luceria). See n. 44.

⁷¹ **QVAM**, here, according to LOPEZ PEREIRA 1988, p. 47), would have been used instead of **utei**. He points out that this linguistic irregularity, generally ignored by critics, is attested especially in late Latin (the first example is found in Apuleius, Flor. 16) and thinks that perhaps in this passage can be found the origins of a very remote vulgar use of *quam* for *ut*. But the fact that in the l. 21-22 (*utei suprad scriptum est*) and l. 29 (*ita utei suprad scriptum est*) is used regularly **utei** and not **quam** and since this is a legal text in which are avoided with care synonyms, suggests that here **quam** must have been used with a different sense. In my opinion, *quam*, in this case, is not used in place of **ut** but has limitative value in the sense of "to the extent, within the limits" (cfr. TRAINA-BERTOTTI 1965 I, p. 322).

⁷² **CAPVTALEM** = cl. *capitalem*. The vowel **u** becomes **i** in syllable open interior due to the ablaut (NIEDERMANN 1959, p. 21); here the **u** has been restored and is etymological spelling; *caputalem* is an adjective derived from *caput*. *Rem caputalem* means "a capital process, involving the death penalty".

⁷³ **HOCE** = singular neutral accusative = cl. *hōc* from **hod-ce* with theme **ho + d* characteristic of the neutral demonstrative (cfr. *id*, *quod*) + the deictic particle **ce**. From **hod-ce* derives as a result **hōccē** (dc > tc > cc). This is the form of our text without the double consonant **c**. In following with the fall of the final **-e** we have **hocc**, that, despite being written *hoc*, is generally measured as a long in Latin poetry of all eras, even before a vowel (Cfr. Virg., Aen. 2, 664: **hocc** erat; *ibid.* 4, 675: **hocc** illud; *ibid.* 6, 129: **hocc** opus; Prop. 3, 18, 21: **hocc** omnes). This shows that it has never ceased to be pronounced in this position **hocc** (NIEDERMAN 1959, p. 120; LEUMANN-HOFMANN 1963, p. 172; KIECKERS 1930-31, I, p. 158 and II, p. 137). The neutral **hōce** (l. 26) shows the deictic particle **-ce** in complete form that in archaic literature occurs

in tabolam⁷⁴ aheneam⁷⁵ inceideretis⁷⁶, ita senatus aikuom⁷⁷
censuit, uteique eam figier⁷⁸ ioubeatis

only very rarely (in Plautus *hosce*); therefore, this form may be considered somewhat archaic (WACHTER, 1987, p. 297). For the particle **-ce** see n. 62.

⁷⁴ **TABOLAM** = cl. *tabulam*. See n. 2 for the **o** still intact.

⁷⁵ **AHENEAM** = cl. *aeneam*. From *aes aeris* we have the old adjective *āenus*, *ahēnus* derived from ***ayes-no-s**, cfr. Umbrian *ahesnes* “ahēnis”. From it through the fall of the **s** and the elongation for compensation of the preceding vowel **e** (***aesnos** > ***aeznos** > *āenus*) there has been the elimination of the diphthong and the maintenance of the **a** initial to the face of *aes*. In Latin as in Umbrian this was highlighted by the introduction of a purely graphical **h** (ERNOUT-MEILLET, s.u. *aes*). The **h** in the word indicated no sound, but only a hiatus between two vowels, where it was not etymological, as in our case, was used as a sign to separate the syllables and avoid the monosyllabic pronunciation of **ae**. Note that current is also the spelling without **h** *aēnus*. Under the influence of adjectives in **-eus** indicating material was then created *a(h)ēneus*, cf. *terrāneus*.

⁷⁶ **INCEIDERETIS** = cl. *incideretis*. *Incido* derived from *inceido* (in turn derived from *incaido* < *in* + *caedo*). See n. 9 for diphthong *ei*.

⁷⁷ **AIQVOM** = cl. *aequum*. The singular neuter in nominative and accusative of second declension ended in **-om**. It becomes **-um** in the third century, but remains unchanged after **u**, be it vowel or semi-vowel, until the classic times. See n. 4 for **ai**.

⁷⁸ **FIGIER** passive infinite di *figo*, *-is*. Worthy of note is for the spelling **-i** of the theme indicating ancient **i** and not the diphthong **ei**- and for the meaning: The consuls ordered the table had to be fixed with nails (ERNOUT-MEILLET, s.u. *figo*).

Next to the normal form in **-i**, in the infinite passive of the third conjugation is used quite often, in the archaic period, the form **-ier** (LEUMANN-HOFMANN 1963, p. 328). This form is attested several times in Plautus but invariably or at the end of the verse (about one hundred and sixty eight examples) or the end of the hemistich (PALMER 1977, p. 103). After Cato and Lucretius is used rarely and only with the

ubei facilumed⁷⁹

intention of giving to the speech an archaic patina (PISANI 1974, p. 297). These forms totally disappeared in classical Latin, have not found a convincing explanation. The most obvious hypothesis is to consider them an extension of agi with r of agitur perceived as characteristic of the passive (WACHTER 1987, p. 297). ERNOUT (1953, p. 244) suggests a possible influence of dialect, for the similarity of the termination **-er** with the suffix of the impersonal passive in Osco-Umbrian: osco *vincer* "vincitur".

⁷⁹ **FACILVMED** = cl. *facillime*; adverb derived from an old ablative in **-ed**. In *facilumed* is present, marked with **u**, what Quintilianus (*Institutio oratoria*, I, 4, 8) calls "*medius quidam u et i litterae sonus*". From this statement, scholars have argued that in Latin there was another vocal in the internal syllables, that before labial (m, b, p, f) continues a short vowel indicated both with **i** that with **u** (*libet/lubet; clipeus/clupeus; optimus/optumus*, ecc.). The terms involved in this oscillation can be distributed into two category second that the *sonus medius* appears before labial syllable, in tonic syllable (*libet / lubet*) or in unaccented syllable (*optimus / optumus*). The two categories have in common the presence of the vowel in question short in front of the labial. Scholars have so far failed to give a convincing explanation of the nature and origin of *sonus medius*. Generally it is thought that in both categories had the sound **ü**, more or less as the French **u** and Greek **u**. For the second, much richer and more important than the first several hypotheses were made but none of them came to convincing results. In the syllables in question, the inscriptions only use **u** until the end of the second century (the oldest example of **i** dates to 117 BC. (*INFIMO* next *INFVMO*, CIL I², 584, *Sententia Minuciorum*). From another passage of Quintilian (*Institutio oratoria*, I, 7, 21) we can deduce that **i** has triumphed since the time of Cesar. It can be concluded that "**i** and **u** seem to be distributed according to a criterion of vowel harmony, not reducible to strict formulas" (TRAINA 1957, p. 44). See n. 39 for the final **-d** and n. 5 for the not geminates.

gnoscier⁸⁰ potisit⁸¹, atque utei Bacanalia sei qua sunt, exstrad quam sei⁸² quid ibei sacri est ita utei suprad scriptum est, in diebus X quibus uobeis tabelai datai⁸³

⁸⁰ **GNOSCIER** passive infinite of *gnosco*, -is = cl. *nosco*. In composition **gn-** remains intact: *pro-gnatus*, *co-gnosco*. In the beginning of word **gn-** becomes **n-** (*gnatus* > *natus*, *gnoscier* > *nosci* etc.) probably during the time of Plautus (PISANI 1974, p. 50). He, in fact, uses, at the same time, for the participle of *nascor* both the original form and the reduced form, sometimes in the same comedy (for example *Bacchides* v. 1081: *uideo uolgo <in> gnatos esse parentes*; v. 1086: *eost ingenio natus*). See n. 77 for the desinence **ie**.

⁸¹ **POTISIT**: The starting point of *possum* is the substantive ie. **potis* (cf. gr. ποσις), which in Latin takes the adjectival meaning of “powerful, capable” and the form *potis* m.f. *pote* n. (from an original *poti*) (KIECKERS 1930-31, II, p. 319; LEUMANN-HOFMANN 1963, p. 310 f.). Both forms together with the verb *sum* are attested in archaic Latin (cfr. Plautus, *Captiui*, 970: *potis es*; idem, *Miles gloriosus*, 1322: *potis es*, idem, *Amphitruo* 626 : *potis est* ; Terentius, *Phormio* 535: *pote fuisset*).

In our case the final -i of the neutral *poti* did not become *pote*. In fact, as a rule, -i in the final open syllable passes to -e-, whether it original, or happened in the final syllable after the loss of -s; eg *mare* singular neuter nominative of theme in -i- (NIEDERMANN 1959, p.38). The subjunctive *potisit* (= *potis sit*) is next to the oldest *siet*, as well as in literature of that time *sim* / *sis* / *sint* are already near to the most frequent *siem* / *siet* / *sient* (LEUMANN-HOFMANN 1963, p. 310).

⁸² **EXSTRAD quam sei** conjunctional periphrasis = cl. *extra quam si* “except if”. See n. 53 for the double consonant XS.

⁸³ **TABELAI DATAI**. Plural nominative of second declension was -as (from -ā + es) (cf. oscan *scriptas* “lat. scriptae”, umbrian *urtas* “lat. ortae”). This ending is attested also in Latin: *laetitias insperatas* (Pomp. 151 R.), *has* “hae” (Pomp. 151 R.). Other times, in the ancient Latin, like in our inscription, appears the pronominal ending -ai, which takes place second -oi of the themes in o-, cf. gr. -οι: ἵπποι second -αι: θεαί, χοραί. The ending -ai becomes -ae as that of the genitive and dative singular subsequently.

erunt faciatis utei dismota⁸⁴

It should be noted that here the text speaks of the reception of the tablets (*tabellae*, diminutive of *tabola*), whereas previously the order was to transcribe the text on a *tabola* of bronze. You must consider that the edict, as all legal texts, is characterized by the use of words with a precise meaning, almost technical, to avoid possible misunderstandings and give the clearest possible the message that you want to communicate. Therefore, we can be sure that two different words used in the text cannot mean the same thing, and if both *tabola* and *tabellae* are used, this means that the sense of the two words is not the same. The meaning of *tabola* is very clear for us, because we possess a specimen (the one that was found in Tiriolo). It is a table of medium size suitable to include the thirty lines of the edict.

Normally in the edicts they were made of wood whitewashed with paint (*tabulae dealbatae*), because they were intended to last only for the year in office of the magistrates who issued the decree. In the publication of laws, the tables were made of bronze, as in our case, since it was meant to last much longer. The diminutive *tabellae* suggests that they were smaller (do not know how much). They probably were those commonly used, were made of wood coated with wax and could be bought in stores.

If things were so, we can interpret more accurately the passage. The text sent from Rome was written on two or more standard tablets of wood, since one of them alone was not sufficient to include all the text. Later in *agro Teurano* the text of edict by *tabellae* had to be reproduced in a larger bronze *tabola* so that it alone contained the entire document so important. Thus the text of the edict that the Teurani received was packaged in Rome by the consuls and not, as FRAENKEL⁸³ thinks, by an official of south Italy inexperienced in Latin. In *agro Teurano*, local authorities did write down on a table of bronze the text of the edict received on standard wooden boards.

⁸⁴ **DISMOTA** = cl. *dimota* (da *dis-moueo*). The **s**, when followed by a consonant voiced (occlusive, liquid, nasal, semivowel) becomes voiced and disappears, making long for compensation the preceding vowel (NIEDERMANN 1959, p. 154; PISANI 1974, p. 52). *Dismota* is etymological spelling, in fact, at the time of the edict the **s** had long since disappeared

sient⁸⁵. **In agro teurano**⁸⁶.

(LEUMANN-HOFMANN 1963, p. 156 e 160). A. Ernout (*Mémoires de la société de linguistique*, 13, 323) considers dialectal the forms with **sm** preserved. *Dimoveo*: move in various parts, remove.

⁸⁵ **SIENT** is third person plural archaic of the present subjunctive of *sum*. It is the only track in Latin of the optative i.e. (PALMER 1977, p. 338). The optative i.e. had, in singular of the athematic flexion, the strong degree **-ie-**; in first and second person plural (before the endings beginning with a consonant) the reduced degree **-i-**, in the third person plural **ii > i** semivowel in front of the ending **-ent**. In the archaic Latin so we have the present subjunctive: *siem, sies, siet, simus, sitis, sient*, that corresponds to Greek *εἶην, εἶης, εἶη, εἶμεν, εἶτε, εἶεν*. Plautus uses these forms only at the end of the line, the place proper of the archaisms. After him they are documented in Cato, Ennius, Lucretius (also in Cicero, *Orator* 157) and in archaic inscriptions. In classical Latin are generalized the forms: *sim, sis, sit, simus, sitis sint*, by analogy with *simus, sitis*. The shape *potisit* l. 27 shows, however, that in 186 BC *sit* was used instead of *siet*.

⁸⁶ **IN AGRO TEURANO**: The text ends pointing the place of publication (*in agro Teurano*), expressed in a bigger handwriting. In the ablative of the second declension, there is no **-d** final while in the epigraph the ablative of the names of the first, second and third declension (*sententiad, oqultod, preiuatod, couentionid*) always ends in **-d**. This does not mean that the expression is more recent, as such final **-d** disappears in the third turn of the century: in cases where it is preserved is due to the archaism graphic of the Registry.

Conclusions

The language of the edict is the one legal, typical of the stationery senatorial and consular, far behind on the current, from all points of view.

GRAPHY

The double consonants are never marked, while in other official documents contemporary or even earlier, but not from the chancellery, they are regularly used. There are some etymological spellings (eg. exdeicendum = cl. edicendum; conpromesise = cl. compromisisse; caputalem = cl. capitale; dismota = cl. dimota).

Phonetics

Various phenomena that at the time of the edict had already concluded in the classical forms, are still registered in its original form or in the intermediate ones (The diphthongs **ei** and **oi** are preserved; **du** at the beginning of word is not yet evolved in **b**, the ending **-um** of the second declension has not yet become **-orum**, the final **-d** of the ablative singular is still preserved, etc..). These are, therefore, simple archaisms due to bureaucratic conservatism of the Registry.

Morphology

If we exclude the archaisms found in phonetic endings, we can assume that the overall morphology is within the limits of the standard. There are, however, some phenomena, which are also found in other inscriptions, but are absent in the literary language (genitive singular of the

third declension in **-us** (*nominus* = cl. Nominis); ablative singular of theme in **-n** in **-id** (conventionid = cl. conventione); nominative plural masculine of is, ea, id in **-eis** (= cl. **-ei**).

Generally the lexicon is within normal limits, except for a word in which is preserved the original meaning, which, perhaps, at the time of the edict was no longer in use: *conpromesise* “promise to each other”). The word does not appear anywhere else with this sense and is therefore a semantic hapax. For the rest, you can accept the statement of A. Meillet (Esquisse, p. 123) che « les faits de graphie archaïsante ou étymologique une fois mis à part, il reste peu de chose par quoi la langue de l’inscription des Bacchanales se distingue vraiment du latin classique ».

Abbreviations

* Indicates forms or meanings postulates, not handed down.

cl. = classic.

nom. = nominative.

gen. = genitive.

dat. = dative.

acc. = accusative.

abl. = ablative

sing. = singular.

pl. = plural.

decl. = declension.

m., f., n. = masculine, feminine, neutral.

s.u. = sub voce

l. = line; ll. = lines.

p. = page; pp. = pages.

v. = verse; vv. = verses.

BC =

gr. = Greek.

THE SYNTAX

Preamble

In the preamble of the edict (first three lines) the grammatical issue that arises is the meaning that should be given to relative clause *quei foideratei esent* and in particular to the word *foideratei*. The relative clause is anticipated with respect to the regent. In the cases of prolepsis of relative clause, the relative pronoun is then recalled by a demonstrative pronoun correlative which, however, is omitted when is in the same case and is more easily understood when it is a case rectum. In our case, the correlative is implied, but is not in the same case and is an oblique case. However, these cases are not rare.¹ The absence of the link connecting in an absolute relative in a legal document responds to a desire to split the text (which is so clearly articulated in its internal times).²

The most significant aspect of this relative is, however, in my opinion, the use of the subjunctive. At a first consideration the use of the subjunctive appears correct simply because we are dealing with a subordinate clause, whose time usually passes, in indirect style, in the subjunctive. It is, however, an incidental, an explanatory relative clause, which introduces a detail extraneous to the thinking. In this case the choice of the indicative or the subjunctive remains free for the one who writes, "selon la nuance qu'il veut exprimer". But what the consuls wanted to express with this relative to the subjunctive? About it

¹ FRAENKEL 1932, pp. 369-396, p. 391, n. 3: "auch wo es in einem Casus obliquus stehen müßte"; KÜHNER-STEGMANN 1912-14., II. p. 281 f.; TRAINA-BERTOTTI 1965, III, p. 113; LAVENCY 1998, p. 59 ff.

² M. MARTINA 1998, pp. 85-103, p. 101.

Martina³ states that it is a relative clause idle, essentially a periphrasis. He adds that it "responds to a real technique, used in almost all the edicts of the time". Soon after reports the following examples⁴:

Livio, XXVIII, 11, 11: *Consules ex senatus consulto edixerunt (ut) qui ciues Cremonenses atque Piacentini essent ante certam diem in colonias reuerterentur.*

Livio, XXXVI, 3, 3: *Adeoque ... ciuitas intenta fuit ut P. Cornelius ediceret qui senatores essent ... ne quis eorum ... abiret.*

Livio, XXXVI, 3, 13: *M' Acilius consul edixit quos L. Quinctius milites conscripsisset ... ut ii omnes Brundisium ... conuenirent.*

Livio XLI, 9, 9: *C. Claudius ... edixit qui socii et nominis Latini ... censi essent, ut omnes in suam ciuitatem redirent.*

XLII, 10, 3: *L. Postumius ...edixit qui socium et Latini nominis ex edicto C. Claudi consulis redire in ciuitates suas debuissent, ne quis eorum Romae ... censerentur.*

XLII, 22, 5: *senatus consultum factum est ut qui Ligurum post Q. Fuluium, L. Manlium consules hostes non fuissent, ut eos C. Licinius Cn. Sicinius praetores in libertatem restituendos curarent.*

To these examples cited by Martina can also be added the edict of the praetor Lucius Aemilius Paulus of 190

³ MARTINA 1998, p. 99.

⁴ It is clear that we cannot determine whether and to what degree they are authentic, but we can admit that "they faithfully reflect - as a way of working of the annalists (forgers, but skilled and undocumented) - the texts of the genuine *Senatus Consulta*" (MARTINA 1998, p. 100).

BC, CIL ², 614: *L. Aemilius L. f. inpeirator decrevit, utei qui Hastensium servei in Turri Lascutana habitarent liberei essent.*

From a careful analysis of these examples, as of our relative clause, however, in my opinion, always emerge clearly some elements. The addressees of the provisions were not all Roman citizens but only persons of a particular group that within the whole population could not be identified or located with precision.

The authorities took decisions when they did not know exactly who were or where were the people who had to respect them. So they addressed to those who eventually were part of that particular category of people wherever they were. These relative propositions anticipated with respect to the regent were relative expressing eventuality and were certainly not idle as Martina says. It seems to me then that this scholar, in this statement, contradicts his statement that in the legal texts the redundancy (paraphrase) is a sign of what is important⁵. We can certainly say that these responded to a real art, not that they were idle, given that they showed the real addressees of the measures, those who should to have respect them.

In our case the consuls, when they approved their edict, knew that the worship of Bacchus had spread among the allies, among the Roman citizens and Latins, but did not know who they were and where were those who frequented the Bacchanalia, since the rituals that took place there were not public but reserved to the members of the community Bacchic, only to initiates. Therefore, the consuls directing only to them the various ordinances

⁵ MARTINA 1998, p. 98.

could only apply to "those who were eventually affiliated to the cult", all others, at least for the moment, were excluded.

But who exactly were the *foideratei* mentioned in the text? The term *foideratus* is derived from *foedus*, indicating an alliance or treaty between princes and states, or a private agreement⁶. Consequently *foideratus* means associated with any agreement, both among cities and principles, and among private citizens. In fact a systematic analysis of all the passages quoted from the Thesaurus clearly shows that *foedus* always indicates generically a "pact" and *foederatus* means one who has done any pact. But to understand the exact meaning of the word in edict you must consider that it is part of a sentence (*De Bacanalibus quei foideratei esent ita exdeicendum censuere*) and it cannot be taken separately.⁷ The meaning of the phrase is: "the senators recommended that it was necessary to issue an edict with these measures to those who had made any agreement in relation to the Bacchanals" namely the Bacchus followers.

Ita exdeicendum depending on the perfect *censuere* (r. 3) is an infinitive clause, containing an adjective in *-ndus*. It is equivalent to a completive with *ut*: Cicero., *De Off*, 3.114:

⁶ THESAURUS, vol. VI, head word *foedus*, 1003-1004 (*foedus publicum*), 1004-1006 (*foedus priuatum*).

⁷ The comma that some critics pose after *bacchanalibus*, to give a different meaning to the term *foideratei*, is an obvious abuse, but it is also an implicit recognition that the problem of the meaning of *foideratei* is not lexical (the sense of *foideratei* is insignificant), but syntactic that is, if you consider the phrase in its syntactic unit, or divided into two sections.

eos senatus non censuit redimendos (Ernout-Thomas, p. 303).

After the preamble, begins the central part of the consular document that reproduces the prescriptions recommended by the Senate. They were intended not to eliminate the cult of Bacchus but to regulate the exercise and bring the Bacchanalia in the Roman religious tradition. In fact, after these measures, a ceremony in honor of Bacchus, authorized by public authorities, moved in the legal field and the partygoers were protected by law⁸.

From a general analysis of these emerges clearly that they contain no positive determinations. The requirements are always prohibitions to which, however, in certain cases and under certain conditions, may be granted exceptions. But even these exceptions are not expressed in a positive way but with the formula *ne- ... nisei - none / no ... if not*, then with a reserve of permits⁹.

The various prohibitions up to l. 22 are all dependent on expression (*eeis*) *ita exdeicendum (ese) censuere*.

All bands depend on a verb *exdeico* (= cl. *edico*), which means "prescribe, to pass an edict" accompanied and underscored by the adverb correlative *ita* ("so and not otherwise"). The prohibitions are expressed by subordinate clauses expressed with the volitional subjunctive oscillating between the final and consecutive value¹⁰. In fact the efficient action (the decision of the Senate) takes place in function of the effect (the ban) and then the effect is desired by the subject of the efficient action. In these propositions is obligatory the respect of the

⁸ KUPFER 2004, p. 158

⁹ CANCIK-LINDEMAIER 1996, pp. 77-96; p. 81 f.

¹⁰ Cfr. TRAINA - BERTOTTI, *Sintassi* 1965 III, p. 129.

consecutio temporum and in dependence of the perfect indicative *censuere* there is regularly the imperfect subjunctive. Normally these propositions are linked to the regent by the conjunction *ut o uti* (archaic: *utei*). Here, however, that conjunction is missing and the various prohibitions are simply juxtaposed to the regent in paratactic form. We must remember though: in parataxis misses only the formal element that makes explicit the relationship of subordination, which therefore remains intact. In legal texts, the parataxis is not the result of poverty of language, but has a very specific purpose: "the individual members tend to isolate themselves, to detach, each tends to attract the attention to himself"¹¹.

Prohibitions

First ban: "none of them (the Bacchantes) should want to maintain a place of worship of Bacchus"¹².

Second ban: "No free man should want to participate in a meeting of women which celebrate Bacchus"¹³. It is clear that this prohibition did not apply to women. This seems to mean that a meeting of only women was allowed and did not require any permission.

Third ban: Includes a series of prohibitions that relate specifically to the hierarchy of the cult, the possession of a common fund and the organization:

¹¹ MARTINA 1998, p. 101.

¹² CIL, X, 104, 3: *Neiquis eorum bacanal habuisse uelet*.

¹³ CIL, X, 104, 7-8: *Bacas uir nequis adiese uelet ceuius Romanus neue nominus Latini neue socium quisquam*

“No man can be a priest, no man or woman can be magister¹⁴. Interesting is the fact that the prohibition of being a priest was only for men and not for women”.

“Nobody should want to keep a common fund”¹⁵.

“Nobody, man or woman should want to elect a magistrate or a pro-magistrate¹⁶.”

Nobody, afterwards, should want to make mutual arrangements¹⁷. In this prohibition is stated the concept of conspiring with an accumulation of synonyms. They serve to emphasize that among the followers of Bacchus there can be no agreements of any kind. It ordered them not to associate with an oath, not to join with vows between them, not to engage solemnly to one another, not to make mutual promises, not to establish mutual relations of trust. These expressions for their general sense are close to each other, but each have a different shade of meaning. It is obvious that they were chosen with great exactitude and consuls have been extra careful to not forget any, not to weaken their system of repression. The prefix *com-*, present in all verbs, highlights what is the main aim of the authorities: avoid for the future a collegial organization of the followers of Bacchus.¹⁸ Moreover, with their legal meaning, they express the need to prevent the formation

¹⁴ CIL, X, 104, 10: *sacerdos nequis uir eset magister neque mulier neque uir quisquam eset*

¹⁵ CIL, X, 104, 11: *neue pecuniam quisquam eorum comoine[m ha]buisse ue[ll]et*

¹⁶ CIL, X, 104, 11-12: *neque magistratum neue pro magistratu<d> neue uirum [neque mul]ierem quiquam fecise uelet*

¹⁷ CIL, X, 104, 13-14: *Neue post hac inter sed conioura[se neu]e comouise neue conspondise neue conpromesise uelet, neue quisquam fidem inter sed dedise uelet*

¹⁸ PAILLER 1988, p. 542.

of groups of initiates with a hierarchical organization similar to those of the Hellenic *tiasis*¹⁹. The initial *com-* in all verbs unites them formally through a kind of total alliteration.

This complex ordinance is concluded with the prohibition of celebrating the sacred rites in secret²⁰. Such a ban would be sufficient in itself, but the authorities, to avoid misunderstandings, they wanted to make it better. They added that no one can celebrate religious rites in public or in private or out of town²¹. The second clause, in fact, connected to the first by the conjunction copulative *neue*, clarifies that the religious ceremonies are forbidden in public, in private and even outside Rome. The specification is functional to clarity of the message that they want to communicate.

Fourth Ban: Cannot participate in meetings more than five people and not more than two men and not more than three women²².

Most bans are expressed in a stereotyped formula, typical of the *Senatus consulta* and edicts of the magistrates. The verb *uolo*, in the volitive subjunctive, is followed by the infinite perfect valueless of perfectum. In this formula was transported to infinity the subjunctive perfect timeless of the imperative negative *ne feceris*²³:

¹⁹ BRUHL 1953, p. 106.

²⁰ CIL, X, 104, 15: *Sacra in <o>quoltod ne quisquam fecise uelet*

²¹ CIL, X, 104, 15-16: *Neue in poplicod neue in preiuatod neue extrad urbem sacra quisquam fecise uelet*

²² CIL, X, 104, 19-21: *Homines plous V oinuorsei uirei atque mulieres sacra ne quisquam fecise uelet neue inter ibei uirei plous duobus, mulieribus plous tribus arfuise uelent.*

²³ ERNOUT-THOMAS 1959, p. 259.

both, the infinite and the perfect subjunctive do not have time value, but aspectual, of aorist. It is a legal formula which, although not so assiduously, was used constantly also in contexts literary of type prohibitive.²⁴ In this ordinance is used a stereotyped formula, typical of the *Senatus consulta* and edicts of the magistrates. The verb *uolo* is in the subjunctive volitional, and it is followed by the perfect infinite, valueless of *perfectum*. This formula is also used in almost all other prohibitions.

In my opinion, the use of the verb *uolo* wants to emphasize that the violators of the rules committed an offense aggravated by voluntariness and premeditation. The authorities wanted certainly to create in people interested a state of tension and fear. This important nuance of the formula is totally neglected by translators, who only highlight the obligation to do or not to do something. I believe we must hold this nuance in the translation.

Only in two of these prohibitions (*sacerdos nequis uir eset* and *magister neque uir neque mulier quisquam eset*) is not used that formula. We may think that even in these two cases the consuls have slightly modified the text of the *Senatus consultum*, but we do not understand the reason.

The prohibitions concerning the hierarchy, the common fund and the organization are absolute, whereas the others concerning the places of worship and the participation in the ceremonies are followed by exceptions, even if they are granted under very strict conditions and difficult to obtain.

²⁴ DE MEO 1986², p. 100.

Derogations

DEROGATION FROM I BAND: (*sei ques esent quei sabei deicerent necesus ese bacanal habere eeis utei ad pr(aetorem) urbanum Romam uenirent deque eeis rebus ubei eorum uerba audita esent utei senatus noster decerneret dum ne minus senatoribus C adesent quom ea res consoleretur iousisent. censuere.*

DEROGATION FROM II BAND: (*nisei pr urbanum adiesent isque de senatus sententiad dum ne minus senatoribus C adesent quom ea res cosoleretur iousisent*).

DEROGATION FROM III BAND: (*nisei pr urbanum adiesent isque de senatus sententiad dum ne minus senatoribus C adesent quom ea res cosoleretur iousisent*).

DEROGATION FROM IV BAND: (*nisei de pr urbani senatuosque sententiad utei suprad scriptum est*).

The procedures for exemptions are expressed by means of conditional clauses of the possibility dependent on *ita exdeicendum censuere*. If we analyze the four periods hypothetical expressing the exceptions, we note that the first, unlike the others, is expressed by a large and well-articulated phrasing and shows accurately the procedure to be observed by those who want to obtain a waiver. The protasis of the first derogation is amplified from a relative clause (*sei ques esent quei sabei deicerent*) which, at first glance, may seem very "lazy", in reality it is not so. *Sei ques esent quei sabei dicerent* (see also l. 24) instead of *sei ques sabei dicerent* serves to highlight those who are interested and give them a precise implicitly warning: "if there were some who 'claims', but it would be better for everyone if they were not there.

Necessus ese and *bacanal habere* are two infinitive dependent on *dicerent* that want to highlight that those who wish to maintain a place of worship of Bacchus

must first consider carefully whether it is really necessary, because the process to obtain a waiver will be long and difficult.

The apodosis, with the conjunction of connection to the principal clause (*utei*) regularly expressed, is constituted by two propositions coordinated between them. (*eeis utei ad pr(aetorem) urbanum Romam uenirent e deque eeis rebus ... utei senatus noster decerneret*). The first indicates that for the request of an derogation one must go personally to Rome by the urban praetor,²⁵ the second emphasizes that the ultimate decision regarding the matter remains that of the Senate. Other propositions related to them serve to clarify in detail the procedure of the request. After that the persons have personally made an explicit request to the urban praetor (*ubei eorum verba audita esent*²⁶), he asks, if considers it appropriate, the opinion of the Senate, which, when decides on the topic (*quom ea res consoleretur*²⁷), must be composed of not less than one hundred senators (*dum ne minus senatoribus C adesent*²⁸). Only after obtaining the opinion of the Senate, the urban praetor will take its decision on granting or not

²⁵ If the magistrate responsible for the exemption is the praetor urbanus, this undoubtedly means that, among those who can demand an exemption, there are certainly Roman cives and not only allies.

²⁶ Temporal clause with the verb in the subjunctive, as it indicates possibility.

²⁷ Temporal clause with the verb in the subjunctive, as it indicates possibility.

²⁸ *Dum* with conditional value (provided that, as long as) is followed by the subjunctive (volitional, as indicated from *dum ne*). The times are those of the *consecutio temporum* (TRAINA – BERTOTTI 1965 III, p. 207).

granting the exemption. The edict does not specify it, but this is easily understood from the context.

In the second hypothetical period is the same prohibition that serves as apodosis and the apodosis of the first exception becomes the protasis which here is considerably shortened. The apodosis of the first hypothetical period *ad pr(raetorem) urbanum Romam uenirent deque eei rebus ubei eorum uerba audita esent uti senatus noster decerneret* is synthesized with *nisei ad pr urbanum adiesent isque de senatus sententiad ... iousisent*. The *consecutio temporum* is fully respected. The same thing happens in the third hypothetical period.

Both in the second and third exception, we find a plural verb (*iousisent*) that depends on a subject in the singular (*isque de senatus sententiad*). Mommsen following other scholars said that it was necessary to correct the text. Other authors have argued that the plural instead of singular is perhaps due to the fact that the subject *isque de senatuos sententiad*, in an archaic language, was taken as if express two subjects: *is et senatores*²⁹; "*is et senatus, is cum senatu*."³⁰ In this formula seems to be the intention to demonstrate the unity of the senate and magistrates, and also to emphasize the decision of Senate as the fundamental basis of any resolution.³¹ It is also thought to an attraction of the previous plurals. No shortage of scholars who prefer the hypothesis of Mommsen and that

²⁹ ALTENBURG 898, pp. 481-533, p. 518 E.

³⁰ LÖFSTEDT 1942, p. 7

³¹ HEILMANN 1987, pp. 241-249, p. 244

think the text is to be amended, considering that there are errors of the scriptor in table³².

In the fourth exception act as apodosis both elements of the prohibition (*Homines plous V oinuorsei uirei atque mulieres sacra ne quisquam fecise uelet neue inter ibei uirei plous duobus, mulieribus plous tribus arfuise uelent*) coordinated by the conjunction copulative *neue*. It follows that the possibility of exemption refers to both bans with the permission of the praetor and the Senate was not only possible that the female-male ratio was different but also that the total number of participants in exceptional cases was greater than five. The protasis is further shortened and with the ellipsis of the verb: The phrase *ad pr(raetorem) urbanum Romam uenirent deque eeis rebus ubei eorum uerba audita esent utei senatus noster decerneret dum ne minus senatoribus C adesent quom mea res consoleretur iousisent* is reduced to the simple *nisei de pr(aetori) urbani senatuosque sententiad*. The expression added *utei suprad scriptum est* emphasizes that the procedures for obtaining the exemption are the same expressed above and in particular in the first derogation.

Syntax errors hypothesized by Fraenkel

In the last part, the text seems structured differently from previous lines, it is appeared confused and unclear to many, and has led Fraenkel to exclaim: "here we fall from light to dark"³³. The scholar³⁴ makes a careful critical

³² ALBANESE, 2001, p. 1-34, p. 21.

³³ FRAENKEL 1932, p. 373: "Es ist als trete man plötzlich aus hellen wohlgegliederten Räumen in das Halbdunkel wirren Gänge".

analysis of text and notes that in the central part (lines 4-22) everything is impeccable, clear in the account of the facts, secure and accurate in the linguistic expression. He believes that the positive assessment of Meillet³⁵ about the first sentence of edict (ll. 2-9) can be extended to the entire second section. In the lines 22-30 instead, the Latin language seems rough and often uncertain.

He focuses in particular on its syntactic structure and notes that "in the middle part the *consecutio temporum* is observed with great care: none of the numerous subjunctives shows abnormalities. In the last part, instead the present and the imperfect subjunctives alternate merrily with each other: *utei ... exdeicatis* and joined with – que to this *utei scientis esetis*, then *atque utei ... inceideretis ... uteique ... ioubeatis, ubei ... potisit; atque utei ... faciatis utei dismota sient*." He also notes in that part an impression of relaxation or a linguistic carelessness: the relationship of dependence of the discourse a couple of times is not marked: ll. 28 ff. *sei qua sunt* (contra l. 3 e l. 24: *sei ques esent*), *extrad quam sei quid...* *ibei sacri est ... in diebus x quibus uobeis tabelai datai erunt*.³⁶ In short, the indicative in indirect discourse is not passed, as usually happens, in the subjunctive. Based primarily on these formal irregularities, he attributed the authorship of the

³⁴ FRAENKEL 1932, pp. 369-396.

³⁵ MEILLET 1966, p. 120: « La frase est complexe; elle comprend plusieurs membres bien articulés, sans la moindre gaucherie. La transposition du style direct au subjonctif, sous des les formes temporelles commandées non par le sens lui-même, mais par les formes de la phrase principale, est exécutée avec précision. On observe ici un usage linguistique fixé, mené à maturité grâce à un emploi prolongé dans la langue officielle »

³⁶ FRAENKEL 1932, p. 378.

last part to an official of Oscan and Greek language, which, with little experience of the Latin, would have made mistakes.³⁷

Discussion on the magazine Hermes

In the following year, Keil criticizes Fraenkel's interpretation.³⁸ He maintains the simpler view that the inscription reproduces the letter of the consuls to the *foederatei*; he defends how to adjust the syntactic structure of the last part. The scholar believes that, "when the consuls instruct the federated of something, they use a polite subjunctive present, when the decisions were made by the Senate, they use the imperfect subjunctive." He also cites a bronze tablet of the same period from Tibur, on which was engraved a letter from the praetor Lucius Cornelius to the Tiburtini³⁹. It has a striking resemblance to our document. For his statements Keil rests mainly on the content of the requirements, but does not attempt to justify the form used by grammatical viewpoint. He does not mention then the fact that the indicative in indirect discourse in some subordinate clauses is preserved, and it is not passed to the subjunctive.

In its wake, Gelzer analyses a number of communications from Roman magistrates to cities of Greece preserved to us in Greek translation. Also like the

³⁷ FRAENKEL 1932, p. 392: «Der Bearbeiter wird ein des Lateinischen einigermaßen kundiger Südtaliker, vielleicht ein Mann mit oskischer oder griechischer Muttersprache, gewesen sein».

³⁸ KEIL 1933, p. 311 f.

³⁹ CIL I² 586 = XIV 584 = Dessau 19. Unfortunately, the table itself has disappeared, so that the dating around 158 BC, which is derived from the identification of the praetor Cornelius with consul of 156, cannot be verified in the form of writing.

letter to the Tiburtini they show a close analogy expressive with the Tiriolo document. He is convinced too that our document has not been at all modified by some local official as the expressive style is identical to other similar documents of that period.

A Krause's article appeared before that of Gelzer, shows how complicated is the proof of the reality in the material we have available. He also believes, like Fraenkel, that the second part of the inscription was composed by a Bruttian official, but at the same time that even this part, as Keil has rightly highlighted, is built so perfectly logical, even if heavy.⁴⁰ Until now, in the comment of the final part of the inscription there has not been uniformity of views.

Subsequent interventions

Some years later, Tierney,⁴¹ after a detailed account of the studies published in a few years in the magazine *Hermes*, believes that the observations of Keil and Gelzer have taken a good deal of force from the arguments of Fraenkel, which previously appeared so formidable. About the alternation of the subjunctive past and present, he accepts the opinion of Keil. He believes then that the phrases *si qua sunt; si quid ... est, datae erunt* have the indicative because they are part of direct speech.

A few years later Dihle instead sees in every way justified the opinion of Fraenkel on the composition of the text.⁴² He also emphasizes the lack of reasonable structure,

⁴⁰ KRAUSE 1936, p. 219

⁴¹ TIERNEY 1947, p. 101.

⁴² DIHLE 1962, pp. 376-379. He accepts without discussing the opinion of Fraenkel.

the confusion of temporal forms and the incorrect terminology.⁴³ Editing and wording of the last part of the inscription are, second Dihle, by a local official of the last corner of Italy.⁴⁴

Meyer has subsequently accepted this view and said: "I can repeat in the text of the inscription against attempts to clarify as the real text of the letter of the consuls, to see as a patchwork of the letter made by local authorities."⁴⁵

Among those who claim that the inscription reproduces the letter of the consuls, it must be stressed McDonald, who expresses his ideas with an extensive and careful argumentation and the bibliography appeared so far⁴⁶.

If one considers the scientific discussion, it seems that here is one of those cases that do not allow unique and compelling solutions.

Heilmann's opinion

Heilmann⁴⁷, some years later, notes that it is dangerous in a text, where there is no evident clarity, to shore up a plausible apparent clarity with presentations that are born only of historical fantasy, but are not documented at all. He believes is right to follow the advice of Keil that in front of Fraenkel stated that the understanding of the document must first be acquired by itself.⁴⁸ Then, resuming and deepening the viewpoint of Keil, he thinks that the content and form of the last part of the inscription can be justified in this way:

⁴³ DIHLE 1962, p. 378.

⁴⁴ DIHLE 1962, p. 379.

⁴⁵ MEYER 1972, pp. 978-982, note 51.

⁴⁶ MC DONALD 1944, p. 28-32.

⁴⁷ HEILMANN 1987, p. 245 ff.

⁴⁸ KEIL 1933, p. 312.

Order of Execution **a** *Haice utei in conventionid
exdeicatis ne minus trinum
noundinum*

**Notification of a
decision of the Senate** **b** *senatuosque sententiam utei
scientes esetis*

eorum sententia ita fuit: **c**
sei ques esentCensuere **d**

**Another decision
of the Senate** **b** *atque utei hocce ...inceideretis, d*
ita senatus aikuom censuit **c**

Order of Execution **a** *Uteique eam figier ioubeatis ...*

**Another order
of execution** *Atque utei ea Bacanalia ...faciatis,
utei dismota sient*

This summary table shows not only that the measures provided by the consuls and the decisions of the Senate are arranged in chiastic form, but also that the contents of the two decisions of the Senate are framed by the clear indication that the senate has decided so (*eorum sententia ita fuit ... ita senatus aikuom censuit*). In this way there is another chiastic order⁴⁹. Therefore it is not plausible to speak of the work of a Bruttian official inexperienced of the Latin language

Heilmann comes to the conclusion that the speech of the last part is clear and contains no errors. However, he analyses the syntactic structure in a generic way without

⁴⁹ HEILMANN 1987, p. 248.

going into details and his analysis is mainly based on the content of prescriptions. He does not mention at all the other objections of Fraenkel that in two sentences is preserved the indicative while in indirect discourse it would have to go to the subjunctive.

In summary we can say that after Frenkel slowly has become prevalent the opinion that the last part of the letter is the work of consuls and contains no errors. However no one has attempted to analyse in detail the syntactic structure. We will attempt to do just that.

Syntactic analysis

In the complicated and controversial last part, the particular character of letter is immediately put in evidence and is the passage from a third person singular to second plural: addressees are no longer the *foederatei* but the competent authorities for the area. The first directive communicated to them is to make known orally the decisions advised by the Senate in the popular assembly of three consecutive markets (*Haec utei in couentionid exdeicatis ne minus trinum nundinum ... eorum sententia ita fuit*).

Conspicuous is not only the second person plural, but the present subjunctive depending on a perfect indicative. But if we examine the proposition by the point of view syntactic we find that it is introduced by *utei* (= cl. *uti*) and anticipated in the main clause by correlative *ita*. It is, therefore, formally a consecutive clause, in which, as is known, the respect of *consecutio temporum* is not required. In fact, **"in the case of the consecutive clauses, already the presence of the subjunctive leaves obscure the reality of the consequence, and considers it as the content of**

thought, conceived as an action of the mind that relates cause and effect. Precisely for this reason the chronological reference is not at the time of the efficient (cause) but to the time when the subsequent action is considered as such, which is a different time from that."⁵⁰ The publication oral of the edict was certainly not approved at the meeting of October 7, because the written and oral publication of a law was a legal rule approved by the Senate in the past, used for a long time and now become a routine procedure. Therefore the consuls did not need further approval of the Senate for its prescription. We know by Cicero⁵¹ that the oral publication of the laws in three consecutive markets was still in use in his time. Thus, the verb is in the present subjunctive because the actual consequence was neither conceived nor desired by the subject of the efficient action (the Senate).

Only the drafters of edict (the consuls) compare the two circumstances to establish the relationship of cause and effect: the chronological reference can apply only at the time when the consuls draw up the edict.⁵²

Immediately after, the consuls require competent authorities of become fully aware of an important decision

⁵⁰ RONCONI 1959, p. 177: "Nel caso delle consecutive, già la presenza del congiuntivo lascia in ombra la realtà della conseguenza, e la considera come contenuto di un pensiero, come azione concepita dalla mente che mette in rapporto causa ed effetto; appunto per questo il riferimento cronologico non mira tanto al tempo dell'azione efficiente (causa) quanto al tempo in cui l'azione conseguente è pensata come tale, che è un momento diverso da quello".

⁵¹ Cicero, *Philippicae*, 5, 8, *De Domo sua*, 41; *Familiares*, 16, 12.3

⁵² Cfr. RONCONI p. 178

of the Senate.⁵³ This relative clause depending on a perfect indicative regularly has the verb in the imperfect subjunctive, because the subject of the action efficient (Senate) not only makes a decision but at the same time, takes the decision in anticipation of the effect. In this case, "the effect is desired by the subject of the effective action and the consecutive can be called "consecutive final to which corresponds a rigidly hypotactic structure (which means for the grammars allegiance to the *consecutio temporum*) "⁵⁴. The provision does not apply to an order, like the previous one, which must be executed immediately, but has the same value of the regulations of the cult for the future.

The consuls then reproduce the resolution just as it was written in the minutes of the sitting of the Senate.⁵⁵ This is also demonstrated by the formula *sei ques esent quei* which is also used in the first order (ll. 3-4). In this resolution we have a hypothetical period of possibility dependente on *censuere*. In it the *consecutio temporum* is fully respected.

Even the next order to transcribe the text of the edict on a bronze table (*atque utei hoc in tabulam inceideretis ita senatus aiquom censuit*) is a provision of the Senate, aimed at preservation of the text as long as possible in the future. From the grammatical point of view also in this case depending on a perfect indicative, the verb regularly is in the imperfect subjunctive, as the subject of the action

⁵³ CIL, X, 104, lines 23-24: *senatuosque sententiam utei scientes esetis, eorum sententia ita fuit.*

⁵⁴ RONCONI p. 177.

⁵⁵ CIL, I², 581, lines 24-25: *sei ques esent quei aruorsum ead fecisent, quam suprad scriptum est, eis rem capitale faciendam censuere)*

efficient (the Senate) not only makes a decision but at the same time takes it in anticipation of the effect.

Immediately after, the consuls notify local authorities the latter two provisions: the publication written of the document and the destruction of the Bacchanals within ten days from receipt of the tablets. An exception was allowed for those sanctuaries in which there was something venerable.

For the publication written of the edict, we must keep in mind the same argument made previously for publishing oral.

Regarding the destruction of unauthorized Bacchanalia we can say that it was certainly approved by the Senate, but not at the meeting of October 7. Almost certainly the senators passed it in the previous meeting, in which they had decided to entrust to consuls the inquiry about the Bacchanalia and the night rites. Two passages of Livy show this. A first time about this first *senatus consultum* he says that "consuls were ordered to destroy all the Bacchanalia in Rome and throughout Italy, except those in which there was an ancient altar or a statue consecrated".⁵⁶ A second time the consul Postumius, in his speech to the people immediately after this session, among other things says: "I think that you have to know the situation so that your souls will be not surprised by some disturbance religious when you will see people that demolish the Bacchanalia and disperse those nefarious

⁵⁶ Livy, XXXIX, 18, 7: *datum deinde consulibus negotium est ut omnia Bacchanalia Romae primum deinde per totam Italiam diruerent extra quam si qua ibi uetusta ara aut signum consecratum esset*

cliques.”⁵⁷ Even in the last two implementing provisions, the consuls act on advices of the Senate, but given previously and on other occasion. The present subjunctive in these two consecutive is due to the fact that the consuls at present, based on decisions of the Senate expressed in the past, give the orders to be executed immediately.

You could argue, at this point, that two or more parallel subordinate clauses should still have the same time while in the text there is, as Fraenkel says, the merry alternation of present and imperfect subjunctives. Indeed the asymmetric arrangement - from the syntactic point of view - of phrases or cola is very rare in classical Latin. It is, however, fairly common in the archaic texts, where the search for *conciinnitas* is poorly developed. The phenomenon becomes again quite common in late Latin. You should also add that the alternation of time in the subordinate coordinates in the subjunctive is more frequent after *ut* consecutive,⁵⁸ as in our case, and is also used by Cicero⁵⁹.

If the implementing orders of the edict, both those expressed in the present and those expressed in the imperfect subjunctive are formally consecutive clauses, when we go to translate them into English, we cannot deny that the translation is more appropriate if we consider them final clauses. In my opinion, even the subjunctive of such propositions can be defined as "volitive subjunctive

⁵⁷ Livy, XXXIX, 16, : *Haec vobis praedicenda ratus sum ne qua supertitio agitare animos uestros, cum demolientes nos Bacchanalia discutientesque nefarios coetus cerneretis.*

⁵⁸ It is well known that the *consecutio temporum* with *ut* consecutive applies with greater freedom.

⁵⁹ CICERO, *Pro Sulla*, 32. HOFMANN-SZANTYR 1965, § 297 II b d; HOFMANN-SZANTYR 2002, p. 213-217.

oscillating between consecutive and final values" (Traina-Bertotti) and is used too in the central part for all the bans. The difference is that in the prohibitions, all wanted by the Senate, of course, the *consecutio* is respected in all. In the last part the *consecutio* is observed only in the two provisions requested by the senators. They were designed to complete the picture of the rules that had to regulate the practice of worship of Bacchus for the future. These provisions are part of those approved by the Senate in its meeting of October 7, but have been moved in the last part because also they are not directed at *foederatei* but to the authorities responsible for the area.

In the other three consecutive clauses is used the present subjunctive because the consuls at present, based on decisions of the Senate expressed in the past, give the orders to be executed immediately.

The non-compliance of the "consecutio temporum," reported by Fraenkel, in the expressions with the verb in the indicative present is not outside the norm. The two conditional propositions objective (l. 28: *Bacanaliam sei qua sunt e sei quid ibei sacri est*) are incidental. In this case the indicative in the indirect form is preserved and it does not pass, as generally happens, in the subjunctive.⁶⁰ Yet the future indicative in the temporal clause (ll. 29-30: *in diebus x quibus vobis tabellae datae erunt*) is normal. In fact, it is preserved in indirect speech because "especially in the indirect form in a broad sense, the temporal propositions, causal, and so on, have some autonomy and the fact that they enunciate may be considered objectively in itself in

⁶⁰ ERNOUT-THOMAS 1964, p. 425: «L'indicatif, dans une proposition subordonnée, est conservé au style indirect, lorsque celle-ci est considérée un incident lui échappant ».

the time. [...] This often happens when the verb is in the future."⁶¹

Conclusions about the syntax of the last part

An accurate analysis of the syntax of the last part, in our opinion, shows that:

There are no the syntax errors hypothesized by Frenkel: It is normal both the temporal alternation of present and imperfect subjunctive and the maintenance of the indicative in the two conditional and temporal propositions depending on a conjunctive.

The hypothesis of Keil - Heilmann is acceptable: the present subjunctive is used in implementing the provisions of the consuls, the imperfect for the decisions of the Senate.

We can clarify this interpretation: The imperfect is used for decisions taken in the Senate meeting on October 7 as the subject of efficient cause (the Senate) not only makes the decisions, but at the same time makes the decisions in preparation for effect. In this case, the effect is desired by the subject making the action and the consecutive can be called "consecutive final" to which corresponds a structure rigidly hypotactic. The present subjunctive is used for performing the ordinances of the

⁶¹ ERNOUT-THOMAS 1964, p. 426: « Surtout dans le «style» indirect au sens large, les propositions temporelles, causales, relatives, etc., ont une certaine autonomie, et le fait qu'elles énoncent peut être considéré objectivement en lui-même dans le temps. [...] Souvent, quand le verbe est au futur ».

consuls as the consuls use decisions of the senators previously taken and for other circumstances. The present result, therefore, was neither designed nor desired by the subject of the action efficient (the Senate). Only the writers (the consuls) compare the two conditions to capture the relationship of cause and effect: the chronological reference may not apply if not at the time of writing.

We cannot think that this part of the document, correct and with stylistic procedures sometimes refined (*chiasmus*), has been the work of an official of Bruttium as Fraenkel thinks. It was certainly the work of the consuls.

BACCHANALIA

Etymology of Bacchanal

In the various Latin vocabularies the term *Bacchanalia* (pl. of *Bacchanal*) is generally understood as "religious ceremonies in honour of Bacchus." They follow more or less the opinion of Niedermann,¹ an expert of the Latin language, according to which *Bacchanalia* indicates the festivals of Bacchus and the singular *Bacchanal* a place of worship dedicated to this deity. He relies primarily on the testimony of Festus and the commentators and on the fact that in Greek βακχεῖα² is used to designate festivals of Bacchus and the singular bakcei^{on}³ indicates the place in which is honoured the god.⁴ But the testimonies of Festus and the commentators are of the late period and tell us probably just as the word was understood in their time or prior to that. To check whether this meaning is more or less appropriate also for the Republican period, we will analyze, with a bit of care, the use of the word in all the Latin texts that we have received.

But first of analyze all the contexts in which the word appears, I find it useful to check also its etymology, which can help to more accurately determine its meaning. As we have seen, according to Niedermann (l.c.), *Bacchanal* is a noun derived from *Bacchus*. According to Schwyzer⁵ and the authors of the Thesaurus⁶, the word is derived instead from *baccha*, the Bacchante.

¹ NIEDERMANN K.Z. 1913, p. 349 -353.

² Aristophanes, *Lisistrata*, 1.

³ Aristophanes, *Rane* 357.

⁴ Festus, 27, 23 L²: *Bacchanalia dicebantur Bacchi festa*; CGL V, 652, 38: *Bacchanalia festi dies Liberi patris*; e per *Bacchanal* CGL V, 270, 46: *sacrarium quod Liberi patris pagani dicebant*.

⁵ SCHWYZER KZ, 37, 1904, p. 149.

⁶ THESAURUS, II, 166, 68.

This second thesis is based mainly on a comparison between *bacchanal* and *lupanar*, two place names that refer to two categories of women on whom weighs the same negative judgment: *bacchae* and *lupae*. The suffix of the two words was the same **-al**, but when it was joined to a theme that already contained a **l** the **l** of the suffix by dissimilation was replaced by **r** that became so **-ar** (*lupanal* > *lupanar*). Robin⁷ elaborates on this hypothesis and notes that Plautus uses as name of the prostitutes *lupae*⁸ and as name of the place where these people practiced their craft *lupanar*⁹. He notes then that from *lupa* was later created a synonym *lupana* and the three words *lupa*, *lupana* and *lupanar* are related to the deponent verb *lupor* (work as a prostitute).

Something very similar happened to our term. Meanwhile, there is a deponent verb *bacchor* and then the nouns *baccha* and *bacchanal*, is missing the synonym *bacchana* derived from *baccha* from which would then be derived *bacchanal* (the place where the *Bacchae* meet).

Bacchana can be presumed, however, given that the suffix *anus* is well attested. A proof of the existence of *bacchana* could be the Italian *baccano* (deafening noise and confusion caused mainly by human voices), that could be derived from a *bacchanus* (the male Bacchant) existing beside *bacchana* (the maenad), but both not certificates.

In my opinion, the hypothesis that the word *Bacchanal* (pl. *Bacchanalia*) is derived not from *Bacchus* but from *Baccha* and indicates the place where the Bacchantes gathered for their activities, can also be demonstrated by

⁷ ROBIN 1978, p. 73.

⁸ Plauto, *Epidicus* 403: *divortunt mores virgini longe ac lupae*.

⁹ Plauto, *Bacchides*, 454: *atque ille est qui in lupanari accubat*.

another consideration that is not of a linguistic nature. Both the edict of the consuls and the story of Livy of the affair, never mention the name of the god *Bacchus* (or *Dionysus* or *Liber*); in both documents is obvious the effort to keep him completely out of the persecution of his followers. The Roman authorities seek to attribute the wrongdoings of the adepts only to common criminals that behind the screen of the worship of a deity committed the most horrendous crimes and were preparing to overthrow the established order. The god Bacchus, in Rome commonly called Liber, for them in the affair was absolutely out of the question. It should be added that for Plautus too the *Bacchae* were degenerate followers of a divinity that in their deviant behaviour had no responsibility. It is, therefore, not plausible that the Roman authorities after carefully maintaining Bacchus out the door they did back him through the window in the name *Bacchanal*.

Let us now turn to critically analyze all Latin passages in which is used the word in question. In the history of the Latin language known to us, the word is used for the first time by Plautus and immediately after in the edict of the consuls of 186 BC.

Bacchanal in Plautus

Plautus, in his repeated references to the followers of the cult of Bacchus, uses four times the term *Bacchanal*, only in the singular. He uses the word in some of his comedies, so it is normal that the term has a metaphorical meaning, it alludes to something else.

1. AULULARIA, v. 408: *Neque ego umquam nisi hodie ad Bacchas ueni in bacchanal coquinatum* (Never until today I went to cook for the *Bacchae* in a *Bacchanal*).

Note how Plautus with this expression emphasizes the close relationship of *bacchanal* with the *Bacchae*.

2. AULULARIA, v. 413: *Attat, perii hercle ego miser; aperit Bacchanal, adest, sequitur* (I ended up, by Hercules! He opens the bacchanal, is here, and follows me).

In these two passages of *Aulularia*, *Bacchanal* is used metaphorically to indicate the kitchen of Euclio. The reference to a site is clear, “terme du mouvement dans un cas, acc. complément de *aperit* dans l’autre”¹⁰. The cook Congrio resembles the beating he received by Euclio to what you might receive in a *Bacchanal*. Access to the house of Euclio is assimilated, for the consequences, to the intrusion in a *bacchanal*, which is considered here as a place where are committed violence of any kind and this in accordance with the general opinion.

3. BACCHIDES, v. 53-55: BA. *Qui amabo ?* [Why, pray tell?] P1 *Quia, Bacchis, bacchas metuo et bacchanal tuom*; [Because, Bacchis, I'm afraid of the Bacchantes and your Bacchanal;] BA *Quid est? Quid metuis ? ne tibi lectus malitiam apud me suadet ?* [What are you afraid of? you fear that perhaps my bed makes you mischievous?] P1 *Magis illectum tuum quam lectum metuo; mala tu es bestia*. [I'm afraid more your allurements than your bed, you're a beast.]

In this passage, the two characters give of the word a double interpretation. Bacchis intends *bacchanal* in a sense very concrete and local, the bed, not without adding a touch of malice (*malitiam*) Pistocles instead as everything that the courtesan uses to achieve his goal¹¹. The reference of *Bacchanal* to a major symbol of lust (the bed) is certainly the most direct, it shows the bad reputation in the public opinion of the Roman Bacchantes, which are considered to be particularly hungry for sexual pleasures. The

¹⁰ ROBIN 1978, p. 67.

¹¹ ROBIN 1978, p. 67.

interpretation of Pistocles is clearly an artistic creation of Plautus to emphasize the pun *lectus/illectus*.

4. MILES GLORIOSUS, 856-858: *LU ubi bacchabatur aula, cassabant cadi* (when the mug was beside himself, the jugs faltered up falling down.) *PA Abi, abi intro iam, vos in cella vinaria Bacchanal facitis* (And now go away, come back. You transform the cellar into a bacchanal).

About this passage Robin¹² thinks that the word *Bacchanal* has not a local sense and refers to the activity of the Bacchae and courtesans. In my opinion, instead the more appropriate translation of the whole expression is "you transform the cellar into a place of meeting of the Bacchantes." In this case Plautus with the reference to the cellar turned into a *bacchanal*, aims to highlight another reprehensible aspect of the meetings of the Bacchantes: the excessive use of wine.

In conclusion Plautus uses four times the word *Bacchanal* to allude to places transformed by his characters into something completely different. The reference to places (kitchen, bedroom, and cellar) shows that even for him *bacchanal* is the meeting place of the Bacchantes that for the common opinion was characterized by vicious behaviour of all kinds.

Bacchanal / Bacchanalia in edict

With regard to the edict of the consuls of 186 BC (CIL, X, 104) the word appears in the following contexts and for the first time also in the plural:

1 CIL X, 104, 2: **DE BACANALIBVS** QVEI FOIDERATEI ESENT

2 Idem, 4: NEIQVIS EORVM **[B]ACANAL** HABVISE VELET

¹² ROBIN 1978, p. 68; cfr. FRAENKEL 1932, p. 370, n.4.

3 Idem 5: SEI QVEI ESENT QVEI SIBEI DEICERENT NECESSVS ESE
BACANAL HABERE

4 Idem 28: ATQVE VTEI EA **BACANALIA** SE QVA SUNT ...
DISMOTA SIENT

E. Fraenkel¹³ at the beginning of his famous article addresses the question whether with this term in the edict is to be understood the place of worship or the festivals in honour of Bacchus. Concludes that it at l. 2 (*de bacanalibus*) speaks in general of the feasts, while at l. 3 (*bacanal ... habere*) indicates the place of worship. Strangely, he completely ignores the expression *bacanal ... dismota sient* that appears to l. 28. Fronza¹⁴ is of a different opinion and believes that in the edict the term, both in the singular and the plural, always has the meaning of "feasts of Bacchus." This opinion is shared by Albanese¹⁵. They believe that *bacanal habuisse* and *bacanal habere* has the same value to "celebrate, realize etc." which occurs in old phrases techniques such as *habere comitia*, *contionem*, *senatum*, *censum*, *sacra*, *ludos*, *quaestionem*. Of course they also forget the presence in the text of the expression *bacanal ... dismota sient* of l. 28 and do not take into account that the text is a legal document in which the choice of the words is made with great precision.

In my opinion, in the edict there are some expressions that indirectly clarify the meaning of the word. Lines 14-15: *neue quisquam fecise uelet **sacra** in <o>quoltod* (nobody wanted to celebrate festivals secretly); lines 15-16 : *neue in poplicod neue in preiuatod neue extrad urbem **sacra** quisquam fecise uelet* (nobody wanted to celebrate festivals

¹³ FRAENKEL 1932, p. 369 n. 4.

¹⁴ FRONZA 1947, p. 218.

¹⁵ ALBANESE 2001, p. 14. cfr. ROBIN 1978, p. 69.

either in public or in private or outside of Rome); lines 19-20: *homines plous Voinuuersei uirei atque mulieres sacra ne quisquam fecise uelet* (nobody wanted to celebrate festivals more than five persons in all, women and men). The three expressions makes clear that to indicate exactly the religious ceremonies, in the edict is used the word *sacra*.

At line 28 *bacchanalia* is subject of the verb *dismota sient* that can only describe a specific operation of demolition, as well as in the corresponding expression of Livy the verb *diruerent*¹⁶. Moreover, the expression *extrad quam quid ibei sacri est*, which follows *Bacchanalia* and expresses the only possibility of derogation from the destruction of bacchanals, corresponds to the expression of Livy *extra quam si qua ibi uetusta ara aut signum consecratum esset*¹⁷, in which the reference to a place of worship is indisputable. So in this case *Bacchanalia* certainly indicates the places of worship.

In the other three cases, the sense at first glance does not seem clear. But we must consider that the document is a legal text, characterized by the use of words with a precise, technical meaning that does not give rise to misunderstanding or ambiguity. This is to ensure the greatest possible understanding of the message you want to communicate.

Thus, the use of a word with two different meanings in a legal text Roman is normally avoided. Therefore, if in line 28 the sense of *Bacchanalia* is certainly that of sanctuaries of the Bacchantes, it follows that in other cases the meaning

¹⁶ Livy, XXXIX, 18, 7: *datum deinde consulibus negotium est, ut omnia Bacchanalia Romae primum, deinde per totam Italiam diruerent, extra quam si qua ibi uetusta ara aut signum consecratum esset.*

¹⁷ Livy, XXXIX, 18, 7.

is the same. Synonyms are used only when they have a particular meaning or when they are in use for a long time. In the third ordinance are used four synonyms (*coniurare*, *conspondere*, *conuovere*, *compromittere*), to indicate the more or less precise notion of «conspire». They want to emphasize that it was forbidden any kind of mutual agreement in the context of the Bacchanalia.¹ The synonyms *consulo* and *decerno* are also used to indicate the response of the Senate to the magistrates who have requested an opinion. The use of such synonyms is the result of a long tradition and certainly they did not create uncertainty among the people who knew very well what they mean.

Now in the edict for religious ceremonies is used three times the word *sacra*, that is so clearly the technical term used to describe them. It follows that in the text *Bacchanal* could not have been used to indicate the ceremonies.

Logic emerges from these considerations, without a shadow of a doubt, that Bacchanal in this document, both in the singular and the plural always indicates a place of worship.

After the affaire the first to make a specific reference to the bacchanalia is Cicero which mentions the just severity used by the ancestors in reference to the *bacchanalia*. In this quotation isolated you cannot determine with certainty whether *de bacchanalibus* (the context does not help us) means "about the ceremonies of Bacchus" or "in relation to places of worship." It can be assumed reasonably that he uses the term in the sense used in the edict and that is as a technical term for the place of meeting of the Bacchantes.

Bacchanalia in Livy

Less than two centuries after the affair, Livy, in book XXXIX (8-18) of his stories, recounts all the events of 186 BC. He uses *Bacchanalia* too (only in the plural) in the following passages:

1. 9, 3: *uia una corruptelae **Bacchanalia** erant.*
2. 12, 4 : *expromeret sibi, quae in luco Stimulae **Bacchanalibus** in sacro nocturno solerent fieri.*
3. 14, 5: *quaestionem deinde de **Bacchanalibus** sacrisque nocturnis extra ordinem consulibus mandant.*
4. 15, 5 : ***Bacchanalia** tota iam pridem Italia et nunc per urbem etiam multis locis esse.*
5. 16, 14 : *cum demolientes nos **Bacchanalia**.*
6. 18, 7: *omnia **Bacchanalia** Romae primum, deinde per totam Italiam diruerent.*
7. 18, 8: *ne qua **Bacchanalia** Romae neue in Italia essent.*
8. 19, 3: *quod eorum opera indicata **Bacchanalia** essent.*

If you carefully analyze these eight phrases, it can be said that at least in six the meaning is, without doubt, "places of worship".

In 14, 5 (*Bacchanalibus sacrisque nocturnis*), the word is alongside the word *sacra*, that, as we have seen, in the edict is the technical term for the sacred ceremonies

In 12, 4 (*Bacchanalibus in sacro nocturno*) the term has approached to *sacrum* that designates, as a rule, any kind of a sacred thing, but it is clear that in this case we have the singular instead of the plural.

It is absolutely no credible that Livy uses two words next to each other, that mean the same thing and *bacchanalia* also indicates the ceremonies. In fact, in these two cases, as in the edict, to indicate the ceremonies is used the technical term of *sacra* and *bacchanalia* for the places where they took place.

In 16, 4 and 18, 7 *Bacchanalia* is the subject of two verbs *diruo* and *demolior* that mean “demolish, break down”, very appropriate for a place of worship, absolutely improper for the ceremonies. The passage 18, 7 adds that the all *bacchanalia* had to be demolished *extra quam si qua ibi uetusta ara aut signum consecratum esset*. The reference to an ancient altar or a statue makes this interpretation absolutely secure.

In the passage 18, 8 (*ne qua **Bacchanalia** Romae neue in Italia essent.*), which refers to the synthesis made by Livy or from its source, of the edict of October 7, *bacchanalia* certainly has the same meaning as in the previous one that refers to the *senatus consultum* in which the consuls took charge of demolishing the shrines of Bacchus unauthorized.

It is not logical, in fact, that the word used in two official documents mentioned one after the other could have two different meanings. It must be added that here *bacchanalia* is specified by *sum*, a verb that indicates something permanent. *Sum* is the verb of existence (Ernout-Meillet, p. 665). It may in this connection also mention the phrase of the edict (l. 28: *utei Bacanalia **sei qua sunt**, ... faciatis utei dismota sient*) in which the place of worship already evident from the use of the verb *dismoveo* is confirmed by the verb *sum*.

If in 18, 8 *Bacchanalia sunt* has the meaning of "there are sanctuaries" it is certain that the expression has the same meaning in 15, 5 (*Bacchanalia tota iam pridem Italia et nunc per urbem etiam multis locis esse.*)

In the two remaining cases, 9, 3 and 19, 3 the sense of place of worship is not safe, as the sentences in which the word is not help us to understand it. The first sentence states that the *Bacchanalia* were a safe way to corruption, the other that rewards were allocated to Ebutius and

Hispala because they had reported the existence of *Bacchanalia*.

But it should be noted that even these phrases show not that the word indicates the ceremonies and also in such cases, if we translate the term with places of worship, the meaning does not change. I also believe that, if Livy had in such cases would give the word a different meaning from the usual he would have added something to emphasize.

In summary we can say that in the history of Livy of the affair, *Bacchanalia* in six cases certainly has a sense of sanctuaries, in two is very likely. It is certain that none of the eight cases shows the slightest certainty that the word indicates the ceremonies.

It should be added that the term *sacrum/a*, to indicate religious ceremonies, is used by Livy, as well as in the two passages quoted, various other times¹⁸. This confirms that this is the word used to describe them.

To tell the truth we must also add that to indicate a place of worship the historian also uses the term *sacrarium* in the following five passages:

1. 9, 4: the mother tells Ebutius that after ten days of *castimonia* and a purifying bath would lead him into the sanctuary (*in sacrarium deducturam*).

¹⁸ Livio, XXXIX, 8, 3: *sed occultorum et nocturnorum antistes sacrorum*; Idem, 10, 7: *ab his sacris se temperaturum*; Idem, 11, 7: *obsценis, ut fama esset, sacris initiari nollet*; Idem, 13, 9: *ex quo in promiscuo sacra sint*; Idem, 14, 9: *ut sacerdotes eius sacri omnes conquirent*; Idem, 16, 7: *uti sacra externa fieri uetarent*; Idem, 17, 6: *maximos sacerdotes conditoresque eius sacri esse*; Idem, 18, 8: *si quis tale sacrum sollemne et necessarium duceret*.

2. 10, 4: Ispala tells Ebutius that she had entered into that shrine as a companion of the lady (*se ait dominae comitem id sacrarium intrasse*).

3. 13, 6: Ispala tells the consul that this shrine was initially attended only by women (*primo sacrarium id feminarum fuisse*).

4. 16, 2: The consul in his speech to the people stresses that all negative consequences have been generated by that sanctuary (*ex illo uno sacrario scitote ortum esse*).

5. 15, 12: The consul asks the people if the weapons could be entrusted to young men come out of a shrine where were committed obscenities (*his ex obsceno sacrario eductis arma committenda?*).

It is natural to wonder if *sacrarium* is used as a mere synonym for *Bacchanal* or between the two terms there is a different shade of meaning. The first thing you notice is the fact that while *Bacchanalia* is used only in the plural, *sacrarium* is only used in the singular and seems to refer to a specific and well-known Roman sanctuary. Note that in three of these passages *sacrarium* is underlined by the demonstrative adjectives *is* and *ille* that seem to want to indicate it. Maybe it was the same sanctuary that was *in luco Stimulae* and of which Anna Paculla had completely transformed the statute. It was that in which the mother of Ebutius wanted to initiate him and where Hispala had entered with the landlady and which he says was originally attended only by women. It was the one from which the consul said that were derived all the misdeeds and could not come out good soldiers.

By passages in which appears the word *bacchanalia* seems possible to infer that it is the official term used by the authorities to indicate all the traditional meeting places

of the Bacchantes, which become promiscuous, had degenerated to become places where the followers of Bacchus committed the most atrocious crimes and were preparing to overthrow the established order.

In conclusion we can say that in the history of the term Bacchanal (Bacchanalia pl.) up to Livy, at least judging from the texts that we have received, there is no case in which its meaning certainly indicates a feast of Bacchus. So it is natural to assume that the great Niedermann has based his theory on the testimony of Festus and glossators and on what happens in Greek but has not even given a look at the few Latin texts using this term and influential authors of Latin vocabularies have followed slavishly its opinion without any checking.

After Livy

After Livy the word is used by Juvenal, II, 3: *qui Curios simulant et Bacchanalia uiuunt. Bacchanalia uiuunt* is a poetic expression whose meaning is absolutely clear. Its literal meaning is, in my opinion, "they live the Bacchanalia", a metaphor for "they live like in the Bacchanalia." Even this testimony of Juvenal does not evidence that the meaning of the word in his time had changed.

In the fourth century AD, surprisingly appear examples of the adjective *bacchanalis* which, logically, should have preceded the appearance of *bacchanal* (*bacchanalia*), taking into account that the neutral names in **-al**, **-lis** are nothing more than old adjectives in **-alis**, used as nouns.

Robin points out that the meaning of the adjective *bacchanalis* is "consecrated to Bacchus, who belongs to Bacchus" and would be composed of a base *Bacch(us)* that

is the name of the deity, and a suffix *-nalis* that indicates membership. In practice, the word is no longer connected to the Bacchae, but to God. Among the evidences that the scholar uses to prove his point, I hit the expression *Bacchanalia sacra* used by Augustine in a passage of *The City of God* (18, 3). It may have been the basis of the evolution of the meaning of *Bacchanalia* from place of worship to the ceremonies that took place there. In it, we have *sacra*. It still indicates religious ceremonies accompanied by *bacchanalia* that is not more a noun but an adjective accorded to *sacra*. Together, these two words mean "sacred ceremonies in honour of Bacchus." From this expression using *Bacchanalia* as an adjective noun which includes the sense of *sacra*, we are easily arrived at *Bacchanalia* with the sense of "religious festivals in honour of Bacchus." In practice would take place a kind of fusion of the two words that in Livy are still perfectly separated (*de Bacchanalibus scriisque nocturnis*).

Brief conclusion

Up to Livy and beyond, at least at the official level, the term *bacchanal*, both in the singular and the plural, indicated the place of worship of the Bacchantes, a sanctuary. Festus and commentators, however, may not have invented everything. Probably, however, we have the situation, more or less, of their time. Therefore the evolution of the meaning of the word from the place of worship to ceremonies that took place must be certainly happened, but only quite late and probably at first only at the popular level.

However, if we refer to the affair, the term *Bacchanal* certainly indicates a place of worship both in the edict of the consuls and in Livy's account, in singular and in

plural and it is absolutely wrong to translate it as "religious ceremonies in honour of Bacchus."

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