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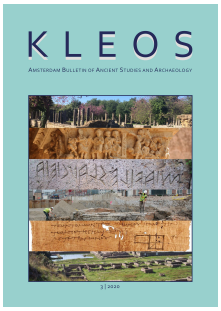

Issue 3, 2020

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Information on Publication

Full Title:	The Pass Under the Yoke: Denoting the Defeated in Ancient Italic Ritual Practice
Author:	Arjen van Lil
Published:	Kleos - Amsterdam Bulletin of Ancient Studies and Archaeology / Issue 03 / May 2020
Pages:	42-63
ISSN:	2468-1555
Link to these articles:	www.kleos-bulletin.nl

Recommended citation:
Lil, A., van, 2020: The Pass Under the Yoke: Denoting the Defeated in Ancient Italic Ritual Practice, *Kleos - Amsterdam Bulletin of Ancient Studies and Archaeology* 3, 42-63.

The Pass Under the Yoke:
Denoting the Defeated in Ancient Italic Ritual Practice

Arjen van Lil

Abstract

In the aftermath of the defeat at the Battle of the Caudine Forks in 321 BC, a Roman army was forced to pass under a yoke, which was "formed with three spears, two fixed in the ground, and one tied across", as Livy writes.[1] By agreeing to pass under this yoke – "unarmed and with a single garment each" – the Romans were consequently allowed to return home freely. This peculiar ritual has been recounted by various authors on various occasions and appears to have functioned as a means of concluding conflicts without additional bloodshed. The prevalence of the ritual in the sources suggests some form of a historical basis and compels a closer and more encompassing analysis. The ritual has received little scholarly attention and has generally been interpreted as a purificatory *rite de passage*. This conclusion is derived from the myth of Horatius, who was purified of his bloodguilt by passing under a beam.[2] However, scholars have not sufficiently looked beyond this myth. This paper investigates the ritual of the pass under the yoke from a historical perspective, considering the full corpus of source material that refers to the ritual. This is a new approach, and it will demonstrate that the pass under the yoke must have been performed for reasons other than purification, and that it mostly pertained to the Samnite Wars (343-290 BC). Additionally, a more narratological interpretation, which considers the pass under the yoke as a *topos*, may prove effective as well. In short, a more complex approach to the ritual is requisite.

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▶ *Profile page*

Introduction

The Roman defeat against the Samnites in 321 BC may be considered one of the most infamous episodes in Roman history. As described in the accounts of Livy and Dionysius of Halicarnassus, Samnite forces ambushed a Roman army in a

1 Livy, *Ab Urbe Condita* 3.28.10 (translation: Foster 1922).

2 Ibid., 1.26.12; Dionysius of Halicarnassus, *Roman Antiquities* 3.22.7.

Figure 1
Marc-Charles-Gabriel Gleyre, Romans Under the Yoke (1858, Museé cantonal des beaux-arts de Lausanne). The painting depicts the Roman soldiers that were sent under the yoke by the Tigurini in 107 BC at Burdigala.

narrow pass near the town of Caudium. There, at the so-called Caudine Forks, the Roman army was left with no other choice but to surrender, before hostilities even could take place. Livy records the event as follows:

> "[…] and since they knew not how to admit their plight, even when beaten and made prisoners, he [i.e. the Samnite general] intended to send them unarmed and with a single garment each under the yoke [*sub iugum missurum*] […]."[3]

Deprived of their arms and armour, the Roman soldiers were forced to pass under a gateway, the so-called *iugum* or 'yoke' (see figure 1). Livy explains that this yoke was "formed with three

3 Livy (ca. 64 BC-AD 12), *Ab Urbe Condita* 9.4.3 (translation: Foster 1922). For Dionysius' (ca. 60-7 BC) account of the defeat and pass under the yoke, see: *Roman Antiquities* 16.1.4. Cicero (*De Officiis* 3.30.109) notes that a battle occurred.

spears, two fixed in the ground, and one tied across between the upper ends of them".[4] After the Roman soldiers had passed under this yoke, they were allowed to return home freely – but clearly defeated.

The ritual of the pass under the yoke appears to have served as a means of dismissing enemy prisoners of war without killing or enslaving them. Moreover, the custom does not seem to have been exclusive to the Samnite Wars: "It is customary among the Romans", Dionysius explains, "to lead the captives under this structure, and after they have passed through, to grant them their liberty […]".[5] Appian adds that the Romans "considered the disgrace of passing under the yoke worse than death", and Cassius Dio concludes that it was a "vast dishonour".[6] Thus, the pass under the yoke must have been of particular significance in Roman culture, for it was understood to be grave and consequential. On other occasions the pass under the yoke appears to have facilitated the release of the defeated as well. Livy, for example, suggests this happened in 459 BC, 458 BC, 443 BC, 319 BC, 307 BC, and 294 BC; Dionysius recounts this happened in 458 BC; and in the writings of Caesar, Sallust, Frontinus, and others, more occasions can be inferred.[7] As will be addressed in this paper, a comprehensive source analysis suggests the ritual is mentioned quite frequently.

The topic has received little scholarly attention and has previously been interpreted in terms of its alleged mythical origin: the story of Horatius. This myth, mainly preserved in the writings of Livy and Dionysius, recounts how Horatius was forced to pass under a raised wooden beam to expiate his crime of sororicide.[8] The yoke mentioned by Livy in the battle of Caudium, allegedly resembling this beam, has subsequently been interpreted as a living remnant of the myth, functioning to purify individuals of their 'bloodguilt', as contracted in battle. J. G. Frazer, for instance, proposed that the ceremony was "designed to strip the foe of his malignant and hostile powers".[9] This view was subsequently adopted by scholars such as W. W. Fowler, W. R. Halliday, A. D.

4 Livy 3.28.10. Livy's account of the Battle of the Caudine Forks may be fictitious in detail, but a solid case for the historicity of the event can be made. See Horsfall 1982, 46-47.

5 Dionysius of Halicarnassus, *Roman Antiquities* 3.22.7 (translation: Cary 1950).

6 Appian (ca. 95-165 AD), *Samnite Wars* 4.6 (translation: White 1913); Cassius Dio (ca. 155-235 AD), *Roman History* 5 fr. Zon. 17 (Cassius Dio in Zonaras; translation: Cary 1927).

7 Caesar, *Commentarii de Bello Gallico* 1.7 & 1.12; Sallust, *Bellum Iugurthinum* 38.9; Frontinus, *Stratagemata* 4.1.19. Other authors: Florus, *Epitome Rerum Romanum* 1.5.13; Tacitus, *Annales* 15.15.1; Suetonius, *Vita Neronis* 39.1; Minucius Felix, *Octavius* 26.3; Festus, *Brevarium* 20; Eutropius, *Breviarium Historiae Romanae* 2.9.

8 Livy 1.24.1-26.14; Dionysius of Halicarnassus 3.14.1-22.10. An earlier version, though extremely fragmentary, is recorded by Ennius, *Annales* 131-135.

9 Frazer 1900, 406 note 1.

Nock, and M. Cary, all pointing at the purificatory and expiatory nature of the ritual.[10]

More recently, J. Rüpke suggested the 'shaming aspect' as the only explanation for the meaning of the pass under the yoke.[11] This paper will agree with his line of thought, in the sense that it rejects the previous interpretation of purification. However, Rüpke discusses the topic only briefly. In this paper, I will extend his work and consider the reasons why, and how, the *particular* historical act of passing under a spear-formed yoke after battle emanated.

This paper will discuss the various instances in which the pass under the yoke reportedly took place and will argue that the previous interpretations fail to explain the prevalence and use of the ritual on a broader scale. By considering the full corpus of source material (see figure 2), which has not sufficiently been done so far, this paper will present a new and holistic perspective on the ritual and will demonstrate that a more refined understanding is required. Moreover, it will show that a narratological interpretation may prove useful in apprehending the ritual. In short, by looking beyond the myth, and addressing the historicity of the ritual, new patterns and characteristics of the ritual will be revealed.

Firstly, I will address the previously made interpretations of purification and transition. Secondly, I will introduce an overview of the said corpus of source material, from which the amount of reference to the ritual and its prevalence will become evident. Thirdly, I will provide an analysis of the material. And lastly, I will propose a more corroborated understanding of the ritual of the pass under the yoke.

A PURIFICATORY *RITE DE PASSAGE*?

To understand the notions of bloodguilt, purification, and the yoke, we may consult Livy's account of the story of Horatius. Livy reports how, during the reign of king Tullus Hostilius, Horatius was forced to pass under a raised beam – the so-called *sororium tigillum* ('Sister's Beam') – to expiate his crime of sororicide:

> "But since a murder in broad daylight demanded some expiation, the father was commanded to make an atonement for his son at the cost of the State. After offering certain expiatory sacrifices he erected a beam [*tigillum*] across the street and made the young man pass

10 Fowler 1913, 51; Halliday 1924, 95; Nock 1926, 109; and Cary/Nock 1927, 122-123. Followed more recently by some influential scholars: Wagenvoort 1947, 155-156; Latte 1960, 120; Versnel 1970, 137-150.

11 Rüpke 2019, 217 (translated from Rüpke 1990, 211-212). Kissel 1997 discusses the topic as well, but only rudimentary and without illuminating conclusions.

under it, as under a yoke [*velut sub iugum*], with his head covered."[12]

As bloodguilt rested on the shoulders of Horatius, the Roman king and the priests decided that some form of expiation was required in order to restore the *pax deorum* – the pact and balance between gods and men.[13] The raised beam in the streets of Rome, with altars on either side, would supposedly purify Horatius of his guilt after he passed under it. Both Livy and Dionysius report that said beam still existed in their days, as "a monument to this man's misfortune and honoured by the Romans with sacrifices every year" (Dionysius).[14]

Based on this, a link between the myth of Horatius and a martial usage of the yoke can be made. Frazer was the first scholar to incorporate the ritual in his book *The Golden Bough*, however in the form of a footnote. There, he suggests that the ritual may have been "a purificatory ceremony", which served to purify those who passed under the yoke.[15] Influential scholars, such as Fowler, Halliday, Nock, Cary, and H. Wagenvoort, followed Frazer's line of thought, but with an additional theoretical framework at hand: A. van Gennep's *Les Rites de Passage*.[16] Van Gennep studied a plethora of cross-cultural and historical rites of passage and noticed three recurrent motives: separation, liminality, and incorporation.[17] These themes suggest that the rite of passage facilitated the change from one phase into another. The myth of Horatius, as the scholars previously noted, demonstrates characteristics alike – and so does the ritual of the pass under the yoke. "They had to be brought out of one status into another", Fowler concluded, "to be henceforward harmless".[18]

The pass under the yoke in the sources

Following the hypotheses of purification and transition, the next step now is to consider the source material referring to the ritual. The underlying question of this examination being: are these themes reflected in the accounts of Caesar, Livy, Dionysius, and

12 Livy 1.26.12-13. See Münzer 1913 and Solodow 1979 for a discussion of Livy's account of the myth. Also, note Livy's emphasis on the roles of the 'father' and the 'young man' (*iuvenem*), thus hinting at the themes of initiation and the coming of age, key elements in rites of passage. Tullus Hostilius reigned 673-642 BC.

13 See Johnson 2012.

14 Livy 1.26.14; Dionysius of Halicarnassus 3.22.8. For discussion, see Watson 1979. On the monumental structure, see Richardson 1992, 301.

15 First suggestion in Frazer 1900, 406 note 1. Later expanded in Frazer 1911, 193-195.

16 Fowler 1913, 49; Halliday 1924, 93; Nock 1926, 107; Cary/Nock 1927, 122; Wagenvoort 1947, 155-156; Van Gennep 1909.

17 Van Gennep 1909, vii.

18 Fowler 1913, 51.

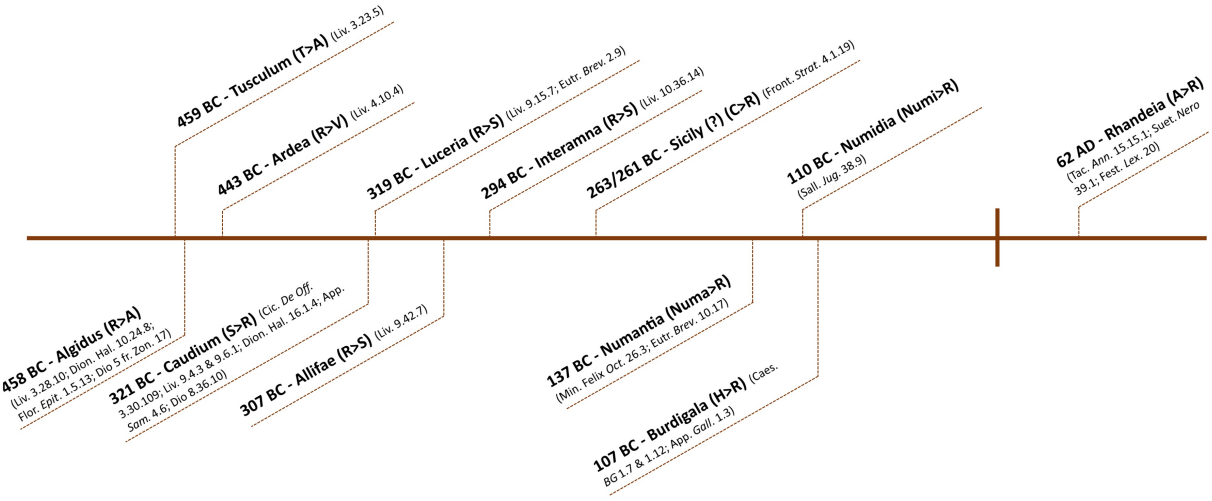

Figure 2
Timeline illustrating the alleged prevalence of the ritual. To indicate which army forced which army to pass under the yoke, the following abbreviations are used: T(usculans), A(equans), R(omans), V(olscians), S(amnites), C(arthaginians), Numa(ntines), Numi(dians), H(elvetians), and A(rmenians). The arrow points from the conqueror to the defeated. The number of authors that attest the pass under the yoke at the Caudine Forks (321 BC) is higher than visualized in the timeline, but due to practical reasons reduced here (see footnote 41 for full list). Created by the author.

others? In order to fully apprehend the ritual, and consequently facilitate a systematic and thorough analysis, the following method has been adopted.

Using already existing literature as a starting point, a series of instances in which the sources report the occurrence of the ritual will form the basis of this analysis.[19] Consequently, various online search engines and databases have been consulted.[20] Since this paper investigates the ritual of the pass under the yoke from a historical perspective, the principal distinction that needs to be made is between reported *historical* events and *metaphorical* references – i.e. in which an army was performatively 'sent under the yoke' (*sub iugum mittere*), instead of metaphorically 'accepting the yoke' (*iugum accipere*) of another entity.[21] The yoke clearly carries strong symbolic connotations as it refers to burden, subjugation (hence the Latin: *sub iugum*), and power: to be under the yoke, is to be under one's control. Thus, the composition of the corpus of source material requires both an effective etymological query and a critical interpretation.

The ancient sources report how on 12 occasions an army was forced to pass under the yoke after its surrender (see the results in figure 2). In these instances, the author makes clear that he believed soldiers were actually sent under the yoke, often elaborating on the circumstances in which this occurred. Due to the ritual-centric approach of this paper, the used source material in this paper consists of passages that *do* refer to the pass under the yoke taking place. Evidently, this does not constitute the full

19 Most notably and recently: Rüpke 2019, 217-218 (translated from Rüpke 1990, 211-213); Wickham 2014, 36; Kissel 1997; Versnel 1970, 148-149.

20 Online search tools and databases consulted for the analysis: Attalus (attalus.org), Perseus Digital Library (perseus.tufts.edu), and ToposText (topostext.org).

21 For a discussion of the metaphorical use of the *iugum*, see Lavan 2013, 83-85; Wickham 2014, 36.

narrative of the events, for various authors may narrate these events as well, albeit without reference to the episode of the yoke. In the footnotes, the reader will therefore find a full list of the ancient authors accounting for the events of defeat but omitting the yoke. These will be occasionally taken into consideration in the discussion as well, for their reports contextualize the accounts that do mention the episode of the yoke.

How was the ritual of the pass under the yoke then performed after battle? To begin with, the sources note that the defeated soldiers were deprived of their arms and armour. This is mentioned by nearly all authors reporting about the ritual.[22] Additionally, Livy frequently mentions that the defeated were allowed to wear only a single garment – a dress appropriate for slaves rather than soldiers.[23] The wearing of a single garment seems to have been a customary rule for the release of prisoners in most circumstances, according to Livy.[24] It remains unclear, however, whether it was customary that those who had to pass under the yoke had to have their heads bent. Possibly, a bent head could indicate a sense of guilt towards the standing victor, or towards a higher entity even.[25] It also remains unknown whether friendly or enemy spears were used for building the yoke, and it is left to argue if this was of any importance.[26] Nevertheless, it is made clear that each of the defeated had to pass under the yoke individually. Thus, we may infer that it was of importance that *each* survivor passed under the structure correctly. Clearly, this raises some practical issues: if we are to believe Dionysius, 40,000 men had to pass under the yoke at the Caudine Forks, while Livy reports of 7,800 men at Interamna.[27] How and if all these men were actually made to pass under a single yoke of three spears remains somewhat questionable, if not inconceivable. We may also question whether the ritual was overall performed peacefully: of the Caudine Forks, Livy tells us

22 H. S. Versnel suggested that the act of disarming and stripping should be considered an independent ritual: "The rite of *mittere sub iugum*, *sub Tigillum*, was accompanied by other rites, disarming and undressing in the former, *piacularia sacra* in the latter case." See Versnel 1970, 150.

23 The *tunica* or *subligaculum*. See Fowler 1913, 48.

24 See Livy 22.6.11: "Maharbal – who with all the cavalry had overtaken them in the night – pledged his word that if they delivered up their arms, he would let them go, with a single garment each, and they surrendered.", or Livy 31.17.3-4: "[…] that they be permitted to leave the city with one garment each". In these cases, no reference to the ritual of the pass under the yoke is made. This appears to have been a Greek custom as well, see McCartney 1928, 17.

25 Burkert 2013, 31.

26 One could argue that passing under enemy spears was considered an even greater disgrace and therefore commonplace. See Cary/Nock 1927, 122-127. Fowler suggests that the *sororium tigillum* consisted of three spears as well but was later replaced by more durable materials. See Fowler 1913, 49.

27 Dionysius of Halicarnassus 16.1.4; Livy 10.36.14.

that the Samnites could not contain themselves and resorted to mockery, threatening, and eventually, killing.[28]

Considering this, it appears that the notion of purification or expiation is *not* represented in the accounts. Only on one occasion, in the aftermath of the Battle of Luceria in 319 BC, Livy refers to expiation (*expiaret*).[29] However, we may repudiate this statement for three accumulative reasons: first, the expiation refers to the previously suffered humiliation (*ignominiam*) of the Roman consuls and should thus be understood as an act of vindication without any religious context; and second, as will be addressed in the following, this event is regarded to be fictitious in this analysis; and third, we are dealing with a singular reference here. If the ritual served to purify or expiate, it would theoretically have to be performed after each battle. Moreover, in all recorded occasions, no priests appear to have been involved in the performance of the ritual, nor is any other reference to the divine made whatsoever. Thus, the act does not seem to have been religiously institutionalized.[30] It may therefore be apparent that neither Frazer's notion of purification nor Van Gennep's frame of the rite of passage suffices in explaining the meaning and usage of the ritual.[31] The pass under the yoke after battle therefore loses its connection to the *sororium tigillum* and the myth of Horatius.[32]

A (RE-)CONSIDERATION OF THE EVIDENCE

Considering the previously presented material, the ritual of the pass under the yoke can be regarded as a self-contained phenomenon. How can the various occasions in which an army

28 Livy 9.6.1. It should be kept in mind, however, that this mostly serves Livy's portrayal of the Samnites as a savage and dishonourable people. See Salmon 1967, 111.

29 Ibid. 9.15.8: "*Pontius Herenni filius, Samnitium imperator, ut expiaret consulum ignominiam, sub iugum cum ceteris est missus*" (Pontius the son of Herennius, the Samnite general-in-chief, was sent with the rest under the yoke, to expiate the humiliation of the consuls). In the other 11 instances, the authors make no reference to expiation.

30 Rituals of expiation or purification were commonly carried out by priests or persons in the attire of a priest by covering the head: *capite velato*. See Rüpke 2019, 160 (translated from Rüpke 1990, 159). The *lustratio exercitus*, for example, was performed by priests to purify the army (see Appian, *Civil War* 5.96), while the *auspicium ex tripudiis* was carried out by priests to receive favourable omens in advance of battle (see Livy 10.40.4-6).

31 I do not reject the possibility that in origin the ritual may have had other purposes, such as purification, but that in later use (i.e. as reported in the sources) this was no longer an aspect of it.

32 This connection is addressed only marginally in the sources, primarily by Dionysius of Halicarnassus. Rüpke 2019, 218 (translated from Rüpke 1990, 212): "[…] as Dionysius falsely implies in his desire to make the comparison understandable to his readers […]". As Rüpke notes, Dionysius attempts to make the ritual understandable by drawing a parallel to something better known: the *sororium tigillum* in Rome. Moreover, the material and procedural details of the yoke and *tigillum sororium* are not in accordance with each other (e.g. spear-formed yoke vs. 'beam', and the transito-expiatory pass vs. apparent 'unmagical').

allegedly passed under the yoke be then interpreted? In the following, I will offer a critical reading of the sources, discussing the authors, context, and topic of historicity, for each respective occasion. Subsequently, we may reconsider the corpus as a whole, and search for patterns that may contribute to our understanding of the ritual.

Livy suggests that the ritual of the pass under the yoke was carried out for the first time in 459 BC at the siege of the citadel of Tusculum, which had then been occupied by the Aequians. He writes how the Tusculans, in reclaiming it, "took away their [i.e. the Aequian] arms, and stripping them to the tunic, sent them under the yoke [*sub iugum ab Tusculanis missi*]", thus indicating that it involved two Italic peoples other than the Romans.[33] Livy appears to be the only remaining source for this event, possibly using the writings of the annalist Licinius as his source.[34] However, the history of Rome during this period, as handed down by Livy, is faced with serious difficulties. There exists scholarly consensus that the reports of Livy (and Dionysius too) are likely to be mostly fictitious with regard to the fifth and fourth centuries BC.[35] Cornell, an optimist in this regard, suggests, quite possibly, that the "general outline of the campaigns need not be fictitious".[36] It is questionable whether the episode of the yoke would pertain to this 'general outline' as well. It is therefore difficult to accept Livy's narrative of 459 BC with any confidence – the same holds true for his account of Ardea in 443 BC, a battle also followed by the pass under the yoke, of which he remains the only source.[37]

The intermediate Battle of Mount Algidus in 458 BC, however, invites further discussion. As primarily described by Livy and Dionysius, the Roman farmer-soldier Cincinattus left his farm to take up arms against the Aequians, only to return victorious soon thereafter.[38] A part of his victory constituted the pass under the Roman yoke by the Aequians. Dionysius writes how the Aequians "marched through the enemy camp one by one under the yoke", whereas Livy remains reticent about this spatial detail.[39] Florus, offering an additional account of the event, makes no attempt at historicizing the affair, and mostly allegorizes the farmer's yoke to the one on the battlefield:

33 Livy 3.23.5. Though it should be noted that the Romans stood on the Tusculan side.

34 Ogilvie 1965, 435-436. Licinius Macer (d. 66 BC) wrote a history of Rome, but Livy finds him at times unreliable (7.9.5).

35 Cornell 1995, 361; Oakley 1997, 100 (though more moderate); Forsythe 2005, 175 & 205; Bispham 2006, 37; Rich 2018, 58.

36 Cornell 1995, 361.

37 Livy 4.10.4. On Ardea, see Forsythe 2005, 199.

38 Ibid. 3.28.10-11; Dionysius of Halicarnassus 10.24.8.

39 Dionysius of Halicarnassus 10.24.8; cf. Livy 3.28.10-11. It may show that they consulted different sources. Another account is provided in: Cassius Dio, *Roman History* 5 fr. Zon. 17.

> "Setting out thence to the battlefield, in order that he might keep up the tradition of this rustic employment, he made his conquered enemies pass like cattle under the yoke [*more pecundum sub iugum misit*]."[40]

The affair at Mount Algidus in 458 BC is faced with the similar problems of historicity, as addressed above, and clouds even more due to the metaphorical context of the event.

The prevalence of the ritual in the Samnite Wars (343-290 BC), however, can be conceived with more reliability. As was seen previously, the humiliating defeat at the Caudine Forks in 321 BC is widely attested in the sources.[41] Here, it seems, a Roman army was forced to pass under the yoke for the first time, an episode featured in all author's accounts.[42] Livy's claim of a retaliatory victory at Luceria in 319 BC, in the aftermath of the defeat at the Caudine Forks, is generally considered to be a fictitious addition.[43] The event appears too good to be true: Gaius Pontius, the Samnite commander responsible for the previously suffered ignominy, was allegedly, in return, sent under the yoke along with his defeated army. As even Livy reveals the unreliability of his sources, it is safe to argue that this event did not take place.[44] The later reports of Samnite armies being sent under the yoke in 307 BC and 294 BC, on the other hand, may well be historical.[45] Livy reports the events occurred near the towns of Allifae and Interamna respectively. Here, he is likely basing his account on the writings of the annalist Fabius Pictor, who wrote timewise

40 Florus (ca.74-130 AD), *Epitome Rerum Romanum* 1.5.13 (translation: Forster 1929).

41 All sources attest to the pass under the yoke at the Caudine Forks: Cicero, *De Officiis* 3.30.109; Livy 9.4.3 & 9.6.1; Dionysius of Halicarnassus 16.1.4; Valerius Maximus, *Factorum ad dictorum memoriabilium libri IX* 7.2.17; Appian, *Samnite Wars* 4.6; Florus, *Epitome Rerum Romanum* 1.11.10; Aulus Gellius, *Noctes Atticae* 17.21; Cassius Dio 8.36.10; Aurelius Victor, *De viris illustribus urbis Romae* 30.1.4; Eutropius, *Brevarium* 2.9; Orosius, *Historiae adversum paganos* 2.15.5; Augustine, *De civitate dei* 3.17.

42 The historicity of the event is widely accepted: Salmon 1967, 225-226; De Wever 1969, 53; Cornell 1990, 370; Cornell 1995, 353; Forsythe 2005, 248; Oakley 2005a, 3ff.

43 Salmon 1967, 228-229; De Wever 1969, 54; Cornell 1990, 370; Cornell 1995, 353; Forsythe 2005, 249; Oakley 2005a, 12; Grossmann 2009, 80-81.

44 Livy 9.15.8-10. He is unsure whether it was Gaius Pontius or someone else that was sent under the yoke. Moreover, he appears to be uncertain which Roman commander was responsible for the victory. This can be seen as indicative that Livy was merely interested in balancing out the defeat at the Caudine Forks (26.41.9: "It has been our lot and destiny to conquer in all great wars only after we have been defeated."). Eutropius (ca. 300-380 AD) provides an additional account for Luceria, but he seems to be using Livy's account as his source, clearly copying the number of 7,000 Samnites that allegedly passed under the yoke (*Breviarium Historiae Romanae* 2.9). Eutropius' use of Livy as his source is evident throughout his work. His description of the Battle of the Caudine Forks can similarly be seen as an abridgement of Livy. See Begbie 1967, 332.

45 Ibid. 9.42.7 & 10.36.14. Though scepticism expressed by Salmon 1967, 245-247.

significantly closer to the battle (late 3rd century BC).[46] It is not unlikely, therefore, that Pictor knew survivors of the Samnite Wars, and he could even have met those whose fathers fought at Caudium in 321 BC.[47] Although Livy's narrative of these events is at times somewhat enigmatic, these Roman victories are no longer presented in respect to the earlier defeat at the Caudine Forks.[48] The passages on the pass under the yoke are therefore particular to their own context in these regards, and can be conceived with more credibility.

This prevalence in the Samnite Wars changes with an interesting passage in Frontinus' *Stratagemata*, where the author notes how "consul Otacilius Crassus ordered those who had been sent under the yoke by Hannibal and had then returned, to camp outside the entrenchments".[49] This event supposedly took place in the First Punic War (264-241 BC), and according to this passage, a Roman army was sent under the yoke. Overall, however, it remains difficult to establish a plausible historical context for the affair. On another occasion, the accounts of Minucius Felix and Eutropius, who both write at a significantly later time, report that in 137 BC in Numantia a Roman army was sent under the yoke as well.[50] However, the Numantine affair is recorded by earlier and more reliable sources such as Velleius Paterculus and Plutarch too, who fail to mention the episode of the pass under the yoke.[51] Moreover, Eutropius is not consistent in his reference to the yoke and attempts to allegorize the defeats at Caudium and Numantia.[52] It is therefore preferable to follow the earlier

46 Rich 2018, 44-45. It should be noted, however, that the commander in charge in 307 BC was Quintus Fabius Maximus Rullianus, and that Livy's source was Quintus Fabius Pictor: both belonged to the *gens Fabia*. It should therefore be kept in mind that Pictor's account might be biased due to this ancestral connection.

47 Oakley 1997, 22.

48 Cornell 1995, 354. There are discrepancies in Livy's account of 294 BC, as remarked by Forsythe 2005, 271-272. Also: Oakley 2005b, 372.

49 Frontinus (c. 40-103 AD), *Stratagemata* 4.1.19 (translation: Bennett 1925). The authorship of the fourth book of the *Stratagemata* is somewhat disputed. Frontinus does not refer to Hannibal Barca, but alludes to another person, as can be deduced from the mention of the consulship of Otacilius Crassus (263 or 261 BC). See the *Fasti Capitolini* (AE 1927 101). Since the passage is difficult to contextualize, it cannot be compared with other accounts omitting the episode of the yoke.

50 Minucius Felix (c. 200-250 AD), *Octavius* 26.3; Eutropius 10.17.

51 Other accounts that describe the event, but omit the episode of the yoke: Velleius Paterculus (ca. 19 BC-AD 39), *Historiae* 2.1.4; Plutarch (ca. 46-120 AD), *Life of Tiberius Gracchus* 5.1; Florus 1.34.18; Appian, *Spanish Wars* 80; Livy, *Periochae* 55.6-9.

52 Cf. 4.17. In this earlier passage, Eutropius does not mention the episode of the pass under the yoke. Moreover, the *topoi* in which a Roman army was sent under the yoke at Caudium in 321 BC and Numantia in 137 BC display many similarities. See Crawford 1973, 4; Horsfall 1982, 45-46; Aston 1999, 9-10. It is safe to argue that the accounts of Minucius Felix and Eutropius merely attempted to draw this rhetorical parallel (for example, based on Cicero, *De Officiis* 3.30.109), and fictionalize the yoke at Numantia in their efforts to moralize Roman history.

tradition and consider the episode of the yoke in the Numantine defeat as fictitious.

Sallust continues the trend of foreign leaders imposing the yoke on Roman armies in his accounts of the war against the Numidian king Jugurtha in 110 BC:

> "[...] in view of the uncertainty of human affairs, if Aulus would make a treaty with him [Jugurtha], he would let them all go free after passing under the yoke [*sub iugum missurum*], provided Aulus would leave Numidia within ten days. Although the conditions were hard and shameful, yet because they were offered in exchange for the fear of death, peace was accepted on the king's terms."[53]

In contrast to the authors discussed before, Sallust writes relatively soon after the event (roughly 65 years) and may therefore be considered a credible addition. However, he appears to be the only author reporting about the pass under the yoke in this case – and, moreover, with an noteworthy reference as well: two centuries earlier, Spurius Postumius Albinus, the forefather of the abovementioned Aulus Postumius Albinus, was sent under the yoke at the Caudine Forks.[54] It is possible that this event had come to Jugurtha's attention, thus enticing him to perform the ritual. Conversely, it can also be argued that it offered Sallust the foundation for an allegorized narrative.[55] Caesar too provides an account of the ritual shortly after its occurrence. In the *De Bello Gallico*, he writes how he remembered that in 107 BC at Burdigala, "the consul Lucius Cassius had been slain, and his army routed and sent under the yoke, by the Helvetii [...]".[56] Caesar may possibly have inserted the *topos* of the yoke here in his efforts to justify his actions against the Tigurini. However, Appian appears to have been aware of this episode as well: his epitomator notes that it was reported in the writings of a certain Paulus Claudius.[57] Of final note are the accounts by Tacitus, Suetonius, and Festus, on the

53 Sallust (ca. 86-35 BC), *Bellum Iugurthinum* 38.9 (translation: Rolfe 1931). Other accounts describing the event, but omitting the episode of the yoke: Florus, *Epitome* 36.1.9; Livy, *Periochae* 64.3; Orosius, *Historiae Adversum Paganos* 5.15.6.

54 As remarked by Paul 1984, 114.

55 The former is entirely plausible, for Jugurtha had served under Scipio Aemilianus in Spain for several years, thus familiarizing himself with Roman customs.

56 Caesar (100-44 BC), *Commentarii de Bello Gallico* 1.7 (translation: Edwards 1917). In 1.12 Caesar refers to the event a second time. Other accounts describing the incident, but omitting the episode of the yoke: Diodorus Siculus, *Bibliotheca Historica* 34.32a (possibly); Cicero, *Rhetorica ad Herennium* 1.15.25; Livy, *Periochae* 65.5; Orosius, *Historiae Adversum Paganos* 5.15.23-24.

57 Appian, *Gallic War* 1.3. Discussion by Hofeneder 2018, 55-60.

Figure 3
Coin-series allegedly depicting the yoke. Top-right: RIC II.1 Titus 500. Top-left: RIC II.1 Titus 504. Bottom-left: RIC II.1 Vespasian 1268. Bottom-right: RIC II.1 Titus 153. Courtesy of ▶Online Coins of the Roman Empire (OCRE) and after Carradice/Buttrey 2007, 234.

Battle of Rhandeia in 62 AD. Tacitus admits he writes on the basis of rumour, but his contemporary Suetonius appears to be better informed of the event – or, rumour.[58] He writes of a "shameful defeat in the Orient, in consequence of which the legions in Armenia were sent under the yoke [*sub iugum missis*] and Syria was all but lost."[59] Festus writes at a significantly later time, and it is likely he consulted the works of the former two.[60] It remains difficult to establish a plausible historical context on the basis of these 'rumours'.

No material record of the ritual of the yoke exists. However, worthwhile of note are several series of coins minted under the reign of Titus in 80-81 AD, on which a yoke has been commonly identified in several catalogues (see figure 3).[61] The coins struck to commemorate the victory over the Judeans depict a mourning, veiled woman – the personification of the Judeans – and a discernible arch at her side – the assumed yoke.

I shall explain why this interpretation is incorrect. It may be

58 Tacitus (ca. 56-120 AD), *Annales* 15.15.1 (translation: Jackson 1937): "Rumour added that the legions had been passed under the yoke [*sub iugum missas*]; and other particulars were given, harmonizing well enough with our fortunate position, and indeed paralleled by the behaviour of the Armenians." Tacitus thus enounces scepticism about whether the Armenians actually forced the Romans to pass under the yoke.

59 Suetonius (ca. 69-122 AD), *Vita Neronis* 39.1 (translation: Rolfe 1914).

60 Festus (ca. 4th century AD), *Breviarium* 20. Other accounts describing the event, but omitting the episode of the yoke: Cassius Dio, *Roman History* 62.21-22.

61 Mattingly 1930, lxxvi: "An interesting feature of this restoration is the yoke ('*iugum*'), the symbol of defeat, in the field." The collection of the Münzkabinett der Staatliche Museen zu Berlin states of RIC II.1 504: "IVD - CAP. Die trauernde Iudaea sitzt auf einem Panzer an eine Palme angelehnt inmitten eines Waffenhaufens nach l. Im r. F. ein Joch. Beiderseits S - C." The collection of the British Museum in London states of RIC II.1 504: "Copper alloy coin. (obverse) Head of Titus, laureate, right. (reverse) Palm tree; to left, Judaea seated left; to right, yoke." Similarly attested in Carradice/Buttrey 2007, 234.

apparent that the arch does not offer much resemblance to the spear-formed yoke as described by the ancient authors.[62] Rather, in the context of the weaponry lying beneath the palm-tree (e.g. helmet, shield, and other apparel), this arch can only be explained as being an upright shield, viewed inwardly.[63] This way of representation becomes evident when placed on par with two other, 'clearer', examples (see figure 3, bottom two coins). Here, the shields make perfect sense in their context – which is, as *spolia* from the defeated Judeans. The 'arch' then, is simply shaped like a shield, albeit somewhat corroded and deformed. Moreover, no accounts exist that attest to the ritual being performed in the Judean Wars of Vespasian and Titus (we would expect in Flavius Josephus), nor is there any comparative numismatic evidence on which the spear-formed yoke is visualized.[64] Considering this, I believe it may be evident that there is no reason to believe that a yoke is depicted on these coins.

Interpreting the significance of the pass under the yoke

After a (re-)consideration of the sources, a complicated picture of the pass under the yoke is drawn. Is it possible to detect patterns that help solving this complexity? First, I would like to comment on the irreligious aspect of change that the ritual apparently facilitated.

As argued previously, the pass under the yoke was performed to convey the notion of defeat. Thus, we would expect to find this sentiment reflected in the resulting status of those that passed under the yoke, which indicated, in the words of Livy, that "their nation was defeated and subdued".[65] Indeed, several passages are noteworthy in this regard. For example, in Livy's account of the siege of Tusculan citadel, the (in lack of a better word) 'yoked' Aequians encountered a Roman army after their pass and were consequently all slain. This occurred although they conceded their defeat by performing the ritual under the Tusculan yoke. Similarly, when considering the affair at Ardea in 443 BC, Livy informs us how the Volscian army that had just passed under the yoke, and

62 Livy (3.28.10), Appian (*Samnite Wars* 4.6), and Festus (*De Verborum Significatione* 92 L) emphasize the use of spears to create the yoke. Dionysius (3.22.7) and Cassius Dio (*Roman History* 5 fr. Zon. 17) note how the yoke was formed with three beams of wood, an indicator that their primary frame of reference was the *sororium tigillum*.

63 See Cohen 1880, 438.

64 If the Judeans were forced to pass under a Roman yoke, it seems plausible to assume that such an event had been recorded by Flavius Josephus (ca. 37-100 AD), who was an eyewitness of the wars. Regarding comparative numismatic evidence, see as examples a series of coins minted during the reign of Vespasian (ca. 77-78 AD), on which a pair of oxen under a yoke is portrayed (RIC II.1 Vespasian 943, RIC II.1 Vespasian 944, and RIC II.1 Vespasian 945). The yoke depicted here is visibly different from the arch/shield on the coins of Titus.

65 Livy 3.28.10.

was thus unarmed, got attacked and massacred by a Tusculan force due to an "old grudge".[66] Furthermore, regarding the First Punic War (264-241 BC), we have read in Frontinus how the Roman soldiers that were sent under the yoke were punished by a consul upon their return, forcing them to sleep outside the camp, after incorporating them again in the army.[67] Lastly, after the episode in Numidia, in which the soldiers had been sent under the yoke by Jugurtha, they were reintroduced into the forces as well but only after having received the "old-time drill and training", as Sallust writes.[68] Concluding, it appears that there was no rule as to the status of those that passed under the yoke.[69] There was no procedure on how these people were to be treated after performing the ritual, which suggests that the pass under the yoke was largely undefined on a socio-political level. This inconsistency obstructs the attempt underlying this paper to reach a systematized interpretation of the ritual.

We are therefore prompted to discuss another second aspect of the ritual: the pass under the yoke appears to have been part of the official conditions of surrender. Livy, for example, writes that in 307 BC, "surrender [*deditio*] was accepted on condition that the Samnites should be dismissed with one garment apiece after they had all passed under the yoke".[70] Thus, the pass under the yoke was communicated and agreed upon, before its execution. Of special interest in this context is the Senate's refusal to grant consul Marcus Atilius his triumph in 294 BC. According to Livy, this honour was refused to him "because he had sent his prisoners under the yoke without it having been made a condition of their surrender [*sine pactione*]".[71] To 'illegally' make your enemies pass under the yoke could have severe consequences, it appears. The official character of the ritual is also traceable in the accounts of

66 Livy 4.10.5.

67 Frontinus 4.1.19. It appears to have been common practice to punish disobedient soldiers by forcing them to sleep outside the camp (see 4.1.21 in Frontinus).

68 Sallust, *Bellum Iugurthinum* 44.3.

69 Festus notes how the soldiers that passed under the yoke in Armenia "defiled with the utmost infamy the military oaths" – *exercitus sacramenta foedarunt* (*Breviarium* 20). However, Festus is the only author linking the pass under the yoke to the military sacramentum, and no other comparative reference exists. It is possible therefore, that Festus refers to the act of capitulation as the desecration of the military oath.

70 Livy 9.42.7. A *deditio* constituted the total and absolute surrender of a nation to the Romans (Oakley 1997, 411).

71 Ibid., 10.36.19. He may have opted for this type of *deditio* because he obtained a narrow victory over the Samnites, hence relieving him from the responsibility of taking care of the prisoners. It is likely that this act caused anger in the Senate. Additionally, the Romans may have sought after a peace settlement with the Samnites at that point of time, which is another reason for deciding against execution or enslavement.

Sallust and Appian.[72] Also here, the Senate refused to ratify the peace treaties that forced a Roman army to pass under the yoke: the agreement made with king Jugurtha as well as other ones at Rhandeia were not considered to be binding.[73] Thus, it appears that such treaties were perceived in terms of a *sponsio* instead of a *foedus*. While the former is regarded as a promise to which only the man who made it was bound, the latter is seen as a treaty between the people of Rome and a foreign nation.[74] The source material clearly shows how it was politically unthinkable to accept a treaty in which a Roman army was forced to pass under the yoke. Reversely, however, it was considered legitimate.

Within this legal framework, the pass under the yoke poses as series of problems: why opt for this mode of *deditio*, instead of enslaving or executing prisoners? Livy's account of the Samnite Wars suggests that considerable amounts of slaves and large quantities of spoils were taken – war was, after all, supposed to be profitable.[75] Freeing prisoners by means of a ritual does not seem to comply with this presupposition. Possibly, it offered the commander a convenient middle way in a precarious victory: no measures for keeping prisoners had to be taken, but some form of humiliation and disadvantage was inflicted. After all, since the defeated were obliged to deliver up their arms and armour, a tactical advantage was gained as well.

A third aspect worthwhile discussing is the supposed Italic-Republican character of the ritual. We have seen how Livy and Dionysius locate the ritual as far back as 459/458 BC, a time during which it was mostly prevalent amongst the Italic peoples of the Tusculans, Aequians, Volscians, and Romans. However, these events cannot be attributed with sufficient historicity, and I believe there is therefore reason to consider the Samnite Wars as the only plausible aetiological historical context for the ritual. In fact, based on the presented source material, the Battle of the Caudine Forks in 321 BC appears to be the first instance of the pass under the yoke for which a plausible historical case can be made. This raises an interesting question: is the ritual, possibly, of

72 Sallust mentions how the pass under the yoke was part of the peace treaty that Aulus had made with king Jugurtha (*Bellum Iugurthinum* 38.9) and Appian suggests an oath was involved as well (*Samnite Wars* 1.8).

73 Eutropius (10.17) notes: "[…] for war was immediately after made upon the Samnites, Numantines, and Numidians, and the peace was never ratified." On the contrary to Livy's claims, however, it is likely that the peace settlement after the Battle of the Caudine Forks in 321 BC was respected by the Romans. See: Salmon 1967, 228; Cornell 1990, 370-371; Cornell 1995, 353; Forsythe 2005, 248.

74 See Crawford 1973.

75 Summed up in Cornell 1990, 388-399. The complete execution of defeated armies appears rather uncommon (Wickham 2014, 42-43).

Samnite origin?[76] Overall, a strong connection to the Samnite Wars is clearly traceable in the source material. After Caudium, Livy reports how the Romans forced the Samnites to pass under the yoke, arguably, on three occasions (319, 307, 294 BC). Thereafter, no Roman commander appears to have forced the ritual on an enemy army (nor do the Romans ever appear to have forced other peoples under the yoke). Livy's account of 307 BC underlines the Samnite particularity of the ritual further:

> "The Samnites among them bargained to be dismissed in their tunics [*cum singulis vestimentis*]; all these were sent under the yoke [*sub iugum missi*]. The allies of the Samnites were protected by no guarantee and were sold into slavery, to the number of seven thousand."[77]

Livy seems to suggest that the 'honour' of the pass under the yoke – or rather, the agreement to free them afterwards – was solely reserved for the Samnites. Their allies, such as the Hernici, would simply await slavery.[78] This passage indicates therefore that the pass under the yoke was mostly significant to Romans and Samnites.

However, subsequent examples, in which foreign nations or kings forced a Roman army to pass under the yoke, are difficult to reconcile with this hypothesis. How would the Tigurini have known about the ritual of the yoke, and why would they have subjected the Romans to this in 107 BC? And if the accounts of Sallust, Frontinus, and Tacitus are regarded as credible, how do we explain the Carthaginian, Numidian, and Armenian cases? It can be hypothesized that the ritual was somehow known to them, possibly through hearsay, offering enemies an excellent tool to humiliate the Romans.[79] It is somewhat difficult to think of reasons

76 The Greek tradition – Dionysius of Halicarnassus (3.22.7), Appian (*Samnite Wars* 4.6), and Cassius Dio in Zonaras (*Roman History* 5 fr. Zon. 17) – appears unanimous on the Roman origins of the ritual. Livy, on the other hand, does not stress the 'Roman-ness' of the ritual, and does not seem to disapprove the Samnites' use in 321 BC for reasons of cultural appropriation. A passage in Justin's *Epitome* of Pompeius Trogus' *Historiae Philippicae* (38.4) states how the ritual was 'new' at the time: "[…] by many states of Italy, armies of the Romans had been cut off by the sword, and by others, with a new species of insult, sent under the yoke [*novo contumeliae more sub iugum missos*]."

77 Livy 9.42.7-8.

78 Presumably because they were not fighting out of their own initiative. See Oakley 2005a, 553-554.

79 See footnote 48. Reversely, those that forced a Roman army to pass under the yoke suffered an ill fate. For Pontius, see Livy, *Periochae* 11.2; Plutarch, *Life of Fabius Maximus* 24. For the retaliation on the Tigurini, see Caesar, *Commentarii de Bello Gallico* 1.12; Appian, *Gallic Wars* 1.3. For the fate of Jugurtha, see Sallust 113-114; Livy, *Periochae* 67.4; Plutarch, *Life of Marius* 12. Tiridates I of Armenia submitted to the Roman general Corbulo, agreed to become a vassal to Nero and was brought to Rome afterwards (see Tacitus, *Annales* 15.29; Suetonius, *Vita Neronis* 13).

for the ancient authors to fictionalize these events, for any defeat of a Roman army would not be considered a favourable event to record, regardless of the pass under the yoke. But we should keep in mind that the *topos* of the yoke lends itself well for conveying the notions of shame, cowardice, and incompetence, and thus, contributes to the author's effort to characterize persons of ill repute: the commanders responsible for significant defeats.

Considering this, it is necessary to address a fourth and last aspect: the fictitious narratological and stylistic use of the *topos* of the pass under the yoke in retrospective for explaining defeat and characterizing certain persons. Aulus Postumius, for instance, is described with "incapacity" by Sallust and reportedly accepted bribes from Jugurtha before his defeat in Numidia in 110 BC. Hence, his concession to the pass under the yoke afterwards makes perfect sense in the context of explaining military defeat in Sallust's narrative since it resulted rather from poor character instead of poor strategy.[80] It is therefore not unlikely that he added the episode of the yoke in order to be able to further underline Aulus' inept character. Livy's narrative of the Battle of Luceria in 319 BC can be interpreted along similar lines. Here too, the purpose to correct and embellish is evident, as the *topos* of the yoke appears to be a narratological addition for vindicating the humiliation suffered at Caudium two years earlier. Furthermore, we should take into regard the character of Paetus, the general who suffered the defeat at Rhandeia in 62 AD. Tacitus portrays him as jealous, incompetent, and of "ignoring the portents".[81] Also here, the pass under the yoke appears to function as an amplifying stylistic figure in the author's narrative, further evoking the notions of slavery and subjugation already implied by the metaphorical *sub iugum*.[82] Its use then, may be explained by the author's disposition towards the situation and his narratological aims.

This raises another, rather straightforward, question: since the act would after all embody the pass under a spear – a procedure that is surprisingly well defined in the sources – why is it not

80 Sallust, *Bellum Iugurthinum* 38.1.

81 Tacitus, *Annales* 15.7-8.

82 See for example the references made by Quintilian (*Institutio Oratoria* 3.5.8) and Eutropius (10.17), as well as the frequent allusions in Livy (22.14.12; 23.41.14; 25.6.10; 35.11.3).

referred to as *sub hasta mittere*?[83] Or put differently, why is no 'real' yoke attached transversely on the spears, as befits the presupposed metaphor?[84] Somehow and sometime the conception emanated that the three spears combined constituted a *iugum*, and that this whole, or *topos*, was more than the sum of its parts. This stirred up notions of dishonour and shame that transcended the mere passage of a man underneath a spear – notions that may well have had their origins possibly in one of the most infamous episodes in Roman history.

Conclusion

The ritual of the pass under the yoke invites much discussion and consideration. Its ambiguous character, irregular performance, unformulated meaning, yet defined procedure does not allow an unequivocal interpretation. This paper has attempted to tackle these issues from a historical perspective in order to gain new insights.

Firstly, we have seen that the notions of purification and transition should be discarded. No reference to any additional 'magical' significance is made. Secondly, there appears to have been no formulated socio-political status for those that passed under the yoke, nor was its form as a *deditio* systematized. Thirdly, the ritual connotes a strong historical connection to the Samnite Wars, and suggests considering this as a possible aetiological context. And fourthly, it has become apparent that the pass under the yoke was likely used as a *topos*, fictitiously colouring historical narratives by retrospectively explaining defeats and characterizing individuals.

In conclusion, I believe to have shown that the significance of the pass under the yoke was neither socio-politically functional, nor religiously indispensable. An unequivocal interpretation of its significance, origins, and use cannot be made for now due to the disparity in the sources. Nevertheless, this paper has demonstrated how the ritual of the pass under the yoke offers an interestingly complex insight into ancient conceptions of defeat and disgrace.

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83 I believe this may indicate that the spear was not necessarily the main component of the ritual (the 'magic' significance of spears in the ritual has been argued by Cary/Nock 1927 and Kissel 1997, 503-504). If one postulates a mythical connection, we may expect to read *sub tigillum mittere*. Of additional interest is a passage in Livy's *Periochae* (55.2): "*C. Matienius accusatus est apud tribunos pl., quod exercitum ex Hispania deseruisset, damnatusque sub furca* […]". Lendering (2009) translates *damnatusque sub furca* as "sent under the yoke". This would indeed be an interesting case, but the *furca* may be understood best as a two-pronged fork, pillory or stocks, or perhaps the yoke used to break oxen (see Varro, *De Re Rustica* 1.20.2; Livy 1.35.9 & 2.36.1; Pliny the Elder, *Naturalis Historia* 29.4.14). Thus, I believe there is no reason to consider this case on par with those discussed in this paper.

84 See figure 1. Here, the artist decided to visualize the yoke in this manner.

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