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POLITICAL RHETORIC IN LIVY'S FIRST PENTAD

SUMMARY: Livy tries to judge *virtutes* and *vitia* of both patricians and plebeians impartially. Naturally, Livy's vision of the early republic presented in the first pentad is anachronic and discordant in reference to historical truth. In my opinion he supports an aristocratic republic and Augustus's principate, but often criticizes patricians and highly estimates valours of the plebs. His observations on *regnum*, *libertas*, *moderatio*, *discordia* are noteworthy and rhetorically embellished. The language of political rhetoric is extended and close to invective. The struggle between the patricians and the plebeians is a poison (*venenum*) destroying the city. On the other hand, the best effects are brought out by *concordia ordinum* (e.g. II 1, 11). As in Vergil's *Aeneid* very important are the martial, civil, religious, and familial virtues. The primal role, however, is played by *virtus*, understood for the most part as military courage (e.g. XXV 14, 1; IX 40, 6; XXIV 38, 2).

KEYWORDS: *virtutes*, *vitia*, *regnum*, *libertas*, *moderatio*, *concordia ordinum*, *discordia*, *pudicitia*, *licentia*, *libido*, *audacia*, *saevitia*, *patientia*

In the *praefatio*¹ 9 to the whole *Ab urbe condita libri* Livy points out that the reader should observe life (*vita*), customs (*mores*), people (*viri*) and virtues (*artes*) during the time of both peace and war, through which the Roman state was born and grew. Reading of the Roman

¹ I quote the text of *Ab urbe condita* after the edition of Wilhelm Weissenborn and Moritz Müller, "Bibliotheca Teubneriana", Leipzig 1910.

history will give examples to emulate, but it will also censure the failings and discourage negative attitudes: *quod imitere capias, inde foedum inceptu, foedum exitu, quod vites*, 10². The Patavian, seeking, as it were, a justification for his chosen methodology, adds in Book V, 21, 9 that in the description of Rome's early history it suffices to take as true that which is only probable (*si quae similia veri sint pro veris accipiantur*)³. The doubts plaguing Livy are remarked upon by the rhetor Quintilian in *Institutio oratoria*, II 4, 19: *saepe etiam quaeri solet de tempore, de loco quo gesta res dicitur, nonnumquam de persona quoque; sicut Livius frequentissime dubitat, et alii ab aliis historici dissentiunt*. In book X 1, 32 Quintilian gave a positive evaluation solely to Livy's beautiful, though superficial description (*species expositionis*), reproaching the historian of Patavium for his lack of credibility (*fides*)⁴.

In this paper I will analyze the fragments of Livy's first pentad in which political rhetoric plays a dominant role. In the beginning I will refer to an important passage by Aristotle. He wrote that rhetoric is an antistrophe of dialectics (*Rhet.*, 1, 1354 a 1 ff), for they both pertain to the things which are, to a certain extent, known to every human being and do not constitute a subject of any discipline. We all use, in some manner, both arts, because everyone has an opportunity to undermine

² Ogilvie 1965: 23-25, esp. 24: "L. had the truer historical judgement. Where Salust tailored his material to fit his view of the historical process, L. presupposed no such determinism. For him the course of history was not a straight progression from black to white but a chequered patchwork in which good and evil had always been interwoven. Each event had its moral, but the moral was the eye round which the story could be constructed not a farther stage along a predetermined path".

³ Cf. *praefatio*, 6: *quae ante conditam condendamve urbem poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec adfirmare nec refellere in animo est*. Luce 1977: XIX adduces the accusations which are most frequently directed against Livy: "Livy the Stylist, Livy the Narrative Artist, and Livy the Rhetorician are topics of hope and promise; Livy the Organizer and Livy the Thinker are not (...). He seldom expresses his own ideas, preferring to retire behind the persons and events he writes about. It has been charged that on the few occasions when he does speak in his own person, he trots out commonplaces and clichés; they may be deeply felt, but they are unoriginal and superficial".

⁴ The rhetor of Calagurris writes about close relations between a historical work and a poem: *est [historia] enim proxima poetis, et quodam modo carmen solutum est, et scribitur ad narrandum, non ad probandum, totumque opus non ad actum rei pugnamque praesentem sed ad memoriam posteritatis et ingenii famam componitur*.

or prove an opinion, to attack or defend something verbally. In the following passages of his work (1, 1355 b 25 ff) the Stagirite observed that rhetoric is an ability to discover, methodically, things which may be convincing with regard to a given subject. This is why we say that rhetoric, as an art, is not restricted to only one, defined type of subjects (αὐτὴν οὐ περὶ τι γένος ἴδιον ἀφορισμένον ἔχειν τὸ τεχνικόν). We will shortly see whether Livy shared this opinion.

The Patavian sees the archaic history of Rome through the lens of his own times, which is to a certain extent understandable, though simultaneously he strives to understand the mentality of his ancestors and claims that he is, despite himself, a bit old-fashioned: *ceterum et mihi vetustas res scribenti nescio quo pacto antiquus fit animus et quaedam religio tenet, quae illi prudentissimi viri publice suscipienda censuerint, ea pro indignis habere, quae in meos annales referam* (XLIII 13, 2)⁵. *Virtutes* and *vitia* of both the community and the individual people determine the fate of Rome. They motivate the protagonists to act and to undertake crucial decisions. Naturally, the fundamental role is played by *virtus*, most often understood as military courage⁶. The cities

⁵ Cf. Ogilvie 1965: 20; Seager 1972: 58: “This does not (...) mean that to view the history of the late republic in terms of factional struggles within the senatorial oligarchy is necessarily false, or that such terminology must be totally eschewed”.

⁶ The historian of Patavium uses the word *virtus* as often as 192 times in relation to the whole armies and particular soldiers (cf. Moore 1989: 5). The phrase *vincit tamen omnia pertinax virtus* (XXV 14, 1) could be easily considered the motto of the whole work! Let me recall here other passages: IX 40, 6: *virtutem esse militis decus*; XXIV 38, 2: *eam vos fraudem deum primo benignitate, dein vestra ipsi virtute dies noctesque perstando ac pervigilando in armis vitastis*; I 34, 6: *ubi omnis repentina atque ex virtute nobilitas sit*; X 40, 11: *macte virtute diligentiaque esto!*; XXXVII 54, 19: *certare pio certamine cuiuslibet bonae artis ac virtutis ausi sumus cum parentibus quaeque civitas et conditoribus suis*; V 26, 8: *sed severitate imperii victi eandem virtutem et oderant et mirabantur*; VI 27, 1: *Camillus, consilio et virtute in Volsco bello, felicitate in Tusculana expeditione, utrobique singulari adversus collegam patientia et moderatione insignis*; X 36, 9: *non virtus solum consulis sed fors etiam adiuvit*; VII 18, 5: *quod duorum hominum virtute, L. Sexti ac C. Licini, partum sit*; XXII 58, 3: *et patres virtuti Romanae cessisse, et se id adniti, ut suae in vicem simul felicitati et virtuti cedatur*; XXV 16, 17: *hortaturque ut, quod unum reliquum fortuna fecerit, id coonestent virtute*; XXXIX 1, 2: *is hostis velut natus ad continendam inter magnorum intervalla bellorum Romanis militarem disciplinam erat; nec alia provincia militem magis ad virtutem acuebat*. *Virtus* is close in its meaning to *constantia*, e.g. III 19, 5; XXVIII 8, 12, *patientia*, e.g.

which are supported by gods and the bravery of their citizens (*virtus*) grow powerful and become greatly respected. For it is well known, as Livy comments, that gods participated in the establishment of Rome and that the Roman citizens will never be found lacking courage (I 9, 3-4)⁷. According to Romulus's message, related by Proculus Julius, it is the will of the deities that Rome (*mea Roma*) should become the capital of the whole world. However, the city's success depends on the cultivation of the art of war (I 16, 7), the Patavian stresses once again. It is important to recall here that in Vergil's *Aeneid* the greatness of Rome is not accidental, but brought forth by the divine power that rules the world (the stoic *pronoia*) and abetted by the bravery, piety and moral discipline of Aeneas's descendants. The most crucial are the martial, civil, religious and familial virtues⁸.

The royal rule (*regnum*) constitutes a genuine threat to the future of Romans. This political (and, at the same time, rhetorical) motive assumes a prominent role in *Ab urbe condita*. Livy categorically affirms that Tarquinius Superbus had no right to rule, apart from violence (*vis*): he was not chosen by the people, nor was he approved by the senate. There are also some arguments of psychological nature. He could not count on the good will of the citizens, therefore he had to secure his reign by instilling fear (*metus*) (I 49, 4). Turnus Herdonius of Aricia, a rebel and adventurer (*seditiosus facinerosusque*), attempted to convince the Latins that Tarquinius Superbus was trying their patience (*patientia*⁹), and if they allowed that, they would be treated no better than slaves (I 50, 4). In a similar way Brutus recalled the contempt (*su-*

IV 37, 5; VI 27, 1, *opus*, e.g. V 27, 8, *opera*, e.g. II 24, 8; XXIV 16, 8. The undisputed opposite of *virtus* is *ignavia*, e.g. III 67, 5; IV 32, 2; XXII 60, 8; XXII 60, 21; XXIV 16, 12; XXVI 44, 8, and *pavor*, e.g. VII 13, 5, *fuga*, e.g. VII 35, 3, *timor*, e.g. XXII 60, 21, *rabies*, e.g. XXXVIII 17, 8, *ira*, e.g. V 28, 13.

⁷ Cf. I 28, 4: *Romani, si umquam ante alias ullo in bello fuit quod primum dis immortalibus gratias ageretis, deinde vestrae ipsorum virtuti, hesternum id proelium fuit.*

⁸ Cf. Korpanty 1991: 432-447.

⁹ Cf. I 32, 4: *temptari patientiam et temptatam contemni, temporaque esse Tullio regi aptiora quam Numae; IV 37, 5: aut iis cum quibus de imperio certetur nec virtute nec patientia nec disciplina rei militaris cedendum esse; II 44, 9: diu sustentatum id malum, partim patrum consiliis partim patientia plebis, iam ad extrema venisse; VIII 4, 5; II 37, 5; IV 37, 5; V 6, 3; 5; V 20, 3; VI 16, 3; VI 27, 1; XXI 4, 6; XXXIX 40, 11; XXIII 19, 5.*

perbia) of Tarquinius and the suffering of the Roman people forced to dig ditches and cesspits. Romans, the conquerors of all the neighbouring peoples, out of warriors have become workmen and stone masons (I 59, 9)¹⁰.

Book two starts with a pompous sounding declaration that the author will describe the history of a now free Roman people, their achievements in the times of peace and war, the officials changing every year and the rule of law, stronger than the rule of people (*imperioque legum potentiora quam hominum*) (II 1, 1)¹¹. The pride of the last king made the Romans' freedom more joyous (II 1, 2). The historian's interpretation is of a historiosophical nature. Livy asks a rhetorical question: what would happen if a nation of shepherds and vagabonds, protected by an unassailable location, achieved freedom or at least impunity (*impunitas*). Having no fear of a king, these people would be used by the tribunes in their turbulent power games and they would start fights with senators in a foreign city, until they would become one nation through intermarriages and their mutual progeny, as well as through their love for the land. The immature state would be destroyed by dissension (*discordia*). Meanwhile, the tranquil rule (*tranquilla moderatio*¹² *imperii*) "nursed" the growing state till the moment when, having achieved its

¹⁰ Cf. Sallust., *Iug.*, 31, 26: *nam inpune quae lubet facere, id est regem esse*; Pseudo-Sallust., *ad Caes.*, II 6, 1: *omnia funditus misceri, antiquis civibus hanc servitutem inponi, regnum denique ex libera civitate futurum*.

¹¹ Cf. Ogilvie 1965: 233.

¹² Cf. Moore 1989: 74: "Thirteen of Livy's thirty-three uses of *moderatio*, *moderatus*, and *moderate* occur in the first pentad, where one of the major themes is that *moderatio* on the part of both individuals and social classes is necessary for the preservation of the state; the theme is especially conspicuous in books three and four, where *moderatio* appears four and three times, respectively". See also XXII 13, 11: *nec tamen is terror, cum omnia bello flagrarent, fide socios dimovit, videlicet quia iusto et moderato regebantur imperio nec abnuebant, quod unum vinculum fidei est, melioribus parere*; IV 41, 7: *cum ingenti laude non virtutis magis quam moderationis dimissum*; XXX 42, 14: *ut rebus secundis modeste ac moderate uterentur*; XXXIV 7, 15: *quo plus potestis, eo moderatius imperio uti debetis*; IV 57, 12; III 33, 9-10; IV 51, 3; II 54, 10; III 65, 11; VII 21, 7; *moderatio* of patricians: II 30, 1; III 41, 6; IV 51, 3; *moderatio* of plebeians: III 59, 4; V 18, 1; *moderatio* of Romans towards conquered nations and allies: XXVI 26, 9; XXXIV 22, 5; XLV 10, 10.

adulthood and full strength it could bear the good fruit of freedom¹³. The source of this freedom was not the diminishing of power that the kings used to possess, but rather the fact that the consular rule lasted only for a year (II 1, 4-7). As Brutus says, the Roman nation do not believe they have attained unassailable freedom because the royal family is still not only in the city, but in power. This obstructs and damages liberty. Tarquinius will do the Romans a kindness (*beneficium*) if he frees the city of this, perhaps unfounded, fear. For the common belief is that the era of the kings will end only after the Tarquinius family moves out of Rome (II 2, 6-7). In exile the Tarquinius complain that freedom in itself has enough sweetness. If the kings do not defend their own power with a fervour equal to that which drives the people in their pursuit of freedom, then the difference between the lowest and the highest will cease to exist. In the cities there will be nothing higher, nothing capable of rising above the rest. There comes the time of realms, the most beautiful thing among the gods and the people (II 9, 2-3). In the reply to king Porsenna it is emphasized that the Roman nation is not under the rule of kings and would sooner open the gates to enemies than to royalty. It is a common wish that the last day of freedom in the city will be at the same time the end of its existence (II 15, 3)¹⁴.

Next I would like to evaluate how the relations between the patricians and plebeians evolve in the first pentad. Tribune Letorius starts to attack Appius and his family. *Gens Appia*, who, according to the anti-claudian tradition¹⁵, was the most conceited and cruel towards the Roman people¹⁶. He claims that patricians chose him not for a consul, but for an

¹³ Cf. Sallust., *Cat.*, 7, 3: *sed civitas incredibile memoratu est adeptae libertate quantum brevi creverit: tanta cupido gloriae incesserat.*

¹⁴ In legal and social terminology *libertas* can be placed between *dominatio* and *servitus*. However, not everyone can reach such an equilibrium – particularly not everyone in the plebs and its leaders. Let me recall here how Livy comments upon the events in Syracuse after the death of tyrant Hieronymus: *ea natura multitudinis est: aut servit humiliter aut superbe dominatur; libertatem, quae media est, nec sibi parare modice nec habere sciunt. et non ferme desunt irarum indulgentes ministri, qui avidos atque intemperantes suppliciorum animos ad sanguinem et caedes inritent* (XXIV 25, 8-9).

¹⁵ Vasaly 1987: 204.

¹⁶ Cf. IV 36, 5: *Ap. Claudium, filium decemviri, praefectum urbis relinquunt, impigrum iuvenem et iam inde ab incunabulis imbutum odio tribunorum plebisque*. See also Suet., *Tib.*, 4: *Claudios omnis, (...) optimates adsertoresque unicos dignitatis ac*

executioner bent on destroying and torturing the people (II 56, 7-8). The senators demand of Appius that he accept such an authority (*maiestas*¹⁷) of the consulate as it can exist in a harmoniously ruled state. When on the one hand the tribunes, on the other the consuls attempt to seize the whole power for themselves, those that are caught in the middle become abandoned. The republic is destroyed and torn apart when in fact all that matters is who is ruling it, not whether it is kept safe. Yet Appius swears by all the gods and men that the senators are betraying the republic and abandoning it out of fear. It is not the case of the senate lacking the consul, but of the consul lacking the senate; the terms that are being accepted are even harder than the ones that were accepted on the Sacred Mountain (II 57, 3-4). Tribune Terentilius Harsa attacks the conceit (*superbia*¹⁸) of the patricians and, in particular, the consular power as excessive and impossible to reconcile with civic freedom. In reality, the consular power is more severe than the royal, because instead of one master there are two. Unfettered and wilful consuls turn all the fear of law and punishments against the common people. The laws that the people will make for themselves would be binding for the consuls as well. A consul could no longer consider *libido* and *licentia* as a law (III 9, 2-5). The city prefect Fabius says that Harsa, using an opportune moment, attacked the republic. He was not making the consular rule hateful, but rather causing the tribunes' power to become unbearable. The tribunes had already calmed down and made peace with patricians, but he started to guide them back to former troubles (*redigi mala*). The remaining tribunes should realize that they were given power in order to help individual people, not to make them all perish. An attack on an abandoned republic would instill

potentiae patriciorum semper fuisse atque adversus plebem adeo violentos et contumaces, ut ne capitis quidem quisquam reus apud populum mutare vestem aut deprecari sustinuerit.

¹⁷ Cf. VII 22, 9: *cum ipsius viri maiestas nullius honoris fastigium non aequabat*; III 63, 10: *ita demum liberam civitatem fore, ita aequatas leges, si sua quisque iura ordo, suam maiestatem teneat*; IV 2, 8: *ne id Iuppiter optimus maximus sineret regiae maiestatis imperium eo recidere*; II 48, 8: *auctores sumus tutam ibi maiestatem Romani nominis fore*; XXVI 19, 14: *ingensque omnibus quae diceret cum maiestas inesset tum fides*.

¹⁸ Cf. IX 46, 8: *documentum (...) adversus superbiam nobilium plebeiae libertatis*; Sall., *Cat.*, 6, 7.

hate toward the tribunes (III 9, 9-12). Verginius repeatedly tells the common people that Caeso as a citizen cannot coexist with Terentilius's law. Moreover, Caeso is a threat to freedom and his pride is greater than that of all Tarquinius combined. Even at that time, as a private man, due to his strength (*vires*) and audacity (*audacia*¹⁹) he almost rules as a king (III 11, 12-13). Icilius cries that the decemviri have taken from the Romans the two things that were the bulwarks of freedom: the aid from the tribunes and the right to appeal to the common people. Yet this did not result in anyone giving them absolute power over the Romans' children and wives, due to lasciviousness (*libido*). Modesty (*pudicitia*²⁰) should be left in peace (III 45, 8-9). Marcus Duilius claims that the Sacred Mount will remind the senators of the people's implacability (*constantia*²¹) and make them see whether reconciliation is possible without reinstating the tribune's power (*admoniturum Sacrum montem constantiae plebis, sciturosque sine restituta potestate tribunicia redigi in concordiam resne queant*) (III 52, 2). Either the common people should be annihilated or the tribunes should exist. The plebeians could live without patrician officials more easily than the patricians without the plebeians (III 52, 8). Verginius identifies the tribunal as the stronghold of all crimes. It was there that Appius Claudius, the eternal decemvir, raged against the citizens, threatened everyone with rods and axes, mocked the gods and the people. He became more infuriated by his attempt at fornication having

¹⁹ Cf. I 48, 1; III 11, 13; III 12, 7; VIII 19, 7; XXI 56, 5; II 31, 6; XXII 50, 9; XXV 11, 4; XXV 23, 17; XXV 37, 12; XXV 38, 11; XXVI 3, 4; XXXI 36, 7; Cic., *Phil.*, II 4; Sall., *Cat.*, 25, 1; Suet., *Vesp.*, 8, 2. *Audacia* means political radicalism, demagoguery, lack of reverence for the law. See also Weische 1966: 34 ff; 66 ff.

²⁰ Cf. I 58, 7: *quid (...) salvi est mulieri amissa pudicitia?* X 23, 7-8: *quod certamen virtutis viros in hac civitate tenet, hoc pudicitiae inter matronas sit*; III 52, 4: *in ea urbe in qua nec pudicitia nec libertas sancta esset*; III 61, 4: *unam Verginiam fuisse cuius pudicitiae in pace periculosum esset, unum Appium civem periculosae libidinis*; XXXIX 15, 14: *hi cooperiti stupris suis alienisque pro pudicitia coniugum ac liberorum vestrorum ferro decernent?*; XLII 34, 3; XXIX 14, 12; XXXIX 10, 4. One should also recall the temple to *Pudicitia Patricia*, X 23, 3; 5 and *Pudicitia Plebeia*, X 23, 7-8: *hanc ego aram (...) Pudicitiae Plebeiae dedico vosque hortor, ut quod certamen virtutis viros in hac civitate tenet, hoc pudicitiae inter matronas sit*.

²¹ Cf. XLII 62, 11: *Romana constantia vicit in consilio. ita tum mos erat, in adversis rebus voltum secundae fortunae gerere, moderari animo in secundis*; III 46, 4; XXX 7, 6; XXXVI 9, 11; XXXVI 5, 1; XXVI 12, 13; XXXVIII 5, 8; XXXVIII 25, 12; XXXIV 13, 9; XXXV 32, 10.

been thwarted than by the death of Verginia (III 57, 2-4). Dictator Mamerus Aemilius points out that the gods took upon themselves to take care of the republic in times of war and to make it safe. He himself wants to make the Roman people secure in a different way, i.e. by making sure that no one can hold the highest offices for long: if it is impossible to diminish their power, then he wants to at least shorten the time when they can employ it (IV 24, 4). The greatest of the plebeians says that their ancestors have provided for them well, because they stipulated that no patrician could hold a plebeian office: otherwise a patrician would be able to become even a tribune of the plebs. To such a degree the plebeians are disdained by their own, and the common people abuse them the same way patricians do. Though some absolve the people of such ill conduct and put all the blame (*culpa*) on patricians. Their lust for offices (*ambitio*²²) and cunning (*artes*²³) make the path to offices inaccessible for plebeians (IV 25, 11-12). The tribunes say that a war is being declared against the citizens of Antium, while in fact it is waged against the Roman people. Loaded with weapons, the people are driven from the city towards their perdition, and thus the revenge on the tribunes is enacted by banishment and expulsion of citizens. People should realize that this is the way to overthrow the law, unless, before that could happen, they take care not to be expelled from the city and treated like slaves. There is no external fear nor danger. Last year the gods ordained (*cavisse*) that people could defend freedom (III 10, 12-14). Livy states here emphatically that it is difficult to retain a moderate attitude when it comes to safeguarding freedom (*moderatio tuendae libertatis*). What we have here is an outright definition of republican freedom²⁴. The Patavian comments that under the guise of achieving equal rights every citizen raises himself up so high that he crushes and overwhelms all the others. People, fearing danger from others, strive themselves to instill fear and they wrong their co-citizens, committing the very deeds against which they tried to defend

²² Cf. III 35, 1: *tanta exarsit ambitio, ut primores quoque civitatis (...) prensarent homines, honorem summa ope a se impugnatum ab ea plebe cum qua contenderant suppliciter petentes*; IV 25, 13; XXXV 24, 4; VII 15, 13; VII 39, 12: *procul ambitione ac foro*; Cicero, *Mil.*, XVI 42; Seneca, *Contr.*, X 4, 8; Tac., *Ann.*, XVI 23.

²³ Cf. XXV 39, 1: *in huius silvae medio ferme spatio cohors Romana arte Punica abditur et equitas*; III 35, 8; XXII 34, 7: *consules deinde Fabianis artibus, cum debellare possent, bellum traxisse*.

²⁴ Cf. Śnieżewski 2000: 133.

themselves, as if there was no other option but to wrong people or be wronged (III 65, 11).

The greater among plebeians (*principes plebis*), waiting in vain to attain the highest offices, claim it was fortunate that their ancestors aptly stipulated that no patrician could hold a plebeian office: otherwise a patrician would be able to become even a tribune of the plebs. However, those are held in equal contempt by both the people and the patricians. Some absolve here common people of any faults and place all the blame (*culpa*) on the patricians, saying that it is their lust for offices (*ambitio*) and cunning (*artēs*) which made the access to offices blocked for plebeians. If the plebeians had a chance to get some respite from the patricians' threats and pleas, they would remember their own men and would vote for them, and having gained such an aid they could even attain the highest power (IV 25, 9-12). The plebeian tribunes reproach the plebs for remaining abject in constant servitude, due to admiration of those they hate. The plebeians not only fear to dream of a consulate, but even shy away from the office of a military tribune, to which both they and patricians have equal rights. They do not remember either themselves or their own people (IV 35, 5-6). Apparently they believe their shame will be more bearable if they are overlooked due to unjust law, than if they are judged unworthy of the office (IV 35, 11).

During the long-lasting siege of Veii the tribunes are saying that the people's freedom has been sold. The young, forever removed from the city and public affairs, do not retreat even in the winter and the bad season of the year, they do not look upon their homes and properties (V 2, 4). Such slavery, i.e. uninterrupted military service, was never thrust upon people by the kings, nor by the consuls, ruthless before they were curbed by the tribunal power, nor by any dictator ruling with a stern discipline, nor by merciless decemviri. One can imagine how they would act if they were consuls or dictators, since now, when they carry only a shadow of consular power, they behave so cruelly and ruthlessly. It is no coincidence that among eight tribunes no place could be found even for one plebeian. He would at least remind his colleagues that people who serve in the army are not slaves, but citizens and free people who should be allowed to return home at least once a year to see their loved ones, use their freedom and elect officials (V 2, 8-9; 11-12).

The military tribunes, using people's hatred toward patricians, say that the time has come to solidify freedom and transfer the highest honours from men like Sergius and Verginius to brave (*fortes*²⁵) and industrious (*strenuus*²⁶) men of the plebs (V 12, 8).

Livy firmly stresses the fact that three hundred and two years after the Rome was founded the form of government changed in the city for the second time: the power moved from consuls to decemviri, as it moved before from kings to consuls. The rule of decemviri, initially welcomed with joy, gradually became too wild (*nimis luxuriavere*) and this is why they failed and why the people demanded to restore again consular rule, with just two men bearing the name and power of consuls (III 33, 1-2). The ambition (*ambitio*) to become a part of the second decemvirate was so fervent that even the greatest and most influential citizens solicited the honour (*honor*) of this office from the very people who they had hitherto fought against with all their might. They did it out of fear: better to claim such great power themselves, than let it fall into the hands of those that were not worthy of it (III 35, 1-2). The rule of decemviri was perceived as the rule of ten kings and the tenfold fear gripped not only the common folk, but even the first among patricians (III 36, 5). However, gradually the terror (*terror*) turned entirely against the plebeians. They did not attack patricians, while they started to treat citizens of lower standing with increasing arbitrariness (*libidinose*) and cruelty (*crudeliter*) (III 36, 7). The greatest among patricians detested equally the decemviri and the plebeians. They did not approve what happened, but they believed that plebeians got what they deserved. They became slaves because they had greedily pursued freedom. Thus

²⁵ Cf. IV 5, 5: *si spes, si aditus ad honores viris strenuis et fortibus datur*; VII 40, 2; IX 11, 4; XXXIX 40, 6; XXXIX 41, 3; XXII 60, 20; XXVI 39, 3: *multis fortibus factis militari gloria inlustris*; I 34, 6; VII 9, 8; II 12, 9; III 39, 7; V 27, 6; V 30, 5; V 36, 2; V 43, 7; III 63, 3; IV 39, 3; IV 40, 5; IV 58, 5; V 20, 6; VIII 29, 5; IV 3, 16; IV 5, 5; IV 35, 9; V 12, 8.

²⁶ Cf. III 47, 2: *nec alium virum esse cuius strenue ac fortiter facta in bello plura memorari possent*; IV 3, 16: *non credimus fieri posse ut vir fortis ac strenuus, pace belloque bonus, ex plebe sit, Numae, L. Tarquinio, Ser. Tullio similis*; I 34, 6: *futurum locum forti ac strenuo viro*; XXIV 15, 6: *claram satis et insignem virtutem esse nec dubiam libertatem futuram strenuis viris*; XXIII 3, 6; VIII 8, 16; X 19, 8; XXIV 15, 6; XXXVIII 47, 5.

patricians did not want to help plebeians, moreover, they even added to their suffering, hoping that the plebs, disgusted with the status quo, would demand the return of the consuls and the former state of affairs (III 37, 2-3). According to the tribunes, Livy says, patricians wage a great war against the common folk. They keep them far from the city so as not to allow them any time to think of freedom, colonies, public land or suffrage (IV 58, 12).

The crucial reason for the animosity between patricians and common people is the oppression of debtors (*nexos ob aes alienum*). The plebeians grumble that outside of Rome they are fighting for freedom and domination (*imperium*), while within the city they are enslaved and oppressed; their freedom is safer at war than at peace, more secure among enemies than citizens (II 23, 1-2). Consul Appius Claudius believes that in such a situation consular power should be used: if some are arrested, others will calm down. Consul Servilius believes in a more benign policy: wrathful minds should be bent, not broken, such a method is both safer and easier (II 23, 15). Livy comments on this state of affairs as follows: Servilius, having assumed a moderate attitude, did not escape the hate of common people, nor did he win the good will of patricians. The latter believed he was too soft (*mollis*) and had ingratiated himself with the common folk (*ambitiosus*), the former thought him a liar (*fallax*). Quickly he became detested as deeply as Appius (II 27, 3-4). The senators were attacking the consuls saying that the republic was ruined and divided into thousands of senates and plebeian councils. The scolded consuls did not want to appear softer and more indolent than the senate, so they decided that an extensive military conscription should be made among the populace: the people were clearly getting insolent out of boredom (*otio lascivire plebem*) (II 28, 3-5). Appius Claudius, a man violent by nature and, simultaneously, incited by people's hate on the one hand, by senate's praise on the other, said that the riots started not because of poverty but due to anarchy (*licentia*) and that the people are rowdy rather than sincerely outraged. The evil emerged from the right of appeal: consuls were allowed only to threaten, not to give orders, while people could appeal to those who were accomplices in their misdeeds. Appius urged to name a dictator, from whose decisions there would be no appeal. According

to him, only then the madness (*furor*) that overtook everyone would dissipate (II 29, 9-11). The spirit of faction (*factio*²⁷) and a regard for private gain made Appius win and he was nearly elected a dictator (II 30, 2).

Livy believes that Marcius Coriolanus was a sworn enemy of the tribunal power. In *Ab urbe condita*, Coriolanus says that if plebeians want wheat to be distributed as it used to be, then they should restore patricians' rights. He asks why he, after being a captive or ransomed from bandits, should look upon the mighty Sicinius? He could not bear the reign of Tarquinius, why should he bear the rule of Sicinius? (II 34, 9-10). Marcius's opinion seemed too harsh even to the senate, while the common people were so enraged that they almost took up arms. The plebeians protested vehemently, announcing the rise of a new executioner who would make them choose between death and life of slavery (II 35, 1). More examples follow. The Fabii family, seasoned fighters in the struggle against the tribunes, came to great importance. This is why members of that family held several successive consulates (II 42, 8). Appius Claudius affirmed that a way was found to render tribune's power useless by its own strength. He claimed that there would always be someone who would try to triumph over his colleague or ingratiate himself (*gratia*²⁸) with the patricians, for the good of common people (II 44, 2-3). The senators, thus enlightened by Appius, started to treat the tribunes in a kind and friendly manner, while some people of consular rank, whenever they were able to personally influence a tribune, either by their graciousness (*gratia*) or by their authority (*auctoritas*), insured that the plebeian tribunes employed their power for the good

²⁷ Cf. Śnieżewski 2003: 176-178; see also Cicero, *De rep.*, III 23: *cum autem certi propter divitias aut genus aut aliquas opes rem publicam tenent, est factio, sed vocantur illi optimates*; Sallust., *Cat.*, 54, 6: *non divitiis cum divite neque factione cum factioso, sed cum strenuo virtute, cum modesto pudore, cum innocente abstinentia certabat*; idem, *Iug.*, 31, 15: *sed haec inter bonos amicitia, inter malos factio est*; Calvus, ORF, III, frg. 26: *hominem nostrae civitatis audacissimum, de factione divitem, sordidum, maledicum*.

²⁸ Cf. XXIII 1, 2: *sed premebat eum Mopsiorum factio, familiae per gratiam Romanorum potentis*; VIII 34, 3; III 41, 4; XXVIII 21, 4; X 5, 13; XLIV 13, 12; XXXVII 36, 7.

of the republic (II 44, 5). At war Appius was equally severe (*saevitia*²⁹) as at peace, and his freedom there was even greater, because he was unbound by tribune's power. His hate towards the common people was greater than his father's. He used to say bitterly that the plebs prevailed over him. He was elected a consul in order to crush the power of tribunes, yet it was during his term of office that a certain law was passed, the very law that preceding consuls had stopped with little effort, though the senators never pinned their hopes (*spes*) on those consuls as much as they did on Appius. Anger and indignation tormented his audacious spirit, so he harassed the army with ruthless orders. Yet the soldiers were sluggish and passive, all they did was done carelessly and defiantly (*segniter; otiose, neglegenter, contumaciter*³⁰): neither shame nor fear could discipline them. Appius tried in vain all possible methods of harsh treatment (*acerbitas*). Finally, he stopped talking with the soldiers and mockingly called them plebeian tribunes or, sometimes, Voleros (II 58, 4-9). In the end, Appius was prosecuted for being the fiercest opponent of the agrarian law and for supporting the owners of public land as if he were a third consul. Never before a person so detested by common people had to stand before the court and never before the patricians defended the accused with equal fervour. They said he was the defender of the senate and the guardian of its authority who braved all storms brought forth by the tribunes and the plebs. Only he out of all the patricians disregarded the tribunes, the people and the charge itself. Neither people's threats nor senators' pleas could convince him to temper his usual caustic speech and to humble himself when he defended his actions before the people. His stubbornness (*contumacia*) and pride remained the same as ever, so that a great part of the plebs feared him when he was a mere defendant as much as they feared him when he was a consul. His assertiveness (*constantia*) amazed both the tribunes and the people to such a degree that of their own volition

²⁹ Cf. I 53, 5: *patris in se saevitiam intolerabilem conquerens*; XXV 38, 10: *cuius populi vis atque virtus non obruta sit Cannensi clade, ex omni profecto saevitia fortunae emersurum esse.*

³⁰ Cf. IX 46, 4: *contumacia adversus contemnentem humilitatem suam nobiles certavit*; Tac., *Ann.*, IV 20: *liceatque inter abruptam contumaciam et deforme obsequium pergere iter ambitione ac periculis vacuum*; Suet., *Aug.*, 54.

they postponed the second day of trial, and then they protracted the whole case further (II 61, 1-7)³¹.

The Etruscan leaders announced that the Roman state would collapse due to internal discord (*discordia intestina*), the only poison (*venenum*), the only ruin (*labes*) of wealthy countries, one that can cause the fall of even the greatest states³². Long and patiently this calamity was endured, partly due to patricians' sagacity (*consilium*³³), partly due to common people's patience (*patientia*). Eventually the situation became extreme: two states had been formed out of one, each with their own officials, each with their own laws. Whatever the condition of the city, it could have functioned as long as there had been discipline in the army. But now the Roman soldiers introduced to the camp itself the custom of disobeying their superior (II 44, 7-10). A strange thing occurred: consuls tried to convince younger patricians that the tribune's power had enslaved and suppressed the consulate. A consul, like a tribune's servant (*apparitor tribunicius*), was obliged to follow every order and whim of a tribune (II 54, 5).

Consul Quinctius Cincinnatus tries to convince the patricians that due to the senate's sluggishness (*languor*) the plebeian tribunes have achieved an eternal power, behaving not as if they ruled the republic, but a depraved private house. What was banished from the city along with his son Caeso? Bravery (*virtus*), firmness of character (*constantia*) and everything that brings honour to a youth, both at war and at peace. Chatterboxes, troublemakers, those who sow contention, now elected for the second and third time as tribunes, live in licentiousness as if they were kings (*loquaces, seditiosos, semina discordiarum, iterum ac tertium tribunos pessimis artibus regia licentia vivere*) (III

³¹ Seager's (1977: 390) opinion is too radical and I find myself reluctant to agree with it: "Livy's hostility to all 'populares' was uniform and extreme, that in dealing with them he exclusively employed a terminology that we tend to think of as Ciceronian, and that may have been so for Livy himself, though its essential elements are to be found much earlier, and that he consistently set against the violent, illegal, and individualistic initiatives of 'populares' an opposition consisting of a unified senate, which acted in justified defense of law and order only in response to extreme provocation".

³² Cf. *Praef.*, 4-5; VII 29, 2.

³³ Cf. IX 9, 10: *nihil ad Caudium, patres conscripti, humanis consiliis gestum est*; XXI 41, 2; XXII 18, 8; XXVII 20, 3; XXX 4, 9; I 49, 4; VI 4, 11; IV 56, 8.

19, 4-5). Quinctius poses a rhetorical question: was Jupiter Best and Greatest, surrounded by armed outlaws and slaves, not worth to receive any help from people? And those, for whom not even the gods are holy and untouchable, demand to be considered untouchable themselves? Though they are burdened with crimes against gods and people, they say they will pass a law they want this year. If this is what will truly come to pass, then the day when he was chosen a consul will prove to be much more detrimental to the republic than the day when consul Publius Valerius died (III 19, 10-11). Quinctius says repeatedly that he will not conduct the consulate elections. The state is so ill that it cannot be cured with the usual measures: the republic needs a dictator so that everyone who thinks of starting political upheaval would understand that while a dictator takes care of the state there is no right of appeal (III 20, 8). Quinctius fiercely attacks the senators saying that because the people ignored the senate's resolution on prolonging a term of office now the senators want to destroy it as well, not wanting to appear less thoughtless (*temeritas*³⁴) than the commoners, as if in the republic the more important person was the one who showed greater inconsistency (*levitas*³⁵) and audacity (*licentia*³⁶). It is much more thoughtless and irresponsible to destroy one's own regulations and resolutions than to destroy those issued by another. However, he himself will not emulate the tribunes and he will not allow anyone to proclaim him a consul against the senate's decree (III 21, 4-6).

Consul Quinctius admonishes the plebeians that contention between the classes is a poison (*venenum*) killing the city. Aequi and Volsci are seizing their chance when the patricians cannot rule moderately and

³⁴ Cf. XXV 19, 15-16. Among the reasons of Roman failures, which Livy usually treats as *tristia exempla*, there should be mentioned: *inscitia* and *temeritas*, e.g. XXVI 2, 7; *neglegentia*, e.g. II 63, 5; *spes*, e.g. II 50, 5; *cunctatio* and *socordia*, e.g. XXII 14, 5; *ambitio imperatorum*, e.g. XLV 37, 12; *cupiditas imperii* and *discordia*, e.g. IV 46, 2-4; *intestina arma* and *certamen factionum*, e.g. IV 9, 2-3; *locorum iniquitates*, e.g. IX 38, 5; *pestilentia*, e.g. VII 1, 7-8; *neglegentia auspiciozum*, e.g. *Per.*, XIX; *fatum*, e.g. V 33, 1; *fortuna*, e.g. V 37, 1.

³⁵ Cf. XXVIII 44, 5: *Afros Numidasque, levissima fidei mutandae ingenia*; Caesar, *bell. Gall.*, II 1, 3: *mobilitate et levitate animi novis imperiis studebant*.

³⁶ Cf. Tac., *hist.*, II 10: *in civitate discordi et ob crebras principum mutationes inter libertatem ac licentiam incerta*; Cicero, *leg. agr.*, I 15: *omnium rerum infinitam atque intolerandam licentiam*.

when the plebeians cannot use their freedom in a responsible manner. The latter detest the patrician officials, the former the plebeian (III 67, 6). Nonetheless, patricians calmly accepted help from the tribunes, the right of appeal to the people, the plebeian resolutions as obligatory for the patricians and the restriction of rights so that they and the plebs could have equal rights. Will it not be enough for the plebeians that they are patricians' worst fear? (III 67, 9-11). Quinctius adds ironically that plebeians are "affixed" to the councils (*adfixi contionibus*) and they spend their lives in the forum, but there will come a time when they will have to serve in the army, no matter how hard they try to avoid it (III 68, 7). Naturally a person who tells a crowd only the things they want to hear is much dearer to them than someone who has public good at heart. Public sycophants, "friends" of the people, use the plebeians' discontent for their own purposes and benefit and, having realized that they have no importance as long as the classes agree with each other, they prefer to be leaders of depravity. Plebeians should therefore return to the customs of their ancestors, to the customs they used to embrace before, and renounce those new ways they have adopted (III 68, 10-12). As Livy stresses, it rarely happened that a plebeian tribune's speech afforded the people as much pleasure as this peroration of such a severe consul did (III 69, 1-2). One could speak here about a certain reversal of roles. The senators treated Quinctius as the sole defender of Roman greatness (*vindex maiestatis Romanae*) (III 69, 3). They stated that his speech was worthy of consular rule and of so many previous consulates, and of his whole life in the course of which he had held numerous honourable offices and deserved to have held even more. Other consuls, betraying the senate's dignity, flattered (*adulatos*) the common people or made them even more enraged by defending the patricians' rights too relentlessly. Quinctius, on the other hand, remembered in his speech not only the senate's dignity, but also the political situation they had found themselves in and the need of peace between the classes (III 69, 4).

Interrex Papirius Mugilanus criticises both the patricians and the plebeian tribunes, saying that the republic has been deserted and abandoned by people; only the gods are taking care of it and the sole reason why it continues to exist is because there is an armistice with Veii and

the Aequi who do not dare to fight against Rome. The republic, deprived of patrician rule (i.e. consulate), will fall prey to enemies. There will be no army and no commander who could gather an army. There is no way to force external war back by engaging in an internal one. Once these two evil elements come together only divine intervention would be able to save the state from utter destruction. Both the plebeians and the patricians should give up some of their rights and choose a compromise as a path to reconciliation. Patricians should agree to elect consular tribunes, instead of consuls, while plebeian tribunes should not oppose elections of four quaestors when half of them would be taken from the plebs and chosen in free vote of the common people (IV 43, 9-12).

From time to time patricians lead ferocious attacks against plebeians. Consuls Marcus Genutius and Gaius Curtius say that the madness (*furores*) of the tribunes cannot be borne any longer (IV 2, 1)³⁷. They argue that tribune Gaius Canuleius sullies the good name of the families and introduces chaos into public and private auspices. Livy employs here arguments of religious origin. The instigators of the plebs do not feel it is sufficient to destroy all godly and human affairs, they prepare themselves (*accingi*) for an attack on the consulate. Canuleii and Icilius, the greatest firebrands (*seditionisissimum quemque*), will become consuls. Jupiter forbid that consular power, equal to royal authority, should stoop so low! It is impossible for plebeian tribunes and consuls to function side by side in one city: either this class, or that office should be removed. It is necessary to fight against audacity (*audacia*) and imprudence (*temeritas*) (IV 2, 7-8; 11). Canuleius, in his response to these charges, points out that plebeians ask only for a right to utilize the things that belong to them. Is the fact that a plebeian becomes consul tantamount to a slave or freedman attaining that high office? (IV 3, 7). The Roman rule has spread because no brave man was disregarded. Patricians begrudge a plebeian his consulate, while their ancestors did

³⁷ Cf. IV 2, 3-4: *maximum Romae praemium seditionum esse; ideo singulis universisque semper honori fuisse. reminiscerentur quam maiestatem senatus ipsi a patribus accepissent, quam liberis tradituri essent, vel quem ad modum plebs gloriari posset auctiorem amplioemque se esse; VII 20, 5: consilio id magis quam furore lapsos fecisse; II 54, 2: agrariae legis tribunicis stimulis plebs furebat; XXVIII 24, 5; VIII 31, 2; 4.*

not feel disgusted even by kings of foreign origin and once the kings had been exiled the city did not close its gates for foreigners, provided that they possessed *virtus*. Is it really impossible that a common man could be brave and full of energy (*fortis ac strenuus*), efficient at peace and war? Even if such a man were found, would he be prohibited from taking the helm of the republic? Do the Romans truly prefer to have consuls who would resemble decemviri, the most odious of men, despite the fact they were selected from among the patricians? Would they not prefer consuls as great as the best of kings, even if they were new to politics? (IV 3, 13; 16-17). Who can doubt that in a state founded to last for eternity (*in aeternum urbe condita*) and constantly expanding towards infinity (*in immensum crescente*) there will be created new forms of government, new priesthoods, new rights for the families and for particular people? (IV 4, 4)³⁸. Who after all has the highest power in the republic, the Roman people or the patricians? Has the banishment of the kings given the power to patricians or equal freedom for everyone? (IV 5, 1). The common people are ready to cooperate if the patricians, having restored matrimonial rights, make the state uniform, if a hope arises that brave and energetic people will have access to the highest offices, if (what is, in fact, the foundation of freedom equal for everyone) they are able to both follow orders and issue them, when they hold annual offices. Nobody will volunteer for the army or will fight in the defense of proud masters, if he is not granted equal access to the same offices, in the public domain, and to intermarry with their daughters, in the private sphere (IV 5, 5-6). I believe this is one of the best speeches (*oratio recta*) in Livy's work. The consuls use here arguments pertaining to the Roman cults; they reply that no plebeian can become a consul because he has no power to read the future from birds' flight (*auspicia*) and this is also why the decemviri prohibited mixed marriages, for fear that the non-standard issue from such marriages would muddle the auspices³⁹. In the end, as Livy emphasizes, plebeians proved to be so perti-

³⁸ Cf. Ogilvie 1965: 536: "The history of the idea is of interest: latent at the very end of the Republic (cf. Cicero, *pro Marc.* 22) it first appears in Tibullus (2. 5. 23) and Virgil (*Aeneid* 1. 276-9) and taken in conjunction with the present passage (cf. 6. 23. 7) must have formed part of Octavian's early propaganda after Actium".

³⁹ Cf. V 14, 4: *comitiis auspiciato quae fierent indignum dis visum honores volgari discriminaque gentium confundi*.

nacious (*pertinacia*⁴⁰) that patricians relented and agreed to pass a new marital law (*de conubio*) (IV 6, 3).

Dictator Lucius Quinctius argued that Spurius Maelius should not have been treated as an ordinary citizen. Livy's opinion on this is particularly censorious. For Spurius was born among free people, he enjoyed all the civic rights and followed the laws, moreover, he knew that the kings had been exiled from the city, that the nephews of the king, the sons of the very consul who was the liberator of the country, had their heads cut off by their own father when he heard they were involved in a plot to bring the kings back into the city. Spurius knew the fate of Collatinus Tarquinius, he heard of Spurius Cassius, condemned to death, and of the decemviri. Nonetheless, he aspired to royal power over Rome (IV 15, 3-4)⁴¹. Naturally, neither birth, nor office, nor merits do give anyone leave to become an absolute ruler. Those who dared to aspire to criminal goals were, indeed, the Claudii and the Cassii – people who have held consulates and decemvirates, who were celebrated for their own and their ancestors' merits. Livy uses invective when he says that Maelius who could only dream about consulate, having enriched himself on grain trade, hoped that for the price of a slice of bread he could enslave the very nation who had conquered all the neighbouring peoples. He thought that the Romans would suffer him to bear the royal insignia as a king and to wield power equal to Romulus's⁴², the founder, the offspring of gods, received in their ranks as a god himself. This was no mere crime, but a monstrosity (*monstrum*) which required religious expiation (IV 15, 5-7)⁴³.

I believe that in this context it would be important to recall Appius Claudius, grandson of a decemvir. He used to remind the patricians

⁴⁰ Cf. XXVI 12, 1: *ceterum non quantum Romanis pertinaciae ad premendam ob-sidione Capuam fuit, tantum ad defendendam Hannibali*; XXXII 3, 7; X 26, 6; XXVII 18, 13; XXV 30, 11.

⁴¹ Cf. Quintil., III 7, 20: *et post mortem adiecta quibusdam ignominia est, ut Maelio, cuius domus solo aequata*; *ibid.*, V 9, 13: *unde Spurii Maели Marcique Manlii popularitas signum adfectati regni est existimatum*.

⁴² Allusions to Romulus in the first pentad are worthy of note. Camillus saved the city from the Gallic invasion and earned the name *Romulus ac parens patriae conditor-que alter urbis* (V 49, 7).

⁴³ Cf. Seager 1977: 378.

of an old rule known to his family. The only way of overthrowing a tribune's power is to turn against him his other colleagues⁴⁴. It is easy to dissuade common people from their beliefs employing the authority of the greatest citizens, if one speaks to them expediently and thinking about the matter at hand, not about one's own dignity. The tribunes act in a way their own welfare demands. If they see that their colleagues who are the main initiators of a given action have wholeheartedly won people's sympathy, leaving nothing for them, they will gladly support the senate, trying to win over the whole senatorial class and particularly its most influential members (IV 48, 6-9). During the siege of Veii Appius exclaims that the tribunes are afraid of a consensus between the classes because they think it would be most detrimental for their power (V 3, 5). Tribunes are forbidding patrians their interest in plebeians, lest by kindness (*comitas*) and generosity (*obsequium*) they did not secure the support of the plebs. If there was permanent peace between the classes who would not dare to rest assured that Rome would become the greatest state among its neighbours? (V 3, 9-10). The war should not have been started or it should be waged in accordance with the dignity (*dignitas*) of the Roman nation and concluded as soon as possible (V 4, 9). Looking for martial glory is commendable and becomes the Roman soldiers (V 6, 6)⁴⁵. They should wage the war until their victory is complete, showing not only strength, but also perseverance (*perseverantia*⁴⁶) (V 6, 8). Romans have grown so much accustomed to plebeian tribune's words that even if it led to treason and destruction of the republic, they would listen to him kindly, remain under the spell of his power and they would not care what crimes were hidden underneath. The only thing missing is the soldiers assuming a similar stance: depraving the army and fomenting disobedience towards the generals. Appius concludes that freedom exists in Rome only when there is disrespect for the senate, the officials, the laws, the customs of the ancestors,

⁴⁴ Cf. V 2, 14: *quem auctorem (...) per collegarum intercessionem tribuniciae potestatis dissolvendae*.

⁴⁵ Some notable passages in the first pentad, where Livy emphasizes the value of *virtus militum*, are e.g. I 28, 4; II 45, 16; II 63, 5; II 65, 3; III 61, 7; III 62, 2; 4; III 63, 2; IV 33, 5; IV 34, 4; IV 58, 4.

⁴⁶ Cf. XL 16, 8; XLV 10, 15; IV 42, 3; V 31, 4; V 4, 10; IV 60, 6.

the decisions of the fathers and military discipline (V 6, 15-17). Eventually the citizens decide to serve an additional term (*extra ordinem*) in the army. This causes a great outburst of joy. Senators keep exclaiming that Rome is blessed, invincible and eternal, all because of that decision. They sing praises of the equites and the common people, they extol the very day, they admit the people surpassed the senate in their kindness (*comitas*) and graciousness (*benignitas*) (V 7, 7-10)⁴⁷.

I would like to quote here as well Camillus's opinion. He claims that plebeians are wrong in thinking that patricians will tolerate the unbridled license of plebeian tribunes. If a tribune's violence cannot be contained with the help of other tribunes, then the senators will find another weapon (V 29, 9).

To the above remarks it should be added that for both patricians and plebeians the worship of gods, or, on the other side, the neglect of their cult, was extremely important⁴⁸. In Livy's work Camillus points out the consequences of abandoning the public and private Roman gods, despite the fact that the city was founded amid good auspices and auguries (*auspicato inauguratoque*) (V 52, 1-2). Moving the capital city to Veii will be a calamity. The neighbouring nations will think the Romans left the city not as conquerors, but as the conquered (V 53, 5). Divine power (*numen*) has helped the Romans through many turbulent times so obviously that it precludes anyone from disregarding the cult of the gods. If one looks closely at all the good and bad events in the recent years, one can easily notice that everything went well whenever gods' advice was followed and on the other hand, everything went ill when gods were disdained (*omnia prospera evenisse sequentibus deos, adversa spernentibus*) (V 51, 4-5)⁴⁹.

Let me present my final conclusions. Livy tries hard to judge the actions of both patricians and plebeians in an impartial way. He notices

⁴⁷ Cf. V 18, 3: *omen concordiae, Quirites, rei maxime in hoc tempus utili, memoria nostri magistratus vos his comitiis petere in insequentem annum video*; Ogilvie 1965: 2: "Livy's concern for peace and concord, however naïve and unrealistic, permeates his writing".

⁴⁸ Cf. Luce 1971: 275.

⁴⁹ This is one of the most exquisite and beautiful speeches in Livy's work. Cf. XLIV 1, 11: *favere enim pietati fideique deos, per quae populus Romanus ad tantum fastigii venerit*.

and comments on *virtutes* and *vitia* of people who stand on both sides of the political and social conflict. Though at heart he supports an aristocratic republic and Augustus's principate, he often speaks of patri-cians in a decidedly negative manner. He values highly the determination (*pertinacia*) of the plebs. His views are similar to the outlook of consul Lucius Quinctius: *is ut magistratum iniit, adsiduis contionibus pro tribunali non in plebe coercenda quam senatu castigando vehementior fuit* (III 19, 4). The traditionalism of Livy is apparent in his defense of the authority of Roman law, in his profound dislike of des-potic power in any form, in how he propagates the republican ideas and their defenders. He cares in particular about pointing out the positive effects brought on by *concordia ordinum*. Naturally, the importance of Livy as a historical source varies depending on the credibility of the sources he followed. It seems the historian concentrates primarily on drawing the characters of the individual people whose actions were fundamental for the development of the city on the banks of Tiber. His obviously idealized the picture of the past, particularly of the early re-public, contrasts vividly with turbulent vision of his own times and the contemporary political scene. Patriotism, piety (understood as the cor-rect execution of cult practices), emphasis on the importance of moral values in social development – all these features of his historiography are in accordance with the political climate of the early principate and Augustan renewal.

We are aware that the image of political reality in the time of early republic shown in the first pentad of *Ab urbe condita* is anachronic and far removed from historical truth. Yet how could it be any differ-ent? The Patavian's predecessors surely did not make his task easier. The annalists tried to develop schematic opinions on historiosophy of Rome, but they did not meet the requirements, either substantial or ar-tistic. But Livy did. The merits of the Patavian's thoughts on politics should be emphasized. His remarks on *regnum*, *libertas* and the na-ture of power are particularly praiseworthy, also for their artistic value and rhetorical embellishment. Livy's political and social terminology is very well developed and allows us to see more clearly the attitudes of the historian's contemporaries. Undoubtedly, as many scholars have

already pointed out, the Patavian was influenced by Cicero's writings⁵⁰. From time to time the language of political rhetoric is very close to invective. The internal discord (*discordia intestina*) is particularly dangerous. It poisons and ruins affluent nations and may cause the fall of even the greatest states. A final thing worthy of note is Livy's criticism towards partisanship (*factio*) and putting the private interests first.

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⁵⁰ Heinze 1930: 96: "Was Cicero ersehnte, hat Livius erfüllt"; Bayet 1940: XXXVII: "de plus en plus s'affirme chez Tite-Live le désir d'emplir l'idéal historique de Cicéron"; Borneque 1933: 33 ff; Rambaud 1953: 121 ff.