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MAIORES, CONDITORES, AND LIVY's PERSPECTIVE ON THE PAST[1]

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Two circumstances have discouraged attempts to discover in Livy's narrative the elements of a systematic and developed conception of history. One is the widespread conviction that his use of the sources available to him falls far short of today's standards of critical methodology; the other, related circumstance is that his narrative is highly colored by the distinctive preoccupations, attitudes, and values of his own age. Each of those circumstances in its own way can certainly be consistent with an uncritical and unreflective attitude towards the past. But it does not necessarily follow that Livy had, in fact, no coherent sense of the past in its own right.

In 1977 T. J. Luce made Livy's historiography a subject for serious investigation by challenging the unfavorable assessment of it outlined above.[2] He concluded that Livy shows a concern for the origins of Roman values and institutions and does not present them as full-blown from their inception, that he sees his own age as the product of a gradual and continuous development, and that he regards the present as significantly different from the past in some ways, while viewing the essential qualities that define the Roman character as unchanging, once they have been established. Although Luce's conclusions

[1] Parts of the following argument were presented in preliminary forms at the 1983 meeting of the American Philological Association under the title, "*Maiores* and Livy's Perspective on the Past," and at the annual meeting of the California Classical Association, Northern Branch in April of 1986. The latter presentation has been published in the regional journal of the California Classical Association, *Laetaberis* NS 5 (1987) 21–34. I wish to express my indebtedness to *TAPA's* anonymous referees for their full and constructive criticisms and also to David Konstan, Bob McMahon, and the late Archibald W. Allen, who offered valued suggestions on drafts of this argument, although they should not be held responsible for the argument as it appears here.

The following works will be identified by author's last name: J. Hellegouarc'h, *Le Vocabulaire Latin des relations et des partis politiques sous la République* (Paris 1972); T. J. Luce, *Livy: The Composition of his History* (Princeton 1977); Gary B. Miles, "The Cycle of Roman History in Livy's First Pentad," *AJP* 107 (1986) 1–33; R. M. Ogilvie, *A Commentary on Livy Books 1–5* (Oxford 1965, repr. with corrections 1970); the published dissertations of H. Rech, *Mos Maiorum* (Diss. Marburg 1936); and H. Roloff, *Maiores bei Cicero* (Diss. Göttingen 1938) of which 10–34, 56–82, 128–31 are reprinted under the same title in Hans Oppermann, ed., *Römische Wertbegriffe = Wege der Forschung* 34 (Darmstadt 1967) 274–372. David W. Packard, *A Concordance to Livy* (Cambridge, Mass. 1968) has been an indispensable aid.

[2] See the reviews of P. G. Walsh in *Phoenix* 32 (1978) 171, and George W. Houston, *CP* 75 (1980) 73–77 on the originality and significance of Luce's thesis.

were derived from a direct analysis of Livy's text, he attempted to justify them further by reference to a prior argument that Livy's use of his sources was more sophisticated and systematic than previous *Quellenforschung* had conceded.

I propose to continue discussion of the issues that Luce has raised, but from a somewhat different perspective than his, one concerned less with Livy's methods and with what may be inferred from them about his conscious intentions than with certain aspects of his language and what it implies. I begin with the observation that it is impossible to write an extended account of the past without making assumptions, whether conscious or unconscious, systematic or arbitrary, consistent or inconsistent, about the relation between past and present. However much or little different authors may say explicitly about them, such assumptions influence their visions of the past and are implicit in their actual analyses and narratives—above all, in their rhetoric.[3] In the following essay, I shall focus on the deployment of two terms in Livy's narrative: *maiores* and *conditores*. Each of those terms was highly charged with meaning and with powerful associations for Livy's contemporaries. His use of them, I shall argue, confirms Luce's general conclusions, but suggests also some refinements to them and some further aspects of the subject that his pioneering analysis has neglected.

I

Romans' appeals to the *auctoritas maiorum* are so familiar that it is easy to take them for granted as natural, unreflective elements of Latin discourse. It is noteworthy, then, that in Livy's history appeals to the *auctoritas maiorum* are infrequent and restricted to well-defined contexts. Within the first pentad, which I shall take as the primary focus of my remarks, the term *maiores* occurs a total of only thirteen times, and all of those occurrences are in speeches that Livy ascribes, either in direct or in indirect discourse, to others.[4] Of those thirteen references, only two are to the particular *maiores* of the plebeians;[5] five are to the collective *maiores* of the Roman people as a whole;[6] six are to patrician

[3] Hayden White, *Metahistory* (Baltimore 1973) makes this idea the basis for an analysis of the work of nineteenth century European historians; he explicates the theoretical basis for such analysis in his introduction, 1–43.

[4] The occurrences of *maiores* in the first pentad will be discussed below. *Maiores* is relatively infrequent throughout the extant portions of Livy's work. Except for books 31–35, where *maiores* occurs twenty-one times, the term occurs even less frequently in later pentads than it does in the first. It is likewise restricted to speeches throughout. The one exception is a sentence in which Livy describes the Ligurian Apuani as withdrawing to a mountain which was the *antiquam sedem maiorum suorum* (39.32.2); this uncharacteristic use of *maiores* in the narration may be understood as reflecting the fact that Livy is narrating the Apuani's retreat from their point of view.

[5] These are an appeal by two unnamed *tribuni plebis* (4.25.11) and the other by Appius Claudius Crassus, mil. tr. 403 B.C., (5.6.5).

[6] These are by Appius Claudius Inregillensis, cos. 471 B.C., (2.56.12); C. Canuleius, tr. pl. 445 B.C (4.3.13); Appius Claudius, mil. tr. 403, (5.6.17); M. Furius Camillus, dictator 390 B.C., (5.52.8 and 5.53.9). The one instance in

maiores.[7] When we turn from the question of which *maiores* are evoked to the related question of who appeals to the *maiores* in the first pentad, the prominence of patricians is even more marked: eleven of the thirteen references to *maiores* are made by patricians.[8] Of those, it is notable that five concern the Appii Claudii, being either references made by them to their own *maiores* (four)[9] or references to their clan *maiores* made by others (one).[10] Only two references to *maiores* are made by plebeians.[11]

Thus far the pattern of Livy's usage reflects attitudes that are well-known to have prevailed at the end of the Roman Republic.[12] Notwithstanding frequent appeals to the *auctoritas maiorum* by new men (not only Cicero, for example, but Cato and Sallust, as well),[13] it was the *nobilitas* alone who could claim personal or clan *maiores*.[14] Among the *nobilitas*, the *principes*, the inner circle

which a plebeian appeals to the collective *maiores* in the first pentad may be regarded as a kind of special pleading. It occurs in the speech in which the tribune of the people, Canuleius, argues for the admission of plebeians to the offices of state on the grounds that the first holders of those offices by necessity, were like the plebeians of his own day, without a family tradition of office-holding to recommend them: by calling upon *maiores nostri*, Canuleius assumes tacitly the essential commonality between plebeian and patrician for which he is arguing explicitly.

[7] These are by Valerius, cos. 475 B.C., (3.18.6 *bis*); Appius Claudius Inregillensis, cos. 471 B.C., (3.56.9); M. Genucius and C. (or Agrip.) Curtius, cos. 445 (4.2.9); S Maelius, dictator 439 B.C., (4.15.5); unnamed senatorial *patres* (4.54.7).

[8] 2.56.12; 3.18.6 (bis); 3.56.9; 4.2.9; 4.15.5; 4.54.7; 5.6.5; 5.6.17; 5.52.8; 5.53.9.

[9] 2.56.12; 3.56.9; 5.6.5; 5.6.17.

[10] 4.15.5. The prominence of the Claudii among those who appeal to the *maiores* in Livy may simply reflect the general tendency of the older, more powerful political families to emphasize their own lineage and sense of tradition; it may also reflect particular visibility of the Appians' clan loyalty in the decades just before Livy began his history. See T. P. Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature* (Leicester 1979) 121–25.

[11] 4.3.13; 4.25.11.

[12] The concepts of the *auctoritas maiorum* and of the *mos maiorum* and their roles both in Latin rhetoric and Roman political thought are surveyed in Hellegouarc'h, esp. 303, 332, 441–42, 475. That survey is based on the three principal studies of those concepts and their roles in late Republic literature, namely, the published dissertations of J. Plumpe, *Auctoritas Maiorum* (Diss. Münster 1935); Rech, and Roloff.

[13] References in Cicero are so ubiquitous and have, in any event, been so thoroughly discussed in Rech, Roloff, and Plumpe, cited above, note 12, that there is no need to give examples here. For a list of references to *maiores* in Cato, see Roloff 57, note 2. For examples of *maiores* in Sallust, see below, 189 and 192, and the notes there.

[14] On the *novus homo* as a *homo a se ortus*, see Cic. *pro. Planc.* 67; *Phil.* 6.17, and cf. Cicero's praise for Q. Pompeius as an orator who attained the highest honores, even though he was a *homo se cognitus sine ulla commendatione maiorum* (*Brut.* 96). For a general discussion of the *novus homo*

of those from traditionally prominent families, placed particular emphasis on their own *maiores*.[15] A general tendency to equate the *maiores* of the state itself with those of its leading families encouraged members of those families to rely heavily on the authority of the collective *maiores*, as well.[16] References to the *maiores* of the plebeians, while not unknown, seem to have been unusual.[17]

The conventional role of *maiores* in Livy's speeches makes Livy's complete avoidance of the term when expressing his views all the more striking, whether speaking in his own person (as in the Preface) or as impersonal narrator.[18] One effect of this contrast between Livy and his speakers, who are caught up in the political rivalries of their times, is to suggest that Livy identified appeals to the *auctoritas maiorum* with the rhetoric

as a man without personal *maiores*, see Hellegouarc'h 475 and Roloff 7–10, 134–42, who also points out (56) that this lack did not prevent new men from appealing to the *maiores* of the *nobiles* as their "spiritual" ancestors, or to the generalized *maiores* of the commonwealth. On the *maiores* and the *nobilitas*, see Roloff "*Teil I. Maiores und Geschlechteradel*" 3–55.

[15] In Livy, while the term *principes* may sometimes refer to all senators (26.36.3; 38.10.3), it usually refers clearly just to the most eminent (2.16.5; 3.6.8; 10.45.8). See further, Hellegouarc'h 332, and on the *principes* as the "final upholders of the *mos maiorum*," 441–42 and A. Gwosdz, *Der Begriff des römischen Princeps* (Diss. Breslau 1933) 6ff., 93.

[16] In Livy four of the five appeals to the collective *maiores* of the Roman people are made by distinguished patricians: Appius Claudius Inregillensis (2.56.12), Appius Claudius Crassus (5.6.17), and M. Furius Camillus (5.52.8 and 5.53.9). Similarly, one of the two appeals to the *maiores* of the plebeians is by Appius Claudius Crassus (5.6.5).

[17] For a list of such references, see Roloff *Anhang* II 143–45. In the first pentad there are only two appeals to plebeian *maiores*. Neither is to the *maiores* of a specific plebeian individual or clan; both are to the collective *maiores* of the plebeians as a class. Of these, one, ascribed to the plebeian tribune Canuleius (4.3.13), is clearly tendentious (see above, note 6). The other appeal to plebeian *maiores* occurs in an address to soldiers at Veii by the patrician Appius Claudius (5.6.5): urging them to accept the unprecedented ardors of continuous year-long service, Appius asserts that they themselves would counter any suggestion of their softness with proud assertion of their own and their *maiores'* toughness.

[18] In his Preface he omits it even where both sense and diction otherwise suggest that he is following closely a passage in which Sallust appeals explicitly to the *maiores* (see Praef. 9, Ogilvie, ad loc, and Sallust, *Hist. fr.* 16M.). Yet so natural does it seem to equate Livy's general respect for the past with traditional Roman deference to the *maiores* that scholars have sometimes been led to speak, misleadingly, of Livy's respect for the *maiores* or *mos maiorum*, e.g., Luce, 246, Stephen Usher, *The Historians of Greece and Rome* (Exeter, England 1969, repr. Norman, Oklahoma 1985) 169. Translations can be similarly misleading: Aubrey de Selincourt, *Livy: The Early History of Rome* (Penguin 1960, repr. 1971) 70 renders *patres* (1.32.11) as "elders," and 34, *quae uita, qui mores fuerint* (*Praef.* 9) as "the kind of lives our ancestors lived."

of partisan politics—a rhetoric that he hoped to transcend.[19]

But the absence of appeals to the *maiores* in Livy's narrative is also consistent with several aspects of his distinctive perspective on the past. Typically, such appeals do not specify a particular ancestor; they do not distinguish among opposing factions of *maiores*; they identify the *maiores*, rather, as exemplars for and creators of the entire commonwealth.[20] They imply a uniformity of judgment. This is the more true, because the authority of the *maiores* with reference to any particular situation derives from their authority in general. Specific actions and attitudes of the *maiores* are exemplary not only in their own right, as actions and attitudes whose virtues could be supported by various kinds of logical demonstration; they are exemplary on a more fundamental level because they express the judgment of people whose general management of affairs has shown them to be wise. It was, after all, under the leadership of the *maiores* that Rome grew from obscurity to world dominance, a view epitomized nicely by Sallust in a speech he attributes to Cato (*B.C.* 51.42):

> profecto virtus atque sapientia maior illis [maioribus nostris] fuit, qui ex parvis opibus tantum imperium fecere, quam in nobis, qui ea bene parta vix retinemus.[21]

[19] The non-partisan perspective of Livy's narrative is a central concern of Fritz Hellmann, *Livius-Interpretationen* (Berlin 1939) 4, although I do not subscribe to Hellmann's view of Livy's *Interpretatio Augustea* as an unqualified endorsement of the spirit of Augustus' program. See also E. Burck, "Die Gestalt des Camillus," in Burck ed., *Wege zu Livius* (Darmstadt 1967) 310–30; see esp. 328–29 (originally published as "Aktuelle Probleme der Livius-Interpretation," *Beihefte zum Gymnasium* H. 4 [Heidelberg 1964] 220–30, 241–45, and repr. under the same title in Burck, *Vom Menschenbild in der römischen Literatur* [Heidelberg 1966] 354–75). In *Die Erzählungskunst des T. Livius* (Berlin 1934, 2nd ed. 1964) 118–22, Burck's emphasis on Livy's non-partisan perspective extends to his treatment of Camillus, whom Burck presents as an embodiment of Livy's own values, but I regard that view as somewhat overstated: see my remarks on Camillus in section II, below.

[20] E.g., Cic. *de Rep.* 2.21.37, passages based, according to Roloff 58, on a philosophy of history derived from Cato (perhaps via Stoics and/or Polybius). Rech 79, following F. Altheim, *Epochen der röm. Geschichte* II (= *Frankfurt Studien* IX 1930) *Abschnitte* 1 and 2, argues that Cato was the one who introduced the "proper" (*eigentlich*) appeal to the *mos maiorum* into literature; while before him the *maiores* to whom men appealed were those of the great clans, after Cato men identified those clan *maiores* as the *Vorbildern* of the commonwealth. Roloff (57 with note 1) argues that the concept of *maiores* as responsible for all public institutions was universal at Rome and has Indo-European origins.

[21] For the same idea in Cicero, see *pro Balb.* 39, *pro Sex. Rosc. Am.* 50–51, and for fuller discussion, Roloff 114–15, Rech 88. Livy acknowledges this common point of view in a speech that he ascribes to Appius Claudius Crassus, grandson of the decemvir (6.41.8).

Appeals to the *maiores*, then, suggest a past when all Romans, or at least all leading Romans, shared a common body of wisdom.

Although Livy shares the view held by most Romans that the past was better than the present, that does not lead him to envision the past as a utopian age in which the wisdom and virtue of the Roman people or their leaders was uniform. On the contrary, he states explicitly in Preface 10 that the past offers examples to shun as well as those to emulate. Roman villains as well as Roman heroes are conspicuous in his narrative; we see depravity among Romans as well as virtue.

More to the point, for Livy even villains such as Tarquinius Superbus may have their contributions to make to Roman greatness and even heroes have their flaws: Tarquinius added to the size of the city (1.55.7–56.3); Camillus celebrated his triumph over Veii with a splendor more becoming to the gods than to a man (5.23.4–6, 28.1).[22] Often, indeed, it is difficult even to decide what category a leading figure belongs to: the violent excesses of Appius Claudius the decemvir were equaled only by those of Tarquinius Superbus; on the other hand, Appius' contribution to Roman law led one of his descendants to include him among the very few Romans who are honored as *conditores* (3.58.2).[23]

This emphasis on variety and complexity over uniformity in Rome's past does not signify complete disregard for the belief that Rome owed its greatness to a ruling aristocracy whose authority derived in part from its collective embodiment of true Roman character. Livy acknowledges that tradition liberally in his treatment of the senatorial *patres*.[24] But there is a distinct difference between the *patres* as he presents them and the kind of idealized ancestral authority suggested by conventional appeals to the *auctoritas maiorum*. One of the important effects of the first pentad is to delimit and qualify the authority of the *patres*. It is true that in Livy's narrative the *patres'* collective virtue and wisdom see Rome through many a crisis and are indeed indispensable to the

[22] For a more detailed analysis of the way in which Livy could develop the moral ambiguities of individual personality, see Joseph B. Solodow, "Livy and the Story of Horatius, 1.24–26," *TAPA* 109 (1979) 251–68.

[23] For the others whom Livy identifies as *conditores*, see below, section II.

[24] The prevailing view that, "Livy regards history as preeminently concerned with individuals," (P. G. Walsh, *Livy* [Cambridge 1970]. 82) has been so emphasized by scholars seeking to characterize Livy's distinctive place in ancient historiographic tradition, (e.g. R. M. Ogilvie, "Livy," in P. E. Easterling and T Kenney, edd., *The Cambridge History of Classical Literature,* [Cambridge 1982] 461–66, Luce 230–31) that it may obscure his significant, even if secondary, interest in political groups and classes, their distinctive characters and roles, e.g., the aristocractic youths, who conspire to bring back the monarchy, the *patres*, whose general conservatism makes them, as a group, leading defenders of Roman tradition, the plebeians, who are fierce in their defense of liberty but also susceptible to the blandishments of demagogues.

community's survival and greatness.[25] But the *patres* are not *always* united among themselves.[26] Occasionally, their ranks are broken by a group or faction[27] or by an individual,[28] and sometimes we see them falter in their allegiance to traditional standards.[29] More important, we do not see the *patres* in Livy's narrative as representatives of the entire Roman community; they are, rather, a distinct and well-defined class or faction within it. Even though they often inspire respect for their capacity to perceive the common good and to champion it, we also see them in a narrowly partisan role, defending the exclusive prerogatives of their class against competing interests.[30] Livy's *patres* provide a vehicle for the transmission and expression of Roman virtue and wisdom, but their determining influence on Roman history is more limited than that conventionally ascribed to the *maiores*, as transcending partisan loyalties and possessing authority which is properly evoked without questions or qualifications.

[25] E.g., their statesmanlike concessions to the plebeians prevent abandonment of the city to Lars Porsenna (2.9.5–8); their petitioning of plebeians defeats an initial bill for migration to Veii (5.30.3–7).

[26] E.g., 2.23.14; on an occasion of civil crisis Livy says that the Senate *tumultuose uocatus tumultuosius consulitur* (2.29.5).

[27] The *minores gentes* added to the Senate by Servius become a *factio haud dubia regis* (1.35.6). Sometimes Livy singles out younger members of the Senate (*minimus quisque natu patrum*, 2.28.9) as particularly rash (their rashness epitomized in the *ferox iuuenis*, Caeso, 3.11.4–6), even preferring *licentiam suam* to *omnium libertatem* (3.37.8). The *seniores* are depicted as exercising a moderating influence: e.g., 2.30.4; 55.11, sometimes specifically over younger senators of military age, (e.g., 2.14.2–3; 3.41.1; 41.7). For a general discussion of the different roles of *seniores* and *iuniores* see J.- Neraudau, *La Jeunesse dans la littérature et les institutions de la Rome républicaine* (Paris 1979) and 249–58 for particular reference to their political roles in Livy.

[28] E.g., a moderate and statesmanlike consensus prevails over the rashness of Appius Claudius in senatorial debate on the right of plebeians to hold their own elections for tribunes (2.57.3–4); but *possessores et magna pars patrum* successfully unite against the consul Aemulius when he proposes an agrarian bill (3.1.3); at 3.40.8–41.6 Livy describes the senators divided among themselves due to family loyalties and personal ambition

[29] E.g., in their treatment of the Fabii, who violated the *ius gentium* by engaging in hostilities against the Gauls while acting as ambassadors. Livy says that when the Gauls protested to the Roman senate, the senators recognized the justice of their protest, but refused to pass judgment on the Fabii, because *in tantae nobilitatis uiris ambitio obstat* (5.36.9); on another occasion, Livy says of the Senators that *pauci rei publicae, [plerique] huic atque illi* (rival generals) *ut quosque studium priuatim aut gratia occupauerat adsunt* (5.8.13 and cf. 2.30.2).

[30] They take advantage of opportunities to suppress the plebeians with *nimis laetitia* (2.21.6 and cf. 2.54.10) and oppose *libertas plebis* (3.55.1). At the opening of bk. 4 they prefer even an unsuccessful war, *infelix bellum*, to an ignominious peace in which they would be forced to make concessions to the plebeians (4.1.4–5); their arguments against admitting plebeians to the consulship on the grounds that they are unqualified to take the auspices (4.2.5) are shown by subsequent history to be invalid.

The fundamental reason for such appeals to the *auctoritas maiorum*, of course, is not descriptive, an attempt to characterize the past, however attractively; rather, it is persuasive, an attempt to influence judgments not only about the past, but about the present and future, as well. This kind of appeal to tradition implies that the essential character of society is so unchanged and unchanging that the collective wisdom of the *maiores* not only makes sense in the present, but constitutes a standard of judgment that is timeless. In other words, just as reliance on the *auctoritas maiorum* implies uniformity in society of the past, so it implies an historical continuity between past and present, a complex of ideas epitomized in Ennius' famous assertion, *moribus antiquis res stat Romana uirisque* (*A.* 500 V).[31] Such a view is fundamentally conservative.[32] When, for example, the historian Sallust observes that Metellus acted in accordance with the *mos maiorum* by following the advice of a council of senators (*Jug.* 62.5), but that Marius acted contrary to it by enlisting soldiers without regard to their financial qualifications (*Jug.* 86.2), or that Sulla indulged his army *contra morem maiorum* (*B.C.* 11.5), he is not only stating facts. He is also passing judgments, and he is reinforcing a general view in which conformity to tradition is good, and departure from it, bad.[33]

But an important part of Livy's vision of the past is the reverse of those who seek to ignore, to disguise, or to discourage change. Rather, his history is specifically about change: Rome's rise to greatness, the development of her distinctive institutions, and her subsequent decline. His implicit recognition of the partisan nature of appeals to the *maiores* helps to reinforce a concept of Roman history as evolutionary. In Livy the *maiores* are almost always evoked to support one side in an ongoing struggle between social groups (patricians and plebeians in the first pentad). Livy has Cincinnatus acknowledge that the example of *maiores* may actually be divisive: he contrasts Spurius Maelius, a plebeian suspected of aspiring to *regnum*, with patrician tyrants and demagogues such as Appius Claudius and Spurius Cassius: the latter, he observes, at least had a consciousness of their own distinctions and those of their *maiores* to encourage their ambitions (4.15.5–6). In Livy's history, then, Roman institutions evolve out of the progressive resolutions of social and political conflicts, not through the constructive influence of the *maiores per se*.

This evolutionary process anticipates and makes room for significant innovations in the future. In book 4 a tribune of the people, Canuleius, argues that plebeians should be allowed to hold the highest offices of the state. He acknowledges that what he is demanding is unprecedented, but denies that lack of precedent constitutes a legitimate obstacle. Looking to the past, he points

[31] On the ideas of social uniformity and historical continuity implicit in the notion of the *auctoritas maiorum*, see also Rech 18–19 and 88.

[32] For a detailed explication of the relation between the *auctoritas maiorum* and conservatism in Cicero's thought, see Roloff 72–82.

[33] Sallust goes so far as to say explicitly that all of his contemporaries, including *homines novi*, are inferior to their *maiores* in virtue, and surpass them only in vice (*BC* 4.7–8).

out that the original founders of Rome were necessarily innovators. Then he looks to the future (4.4.4):

> Quis dubitat quin in aeternum urbe condita, in immensum crescente noua imperia, sacerdotia, iura gentium hominumque instituantur?

Livy's own history confirms Canuleius' arguments, inasmuch as it has already recorded the examples that Canuleius cites as precedents and will go on to record the ultimate success of the policy that he advocates.[34]

It is important to note, moreover, that the institutional developments that Livy records, while they may all contribute to Rome's gradual evolution as a great power, are not simply cumulative in nature:[35] not all expedients of the Romans' ancestors, not even all constructive ones, constituted lasting models to be preserved or emulated by subsequent generations. Thus, at the beginning of book 2 Livy acknowledges the rule of the first kings as a necessary prerequisite to the republican self-rule that followed, and at the same time makes clear his own view that the freedom of self-governing men is superior to monarchy (2.1.1–6).[36] Monarchy, then, although it has its appropriate time, is not presented as being best for all times. Likewise, even after the principles of republican government have been established at Rome for almost a half-century, Livy's introduction of the decemvirate acknowledges its *laeta...principia* as well as its swift decline (3.33.1–2). Again, the substitution of a board of military tribunes for consuls has a temporary value in averting an irreconcilable clash between plebeians and patricians. Livy presents an approach to Roman history that explicitly acknowledges the value of change and that denies to the *maiores* and their institutions a universal and timeless value. In his history the value of institutions is most often judged by the needs of the occasion, not by the more sweeping standard of the *mos maiorum*. Thus, the absence of appeals to the *auctoritas maiorum* in Livy's own narrative, made the more apparent by association of such appeals with partisan interests, complements his emphasis on variety, complexity, and change in Roman history, and it leaves a wide range for political innovation.

II

The perspective on the Roman past that is suggested by his selective use of the term *maiores* is both complemented and significantly modified by the role

[34] A speech attributed to Decius Mus reviews the progressive accessibility of the higher magistracies to plebeians, while arguing successfully for plebeian admission to the colleges of augurs and of pontiffs (10.7.2–8.12).

[35] The appropriate emphasis in Luce 239, 241, 245 on "accretion" and "developmental" growth in Livy's narrative should not obscure the fact that Livy does not explain Roman growth solely by the accretion of new institutions. Perhaps better than "developmental" to describe Livy's view of history would be "evolutionary," as encompassing both transient and lasting innovations.

[36] For a survey of Livy's thematic preparation for this view of monarchy, see Luce 243, 244.

that Livy ascribes to *conditores* in his narrative.[37] Elias Bickermann has observed that, "Some twenty-five Greek accounts of the origins of Rome have come down to us...None of them agrees with the accepted Roman tradition." The Roman tradition to which Bickermann refers here is the story of Romulus as we know it from Livy, which Bickermann regards as indigenous, not the product of Hellenistic influence.[38] But Livy's idea of foundation involves considerably more than simply a retailing of Roman tradition, however eloquently presented. Livy conceives of the *conditor* in unusually broad terms. He identifies not just one, but several successive Romans as *conditores*.[39] Altogether they include: Romulus, the original founder of the city (Remus has no role as founder beyond sharing his brother's attachment to the site of Rome [1.6.3]);[40] Numa, who first elaborated the institutions of public religion (1.19.1);[41] Servius Tullius, who organized the citizens into a formal hierarchy

[37] There has been no general discussion of the term *conditor* in Livy's narrative. The concept of the *conditor* during the last half of the first century B.C. at Rome has received attention chiefly from scholars interested in the official ideologies of Julius Caesar and Augustus. Most notable are: C. J. Classen, "Romulus in der römischen Republik," *Philologus* 106 (1962) 174–204, esp. 181–83; C. J. Classen, "Gottmenschentum in der römischen Republik," *Gymnasium* 70 (1963) appendix I, 335–36; Chr. Habicht, *Gottmenschentum und griechische Städte* , Zetemata 14 (München 1956) 204ff.; S. Eitrem, "Heros," *RE* 8 (1912) col. 1136 ; F. Münzer, "Furius" (44), *RE* 7.1 (1910) coll. 324–48, esp. 338–39; Stefan Weinstock, *Divus Julius* (Oxford 1971) 177, 181–83, 202; see also Miles 27–32.

[38] Elias J. Bickermann, "*Origines Gentium*," *CP* 47 (1952) 65. His view has been further developed by T. J. Cornell, "Aeneas and the Twins: The Development of the Roman Foundation Legend," *Proceedings of the Cambridge Philological Society* 201 (NS 21) (1975) 1–32.

[39] The term *conditor* in its various inflections occurs only 22 times in Livy's extant work. With one exception, it is always used, in both the singular or the plural, of the founder(s) of a city (most often Rome) or of a specifically Roman institution (I include in this category "false" *conditores*, whom I discuss below, and Romulus and Augustus as *conditores templorum*). There is one exception: the Capuans promise the Romans that if they spare their city, the Capuans, will hold the Romans *conditorum, parentium, deorum immortalium numero* (7.30.19). This reflects a Hellenistic practice of honoring the savior of a city as its κτίστης; for this convention, see below, p. 000 and also the literature cited in note 37 above.

[40] At 10.23.12 the phrase *simulacra infantium conditorum urbis* does acknowledge Remus as well as Romulus.

[41] Livy does not actually call Numa *conditor*; he identifies him as a *conditor* with the assertion: *urbem nouam conditam ui et armis, iure eam legibusque ac moribus de integro condere parat*. The verb *condere* in its various inflections (including participles) occurs 79 times in Livy. Although used most often of founding cities (40 times total), especially Rome (27 times), it is used also of hiding troops in ambush, confining prisoners, establishing laws, in technical phrases for performing the *lustrum* (or a part of it), and in a small number of miscellaneous contexts where its early senses of gathering together and/or of burying are often prominent. Except for Numa, no Roman is identified as a *conditor* solely by being the subject or agent of the verb *condere*.

of merit (1.42.4); all the kings (excepting Tarquinius Superbus), who increased the size of the city (2.1.2); Appius Claudius the decemvir, who presided over the first compilation of written law at Rome (3.58.2); Augustus, honored as *templorum omnium restitutorem ac conditorem* (4.20.7); Furius Camillus, who saved the city from total conquest by the Gauls and both the city and her gods from abandonment by disaffected citizens (5.49.7–8); and Brutus, whose expulsion of the last king at Rome initiated a new era of Roman *libertas* (8.34.3).

We may better appreciate Livy's originality here by contrast with the three concepts of foundation current in the Hellenistic thought of his age.[42] It might refer to the establishment of a new community by colonists from a mother country. In this case, the founder was the person, the founders the people collectively, who first set out from the mother country. They were the first generation of settlers. Foundation might also involve giving an existing community a new constitution and, usually, with it a new name. This is the kind of foundation especially familiar from the exploits of Alexander the Great and his successors in the East. In this case, the founder was the individual under whose authority the community first acquired its new status. Finally, the title κτίστης might be assumed as an honorific by a tyrant as representative of the entire race or of the original oikists, and it might, similarly, be offered in thanks to one who saved a city from destruction (physical or political). Thus, Sicilian tyrants represented themselves as founders (Diod. 11.38, 53, 66), and Pompey the Great could be honored as σώτηρ καὶ κτίστης of Mitylene (*I.G.* 12.2.202). Livy is unique, then, in assigning to Rome not one *conditor*, but several, each of whom is responsible for a specific aspect of the state's complete foundation.

Except for Augustus, all those whom Livy identifies as *conditores* are figures whose exploits are recorded in the first pentad, and Augustus himself, although he belongs to a much later period of Roman history, is identified as a *conditor* only within the first pentad. Within those books, *conditores* play a conspicuous role: they are leading figures in the portions of the narrative which concern them; their exploits account for a disproportionately large part of the entire narrative—perhaps as much as a third of it. The early prominence of these successive *conditores*, each with an additional contribution to make, reinforces other elements in Livy's narrative that present Rome's history as one of gradual evolution.[43] Similarly, insofar as these *conditores* are innovators, their prominence also calls attention to and dramatizes the importance of change and innovation both as facts of Roman history and as explanations for Rome's rise to greatness. In these ways, the role of the *conditores* confirms the rejection, implicit in Livy's treatment of the *maiores*, of a monolithic and static view of Roman history. Livy not only recognizes change, but emphasizes it; not only

[42] The meanings of κτίστης are surveyed by Prehn, "Κτίστης," *RE* 11.2 (1922) colls. 2083–87, and also by S. Eitrem, "*Heros*," (above, note 37).

[43] On other aspects of Rome's early growth as one of gradual "accretion," see Luce 130–45.

emphasizes it, but, to the extent that he ascribes it to Roman heroes, he honors it.

The important role that Livy ascribes to *conditores* not only qualifies the ideal of collective leadership implicit in the *auctoritas maiorum*, but throws into sharp relief his alternative emphasis upon the role of the individual leaders, who, as often as not, acted independently, in defiance of popular opinion, or of the Roman aristocracy. Romulus and Brutus both opposed ruling kings. Even after he had risen to power, Romulus alienated the Roman aristocracy (1.15.8). His foundation of the city was entirely his own undertaking—not even shared by the twin with whom he had shared all of his life up to that point. Numa not only took a free hand in elaborating traditional rites, but even invented stories about his relations with the gods to place his authority above question (1.19.4–5). Servius Tullius was at the peak of his popularity (1.42.3) but nonetheless acted entirely on his own initiative when he instituted his division of Roman society. Brutus led the entire people against the Tarquins, but was himself the catalyst that brought the people together; Camillus pursued his goals even in the face of popular hostility and opposition. Livy did not have to remind his audience that Augustus had come to power through civil war. This is not to deny Livy all appreciation of the Romans' capacity for collective wisdom: we have already noted the importance that he sometimes attributes to the leadership of the *patres*. But it is to say that for Livy, such collective leadership is definitely only one aspect of Roman history, an aspect that is often overshadowed by the decisive role of the charismatic leader.

This emphasis on the marked independence of Rome's *conditores* also helps to convey a perception of the Romans as a people conscious of being self-made, a people whose successful nation is the expression of native virtues and initiative. Romulus and Remus, for example, were brought up by a poor shepherd and his wife. In the competition between himself and Remus for divine approval, it might even be questioned whether Romulus' choice was sanctioned by the flight of twelve vultures or whether the significance of that omen was determined by his own aggressive actions. In the case of Numa, Livy is explicit and emphatic. Stories that he was a student of the Greek philosopher, Pythagoras are, Livy argues, both anachronistic and unnecessary to explain Numa's native Sabine wisdom (1.18.2–4). On the other hand, Livy accepts the tradition that a commission was sent to visit Greek cities and, in particular, to copy the laws of Solon in preparation for the first codification of Roman law (3.31.8). But that exception does not seem to me to vitiate the more general impression given by Livy's narrative. Rome's foundations came into being mostly outside the mainstream of Hellenistic culture; they represent an essentially independent Roman achievement—one that is epitomized in the confident independence of Rome's founders.

We have seen, then, that Livy's concept of the *conditor* and his role in history serves to confirm some of the possible attitudes towards the Roman past suggested by his own dissociation from the *auctoritas maiorum*. In other ways, the *conditor's* role in Livy's history serves to qualify those implicit attitudes. Livy was not so unconventional a Roman as to view socio-political institutions with complete relativism, or as to endorse unrestrained innovation, or as to

place unqualified trust in powerful individuals. Nor was he so unconventional as not to feel the necessity for some essential continuity between past and present. In all these respects, his treatment of *conditores* helps to clarify and to define more precisely his perspective on Rome's past and its relation to the present.

Let us take those aspects of the subject in order. The very act of ascribing some institutions to the agency of especially distinguished individuals marks those institutions and gives to them a special status. Those institutions are the more conspicuous, because, in fact, Livy ascribes so few of them to *conditores*. We can say that for Livy the physical site of Rome, public religion, the formal stratification of society, the rejection of monarchy, rule by law, and the capacity to renew shaken commitments to those foundations are of paramount importance in defining Roman identity and greatness.[44]

Livy's treatment of the *conditores* allows us to identify further distinctions within that group. Not all of Rome's founders and foundations are equal. Romulus commands the greatest respect. He alone, for example, is often identified simply as *conditor, conditor noster*, or *conditor urbis*;[45] he alone of Rome's founders can claim a tradition of divine parentage (*Praef.* 7; 1.15.6; 4.15.7); he is the only *conditor* to be honored with a series of titles that affirm both his divine and his worldly distinctions: *deum deo natum, regem, parentemque urbis Romanae* (1.16.3 and cf. 1.40.3;5.24.11). Romulus' preeminence reflects both his primacy and his extraordinary breadth of vision:[46] all of Rome's foundations are adumbrated in Romulus' own actions. Thus, Numa, who on his accession to power *urbem conditam ui et armis, iure eam legibusque ac moribus de integro condere parat*, preceded his assumption of office by taking the auspices—in conscious imitation of Romulus (1.18.6). Numa's subsequent attention to state religion, then, appears as the elaboration of *pietas* first exemplified by Romulus. Similarly, Servius' institution of the census, with its division of the population into classes, developed a concept of political differentiation expressed by Romulus when he created the first council of *patres* [47] and the first *equites* (1.13.8). The kings who added to the size of the city,

[44] The special status of the founders' accomplishments is reflected in the thinking that Livy ascribes to the tribune Canuleius. When Canuleius surveys the significant innovations down to his own day, he lists, in order, Numa's creation of priesthoods, Servius' creation of the census and his *descriptio centuriarum classiumque*, the creation of consuls (and of the other magistracies to date), and, finally, the creation of the decemvirs *legibus scribendis* (4.4.3).

[45] *Praef.* 7; 1.7.3; 1.10.7; 1.20.3; 3.39.4; 5.53.8; 10.27.9.

[46] Luigi Alfonsi, "La figura di Romolo all'inizio delle *Storie* di Livio," in *Livius. Werk und Rezeption. Festschrift für Erich Burck zum 80. Geburtstag*, (München 1983) 101–6, emphasizes the variety of roles and qualities exhibited by Livy's Romulus, but without distinguishing those that are specifically reaffirmed by subsequent *conditores* in Livy's narrative.

[47] 1.8.7; Livy says that Romulus created the first senators but equates them at the outset with *patres* and thereafter refers regularly to *patres* throughout book 1, almost never to *senatores* or *senatus*. *Senator, senatus* do not become regular terms until book 2. Tarquinius Priscus' designation of special seats at the circus

both in area and in population, reaffirmed Romulus' own choice of site and likewise his policy of recruiting new members into the community. Appius Claudius' codification and publication of the laws formalized a system of social regulation that began when Romulus first gave laws to his subjects (1.8.1).

In this context Brutus, *conditor Romanae libertatis* (8.34.4), may seem something of an anomaly. Romulus initially came to power as the closest male descendant of Numitor, the last in a succession of hereditary kings, and was himself a king. That obstacle notwithstanding, Livy's narrative still makes it appropriate to view Brutus as fulfilling potentialities first prepared for by Romulus. Brutus followed in Romulus' footsteps when he attained authority by leading an insurrection against a tyrannical usurper of the kingship. And Livy implicitly includes Romulus among those kings whose orderly rule was a necessary prerequisite to self-government (2.1.2).

While it is important to recognize Romulus' preeminence among Roman founders, it is equally important to keep in mind that he is still only one of several founders. For all his uncanny anticipation of the institutions that would come to characterize the Roman state, he is not, according to Livy's narrative, solely responsible for Rome's foundation. We have seen that Livy identifies Numa, Servius, Brutus, and Appius as founders in their own rights. Contrast with the more conventional representation of the founder in Dionysius of Halicarnassus throws into relief Livy's distinctive emphasis upon a succession of leaders who may not all be of equal stature but who are all founders, nonetheless. Dionysius mentions either Romulus as the founder of Rome, or "those who founded Rome," οἱ οἰκίσαντες, who turn out to be "those who left their ancestral homes," οἵτινες...τὰς πατρίους οἰκήσεις ἐξέλιπον (DH 1.5.1). He names no other founders of Rome. Inasmuch as Dionysius equates Rome's founders with a single generation of settlers and, in particular, with their leader, he tends also to attribute as many important institutions as possible to that initial stage in the nation's history.[48] Consequently, in Dionysius' narrative we find institutions that Livy ascribes to later generations, such as the first written laws, ascribed instead to Romulus (DH 2.24.1). While Livy says that Numa, for example, founded anew, Dionysius says merely that Numa did things worthy of memory and note, μνήμης ἄξια καὶ λόγου, but that Romulus was responsible for their seeds and foundations, τὰ σπέρματα καὶ τὰς ἀρχάς, and that it was Romulus who established the most authoritative, τὰ κυριώτατα, religious customs (2.23.6). Similarly, where Livy has Numa call for the auspices in conscious emulation of Romulus, Dionysius says that Romulus not only established the precedent of sanctifying accession to office by the taking of auspices, but that he laid down the taking of auspices as a custom incumbant

for *patres* and *equites* at the circus (1.35.8) perhaps anticipates Servius' more thoroughgoing development of Romulus' precedent.

[48] Georges Dumézil, *Horace et les Curiaces* (Paris, 5th ed. 1942) 116 attrributes this concentration of responsibility for the nation's foundations in the person of its original founder as an expression of Dionysius' particularly Hellenistic point of view.

upon all would-be kings and magistrates.[49] Despite his suggestion that Rome's political institutions evolved gradually (1.9.4), Dionysius names only Romulus as κτίστης; his narrative suggests that Rome's foundation was largely the creation of a single individual, and certainly did not extend beyond the first generation of Rome's settlers: Dionysius can speak of the virtues that appeared, "from the very first, after [Rome's] founding," εὐθὺς ἐξ ἀρχῆς μετὰ τὸν οἰκισμόν (DH 1.5.3).

In addition to emphasizing Romulus' personal preeminence among Rome's founders, Livy's narrative, through its representation of Augustus and Camillus, calls special attention to the principle of refoundation. I have already noted that Livy calls Augustus *templorum omnium restitutorem ac conditorem* (4.20.7). The phrase recalls an earlier description of Romulus as *conditor* of the temple of Jupiter Feretrius, the first temple built at Rome (1.10.5–7). But, of course, Augustus was not the first to formalize or extend Romulus' precedent of founding temples (although he may have been Romulus' most energetic successor in this regard). Livy's description of Augustus here clearly refers to his "rebuilding" of the city of Rome, particularly of the temples that had been left in neglect during the civil wars. In their narrowest application, the terms *restitutor* and *conditor* presumably refer to two separate categories, temples that Augustus restored and new temples that he had built, respectively. In a broader sense, the reconstruction and building of temples referred to here should be understood in the context of appeals during the late Republic for a general renaissance of *pietas* after generations of *neglegentia deum*.[50] Augustus, then, is less a founder in the sense that Numa, Servius, Brutus, and Appius are founders, the first to sanction formally one of Romulus' precedents, than he is a *re*-founder, one who assures the continuity of a Roman foundation when it has been threatened with extinction.[51]

In Camillus the role of the refounder and his significance is developed fully and dramatically. Camillus neither formalizes nor adds to any of Romulus' precedents. Rather, in saving Rome from destruction by foreign enemies and in saving the city and its traditional gods from abandonment by disaffected citizens,

[49] 2.6.1 and cf. 2.60.3 where the augurs report on Numa's accession independent of his initiative.

[50] On Augustus' rebuilding program, *RG* 4.17; Dio 53.2; Suet. *Aug.* 29; for *neglegentia deum,* the *locus classicus* is Horace, *C* 3.6, but concern was expressed earlier by Varro, who dedicated his *Antiquitates Rerum Divinarum* to Julius Caesar with an exhortation to redress neglect of the gods (1, fr. 2a*Ag* = Aug. *CD* 6.2). Livy himself uses the expression more than once (see Ogilvie ad 3.20.5); the interrelation of *pietas* and Roman fortunes, a major theme throughout Livy, is elaborated explicitly in Camillus' speech, 5.51–54.

[51] In this sense, of course, there are many Romans whom Livy might have titled *conditores*. His restriction of the honor lends particular distinction to those few to whom he does accord the title. His choice of Augustus here is consistent with the great importance that he attaches to *pietas* throughout his history, and may also reflect his sense of Augustus as a potential refounder on the pattern of Camillus, whose role he is to elaborate in the next book. See Miles, esp. 14–18 and note 30 there for references to other discussions of Camillus and Augustus.

he reaffirms principles that have already been established in both the initial precedents of Romulus and in their formalization and elaboration by subsequent *conditores*. In particular, he reaffirms the allegiance to the physical site of Rome and to the gods attached to that site.[52] More generally, he establishes the principle of refoundation. For this he is accorded a title that places him second only to Romulus: *Romulus ac parens patriae conditorque alter urbis* (5.49.7). This title plus the sheer length and drama of the narrative devoted to his accomplishments confer a special status upon them.

This is but one of several complementary rhetorical strategies by which Livy distinguishes and emphasizes Rome's different foundations. Just as distinctive titles mark Romulus and Camillus, so also does their dramatic positioning at the beginning and conclusion of the narrative unit comprised by the first pentad. Another form of emphasis in narrative is length: a subject assumes importance in proportion to the amount of narrative devoted to it. By this standard, *libertas*, and with it the organization of Romans for voting and the rule of law, gain prominence through the recurrent and extended attention to the struggle of the orders that is a central concern of books 2–4. In addition, the narrative positioning of the political and social struggle for *libertas* matches the historical context that Livy ascribes to it. Just as the narrative of the struggle for *libertas* is framed by attention to place and religion, so the actual struggle is itself circumscribed and limited by those foundations: the necessity of defending the city against foreign invaders[53] and the force of religious scruple[54] are two

[52] Compare his expression of personal attachment with the sentiments that determined Romulus' choice of site. See further, M. Bonjour, "Les personnages féminines et la terre natale dans l'épisode de Coriolan (Livy, 2,40)," *REL* 53 (1975) 168–69.

[53] The suspension of domestic rivalries at critical moments due to fear of attack by a foreign enemy, *metus hostilis*, is a common motif in the first pentad: 1.9.4; 2.32.6, 39.7, 54.2; 3.9.1 et *passim*.

[54] The narrative of Appius Herdonius' capture of the Capitol and its immediate sequel (3.15–20) offer a clear example of the constraints placed by religion upon the struggle for *libertas* among Romans. Blinded by their own grievances against the patricians, the plebeians refuse to take seriously either Herdonius' capture of the Capitol and the threat of a slave uprising within Rome or the hostilities of the Aequians and Volscians outside of Rome. In his appeal for plebeian cooperation against the enemy, Valerius Poplicola cries: *Si uos urbis, Quirites, si uestri nulla cura tangit, at uos ueremini deos uestros ab hostibus captos* (3.17.3); unnamed patricians urge the plebeians that *non inter patres ac plebem certamen esse, sed simul patres plebemque, arcem urbis, templa deorum, penates publicos priuatosque hostibus dedi* (3.17.11). While the issue remains undecided at Rome, the leader of Tusculum argues that not only the present crisis but their own oaths of alliance require them to assist Rome: *periculum ipsum discrimenque ac sociales deos fidemque foederum id poscere* (3.18.3). After Herdonius has been overcome, a new consul compels unwilling plebeians to march against the Volscians and Aequians by holding them to their previous oath of obedience; he is able to overcome quibbles of the tribunes, because "the neglect of the gods that now possesses this age had not yet come about," *nondum haec quae nunc tenet saeculum neglegentia deum uenerat*...(3.20.5).

principal circumstances that contain intense rivalry between plebeian and patrician and prevent it from breaking out into actual civil war. Thus, in Livy's narrative, one kind of rhetorical emphasis balances another, not only distributing emphasis among Rome's several foundations, but figuratively replicating and thus reemphasizing the historical interrelations among foundations that the narrative purports to describe.

The importance that Livy attached to those foundations would have been reinforced for his immediate audience by the fact that the institutions he marked as foundations were focuses of Roman concern and self-perception among his contemporaries. They would still have identified Rome, the state, with Rome the physical city, the *Urbs*, traditionally the geographical, social, political, and cultural center of the empire.[55] Similarly, Livy wrote at a time when expiation for generations of *neglegentia deum* was receiving conspicuous expression in Augustus' building program (as noted above), when the traditional *ordines* of Roman society were being demarcated more sharply than ever before,[56] when the self-styled *liberatores* and the Brutus of early history who was evoked on their behalf were fresh in memory, when the value of rule by law had been vividly impressed upon the minds of Livy's contemporaries by recent civil wars and by the proscriptions of 43–42 B.C., and when Augustus' vaunted "transferral" of the republic from his own power to that of the Senate in 27 B.C. (*RG* 34.1) had made refoundation, perhaps hinted at in Cicero's political thought and Julius Caesar's propaganda,[57] a matter of the highest politics. The prominence of such institutions in Livy's account of early Roman history and especially the emphasis placed upon refoundation at the end of the first pentad call attention to them and suggest their importance as lasting sources of national identity and strength. But again, it must be remembered that the extent of such continuity is very narrowly and sharply defined and that it is presented within Rome's larger history of change and innovation. It is precisely delimited in a way that a vague appeal to *auctoritas maiorum* is not and leaves open the possibility for acceptable change in other areas.

The elements of institutional continuity that Livy singles out, despite their small number, nonetheless have a considerable influence on the shape and character of Roman history as he presents it. Within the first pentad, they constitute a growing set of standards by which action and policy come to be judged. As their number increases, so the scope for individual initiative decreases. This is revealed clearly in the way that the *conditor*'s role changes in the course of the first pentad. In a new community, with no institutions or only

[55] Repeated scares that Rome might be displaced as the center of empire by an *altera Roma* would have kept the importance of the city's position in the forefront of people's minds during the last decades of the Republic; see Petre Ceausesçu, "*Altera Roma*—Histoire d'une folie politique," *Historia* 25 (1976) 79–108.

[56] See Claude Nicolet, "Augustus, Government, and the Propertied Classes," 89–128 in Fergus Millar and Erich Segal, edd., *Caesar Augustus* (Oxford 1984) esp. 90–96.

[57] On Cicero and Caesar, see Weinstock (above, note 37) ch. IX, "The Founder," 175–99 and Miles 27–32.

rudimentary ones, Rome's first three founders acted essentially by fiat, as observed above. Brutus was supported by virtually the entire Roman people in his *coup d'état* but it was his charismatic leadership alone that galvanized the people into action (1.59–60).

The position of subsequent founders is more complex. They must operate within the limits of a constitutional apparatus. Although Appius Claudius is granted extraordinary powers, those powers are nonetheless a grant of the people; he is not a completely free agent, but rather the leading member of a commission of ten; his task is a limited one and the length of time when he can hold his special powers is accordingly restricted. While Appius Claudius clearly conforms to the model of the tyrant first exemplified by Tarquinius Superbus, his particular history of achievement and excess may also be seen as expressing a tension between the previous, unfettered role of the founder and a new situation in which the founder is constrained by a growing body of traditional institutions. Thus, within the confines of his official mandate, he enjoys unrestricted authority; it is only when he attempts to extend his authority beyond the time allotted to him and for private ends not sanctioned in his mandate from the people that Appius arouses universal enmity and brings about his own downfall.[58]

With Camillus any tension between founder as free agent and as public magistrate is resolved: Camillus is conspicuous for the extent to which he respects tradition and subordinates himself to established institutions. As previously observed, his claim to be a *conditor* is, to begin with, not based on innovation. His greatest achievement is not to create something new, but to preserve essential Roman traditions. He is able to do this in part because he can look back over a record of achievements by the Roman people and argue on the basis of past experience for the efficacy of those traditions and for the dependence of Roman greatness upon them. His speech in book 5.51–54 is a plea to preserve essential continuity with the past.

Camillus' decisive role is prepared for by a whole lifetime of scrupulous deference to traditional values and institutions. In his dealings with foreign peoples he is a perfect embodiment of Roman *fides*;[59] he is meticulous in his observance of the religious responsibilities of a commander, from his employment of *euocatio* to his determination to fulfill his promise of a share of the spoils to Apollo (5.25.4–8; 12.32.8). Similarly, he submits to the authority of the Roman courts, even as he protests their injustice, when he goes into self-imposed exile (5.32.8–9)—an act that later Romans recalled as exemplary (25.4.2). Above all, he recognizes the prerogatives of the Senate, even to the point of complicating his own affairs: he consults the Senate about

[58] It is perhaps a reflection of Appius' ambiguous standing that Livy does not himself name him as a *conditor*, but rather puts ascription of the honor in the mouth of one of Appius' descendents.

[59] On Camillus' *fides* and *iustitia* see Burck, *Erzählungskunst* (above, note 19) 120–21.

distribution of booty from Veii;[60] he leaves the pontiffs to determine how his vow to Apollo shall be fulfilled (5.23.10–11); Livy goes out of his way to express his own conviction that Camillus, although eager to defend Rome from the Gauls, would not have left his place of exile until he had received formal authorization from the Senate (5.46.10–11). Even after his dramatic rescue of the city from the Gauls, Camillus is presented as still acting within the confines of tradition. As powerful as his argument for staying in Rome is, it is not accepted as a matter of policy until the Senate grants its enthusiastic endorsement, and the Senate itself, although sympathetic to Camillus, does not extend that endorsement until the centurion's famous *hic manebimus optime* (5.55.1) seems to signal divine sanction.

It is significant that Camillus figures so prominently at the end of the first pentad, that is, at the very mid-point of Roman history between the city's founding and Livy's own day.[61] For Camillus quite clearly marks the end of one distinctive phase in Roman development and the beginning of a new one. With him, the role of the charismatic leader who imposes his own imprint on the character of Roman civilization comes to an end, or at least is radically redefined. Henceforth, charisma is linked closely to Rome's foundations. Manlius Capitolinus is a case in point. He is regarded as a hero for his defense of the city (5.47.4–8); when his personal jealousy and ambition threaten another of Rome's foundations (*libertas*), he loses his charisma (even though he trades on it for as long as he can) and comes to a disgraceful end (6.11 and 14–20).

Excepting the two refounders, Augustus and Camillus, the last five "*conditores*" in Livy's extant narrative are presented clearly as false *conditores*.: demagogues who attempt unsuccessfully to usurp the role of *conditor* with their own spurious innovations. The first of these is the tribune, Titus Sicinius, a contemporary of Camillus and a leader in the abortive movement for emigration to Veii. Livy reports the senators as denying that force could ever induce them to follow him as founder to Veii (5.24.11):[62]

> ut relinquantur patriam atque ciues nullam uim unquam subacturam, et T. Sicinium...conditorem Veios sequantur, relicto deo Romulo, dei filio, parente et auctore urbis Romae.

[60] 5.20.2–3, where Ogilvie, ad loc., has noted, "Camillus is careful to frame his request in the punctiliously correct language of official dispatches (8.13.11; 31.31.20; 45.23.1)."

[61] The location of Camillus' refounding in Roman history is discussed more fully in Miles, esp. 19–22.

[62] Very rarely, as in the following passage, Livy uses *auctor* in place of *conditor*, when referring to someone who has already been identified as a *conditor* (cf. 1.42.4: *quemadmodum Numa diuini auctor iuris fuisset, ita Seruium conditorem omnis in ciuitate discriminis ordinumque...*). However, both the frequency of *auctor*'s occurrences and the range of its applications are very much greater than those of *conditor*. It embraces negative and positive behavior indiscriminately: one may be an *auctor*, e.g., *pacis, belli, cupiditatis, defectionis, concilii, culpae*. Consequently, calling someone an *auctor* does not by itself confer status in the way that identifying him as *conditor* does.

The remaining four false *conditores* were, Livy reports, punished as the *capita coniurationis* to introduce Bacchic rites into Rome (39.17.6–7, 19.2). The conclusion of Rome's period of foundation, however, does not mean an end to all constructive change and innovation. Livy's concept of foundation identifies only a very few, well-defined institutions as essential to Roman identity. Since they do not constitute a list of what can be changed, but rather a very restricted list of what cannot be changed, they leave a wide scope for innovation.

III

As the preceding discussion indicates, the roles of the *maiores* and of *conditores* in Livy's narrative are complementary. By refusing to evoke the *maiores* in his search for historical meaning and guidance, Livy departed from the general practice of his Roman contemporaries. That departure was of considerable historiographic moment, for it freed the historian from a perspective that was diachronically and synchronically monolithic: it made possible the exploration of variety and change in Roman historical experience, the perception of the dynamic interaction among groups and individuals as a creative force in Roman history, the appreciation of short term expedients as well as of lasting accomplishments. At the same time, Livy's conception of the founder's role assures that his narrative does not present all innovations as equally significant. Association with founders sets certain institutions apart from the rest as central to Roman identity and as sources of vital continuity between past and present. They can only be compromised at risk to the very survival of the nation; they call attention to the important role of the individual, and they help to emphasize the self-made character of the Roman people. At the same time, however, these institutions are specific in nature, finite in number, and their establishment confined to a particular phase in Rome's development.

Since Livy's perspective on history comprehends specific threads of continuity within a larger field of potential change, it can be complex yet coherent. Thus, Livy's perspective simultaneously empowers and constrains the charismatic leader. Because so much value is attached to the acts of the founders, those acts help to emphasize the importance of strong leadership. At the same time, they restrict the scope of the leader's initiative, inasmuch as he is obligated to respect their integrity, and his own status comes, increasingly, to derive from allegiance to them. Similarly, Livy can claim that the past was better than the present without representing it as utopian or its leaders as one-dimensional paragons of Roman virtue: what determines the excellence of an age is not its approximation to some idealized standards of perfection, but the security of the nation's foundations. Finally, Livy does not have to perceive all change as decline: after the refounding by Camillus, Livy describes the city reborn, "as though from its roots," *feracius and laetius,* "more fruitful" and "more flourishing" than before (6.1.3). So long as the foundations laid during the formative stage of Rome's development remain secure, there is ample scope for change, for growth as well as for decline, without the nation losing its identity or its potential for renewal.

In all this, Livy's rhetorical stance and his actual perspective on the past are at least partly in conflict with each other. As observed earlier,[63] the contrast between the conventional appeal to the *auctoritas maiorum* in Livy's speeches and the unconventional absence of such appeals in the author's own narrative suggests the narrator's fastidious transcendance of partisan rhetoric. To express that idea more fully, it suggests both a general determination to stand above partisan politics and, specifically, a refusal to join in the political appropriation of the past that has nowhere perhaps been more central to political discourse than in Livy's Rome. The rhetoric of Livy's narrative, in other words, reinforces his explicit claim in *Praef.* 5 to offer a disinterested interpretation of the past.

Examination of Livy's history has shown, however, that his interpretation of the past, whether we judge it finally as partisan or non-partisan, nonetheless confers special status upon certain aspects of Rome's political history. To the extent that such status is conferred not by analysis or demonstration, but by the attribution of an institution to a "founder," it is an expression of the author's own political judgments. This is the more clear when we keep in mind the distinctive selection of institutions that Livy identifies as foundations. We might imagine, though we probably need not do so, that virtually any history of Rome's early development would attach significance to the choice of its site, the formation of its priesthood, the introduction of the census, etc. But other historians might not, and did not, make a formal distinction between those institutions and, say, the formation of the Senate, the right of appeal, the introduction of the tribunate. Livy certainly acknowledges the importance of such other institutions, but by definition does not put them on a par with Rome's "foundations." His selection of foundations is, so far as I can determine, unique: it expresses not a traditional consensus, but rather the historian's own political values. Through it he claims special historical significance for those institutions which he has judged to be of particular value. In other words, Livy's "objective" designation of certain Romans as "founders" is a vehicle by which he appropriates the past in the service of his own political ideals.[64]

There is yet another, more indirect way in which Livy effectively appropriates the past even while dissociating himself from those who commonly did so through appeal to the *auctoritas maiorum*. This is, paradoxically, through the appeals to the *maiores* in the speeches that he attributes to historical figures. We may well recognize in these appeals to the *maiores* the author's attempts to capture the typical language of political speeches at Rome or to underscore the speaker's (as opposed to the narrator's) overtly political use of the past. That need not negate the emotional force of such appeals. This is especially true when the speaker is calling upon his audience to acknowledge an historical precedent that Livy's own narrative has

[63] Section I, above.

[64] For a full and well-documented example of how far-reaching the ideological implications of foundation myths may be, see Hugh A. MacDougall, *Racial Myth in English History: Trojans, Teutons, and Anglo-Saxons* (Montreal and London 1982).

confirmed for us, the readers. Canuleius, for example, points out that *maiores nostri* accepted foreigners as kings (4.3.13); Camillus evokes the *maiores'* exemplary religious scruple (5.52.8) and their energetic building of the city (5.53.9). In each case, the speaker's evocation of the *maiores* confers on those past events a special authority that we are prepared to accept: Livy's narrative has already shown the truth of the events in question and has placed them in an historical context that reveals their value.[65] In situations like these, Livy's narrative of the past and speakers' appeals to the *maiores* reinforce each other: the authority of the *maiores* is "confirmed" by history, or at least by the version of it that we have been presented, and that version of the past is, by attribution to "our ancestors," elevated from the status of specific experience to an expression of the highest national wisdom.

Whether Livy intended such rhetorical duplicity or practiced it unwittingly—the product of a powerful cultural predisposition to appropriate the past even when he sought to transcend such appropriation—that is a question we cannot answer and is, in any event, a matter for the biographer, not for the student of historiography. For the present discussion, the important thing is to acknowledge that both Livy's personal dissociation from appeals to the *auctoritas maiorum* and his own appropriation of the past are essential elements in a complex historical perspective. The former allowed him opportunity to emphasize aspects of national history whose significance might have been obscured or diminished by a monolithic conception of the past, and it conferred on him the authority of political disinterest; the latter allowed him, in turn, to claim a special historical authority for those political institutions to which he attached special value.

IV

Taking even the most extreme limits, Livy began to compose his history of Rome no sooner than 31 B.C., no later than 27 B.C.,[66] that is, near the end of or shortly after a period of sustained disorder had threatened the demise of Rome as Romans had traditionally known and conceived of it, during a period when the possibilities of reconstruction or of radical innovation seemed equally open. Augustus' "restoration" of the republic in 27 B.C. would scarcely have marked an end to this period of open possibility: the actual meaning of his "restoration" remained to be tested. Whether the new settlement would survive in any form, whether the balance of power would gradually shift more toward the traditional institutions of government or toward the individual who stood above those institutions, were questions that only time could answer.[67]

[65] I have already noted, for example, the important contribution that Livy has ascribed to the kings, regardless of their individual origins (2.1.2).

[66] For a survey of views on this dating, see P. G. Walsh, *Livy, Greece and Rome Surveys in the Classics* 8 (1974) 6; add to his bibliography C. Cichorius, *Römische Studien* (Leipzig 1922) 261ff.

[67] J. Deininger, "Livius und der Prinzipat," *Klio* 67 (1985) 265–272, after a concise and perceptive survey of modern views about Livy's relationship to Augustus, concludes that Livy was simply too close to events to perceive, as later

Augustus' vaunted restoration pointed toward the former; the facts that it was in his personal power to effect such a restoration and that he retained the power to revoke it pointed toward the latter. Still in this time of potentially radical change, probably between 27 and 25 B.C.—certainly no earlier than 29 B.C., Livy began to publish his history.

At this critical turning point, the author of Livy's narrative himself appears as a kind of *conditor*, one who understood and made public what could be changed, what must be preserved if Rome were truly to be restored.[68] His sense of the importance but also of the limits of the charismatic leader's role were especially timely. In particular, it is not difficult to see in Livy's portrayal of Camillus an endorsement of Augustus' proposal to restore the republic and especially of his call for an end to *neglegentia deorum* and for a renewed commitment to the actual city of Rome. This last, it is worth noting, was not a purely academic issue. Augustus' propaganda had encouraged the fear that Mark Antony would establish his capital at Alexandria, leaving Rome a backwater. As champion of the gods and the city of Rome, Augustus was acting within the tradition of refoundation established by Camillus. Livy's narrative encourages the reader to welcome those initiatives and to look upon them with favor.[69]

But even though the narrative makes *pietas* and loyalty to place preeminent among the acts of foundation, and even though it grants to Camillus, the refounder, a place second only to that of Romulus, we have seen that it also places substantial restraints upon Camillus' successors. Like Camillus, they belong to an age of *re*foundation, not to an age of radical innovation. Camillus' strict respect for constitutional formalities offers a tacit standard for the leader who would claim for himself the status of refounder.[70] In addition, there were the other foundations that must be honored: the stratification of society, the rule of law, and, finally, *libertas*. It was this last, of course, that was the most ticklish, and I think that there is evidence that Livy feared there might be danger in pushing the claims of *libertas* too vigorously at the time when he published his first pentad. The act for which Livy honors Brutus as a founder, the expulsion of Tarquinius Superbus and the permanent overthrow of tyranny at Rome, is recorded in the first pentad. However, it is not until Book 8, which would have been published some time after the first pentad had been available

Romans were soon able to do, that Augustus' regime marked a transition from republican to monarchical government. While I share this view for the early part of Livy's literary career, I am not at all sure that it applies for Livy's entire lifetime.

[68] The idea of the author as *conditor* seems to have been nascent, if not yet fully developed, when Livy wrote his first pentad: Tibullus (3.7.4) and Ovid (*Tr.* 2.416, *inpurae conditor historiae*) were soon to identify themselves as *conditores*; in the next generations see Pliny *NH* 36.106; Juvenal 11.180.

[69] For fuller discussion of the relevance of Livy's narrative to the political issues mentioned in the paragraph, see Miles 14–18, 23–32.

[70] In addition to my observations on Camillus' strict deference to authority, above, J. Hellegouarc'h, "Le principat de Camille," *REL* 48 (1970) 112–32, also finds reasons for regarding Livy's Camillus as a model for a constitutional Principate in aspects of Livy's narrative in Book 6.

for inspection by the public, and, more particularly, by the *imperator*, that Livy actually called Brutus *conditor Romanae libertatis*. I take it, then, that Livy was encouraged by the course of events following 25 B.C. Encouraged in what way is not so clear. It may be that he felt Augustus' regime really was proving to be consistent with the ideal of *libertas*, or that the memory of the *liberatores* whom Octavian had pursued in the name of Mars Ultor was safely fading, or simply that response to Livy's first pentad had made him a little more confident about what he might get away with. Whatever the explanation, I think that his apparent hesitation over the title *conditor Romanae libertatis* [71] points to what Livy, as he composed the first pentad, regarded as the critical question about Augustus' role. And it also suggests that Livy was very much aware of the political implications of his ideas about Roman history and, in particular, about the foundation of Rome.

[71] The assertion at 2.1.9 that Brutus *non uindex acrior libertatis fuerat quam deinde custos fuit* is not inconsistent with my argument here. *Uindex*, even less than *auctor*, is a substitute for *conditor*. It is one thing to claim or champion *libertas*, another to "found" it. At 6.14.10 the people are described as following the demagogic Marcus Manlius (Capitolinus) as their *uindicem libertatis*; at 23.10.13 the Capuan Decius Magius, offered freedom to return either to Capua or to Rome, elects rather to have King Ptolemy as his *uindicem atque auctorem libertatis* and asks him for asylum.