

## CHAPTER 3

"VALERIUS MAXIMUS' COLLECTION - SOME PROBLEMS OF  
HISTORICAL PERSPECTIVE"

Valerius Maximus put together his Facta et Dicta at a crucial stage in the development of the Roman state. He dedicated this collection to Tiberius (te igitur huic coopto, penes quem hominum deorumque consensus maris ac terrae regimen esse voluit, certissima salus patriae, Caesar, invoco, cuius caelesti providentia virtutes, de quibus dicturus sum, benignissime foveantur, vitia severissime vindicantur), whose constitutional position and personal influence were of central importance in that transformation. (1) These two factors alone suggest that the compilation could be regarded as an historical document of some interest, though they are not in themselves decisive in determining whether it is worth studying in any detail.

- 
- (1) On Valerius' preface, see T.Janson, Latin Prose Prefaces, Stockholm 1964, pp.100-106. On Salus, see B.Levick, Tiberius the Politician, London 1976, p.34 and p.251 note 17. For an up-to-date coverage of some of the difficulties of dating the collection with precision, see C.J.Carter, "Valerius Maximus", Empire and Aftermath: Silver Latin II, ed. T.A.Dorey, London 1975, pp.30-34. A less penetrating survey of the relevant evidence is provided by R.Faranda in the introduction to his Latin-Italian edition, Deti e Fatti Memorabili di Valerio Massimo, Torino 1971. The best treatments of Valerius are by G.Comes, Valerio Massimo, Roma 1950 and R.HELM, RE, VIIIA, cols. 90-116. Professor Rudolf Schottlaender is at present preparing a Latin-German edition and commentary for Akademie-Verlag Berlin (East). On Valerius' use of regimen see E.Lundberg, De elocutione Valerii Maximi, Uppsala 1906, p.5.

Velleius Paterculus, for long neglected by serious historical scholarship, has recently received a thorough reappraisal "as a Roman senator and historian, and a not insignificant representative of the age of transition through which he lived." (1) G.V.Sumner in his reassessment has convincingly urged that "there is more in Velleius than meets the eye" and A.J.Woodman's exploration of Velleius' genre and purpose has by implication opened up for scrutiny the whole field of minor Roman historiography. (2) As yet, there has been no equivalent systematic discussion of Valerius Maximus in his own right and in the context of the exempla tradition which he represents. An explanation for this is to be sought in the fact that his collection appears to offer little to students of Roman historiography. The feeling is that the lack of knowledge of Valerius' personal background and the diffuse,

- 
- (1) G.V.Sumner, "The Truth About Velleius Paterculus: Prolegomena", HSCP, lxxiv, 1970, pp.257-297. For a comparison between the methods of Valerius and Velleius, see I. Lana, Velleio Patercolo o della Propaganda, Torino 1952, pp.236-237; pp.252-254. On their linguistic usage, see J. Ungewitter, De Vellei Paterculi et Valerii Maximi genere dicendi, München 1904.
- (2) Velleius' qualities as a writer and his place in Roman historiography have been illuminated by A.J.Woodman, "Questions of Date, Genre, and Style in Velleius: some Literary Answers", CQ n.s. xxv, 1975, pp.272-306; "Sallustian Influence on Velleius Paterculus", Hommages à M. Renard, Brussels 1969, I, pp.785-799; "Velleius Paterculus" in Empire and Aftermath, pp.1-25.

derivative and rhetorically laboured nature of the work combine to make any sustained enquiry unlikely to yield significant results.

It will be argued in this study that such a view, though substantially correct in respect of Valerius' limitations, tends to miss what is historically valuable about the collection, what makes it a document that does add to our understanding of the range of Roman responses to the age of transition. (1) In order to assess the Facta et Dicta as an historical document, as well as to give it a distinctive place in the history of exempla literature, it is essential to examine the nature of the individual exempla in the collection and the overall perspective that Valerius appears to impose on them.

When commenting on an exemplum like VII.1.1, it is necessary to explore the relationship between this form of historical record and the more elementary ones, those that surveyed and encapsulated achievements of a nobilis for practical family purposes - the tituli imaginum, epitaphs and funeral orations, the primary sources of antiquarian-prosopographical studies:

Videamus ergo quot gradibus beneficiorum Q. Metellum a primo  
originis die ad ultimum usque fati tempus numquam cessante  
indulgentia ad summum beatæ vitæ cumulum perduxerit. nasci

---

(1) B.Levick, op.cit., p.84 describes Velleius and Valerius as "men acutely sensitive to the mind of the Princeps". It is therefore not surprising that she makes use of Valerius' conception of imperial virtues - see p.91 and notes 20,22,29 and 34 on pp.252-253. See also her "Mercy and Moderation on the Coinage of Tiberius", Ancient Historian and his Materials, London 1975, pp.123-137.

eum in urbe terrarum principe voluit, parentes ei nobilissimos dedit, adiecit animi rarissimas dotes et corporis vires, ut sufficere laboribus posset, uxorem pudicitia et fecunditate conspicuam conciliavit, consulatus decus, imperatoriam potestatem, speciosissimi triumphi praetextum largita est, fecit ut eodem tempore tres filios consulares, unum etiam censorium et triumphalem, quartum praetorium videret, utque tres filias nuptum daret earumque subolem sinu suo exciperet. tot partus, tot incunabula, tot viriles togae, tam multae nuptiales faces, honorum, imperiorum, omnis denique gratulationis summa abundantia, cum interim nullum funus, nullus gemitus, nulla causa tristitiae. caelum contemplare, vix tamen ibi talem statum reperiēs, quoniam quidem luctus et dolores deorum quoque pectoribus a maximis vatibus adsignari videmus.

The basic data must be common to this and what was to be found in the archives of the Metelli. It is likely that a similar catalogue would have been included in any antiquarian history of the family. What is not certain is the attitude that the family and the prosopographers might have taken to the final stages of Metellus' censorship.

In VII.1.1 the degree of abstraction from the original events is considerable: the background is reduced to a minimal allusion, and, as a result, Metellus' career is given in an historical vacuum. As far as

this exemplum is concerned, Quintus Metellus (not specifically identified by Valerius as Macedonicus) was granted complete happiness - no hint of trouble, disappointment, disturbs the dominant mood:

hunc vitae actum eius consentaneus finis excepit; namque Metellum ultimae senectutis spatio defunctum lenique genere mortis inter oscula complexusque carissimorum pignorum extinctum filii et generi humeris suis per urbem latum rogo inposuerunt.

Pliny (NH VII.142 and 143), probably responding to the uncritical view of rhetorical exempla, added to the image the confrontation with Atinius Labeo and arrived at the conclusion that nulla est profecto solida felicitas quam contumelia ulla vitae rupit, nedum tanta (146). The incident that Pliny recalls was a prominent feature of Livy's account (Per.59 - and most probably in other annalists as well), but it appears to have had no bearing on the image of Macedonicus employed in philosophical discourse (Tusc.I.35). Velleius (I.II), though he places Macedonicus in an historical context, merely notes in passing acris innocentisque pro re publica cum inimicis contentiones. (1)

This indicates that between Metellus' career and its stylised

- 
- (1) On Velleius' image of Macedonicus, see I.Lana, op.cit., pp.73-74. Note that Velleius inherits at I.11.5 (hic idem primus omnium Romae aedem ex marmore in iis ipsis monumentis molitus huius vel magnificentiae vel luxuriae princeps fuit) a fragment of a critical view of Macedonicus.

representation, as an artificial unit of exemplary existence, a process of refinement had been at work, independent of the historical tradition proper. It may have been encouraged by the family, anxious to project Macedonicus' career as entirely without blemish, though no certainty is possible on this point. It is equally plausible that the family preserved his problems as a cautionary exemplum against complacency in public life.

Judging by De Finibus, V.82, philosophers appropriated Metellus for their own ends, though there was genuine historical material for those interested in his attitudes and career. (1) Valerius himself preserves a number of exempla that throw light on these - e.g. II.7.10 (severitas in Spain); IV.1.12 (his attitude to Aemilianus); VII.5.4 (his electoral defeat); IX.3.7 (his actions in Spain before Q. Pompeius' arrival).

For a rhetorical collector of exempla various aspects of Metellus' career offered convenient illustrations that could be presented in isolation from one another. Thus in the Facta et Dicta the negative image of IX.3.7 co-exists with the praise and admiration of IV.1.12. Rhetoric tended to abstract and fragment a particular career. As a result, only a deliberate effort of enquiry (like that undertaken by Pliny with reference to the commonly accepted felicitas of the two Metelli in book VII - see below chapter six) could bring a particular

---

(1) Macedonicus' speech de prole augenda proved of use to Augustus (Per.59; Suet. Aug.89), other speeches were also extant (Brutus 82).

exemplum in line with the historical tradition. Without this the vicissitudes of rhetorical manipulation and the process of transmission would take it further and further away from any historical reality that may have happened to occasion it. In this sense, the rhetoricians were undoing the antiquarian and prosopographical achievement that integrated information on noble careers and set up coherent family histories.

They produced in consequence curious exempla in which several historical personalities were amalgamated into one:

P. autem Scipio Nasica togatae potentiae clarissimum lumen, qui consul Iugurthae bellum induxit, qui matrem Idaeam e Phrygiis sedibus ad nostras aras focosque migrantem sanctissimis manibus excepit, qui multas et pestiferas seditiones auctoritatis suae robore oppressit, quo principe senatus per aliquot annos gloriatus est, cum aedilitatem curulem adulescens peteret manuque cuiusdam rustico opere duratam more candidatorum tenacius adprehendisset, ioci gratia interrogavit eum num manibus solitus esset ambulare. (VII.5.2) (1)

- 
- (1) A.E.Astin, Scipio Aemilianus, Oxford 1967, p.101 note 7: "Valerius confuses several Nasicae, but Cic. Pro Plan. 51 leaves little doubt that the anecdote pertains to Serapio." On Valerius' historical errors in general, see Helm, op.cit., cols.101-102. Note particularly the cases in VI.6.4, VI.2.9 (an error that an antiquarian source was unlikely to make, see also Ad Att. II.19.2 and Shackleton Bailey, op.cit., I, pp.62-63), III.2.20 and VI.6. ext.1. On Valerius' use of Livy and Cicero, see chapters four and five below.

Of course Valerius himself could have been entirely responsible for the kind of malignant historical growth that he presents here. Yet this bizarre configuration of different Scipiones prompts one to try to seek an explanation of a different kind. VII.5.2 reveals clearly the extent to which it is unhelpful to always assume a single author as Valerius' source in a particular instance, for exempla such as this one cannot be exclusively conceived of in terms of their dependence on a given literary model. In VII.5.2 one should not rule out the possibility that the amalgamation of different Nasicae represents an outcome of a rhetorical process in which details of family history tended gradually to become the property of popular imagination, destined to be manipulated by it at random and disseminated widely without much concern for keeping generations and identities distinct and properly identifiable. In V.1.7 there is a confusion of the identities of Africanus and Aemilianus which may derive from a process of this kind. (1) Similar confusion occurs in II.4.3. (2)

---

(1) See Helm, op.cit., col.101.

(2) Some other notable instances of mistaken identification - VI.1.9 (cf. Livy VIII.28); VII.3. ext.8 (see Helm, op.cit., col.101); V.4.2 (see Franda, op.cit., p.414). The error in II.4.2 (see Franda, p.152) was unlikely to have been made in an antiquarian review of the matter, viz. the regulations of the aediles Atilius Seranus and L. Scribonius concerning special seating for senators at the Megalesia (see Broughton, MRR, I, p.343). Valerius fails to note the role of the censors in the affair, for which see Valerius Antias fr.37 in Peter. On Valerius' use of some antiquarian sources in this chapter, see B.Krieger, Quibus Fontibus Valerius Maximus usus sit, Berlin 1888, pp.48-50; p.61.



Some of Valerius' exempla (and thus we may assume rhetorical exempla generally) may be said to be characterized by a greater remoteness or abstraction from the historical events recalled than those exempla that were inspired by direct contact with the primary documents of the Roman nobility.

Many of Valerius' exempla, in spite of their undeniable seriousness, single-mindedness and assurance in tackling traditional political and moral themes, lack that crucial immediacy of contact with definite family concerns and political goals that would have been characteristic of exempla used by the nobility in speeches or funeral orations. They are best seen as a phenomenon of a special kind - as the product of a widespread general interest in the ideals and actions of the nobility. Being cut off from the controlling influence of family considerations, these exempla mirror not so much the ideals of the nobiles themselves (though they do that to a certain extent), as public attitudes to those ideals and the level of understanding in the community as a whole of the goals and accomplishments of those individuals.

These exempla developed in the environment of rhetorical education: nurtured by rhetoricians - absorbed, abridged or elaborated by their students. For many, history through rhetorical exempla may have been an important form of basic education - convenient and simple. Nevertheless, it promoted a careless and fragmented image of the past. Only in the

hands of learned antiquarians could such exempla become a genuine vehicle for conveying the continuity of the Roman tradition, as well as a source of information on matters like chronology, geography and genealogy.

The rhetorical side of the exempla tradition is represented by the Facta et Dicta of Valerius Maximus. Crucial problems of interpretation, both in respect of sources used and ideas transmitted, are posed by the diffuse character of the work. As far as the ideas are concerned, two specific ones come to mind which may be conveniently dealt with by reference to two passages in the collection - II.1.10 and VIII.13. praef.

In II.1.10 Valerius, possibly using Ciceronian material rather than drawing directly on Cato's Origines, singles out the banquet songs as being particularly effective in providing strong impetus to individual effort: the desire to imitate egregia superiorum opera is seen as constituting an essential outcome of an educational process that helped to sustain the orderly progression through history of imperii nostri lumina, logically culminating in the apotheosis of the Caesares:

Maiores natu in conviviis ad tibias egregia superiorum opera  
carmine comprehensa†pangebant, quo ad ea imitanda iuventutem  
alacriorem redderent. Quid hoc splendidius, quid etiam utilius  
certamine? Pubertas canis suum decus reddebat, defuncta[viri]cursu  
aetas ingredientis actuosam vitam fervoris nutrimentis  
prosequabatur. Quas Athenas, quam scholam, quae alienigena studia

huic domesticae disciplinae praetulerim? Inde oriebantur Camilli, Scipiones, Fabricii, Marcelli, Fabii, ac ne singula imperii nostri lumina simul percurrendo sim longior, inde, inquam, caeli clarissima pars, divi fulserunt Caesares. (1)

This exemplum represents in miniature the situation that confronts one when attempting to understand the perspective and the political significance of the collection as a whole. At other points in it Valerius can be shown to demonstrate a similar propensity to emphasise the distinctiveness of the Caesares - e.g. the description in IV.3.3 of Augustus and

- 
- (1) The problem of Valerius' sources is discussed separately in this thesis. However, at this stage it is necessary to point out that the three Ciceronian passages (Tusc. I.iii; IV.3; Brutus 75) given by Bliss (see below pp. 293-4) as parallels to V.M.II.1.10 (showing a degree of imitation, with twelve diction variants noticed) appear to be altered and supplemented by Valerius. Brutus 75 is a very brief allusion to Cato's reference to the practice of singing at banquets, it is very unlikely that Valerius (or his source) had to turn to Cicero's Brutus to obtain it. Tusc. I.iii, in addition to mentioning Cato's description of the custom, also records his negative attitude to the use of poetry in publicising noble deeds - honorem tamen huic generi non fuisse declarat oratio Catonis, in qua obiecit ut probum M. Nobiliori, quod is in provinciam poetas duxisset. Duxerat autem consul ille in Aetoliam, ut scimus, Ennium. Valerius does not allude to this. In Tusc. IV.iii the main point is the coverage of Pythagorean influence on Rome, with the allusion to Cato's Origines being used as evidence for it. It is clear that, if Valerius had the Tusc. I.iii and IV.iii before him in composing II.1.10, he had effectively removed these features. The ancient practice is presented as good and honourable, not only without its (possible) Pythagorean suggestions, but as something uniquely Roman and closely related to a notion of a line of nobiles - Scipiones, Fabricii, Marcelli, Fabii. For a similar list, see IV.4.11.

and Tiberius as rei publicae divini oculi and the conception of Tiberius as optimus princeps in II. praef. But this emphasis is given in a general context of exempla that, for the most part, celebrate traditional virtues of a nobilis, amongst which one finds moderatio - IV.1. De Moderatione. (1)

As a result, an impression is given that the Caesares should not be understood as unique contemporary phenomena, but as truly outstanding individuals that can only be properly appraised when closely related to their predecessors - the imperii lumina of antiquity. Nevertheless, unlike these lumina, the Caesares are divinities, and any positive attempt to relate Iulius Caesar or Augustus to the Scipiones or the Fabii would merely intensify tension between two different interpretations of the Roman political tradition.

As in this exemplum (with its culmination in caeli clarissima pars), when Valerius elsewhere in the collection seeks to place the Caesares in a broad historical setting, the effect is one of not only suggesting the degree to which they are indeed in harmony with the political aspirations and standards of past leaders, but also of the degree to which claims made on their behalf are innovative, of the degree to which such images do not quite fit the tradition of individual initiative (res gestae and virtus) balanced by collective, senatorial authority and, in particular, by the continuity of that authority

---

(1) B. Levick, Tiberius the Politician, chapter VI, particularly p.91. See I. Lana, op.cit., pp.252-254, for a discussion of Valerius' exempla featuring Caesar's murderers.

(as seen, for instance, in II.7.15).

An historian therefore has to ask - does the collection work to undermine rather than confirm the notion of the continuity of the Roman political tradition? In II.1.10 and in the collection as a whole, confirmation may be the manifest intent, but how convincing is the outcome? After all, what we find in II.1.10 is a plurality of names prominent in the past set to harmonize with an acknowledgement of exceptional (superhuman) prominence in the present (with possible extension into the future) of only one family. A fusion of two political realities that could be judged incompatible.

But even if the traditional nature of the ascendancy of the Caesares is interpreted as being successfully and unambiguously affirmed in II.1.10 (any ambiguity of effect being rejected as not properly arising out of the exemplum itself), elsewhere in the Facta et Dicta this affirmation is offset by a recognition of a contrary principle:

Fabius vero Maximus, cum se quinquies et a patre, avo, proavo maioribusque suis saepe numero consulatum gestum animadverteret, comitiis, quibus filius eius summo consensu consul creabatur, quam potuit constanter cum populo egit ut aliquando vacationem huius honoris Fabiae genti daret, non quod virtutibus filii diffideret, erat enim inluster, sed ne maximum imperium in una familia continuaretur. Quid hac moderatione efficacius aut

valentius, quae etiam patrios adfectus, qui potentissimi habentur, superavit? (IV.1.5) (1)

Other exempla show how some nobiles depart from the standards upheld by their fathers (see especially the sequence Qui a parentis claris degeneraverunt III.5.1-4 ):

Quid enim sibi voluit princeps suorum temporum Metellus Pius tunc, cum in Hispania adventus suos ab hospitibus aris et ture excipi patiebatur? Cum Attalicis aulaeis contectos parietes laeto animo intuebatur? Cum inmanibus epulis apparatissimos interponi ludos sinebat? Cum palmata veste convivium celebrabat demissasque lacunaribus aureas coronas velut caelesti capite recipiebat? Et ubi ista? Non in Graecia neque in Asia, quarum luxuria severitas ipsa corrumpi poterat, sed in horrida et bellicosa provincia, cum praesertim acerrimus hostis Sertorius Romanorum exercituum oculos Lusitanis telis praestingeret: adeo illi patris sui Numidica castra exciderant. Patet igitur quam celeri transitu luxuria affluxerit: nam cuius adulescentia

- 
- (1) Could this story have been preserved in the Fabian gens? Could it have been in Atticus' history of the family? It is possible that it is entirely Valerius' invention, just like Duronius' speech (see Badian, QQ, 19, 1969, pp.198-200). Whatever its origins, its presence in the collection and in the sequence on moderatio in particular, works to undermine the principle of one dominant family in the commonwealth.

priscos mores vidit, senectus novos orsa est. (IX.1.5 De  
luxuria et libidine) (1)

The next exemplum in the same chapter (IX.1.6) illustrates that restraint and profligacy could even co-exist at the same time and in the same family:

Consimilis mutatio in domo Curionum extitit, si quidem  
forum nostrum et patris gravissimum supercilium et filii  
sescenties sestertium aeris alieni aspexit, contractum  
famosa iniuria nobilium iuvenum. Itaque eodem tempore et  
in isdem penatibus diversa saecula habitarunt, frugalissimum  
alterum, alterum nequissimum. (2)

- 
- (1) Referring to our discussion of antiquarian perspectives earlier, this concluding sentence, as well as the exemplum itself, would not have been out of place in an antiquarian sequence. The morally disreputable excesses of Pius here belong to a hostile, clearly not the family's tradition, see Sallust Hist. II.70 Maurenbrecher. Note Varro's hostility to Sallust in Pius aut de pace (Gell. XVII.xviii) - C. Cichorius, Römischen Studien, pp.228-232; N.Horsfall, BICS, 19, 1972, pp.123-4.
- (2) Curio's funeral arrangements for his father, particularly his ingenious technological innovation of two revolving theatres (NH XXXVI.116-120) which allowed for different simultaneous performances and a subsequent rearrangement that formed an amphitheatre for gladiatorial combat, evoked fierce indignation from Pliny: super omnia erit populi sedere ausi furor tam infida instabilique sede. en hic est ille terrarum victor et totius domitor orbis, qui gentes, regna diribet, iura exteris mittit, deorum quaedam immortalium generi humano portio, in machina pendens et ad periculum suum plaudens. quae vilitas animarum ista aut quae querela de Cannis. quantum mali potuit accidere. (118-119) The extent of Pliny's coverage of Curio's inventio (with its historically illuminating comparison between Curio and Scaurus, whose extravagant theatre, with its profusion of marble columns, was described at ibid. 113-115) suggests that he is following a hostile account by an earlier outraged observer. Traces only of this negative tradition remain in Valerius' exemplum.

Reflection on these three exempla, firstly, might lead the reader to question the propriety of any one family serving as a perpetual reservoir of principes for the state and might cause him to be sceptical about the ability of that family to sustain the effort over several generations as the exclusive guardians of the state; and, secondly, might work to inspire the belief that deviation from proper standards of private and public behaviour may not be a peculiar characteristic of certain historical epochs. However, none of the notions that are implied in these three exempla are picked up and consistently developed. One gets a very strong impression that they come from a variety of contexts with different perspectives and aims, with the compiler failing to impose an historical pattern on this material.

So it is not surprising to find in the collection an exemplum that locates an increase in moral decline at a particular point in time:

Urbi autem nostrae secundi Punici belli finis et Philippus

Macedoniae rex devictus licentioris vitae fiduciam dedit.

(IX.1.3) (1)

But cutting across this assertion is the preface to II.9. De Censoria Nota - here decline is not seen as a teleological process:

- 
- (1) See Pliny NH XXXIII.147-150 - combination of factors, discussed in Ch. 2 above. V.M. VII.2.3 demonstrates that Q. Caecilius Metellus was believed to have been apprehensive about the effect on Rome of Hannibal's defeat - "illa victoria bonine plus an mali rei publicae adtulisset..." See also D.C.Earl, The Political Thought of Sallust, Cambridge 1961, pp.47-48.



certain challenges to the stability of the state and to the condition of peace arise from time to time, only to be adequately dealt with by outstanding censors. The censorship is presented as a perpetual guarantee of the prosperity of an expanding and aggressive state, the very foundation of its success:

Castrensis disciplinae tenacissimum vinculum et militaris rationis diligens observatio admonet me ut ad censuram pacis magistram custodemque transgrediar: nam ut opes populi Romani in tantum amplitudinis imperatorum virtutibus excesserunt, ita probitas et continentia, censorio supercilio examinata, est opus effectum par bellicis laudibus: quid enim prodest foris esse strenuum, si domi male vivitur? Expugnentur licet urbes, corripiantur gentes, regnis manus iniciantur, nisi fors et curiae officium ac verecundia sua constiterit, partium rerum caelo cumulus aequatus sedem stabilem non habebit. Ad rem igitur pertinet nosse atque adeo recordari acta censoriae potestatis.

Explicitly this preface suggests no apprehension about the future, but its implication is that if for some reason censorial activity were not to be undertaken with customary rigour, all of Rome's military endeavours would be in vain. This implication inspires both confidence and anxiety. Confidence because corruption and degeneration are apparently not part of a developing, inevitably accelerating (as in the antiquarians)

process -- the precise origins of which could be located in the past; anxiety because they are apparently potential occurrences at any time if proper vigilance is not constantly maintained.

However, it would be incorrect to say, on the strength of this preface, that Valerius did not hold the view (or reflect the view) that decline in standards in Rome increased with the passing of time. In fact, the gallery of notable censors which this preface introduces includes the exemplary severitas of Fabricius Luscinus, an incident that prompts Valerius to indicate a gap between the standards of Luscinus' generation and those current in his own day: (1)

Quid de Fabrici Luscini censura loquar? Narravit omnis aetas et deinceps narrabit ab eo Cornelium Rufinum duobus consulatibus et dictatura speciosissime functum, quod X pondo vasa argentea comparasset, perinde ac malo exemplo luxuriosum in ordine senatorio retentum non esse. Ipsae medius fidius mihi litterae saeculi nostri obstupescere videntur, cum ad tantam severitatem referendam ministerium adcommodare coguntur, ac vereri ne non nostrae urbis acta commemorare existimentur; vix enim credibile est intra idem pomerium X pondo argenti et invidiosum fuisse censum et inopiam haberi contemptissimam. (II.9.4)

---

(1) For Luscinus' censorship as a significant moral exemplum in antiquarian chronographic works, see Gell. XVII. 21.39 (probably from Nepos, see above chapter two).

If Valerius is taking over this exemplum from an earlier moralist (Nepos?) that made a similar point (just as Pliny may be presumed to be doing in his coverage of the spreading use of silver at XXXIII.153), he is doing so because the point it makes has a degree of relevance still. But if that is so, then such sentiments cut across the notions in other exempla that do not suggest an increasing trend of luxury and extravagance. (1)

- 
- (1) Here a contrast with Pliny is instructive. In Pliny's case much of the traditional exempla material is added to genuine contemporary observations and criticisms. Notice his transition from the house of Lepidus to the extravagance of Gaius and Nero in XXXVI.109-112: M. Lepido Q. Catulo cos., ut constat inter diligentissimos auctores, domus pulchrior non fuit Romae quam Lepidi ipsius, at, Hercules, intra annos XXXV eadem centensimum locum non optinuit...sed omnes eas duae domus vicerunt, bis vidimus urbem totam cingi domibus principum Gai et Neronis, huius quidem, ne quid deesset, aurea. nimirum sic habitaverant illi quid hoc imperium facere tantum...quorum agri quoque minorem modum optinuerunt quam sellaria istorum. (The criticism is further elaborated by a reference back to Publicola). There are instances when the excesses of the late Republic (e.g. Scaurus' and Curio's) move Pliny to compliment his own generation: operae pretium est scire quid invenerit, et gaudere moribus nostris ac verso modo nos vocare maiores (ibid.117). However, such sentiments are to some extent ironic, given the ambitions and displays of principes like Gaius and Nero. But Pliny recognizes that much of his historical material reflects critically on the mores of the first century B.C. - e.g. (introducing the use of marble) ingens ista reputantem subit etiam antiquitatis rubor (ibid.4).

An additional ambiguous effect is produced when the preface to VIII.13. De Senectute is set in the context of other exempla in the collection:

Senectus quoque ad ultimum sui finem provecta in hoc eodem opere inter exempla industriae in aliquot claris viris conspecta est. Separatum tamen et proprium titulum habeat, ne, cui deorum immortalium praecipua indulgentia adfuit, nostra honorata mentio defuisse existimetur, et simul spei diuturnioris vitae quasi adminicula quaedam dentur, quibus insistens alacriorem se respectu vetustae felicitatis facere possit, tranquillitatemque saeculi nostri, qua nulla unquam beatior fuit, subinde fiducia confirmet, salutaris principis incolumitatem ad longissimos humanae condicionis terminos prorogando.

Here Valerius clearly states that his own age is serene and happier than those that came before it; he indicates that the epoch in which he lives is one in which men should be inspired to hope for happiness in their old age. Valerius urges his readers to accept that the special characteristic of the present saeculum is tranquillitas and it would be unwise to dismiss this designation as mere flattery. (1) The collection contains numerous references to past disasters - internal and external dangers to the state, scattered exempla render the Roman past as a violent one. In that sense, what Valerius claims in VIII.13.

---

(1) Velleius II.ciii - for another contemporary evocation of tranquillitas in association with quies and pax.

praef. for his own age is set against an historical backdrop confirming the instability and disorder of other periods - this is flattery that is firmly grounded in historical perception. (1)

The current of disorder and violence that runs through the Facta et Dicta has a direct bearing on this preface - it works to strengthen the assertion that the present age by contrast is unusually happy, free of the negative aspects that disturbed the tranquillitas of other times. But, on the other hand, it contributes an element of unease, suggesting the preciousness and fragility of the present state of repose. Both effects inspire support for the existing scheme of things and, above all, loyalty to the princeps and hope for his preservation, for if the past is any guide to the future, this peaceful condition may be easily undermined and violence brought out from beneath the surface of civilized life. This is support born of anxiety.

Therefore, just as there is a degree of tension in the collection between exempla alluding to the moderatio of ancient nobiles, which reveal the inadequacy of dynasticism, and those that affirm the uniqueness and dominance of the Caesares, so there is tension between an exemplum like VIII.13. praef. (with its evocation of unrivalled tranquillitas and secure felicitas) and those parts of the work that bring out the unreality of such an assertion - either by insisting on

- 
- (1) Some exempla - I.1.10 and 11; I.6.11 and 12; II.7.15; III.1.2 (M.Cato and Sulla); III.2.7; III.2.17 and 18; III.8.5; V.1.10; V.3.2 (b); VI.3.1 (c) and (d); VI.3.2; VI.4.1; VI.8.3; VII.2.6; VII.3.2; VII.3.9; VII.4.3; VII.6.1; VII.6.4 and 5; VIII.6.2; VIII.9.1 and 2; IX.2.1 and 2; IX.5.3 and 4; IX.7.1-4; IX.11.4 and 5.

the continuing validity of the notion that there is a steady decline in Roman mores or by recalling the memory of past perils, instability, murder and cruelty and thus hinting at the potential vulnerability of any political arrangement, including the present one. No matter how confidently an image is projected of a princeps firmly in control (te igitur huic coepto, penes quem hominum deorumque consensus maris ac terrae regimen esse voluit, certissima salus patriae, Caesar, invoco, cuius caelesti providentia virtutes, de quibus dicturus sum, benignissime foveantur, vitia severissime vindicantur...I. praef.) and responsible for the moral climate in which virtutes are encouraged to grow and vices are punished, images from the past (of Marius and Sulla, as well as those of external enemies of Rome and their former successes) are a forceful reminder of possible challenges to it.

Valerius' conception of Tiberius' significance requires him to maintain that he is writing at a time in which a secure and healthy res publica is a reality, yet he takes over a great deal of traditional exempla material that was moulded from a contrary perspective. Earlier moralists looked to exempla of past discipline and endurance as inspiration in their troubled times. If the past revealed an endless sequence of internal and external threats and continual struggle, this had a particular relevance to them. It showed a pattern of obstacles and ordeal in which virtus - almost a collective force contributed by a line of heroes - always came in time to save the state. (1)

---

(1) On the sources of "therapy by ordeal", see N. Horsfall, Prudentia, 8, 1976, pp.79-80.

Valerius subscribes to the idea that the Caesares brought about moral regeneration, but much of what he collects is in tension with this proposition. Notice, for instance, the comments that he makes on his patron in IV.7 ext.2 (discussed below).

Furthermore, the notion of the uniqueness of beatitudo and tranquillitas saeculi nostri is explicitly undermined by the oblique revelations made in IX.11 ext. 4:

Sed quid ego ista consector aut quid his immoror, cum unius parricidii cogitatione cuncta scelera superata cernam? Omni igitur impetu mentis, omnibus indignationis viribus ad id lacerandum pio magis quam valido adfectu rapior: quis enim amicitiae fide extincta genus humanum cruentis in tenebris sepelire conatum profundo debita<sup>e</sup> execrationis satis efficacibus verbis adegerit? Tu videlicet efferatae barbariae immanitate truculentior habenas Romani imperii, quas princeps parensque noster salutari dextera continet, capere potuisti? Aut te concipere furoris mundus in suo statu manisset?<sup>s</sup> Urbem a Gallis captam et trecentorum inclytæ gentis virorum strage foedatum amnem Cremeram et Alliensem diem et oppressos in Hispania Scipiones et Trasimennum lacum et Cannas bellorumque civilium domestico sanguine manantis† furoris amentibus propositis furoris tui repraesentare et vincere voluisti. (1)

---

(1) Helm, RE , cols. 90-91; Schanz-Hosius, op.cit., II, pp.588-589.

The mere fact that the name of this hideous villain is not mentioned points to Valerius' anxiety to obliterate his identity, but the threat itself is greatly magnified - the exemplum is long, elaborate and quite extravagant in its denunciations. Note particularly the reference to past disasters - e.g. the Gallic sack and Cannae.

In as much as the threat is maximized in this way here, the exemplum reflects back on other material in the collection, particularly on VIII.13. praef. - we learn now that the present age is not actually free from the negative features of the past, though we are reassured that its security is still guaranteed by the fact that, in co-operation with the gods, in primis auctor ac tutela nostrae incolumitatis ne excellentissima merita sua totius orbis ruine conlaberentur divino consilio providit. (1)

The exemplum concludes on an ambiguous note:

Itaque stat pax, valent leges, sincerus privati ac publici officii tenor servatur. Qui autem haec violatis amicitiae foederibus temptavit subvertere, omni cum stirpe sua populi Romani viribus obtritus etiam apud inferos, si tamen illuc receptus est, quae meretur supplicia pendit.

The note of assurance is tempered by a renewed concern for the punishment of the villain. One is left with the impression that

---

(1) On IX.11. ext. 4 see R.S.Rogers, Studies in the Reign of Tiberius, Baltimore 1943, p.27; J. Béranger, Recherches sur l'aspect idéologique du principat, Basle 1953, pp.210; 258.



although stat pax, valent leges, sincerus privati ac publici officii tenor servatur, the bonds of amicitia (having been violated) are no longer safe. Thus the exemplum works to project unease and apprehension, confirming one's suspicions inspired by the concentration of the collection on past violence and times of trial. For a work ostensibly written in an age of peace, prosperity and political stability, ensured by the divine consilium of the princeps, such concentration has a different relevance than for a work arising from disorder and turbulence. In Valerius it works to undermine his explicit commitment to the idea that the period from which he writes has been profoundly altered for the better by the influence of its ruler. After all, there is the implicit recognition in the collection, that such influence is not enough to encourage virtue and discourage vice, for there is a need that can be fulfilled by a collection of historical precepts - note the sentiments of the preface.

It emerges from the above discussion that Valerius' collection of exempla presents specific problems of interpretation, problems that concern Valerius' handling of his material, his attempts to integrate a mass of inherited material (written from different perspectives) into a fresh structure. A structure conceived by a rhetorician with an interest in history and a passion for making notes from different authors is extremely difficult to come to grips with. First of all, there is the problem of the exemplum itself, quite apart from any sequence that it might appear in.

An exemplum is an independent rhetorical entity, even when it forms a part of an integrated thematic sequence, it tends always to retain a substantial degree of self-sufficiency - at any moment one could detach it from the surrounding material without any effect on the sequence itself or on its own intelligibility. (1)

Secondly, a rhetorician collecting exempla on a vast variety of themes and from an extensive range of sources is able to interpolate ideologically contradictory material with greater facility than an historian committed to an orderly, consecutive account of events.

- 
- (1) Any exemplum in Valerius may be so treated, though a qualification must be made in respect of those items reported by Pliny that show a chronological sequence of innovation - e.g. in the use of gold - NH. XXXIII.1-95. For Pliny and his source (or sources) it is a matter of importance to carefully relate each advance in the use of gold to another:

Laquearia, quae nunc et in privatis domibus auro teguntur, post Carthaginem eversam primo in Capitolio inaurata sunt censura L. Mummii. Inde transiere in caecuras quoque et parietes, qui iam et ipsi tamquam vasa inaurantur, cum varie sua aetas de Catulo existimaverit, quod tegulas aereas Capitolii inaurasset.

But of course someone less interested in a comprehensive survey of the use and abuse of the gifts of nature could easily detach several exempla from such sequences and feature them on their own. Something of the original would be preserved, though the instances would no longer illustrate an integrated cumulative process.

A rhetorically based accumulation of a large number of exempla, no matter how well organized within individual thematic lines, is likely to produce an overall effect of considerable tensions, of conflicting political principles and moral positions asserted at different points and left unresolved, of contradictions insufficiently understood, of insights scattered about and not followed through.

Even if Valerius had been a more gifted literary craftsman, the nature of the work he undertook would have posed enormous difficulties in his way and he would have needed an acute historical sensibility to carry him over the obstacles. Unlike Atticus or Nepos, he does not appear to have been a student of Roman antiquity, for whom exempla were a by-product of more extensive research and enquiry. He was curious about the past and sought in it confirmation for his view of public and private morality, yet his involvement with it was more a matter of transcribing and stylistically manipulating historical and antiquarian texts than of anything else. Given these limitations, it is not surprising that the Facta et Dicta has appeared, to most of its recent readers, as random and trivial, lacking compelling design, continuity and coherence. Yet it would be a mistake to judge the exempla tradition by this collection. Prior to Valerius, men with historical intelligence and ability turned their minds to exempla and one presumes that their work had more coherent and integrated structures. Valerius did not profit from their example, partly because he probably felt no need to. But it is precisely on account of this that his Facta et Dicta has a

peculiar value for a student of the exempla tradition.

His mass of exempla holds for us something that historiography proper and antiquarian research eliminated through artistry, design and control over the source material - the kind of tenuous, uncertain grasp of past events and their inter-relationships which may be quite natural in an ordinary witness of an age of transition. In a vague way, Valerius still believes that the Roman state and society have not changed, that the institutions and practices of former times are still relevant. But he is also committed to the principes and to the new political reality that that implies. In addition, he has to assimilate material that shows the Roman past as violent and turbulent, as well as one in which virtus was recognized and rewarded. Not a secure basis for a belief in the present reality and future continuance of tranquillitas and felicitas.

It is worthwhile to take Valerius seriously as one contemporary of the principate of Tiberius and to see in his collection an indication of underlying bewilderment, of deep uncertainty about the nature of historical perspective required by the emerging political situation. Unlike Atticus, Valerius does not appear to have had extensive and intimate contacts with the nobility, he lacked passion for family history that could be satisfied by dipping into family archives; he cared little for chronology and precision. As a result, one notes the absence in the product of his great industry that firm and clear overview of the Roman state tradition that we see embodied in the imagines

of the Forum of Augustus and which, presumably, characterized Atticus' Imagines and Nepos' Exempla. Valerius' Facta et Dicta reflect not only a rhetorical approach, but interests of a different generation.

The work of Atticus and Valerius Messalla into family histories of noble families may be said to demonstrate self-consciousness and curiosity of a governing class under stress of political and social change. It is no mere co-incidence that this intensification of prosopographical enquiry occurs at a time when the composition of the senate is being gradually changed by the infusion of new families from municipal Italy. Valerius speaks from a different generation and to a different generation. A generation that inherits the ideology of the nobiles and is unsure about how to put it effectively to the service of the Caesares.

Nothing emphasises this uncertainty better than the fact that the overall impression of a shapeless pastiche in the Facta et Dicta emerges in spite of Valerius' frequent attempts to control his material. (1)

- 
- (1) What appears as Valerius' impulse to impose design on individual sequences may be something that he is taking over from previous collectors of exempla, see the discussion of various instances in the chapter "Livy and Valerius Maximus" below. Nevertheless, the very fact that he is continuing previous patterns, is evidence that he was concerned with effective presentation and meaningful arrangement. The following is merely offered as a sketch to indicate how some sequences in the Facta et Dicta illustrate the presence of a sense of purpose and design that is quite impressive on that scale. A similar analysis could be used, for instance, with reference to Book I as a whole (particularly I.1 De Religione and I.6 De Prodigis), II.7-10, VIII.7-15 and IX.1-11.

- (1) cont. V.1 De Humanitate et Clementia moves from humanitas and clementia displayed by the Senate (V.1.1 (a) - 1 (f)) collectively to that of individual senators (V.1.2 - ab universis patribus conscriptis ad singulos veniam). The sequence ends by presenting an image of Pompey's humanitas towards Tigranes (V.1.9) and dwelling on Pompey's fate: Caesar's mansuetudo is introduced (V.1.10) and Mark Antony is presented in a favourable light (V.1.11).

These three concluding exempla bring the reader sharply to the contemplation of recent history. Unlike their predecessors (M. Marcellus in V.1.4; Q. Metellus in V.1.5; Scipio Aemilianus in V.1.6 and 7), Caesar and Antony display their moral qualities in Civil war; they also (unlike Pompey) confront corpses, not living adversaries on whom they may confer their compassion. No sharper contrast exists to emphasise the changed situation than the difference between Pompey's attitude to Tigranes and his own sad fate. (Do we have a reflection of Varro's De Pompeio here?) It is not accidental that the first external exemplum deals with Alexander and the last with Hannibal, with correct burial rites being afforded (by Rome's enemies) to Aemilius Paulus, Tiberius Gracchus and Marcellus. Hannibal is praised for a display of a Roman virtue. There is a thematic connection/contrast between this and V.1.10 and 11 - the burials of Pompey and Brutus:

Quam praeclarum tributae humanitatis specimen Cn. Pompeius,  
quam miserabile desideratae idem evasit exemplum.

In addition, the whole chapter indicates a circular pattern: whereas the sequence commenced with a collective display of clementia and humanitas towards the Carthaginians (V.1.1(a)), it concludes with a reciprocal response by a Carthaginian leader. It is almost as if the whole contrast between former Roman practice and present horrors of civil conflict, with allusion to respect of enemies, has been inspired by the exemplum of Pompey's death - a glorious conqueror, felled by treachery and ingratitude: "Nam qui Tigranis tempora insigni regio texerat, eius caput tribus coronis triumphalibus spoliatum in suo modo terrarum orbe nusquam sepulturae locum habuit, sed abscisum a corpore inops rogi nefarium Aegyptae perfidiae munus portatum est etiam ipse victori miserabile..." (Caesar seeing P's head shows compassion.)

The steady stream of moral reflection and interpretation, given in individual exempla and particularly in introductions to chapters, provides only a surface framework. Taking this out of context, it may be possible to present Valerius as a man assured of being able to interpret the past for his generation and indicate its relevance to current concerns. But this surface element of confidence is only one part of the total mosaic formed by exempla in this collection: to the extent that it is not systematically integrated or rigorously applied, it merely works to intensify the above-mentioned uncertainty and bewilderment.

Part of Valerius' problem is scale. He turns his attention to so many themes and precepts that outside specific sequences ordering and cross-reference is extremely difficult. It may be that previous collections of exempla were less extensive in their overall coverage, though in the treatment of particular topics they may have been more thorough. Another part of his problem is method. He probably took notes as he read and later classified them with the aid of other collections, in all this there being little incentive for surveying the enterprise as a whole. It was probably an outgrowth of years of reading, note-taking and stylistic imitation of authorities.

It has been asserted above that Valerius, unlike Atticus, does not appear to have had extensive and intimate contacts with the nobility. This point needs some discussion, as it is likely that he did have some

contact with at least one noble family. In spite of the objections raised in Carter's recent essay, it is still tempting to retain the traditional identification of Valerius' patron with Sextus Pompeius, the consul of 14 A.D. (PIR P 450; RE 21.2265-7). Referring to II.6.8, Carter writes:

"In this passage about Sextus Pompeius Valerius does not tell us about any consulship or Asiatic proconsulship. In fact he tells us nothing about his Sextus Pompeius apart from conventional tributes to his superlative character, kindness and eloquence." (1)

Considering the eminence of the consul of 14 A.D., Carter finds this puzzling and questions the identification: Valerius' Pompeius need not be the consul of the year of Augustus' death. Carter is being needlessly cautious. From II.6.8 it is clear that this Pompeius is a man of exceptional eminence, at least in Valerius' eyes. This impression is greatly strengthened by IV.7 ext. 2, an exemplum ostensibly devoted to Alexander and Hephaistion, which Valerius uses to pay a significant tribute to his patron.

True, in this passage, unobtrusively tucked away amid foreign exempla, he is extremely vague on the nature of Pompeius' problems, so

---

(1) C. J. Carter, op. cit., p.31; Helm, RE , col. 90.



it is difficult to determine what the particular misfortune had been. (1) Maybe Valerius is being deliberately cautious. Whatever befell Pompeius, his client clearly considered it a very grave matter and consequently may have come to regard his own position as exposed and uncertain, given the protection he had received in the past - per quam tutior adversus casus steti. Complete silence would have been a sign of ingratitude, but there was still a duty to pay some respect to Sextus Pompeius' fame and generosity. To be more specific about his accomplishments and service may have been inadvisable.

Valerius' imprecision on the matter is maddening when we try to give him a date and put him in a specific social context, but in its own way it is sufficiently illuminating to be of value in interpreting his perspective in the collection. If, as seems probable, he benefited in some way from a patronage of a prominent Republican family, his historical sensibility was not fired by a passion for prosopography or chronology. In Valerius' case a connection with the old nobility was of no help in disciplining his rhetoric and clarifying the nature of current political changes and their implications for Roman society and institutions. It may be that the nobiles that he knew were just as unclear as he was about the meaning of recent events and their relationship to the past.

---

(1) Carter, p.52 note 16: "iactura. Valerius' rhetoric is so woolly that it is impossible to decide which of the three chief metaphorical meanings (bankruptcy, disfavour, death) is intended." The passage strongly suggests Pompeius' absence, from whatever cause.

## CHAPTER 4

## "SELECTION AND ABRIDGEMENT: LIVY - VALERIUS MAXIMUS"

One of the reasons for reviving some of the traditional questions concerning Valerius' sources is that he still turns up in footnotes as an historical source. (1) On occasions he is the only source on a given historical event; more frequently, he seems to preserve material additional to that found in the other source. Consequently, possible origins of his information have to be canvassed, his understanding of Roman history in general appreciated, and the characteristic features of his method of selection, abridgement and rhetorical inflation taken into account. The loss of so much ancient literature that he may have used need not prevent analysis and conjecture on the basis of the limited amount still at our disposal. (2)

- 
- (1) See Appendix - "Valerius Maximus in modern historiography".
- (2) However, see the recent sobering reflections on the utility of this kind of enquiry by C.J.Carter, op.cit., p.38. A. Klotz, "Zur Litteratur der Exempla und zur Epitoma Livii", Hermes, 44, 1909, pp.198-214 postulated that Valerius had used an earlier collection of Augustan date: C.Bosch, Die Quellen des Valerius Maximus, ein Beitrag zur Erforschung der Litteratur der historischen Exempla, Stuttgart 1929, conjectured an additional collection of Ciceronian date. These studies were criticized by R.Helm, "Valerius, Seneca und die 'Exemplasammlung'", Hermes, 74, 1939, pp.130-154; "Beiträge zur Quellenforschung bei Valerius Maximus", RhMus., 1940, pp. 241-273. Helm urged direct dependence of Valerius on Cicero and also argued for the force of convention in determining common characteristics of traditional exempla.

- 
- (2) cont. Klotz modified his position in respect of Seneca and elaborated in greater detail his earlier thesis concerning Valerius' use of a previous collection in Studien zu Valerius Maximus und den Exempla, München 1942 (all subsequent references, unless otherwise indicated, are to this study), see pp.5-7. Note also his discussion of Pliny's familiarity with a collection, pp.8-29. A. Ramelli, "Le fonti di Valerio Massimo", Athenaeum, 14, 1936, pp.117-152, accepts Valerius' use of a collection of Augustan date (pp.135-136) and his direct use of Cicero and Varro.

Consideration of Valerius' sources has a particular methodological importance in this study of the exempla tradition. Our ultimate aim is to define with more precision than has hitherto been possible the distinctive aspects of his attitudes and approach to the Roman tradition. How did he respond to Livy's history? How did he select exempla from Cicero? How did he draw on the antiquarian exempla tradition? These are the key questions that the following two chapters will seek to illustrate.

It has already been argued above that Valerius represents the rhetorical side of the exempla tradition. Some indication has also been given of the nature of his exempla. More detailed illustrations of his conceptions and method will be given shortly. At this stage, it is important to stress that Valerius did have some limited contact with antiquarian sources. It is possible to argue that he drew on Varro directly on a number of occasions, most notably in III.2.24 - the exemplum of L. Siccus Dentatus. (1)

- 
- (1) Siccus was famed as Roman Achilles - Gell. II.11, see also NH VII. 103 and chapter six below, "Pliny's response to the exempla tradition." Valerius writes in praise of Varro's industria - VIII. 7.3. B. Riposati (M. Terenti Varronis de vita populi Romani, Milano 1939, rep. 1972) examines a number of Valerius' passages as possible sources for his collection of testimonia of de vita p.R.: in general, see pp. 59-71; particular passages - II.2.6 and III.2. 24 (p. 62); III.6.5 and II.1.10 (p. 63); IV.3.14 and V.6.4 (p. 64); II.8.2 (p. 65); II.1.4 and IV.4.4 (p. 66); II.1.3 (p. 67). B. Krieger, Quibus Fontibus Valerius Maximus usus sit, Berlin 1888, pp. 80-81 lists over thirty possible instances of Valerius' use of Varro, see also his detailed discussion on pp. 27-65. Ramelli, op.cit., pp. 150-152

- 
- (1) cont. . . . . accepts direct use of Varro. Note also Helm, RE, cols. 110-111.

Pliny used both Varro and Valerius, as well as other collections. The work done recently by G. Ranucci, "Due Fonti di Plinio il Vecchio nel Brano De Spatiis Vitae Longissimis (NH 7, 153-159)", Athenaeum, 1976, pp.131-138 reaffirms the likelihood that Pliny used Varro directly, supplemented at times by Valerius (cf. Klotz p.23).

The "previous collections" theory deserves criticism when it is pressed to the exclusion of the possibility that Valerius was capable of reading original authorities. In the light of this, it is important to take note of the contribution to the subject made by F.R.Bliss in his dissertation, Valerius Maximus and his sources, a stylistic approach to the problem (Ph.D.North Carolina, 1951). In it Bliss developed a systematic method of analysing the relationship of the Facta et Dicta to two extant authors that had figured more prominently in discussion of Valerius' sources prior to Klotz and Bosch - Livy and Cicero.

Bliss offers very detailed examination of a number of stylistic parallels between Livy, Cicero and Valerius, with a view to demonstrating that Valerius was on many occasions a conscious imitator of the style of these models. His is a study of stylistic differences, or, more precisely, of variations and transformations of vocabulary and syntax. Its basic premise is that a degree of stylistic modification in Valerius is not a sign that another source had been used, but that the original source had been varied. (1)

Bliss' final conclusion is not spectacular, yet it is useful. He finds that the total number of reliable imitations is roughly twelve percent of exempla, this being slightly less than a third of the passages that have a parallel in Livy and Cicero. In other words, Valerius imitates Livy and Cicero relatively infrequently, and appears to use other

---

(1) Bliss, pp.19-45, discussion of previous studies; pp.56-102, definition of stylistic criteria and Valerius' method of "achieving stylistic metamorphosis".

sources "approximately twice as frequently, when he might just as well have used Livy or Cicero." (1)

Inasmuch as not all of Livy's history is extant for reliable comparisons to be made, and given that Valerius is quite interested in the period covered by him in the lost books (e.g. the exempla on Marius and Sulla in the Facta et Dicta), the degree of imitation is probably understated in this analysis. A similar point may be made with reference to Ciceronian material. Yet a pattern of preference is revealed.

As far as Livy was concerned, Valerius did not conceive his historical judgements as a dominant model to follow. In fact, when he cites Livy directly, he cites him (I.8. ext.19) on a point that he could have taken, if he so wished, from other annalists (or collections) interested in admiranda. (2) Livy as an interpreter of the Roman tradition leaves little trace in Valerius.

It may be urged that the main weakness of Bliss' approach lies in the fact that the stylistic variants noted, though suggestive of imitation, are in the final analysis not conclusive, there being always the

(1) Bliss, op.cit., p.264.

(2) The subject is Livy's description of the serpent confronting Regulus' army at the Bagradas river. Valerius is here drawn to one of the more fantastic elements of Livy's history. His lengthy exemplum concerning the serpent from Epidaurus in I.8.2 is also probably from Livy - see X.47 and Per. XI. For the "Augustan" aspects of the myth, see A.W.J.Holleman, "Ovidii Metamorphoseon liber XV 622-870", Latomus, 28, 1969, pp.42ff. Other Latin authors cited by Valerius are (see Bosch, op.cit., pp.50-51) Coelius Antipater (I.7.6 - based on De Div. I.56?); Pomponius Rufus (IV.4 praef.); Munatius Rufus (IV.2.2); M.Scaurus (IV.4.11 - probably used directly); Cato the Elder (VIII.1.2 - based on Cicero's Brutus 89?); Asinius Pollio (VIII.13 ext.4 - probably used directly); C.Gracchus (IX.5 ext. 4 - C. Gracchi oratio in Plautium, Malcovati, ORF, 59 - probably used directly).

possibility that the modifications and transformations observed derive not so much from deliberate imitation by Valerius as from an inheritance of a common tradition of treatment. (1) However, the clear case of I.8 ext. 19 establishes the likelihood that Livy was used in other exempla where stylistic criteria imply it.

Nevertheless, it must be conceded that in some uncontroversial exempla, such as the devotio of Decius or Torquatus' capture of the spoils, it is fruitless to search for Valerius' sources. These exempla were treated in rhetorical handbooks and compositions, accumulating with time standardized imagery and vocabulary that particular authors (without necessarily borrowing from one another) varied at will. (2)

- 
- (1) See also below chapter five - "Cicero - Valerius Maximus". The evidence provided by Bliss' statistical classification of the parallels (counting the number of transfers and variants) tends to undermine rather than confirm his general thesis. In cases where the number of variants is slight and the exemplum in Valerius brief, dependence on Livy is unprovable. In cases where the number of variants is considerable, with sufficient overlap of content and vocabulary, such evidence tends to point as much to variants in the common tradition as to deliberate (and elaborate) imitation by Valerius. Therefore, even with a large body of statistical data, as in Bliss, one is still reduced to making impressionistic judgments in particular cases, taking into account both variants and similarities. The assumption of deliberate imitation illuminates the relationship between the two authors only in cases where Valerius' exemplum has sufficient factors (including the historical content) to suggest a degree of dependence on Livy, mingled with striking variations in vocabulary and syntax. Statistics in such cases are of little help. Bliss lists (in Appendix I) 148 Livian passages, corresponding to 146 from Valerius. The discrepancy is accounted by Valerius' I.6.5 which is noted as having parallels in three different passages from Livy. The parallels range from brief allusions (eight), through slight parallels (forty-six), to elaborate variants (fifty). Short facta and dicta account for



- 
- (1) cont. forty-two parallels. Of the thirty-five surviving books of Livy, twenty-nine find an echo in Valerius. The observed parallels range from as little as one per book (books III, VI, X, XLI, XLII, XLIII) to fourteen (books II and XXII). One book (XXVII) reveals eleven parallels, another one, eight (XXXVIII). These are raw figures; each requires careful consideration.
- (2) See R. Helm, Hermes, 74, 1939, pp.142-143 on V.M. V.6.5; Fin. II. 61 and Livy VIII. ix; also note the treatment of Decius in the Ad Herennium IV.xliv - an illustration of expolitio.

For the purpose of this discussion of the nature of the rhetorical side of the exempla tradition, Bliss' method offers a suitable framework in which to place a detailed examination of some of Valerius' exempla. On a number of occasions, where his familiarity with Livy is a strong possibility to be taken into consideration, Valerius not only differs from his model stylistically, but presents significantly different conceptions and evaluations of controversial historical events, less frequently giving additional facts. As will be shown below, it is possible to explain some of these differences as natural by-products of stylistic variation and compression of abridgement. On the other hand, some differences can only be adequately explained by Valerius' contact with a wider range of sources and by his moral, religious and political traditionalism that seems to condition his rhetoric at vital points. (1)

As a working hypothesis, the material collected by Bliss (which ranges more widely than that in the work of Bosch and Klotz) may be taken as a general guide to the areas of Livy's history with which Valerius' familiarity can be provisionally assumed. Our discussion will concentrate on twenty-one parallels from the first two books of Livy, extending this scope to cover other exempla in particular sequences in order to determine the chief characteristics of Valerius' method.

There are a number of reasons for limiting the analysis to just these parallels. First, the scope of the thesis does not allow a comprehensive examination of all the Livy-Valerius parallels, so consequently

---

(1) See especially the treatment of Tarpeia, Horatius, Sp. Cassius and Tiberius Gracchus below.

some limitation has to be imposed. Secondly, examining the parallels in their relation to two particular books of Livy avoids giving a misleading impression of the nature of the available evidence. The previous studies of Valerius' sources (notably those by Bosch and Klotz) concentrated to a large extent only on those parallels that tended to affirm a preferred theory. The method adopted here takes the parallels as they occur. Thirdly, given that the main aim of the enquiry is to define Valerius' method and conception of the exempla tradition, the procedure adopted allows for a coherent and concentrated discussion of his response to a particular body of historical material.

By relating Valerius' exempla to the context of the first two books of Livy's history, it is also hoped to suggest a methodology that may be suitable for a more comprehensive historiographical study of the Facta et Dicta.

VALERIUS MAXIMUS AND LIVY I. 1 - 60

I)

Livy I.11 - V.M.IX.6.1

The first of these parallels is in the exemplum concerning Tarpeia's treachery (given under the heading De Perfidia), a popular and controversial incident that the annalistic tradition associated with events subsequent to the Rape of the Sabine maidens. (1)

- 
- (1) On the structure into which Tarpeia's actions are fitted by Livy, see Ogilvie, op.cit., pp.64-65. Dionysius of Halicarnassus is keenly interested in giving a favourable interpretation of Romulus' aims in planning the abduction (II.xxx - intermarriage as prelude to friendship with surrounding peoples). This may be taken as a genuine aspect of contemporary attitude to the episode. Ogilvie (ibid) notes Cicero's uneasiness over the affair in De Re publica II.12; Dionysius, anxious to present the early Romans in the best possible light, remarks that the chastity of the victims was not violated and that on the day following their seizure, they were married, each according to the custom of her country. On Dionysius' conception of Romulus, see now J.P.V.D. Balsdon, "Dionysius on Romulus", JRS, 61, 1971, pp.18-27. Presented in its outlines, without addition of extenuating details, the incident could be seen to reflect unfavourably on the moral standards of the nascent community. Even in Livy, where, as Ogilvie notes, the apologetic tone is absent, the dramatic climax is reached with Romulus' speech (I.ix) which evokes an image of eminently civilized behaviour (particularly in view of its literary associations - Ogilvie n.14). It is not surprising that a collector of exempla like Valerius avoids depicting the Rape. His one reference to it is brief and touches Romulus' celebration of the Consualia - II.4.4. The Rape cried out for explanation and background, matters that his exempla were ill-fitted to furnish.

We know that the earliest annalists regarded Tarpeia's actions as an unambiguous attempt to betray her people. (1) L. Calpurnius Piso (in what seems to be, on the basis of Dionysius' references, a very elaborate apologetic reconstruction) argued for the girl's innocence. (2) Dionysius, surveying the conflicting accounts, shows more sympathy to Piso's rehabilitation of Tarpeia than to the image of treachery conveyed in the early annals, though he does conclude his treatment with an invitation to his readers to judge for themselves. (3) In contrast to the involvement in the issue and consequent prolixity of some annalists, Livy gives the matter minimal attention. Little seems to be at stake as far as he is concerned.

- 
- (1) D.H. II.38 - mentioning Q. Fabius Pictor and L. Cincius Alimentus. One may make a guess as to the moral significance of the episode in these histories. It pointed to the corrupting influence of foreign luxuries, offering a cautionary tale to young Roman maidens.
- (2) Ogilvie, pp.74-75. Dionysius (II.39) reports that Piso introduced the detail of a messenger from Tarpeia to Romulus, sent in order to explain to him the essence of her stratagem, and made this messenger a traitor (fr. 5 in Peter). On Piso's outlook, see now E. Rawson, Latomus, XXXV, 1976, pp.705-706.
- (3) Dionysius prefers Piso's version and is impressed by the evidence marshalled by Piso to back up his challenge to the prevailing historical tradition (II.40) - the inference from the existence of her tomb and of the annual libations performed there. A traitor would not be so honoured. Piso's moralism was clearly affronted by the assumption that early Roman virgines could be traitors, that was certainly not an example to set the youth of his day. See fr. 40 in Peter and Badian, "The Early Historians", Latin Historians, ed. T.A. Dorey, London 1966, pp.12-13.

First he reports the act of treachery itself and its cruel reward, then he mentions (additur fabula) what we can identify as the substance of Fabius' and Cincius' story (the effect on a young girl's mind of Sabine jewellery), following this with a very brief acknowledgement of the existence of an apologia - sunt qui. No preference is expressed amongst the competing views.

We come now to Valerius' exemplum and its relationship to Livy's text. Whereas Livy's story is placed in the context of a war following the abductions of the women, Valerius' tale occurs at an unspecified stage in the reign of Romulus:

Livy:

Novissimum ab Sabinis bellum ortum,  
multoque id maximum fuit; nihil  
enim per iram aut cupiditatem  
actum est, nec ostenderunt bellum  
prius quam intulerunt. Consilio etiam  
additus dolus. Sp. Tarpeius Romanae  
praeerat arci.

Valerius:

Romulo regnante Spurius  
Tarpeius arci praeerat.

The two writers are in agreement that Tatius bribes Tarpeia:

Livy:

Huius filiam virginem auro  
corrumpit Tatius ut armatos  
in arcem accipiat; aquam forte  
ea tum sacris extra moenia  
petitum ierat.

Valerius:

Cuius filiam virginem aquam  
sacris petitum extra moenia  
egressam Tatius ut armatos  
Sabinos in arcem secum  
reciperet corrumpit...

Here we have an apt illustration of a stylistic variant, the subject of Bliss' thesis. (1)

Up to this point Livy has avoided giving any circumstantial details about how Tarpeia was bribed, auro corrumpit tells the essence without precision. Valerius' account moves immediately to a description of the incident, material that Livy only gives after noting additur fabula:

Livy:

Accepti obrutam armis necavere, seu  
ut vi capta potius arx videretur seu  
prodendi exempli causa, ne quid  
usquam fidum proditori esset.  
Additur fabula, quod vulgo Sabini  
aureas armillas magni ponderis  
bracchio laevo gemmatosque magna  
specie anulos habuerint, pepigisse  
eam quod in sinistris manibus  
haberent; eo scuta illi pro aureis donis  
congesta.

Valerius:

mercedis nomine pactam quae  
in sinistris manibus  
gerebant: erant autem in  
his armillae et anuli magno  
ex pondere auri. Loco potitum  
agmen Sabinorum puellam  
praemium flagitantem armis  
obrutam necavit, perinde quasi  
promissum, quod ea quoque laevis  
gestaverant, solvisset.

It may be argued (as Bliss does) that what Valerius says is not in substance different from what Livy reports. The argument cannot stand.

---

(1) Bliss, op.cit., p.203 writes in reference to this particular parallel that it exhibits "close stylistic similarity", noting in it "six inversions, nine diction variants, and three transfers."

Valerius' exemplum is different and not only because it manipulates Livy's style. It is different because it conveys Tarpeia's image as, without doubt, a traitor to her people. She betrays, demands her reward and is killed:

Absit reprehensio, quia inopia proditio celeri poena  
vindicata est.

Inopia proditio is the operative phrase and Tarpeia's greed stands revealed clearly and unambiguously. This is of course how matters stood with Fabius and Cincius, with no thought for the possibility of Tarpeia's innocence. The historiographical wheel, so to speak, has come full circle. By abridging a complex, controversial tradition, this exemplum managed to return to the stark moralism of antiquity. (1)

- 
- (1) No better illustration of this starkness exists than a revealing fragment of Fabius Pictor's Annales (Pliny NH, XIV.89-90; Peter fr. 27 ), showing that in the context of his weighty themes he had noted an exemplary punishment: Fabius Pictor in annalibus suis scripsit matronam, quod loculos in quibus erat claves cellae vinariae resignavisset, a suis inedia mori coactam. Pliny does not attribute Egnatius Maetennus' punishment of his wife (uxorem, quod vinum bibisset e dolio, interfectam fuisti a marito, eumque caedis a Romulo absolutum) to a specific source (ibid), yet the story well fits the moral rigour of the early annalists. It had continuing appeal, for Valerius cites it in VI.3.9 (see discussion below 116). We do know that Piso's Annales contained material relating to Romulus' moderation in drinking wine. Gellius NA, XI.14 (Peter fr. 8): Ea verba, quae scripsit, haec sunt: "Eundem Romulum dicunt, ad cenam vocatum, ibi non multum bibisse, quia postridie negotium haberet. Ei dicunt: Romule, si istud omnes homines faciant, vinum vilius sit. His respondit: immo vero carum, si quantum quisque volet bibat; nam ego bibi, quantum volui. Here would have been a suitable place to refer to Egnatius' action and Romulus' judgement.



- 
- (1) cont. It is possible that in this case, Piso shared Pictor's brand of moralism, even though in some instances (e.g. Tarpeia above and possibly Sp. Cassius below) he felt the need to modify it. The heroic image of Tarpeia was represented on one of the reliefs in the Basilica Aemilia, see the arguments of G. Carettoni, "Il fregio figurato della Basilica Aemilia", Rivista Istituto Nazionale di Archeologia e Storia dell'Arte, 19, 1961, pp.29-31. For Tarpeia on coins, see M. Crawford, op.cit., I, pp.355-356.

As far as the question of Valerius being an imitator of Livy is concerned, this parallel shows that a presence of stylistic variants, indicating a degree of dependence on Livy, is compatible with the combination of these derived elements into a substantially different account, one that projects an essentially distinct understanding of the event in question. Valerius at times exhibits fondness for stories evoking sombre retribution (see the discussion of VI.3.1-12 below) and in this conception of Tarpeia we have an image congenial to him.

## II)

Livy I.26 - V.M. VI.3.

a) Presumably anticipating what his readers would most appreciate in this tale of virtus and family honour, Dionysius exploits every conceivable dramatic possibility in his treatment of Horatius' punishment of his sister (III.21 and 22). The girl is not only guilty of lamenting her brother's victim, she is also made to utter defiant words to the returning victor and provoke by this display of arrogance, his fierce retribution (III.21.7). This severity is matched by their father's approval and the subsequent trial occurs only when specific complaints are brought to the king in respect of the calamitous consequences of Horatius' blood-guilt. (1)

Livy appeals to somewhat different tastes. The slaying of the maiden is occasioned by a less serious display of loyalty to her betrothed than in Dionysius: moreover, the whole episode is given a vivid and definite institutional setting. Horatius has to stand trial for perduellio when the king transfers the matter to the duumviri appointed for the occasion. They duly pronounce him guilty.

- 
- (1) The incident captured Ennius' imagination. He presents Horatius as justifying himself to his sister (13? Loeb), as not being able to bear her reproachful words (134) and accusing her of favouring the enemy (135 possibly). There is a trace of the father's defence (136), fragment of a prosecution's claim (137) and a reference to the length of the trial - haec inter se totum egere diem tuditantes. (138) All pointing to an early shaping of the legend. (Fr.12-15 in E.M.Steuart, The Annals of Ennius, Cambridge 1935.)

At the instigation of Tullus (tum Horatius auctore Tullo, clemente lege interprete, provoco, inquit) he makes his bold appeal to the people and thus obtains acquittal, though expiatory rites are imposed to ensure the cleansing away of blood-guilt (I.26). (1)

Livy supplies a wealth of antiquarian detail consonant with giving the episode a setting in the legal traditions of the Roman community. The father's plea is made more telling by being set against the demands of due process of law:

Livy I.26.11 - 13:

...I, lictor, colliga manus, quae paulo ante armatae imperium populo Romano pepererunt. I, caput obnube liberatoris urbis huius; arbore infelici suspende; verbera vel intra pomerium, modo inter illa pila et spolia hostium, vel extra pomerium, modo inter sepulcra Curiatorum. Quo enim ducere hunc iuvenem potestis, ubi non sua decora eum a tanta

- 
- (1) Ogilvie, pp.114-117. D.H. omits the duumviri, his first trial is before Tullus and it is because Tullus is burdened by the weight of the decision to be made (an element that is also in Livy) that he decides to pass the case on for popular deliberation. Tullus' indecision is a crucial part of III.22. We have an instance of a trial before the duoviri and subsequent provocatio and a iudicium populi in the case of Rabirius, see R.A.Bauman, The Crimen Maiestatis in the Roman Republic and Augustan Principate, Johannesburg 1967, pp.32-33. For the suggestion that Horatius was cited as an historical precedent in this case, see A.H.M.Jones, The Criminal Courts of the Roman Republic and Principate, Oxford 1972, pp.10-11.

foeditate supplicii vindicent? Non tulit populus nec  
 patris lacrimas nec ipsius parem in omni periculo animum,  
absolveruntque admiratione magis virtutis quam iure causae.

Itaque, ut caedes manifesta aliquo tamen piaculo lueretur,  
 imperatum patri ut filium expiaret pecunia publica. Is  
 quibusdam piacularibus sacrificiis factis, quae deinde genti  
 Horatiae tradita sunt, transmisso per viam tigillo capite  
 adoperto velut sub iugum misit iuvenem.

Justice and popular admiration of virtus are in conflict here.  
 Livy's comment, referring to the acquittal, acknowledges that Horatius' virtus inspired great admiration at the time, but it does leave his readers free to decide the more important question - was Horatius' conduct in itself deserving of approval when set against the demands of ius? (1)

- 
- (1) That Horatia was guilty of proditio and merited a death penalty is not clear from Livy's account (Ogilvie, pp.114-115). It is possible to argue that the narrative presupposes that she was (Ogilvie, ibid.: "She was guilty of proditio, she had mourned for an enemy. It follows that she was accusanda and damnanda, so that when Horatius killed her he was guilty not so much of parricidium as of forestalling the due process of the law by executing a criminal who had not yet been sentenced to death."), though 26.4 to which Ogilvie draws attention, is, after all, Horatius' accusation made in the heat of the moment and not an objective report of a legal principle. Horatius' crime was thus either parricidium or caedes civis indemnati; the whole point of the version seems to be to highlight this ambiguity. In spite of arguing for the proditio of Horatia, Ogilvie accepts that the precise grounds for the perduellio charge here described are not clear - "It was not a straightforward instance nor does Livy help to clarify the issues..." (p.115) This leaves us with two alternative ways of interpreting Livy's account as it stands.

(1) cont.

On the one hand, we may see in it a reflection of Livy's desire to give institutional and historical authenticity to an event, frustrated by his lack of attention to (or understanding of) the precise legal options involved. On the other hand, we may see in it a deliberate design, a working out of the affair in such a way as to give it a sense of ambiguity and thus enhance his readers' involvement by making it difficult for them to come up with a snap judgement in respect of Horatius' guilt and the prior guilt of his sister. That is, the same kind of ambiguity that Dionysius conveyed by making Tullus hesitate to deliver his verdict on the accused youth. The second is the more likely alternative. Ogilvie (p.115) notes that "beneath the archaically colloquial language" (of Horatius' words to his sister) it is possible to detect vestiges of an ancient law which forbade the mourning of an enemy. For some reason Livy (assuming that he knew of its existence and appreciated its relevance to the case) chose not to mention such a law. Had he done so, he would have clarified the grounds on which Horatia was accusanda and damnanda and provided some backing to the father's assertion that she was justly slain - *moti homines sunt in eo iudicio maxime P. Horatio patre proclamante se filiam iure caesam iudicare...* In Dionysius, for instance, part of Tullus' difficulty is that Horatia's offence did not merit capital punishment (III.22.5). Livy gives us no such help, but admiratiōne magis virtutis quam iure causae is, of course, a possible indication that Livy did consider and suggest that Horatia was not iure caesa.

It has to be clearly appreciated that Livy was not merely re-telling a familiar story, paying little attention to its implications. The more natural assumption to make is that he was fully aware of the continuing interest in this episode by educated Romans, and of the relevance to ongoing problems in Roman history of the key contending principles in this ancient drama, and therefore shaped his narrative accordingly. (1)

- 
- (1) Horatius was a popular locus in rhetorical schools, certainly in the eighties and probably much earlier - Ogilvie, p.106. Cicero's De Inventione 2.78-86 gives invaluable insight into possible approaches to the myth. Cicero goes to great lengths to list the essential matters in dispute and indicate the most appropriate lines of attack for both the prosecution and the defence. Some such schema must have been familiar to Livy and, if he had the inclination, he could have applied it in a more systematic form to give the legal elements in I.26 clarity, precision and resolution. But, as noted above, his treatment leaves unsettled the question of whether Horatius' crime was parricidium or caedes civis indemnati and the question of ultimate approval of his conduct. This was done by Livy in a context in which the case for the prosecution had accumulated plenty of rhetorical ammunition (De Inv. 2.81 - si vero ceteri quoque idem faciant, omnino iudicium nullo futurum and other considerations to that effect). Whatever its historicity, the issue could be presented and was presented as having permanent relevance in the Roman community, consequently the way one resolved it and understood it mattered. Livy chose not to pursue the issues to a resolution, he also chose not to channel the principles along the lines laid down by rhetorical convention (e.g. De Inventione) - stating the detailed respective claims. A controversia composed at this time (judging by the form of those in the Elder Seneca's collection) would have commenced with a statement of the law and followed it by a lengthy debate arising from it. On the laws in Seneca's controversiae, see S.F.Bonner, Roman Declamation, 1948 (1969 re-issue), pp.84-139, particularly his conclusion in respect of the historical validity of laws cited by Seneca: "Very few indeed of the fifty laws are clearly fictitious...Admittedly, the "laws" may sometimes be little more than customs, but such cases form a small minority. Some are unquestionably based on the praetorian edict." In short, rhetoricians did not operate in a legal vacuum. This suggests that there would have been at least

- 
- (1) cont. an expectation in the minds of some of Livy's readers for the legal background to be given with convincing detail, and, in as much as he was aiming at fulfilling some such expectations in general here (and of course elsewhere in his history), his failure to do so may point not to oversight (or incompetence), but to his intention to keep the problem alive by substituting the (familiar) formal scheme of rhetorical debate with an artistic creation of an element of doubt; doubt that well fits the archaic tone of the episode and counterpoints the numerous elements of antiquarian lore embedded in it.



b) This brings us to the problem of the parallel between Valerius and Livy (classified by Bliss as "slight".) When the two texts are compared, Valerius' reveals compression and change of emphasis. The compression transforms a problematic account into a much clearer and simpler case of just vengeance:

### VI.3.6:

Sic se in viris puniendis severitas exercuit, sed ne in feminis quidem supplicio adficiendis segniores egit. Horatius prius proelio trium Curatiorum, iterum condicione pugnae omnium Albanorum victor, cum ex illa clarissima acie domum repetens sororem suam virginem Curiati sponsi mortem profusius quam illa aetas debebat flentem vidisset, gladio, quo patriae rem bene gesserat, interemit, parum pudicas ratus lacrimas, quae praepropero amoris dabantur. Quem hoc nomine reum apud populum actum pater defendit. Ita paulo propensior animus puellae ad memoriam futuri viri et fratrem ferocem vindicem et vindictae tam rigidum adsensorem habuit. (1)

A number of points emerge in comparison. Though there is an allusion to a trial, the emphasis is here on the deed itself and its approval by the father. Valerius entirely removes the references to

---

(1) Valerius' profusius quam illa aetas debebat flentem seems to be a misunderstanding of Livy's immature amore (immature here to be taken as unseasonable, see Lewis and Short on immaturus in Livy I.26.4).

sacrifices necessary to purge guilt, making a father's plea a sufficient reason for approving the act. The institutional (antiquarian) texture given by Livy is removed and there is no hint of what the rhetorical convention allowed - the case against Horatius. Therefore, as with the preceding parallel, whatever the stylistic elements observed as deriving through imitation from Livy's text (e.g. the verb vindicare occurs in both), Valerius' exemplum conveys a distinct understanding of the event in question. (1)

---

- (1) Differences between Livy and Dionysius are sufficiently numerous to suggest diversity in the annalistic tradition itself. It would be very illuminating to have some knowledge of the way that the early annalists treated the affair. D. H. and Valerius provide some clues. It was possible to minimise the trial (either before the king or the populus) and focus on the father. In fact, Dionysius, whose account neatly breaks into two distinct episodes (III.21 and 22 respectively), initially appears to indicate that the matter was a family affair and was settled within the family. It is only in III.22 that we get the information that there was still concern in the community about the blood-guilt. A guess as to the origin of these two strands is not out of place. Taking our previous discussion of Tarpeia into account, it may be conjectured that Fabius Pictor and Cincius presented the affair as a family matter (probably in outline similar to D. H. III.21) and that the issue of trials (before the king, the duumviri and the populus) and elaborate debate on the respective merits of extra-legal justice arose later, possibly with Piso; see below the discussion of the case of Spurius Cassius - V.M.V.8.2.

Another exemplum in Valerius' collection, not cited by Bliss in his discussion, shows that when making a second reference to the action of Horatius, Valerius did not respond to the legal and moral ambiguities of Livy's account.

In VIII.1. absol. 1 he writes:

M. Horatius interfectae sororis crimine a Tullo rege  
damnatus ad populum provocato iudicio absolutus est.  
Quorum alterum atrocitas necis movit, alterum causa  
flexit, quia inmaturum virginis amorem severe magis  
quam impie punitum existimabat. Itaque forti punitione  
liberata fratris dextera tantum consanguineo  
quantum hostili cruore gloriae haurire potuit. (1)

Valerius' exaltation here is unrestrained, he almost offers a justification of civil conflict and affirms the possibility of gaining gloria by spilling the blood of relatives. Livy provided no impetus to such a conception.

.....

It was argued in chapter three above that Valerius fails in imposing historical coherence on his material, being more concerned with thematic ordering of the various exempla. It is now possible to illuminate his method in more detail, drawing attention, whenever possible, to any significant differences between his presentation and that of the

---

(1) In Livy of course, as was shown above, Tullus was not the instrument of Horatius' punishment, he in fact was sympathetic to him and incited him to appeal. Livy acknowledges admiratio of Horatius' deed, but that is far short of gloria - a more enduring notion.

antiquarian moralists.

For this purpose it is essential to examine the sequence of items in which VI.3.6 occurs. The chapter is devoted to severitas, opening with the punishment of M. Manilius Capitolinus and other instances (Sp. Cassius, Sp. Maelius, Tiberius and Gaius Gracchus) demonstrating its utility in the defence of libertas, dignitas and disciplina (see discussion below pp.231-<sup>249</sup>). Six of these exempla relate to the punishment of women (6-12).

#### VI.3.

6 - Horatia

7 - Consimili severitate senatus postea usus Sp. Postumio

Albino Q. Marcio Philippo consulibus mandavit ut de his quae sacris Bacchanalium incestu usae fuerant, inquirerent. A quibus cum multae essent damnatae, in omnes cognati intra domos animadverterunt, lateque patens opprobrii deformitas severitate supplicii emendata est, quia, quantum ruboris civitati nostrae mulieres turpiter se gerendo incusserant tantum laudis graviter punitae adtulerunt. (1)

---

(1) Note here a possible variation of Livy's animadverterent and animadvertebatur, see XXXIX. 18.6-7.

Livy's treatment of the affair demonstrates its pervasive and sensational aspects. (1) If Valerius had consulted Livy (and his use of the verb animadverto suggests that he did), his abridgement of the matter in this exemplum focuses exclusively on the punishment of women by the cognati. (2) The text of another of Valerius' references to the Bacchic cult survives only in summaries (Paris and Nepotianus I.3.1). Nepotianus' is the fuller treatment, showing that at this point Valerius noted the participation (and presumably also punishment) of both men and women. (In his abridgement of VI.3.7, Paris evidently has Livy in mind - magna pars p. R. punita est.)

In VI.3.7 Valerius approves of the measures taken by the relatives and links the severitas here with that of Horatius, blurring the legal distinctions in defence of the general theme - the appropriateness of harsh punishments of women in domestic tribunals. By establishing a thematic connection between these two cases he is able to confirm Horatia's

- (1) Other annalists appear to have been interested in the details of the cult itself, see Cassius Hemina fr. 36 (Peter) - discussed in E. Rawson, Latomus, XXXV, 1976, pp. 695-696. Varro wrote on the Bacchantes and senatorial policy (see CD VI. ix.). It is possible that exempla featuring aspects of the coniuratio appeared in some antiquarian collections with strong religious content, e.g. Messalla's and Verrius'.
- (2) Livy XXXIX. 18 - si nemo erat idoneus supplicii exactor, in publico animadvertebatur. Valerius uses the same verb, yet fails to add this detail. On the affair, see A.H.J. Greenidge, The Legal Procedure of Cicero's Time, Oxford 1901 (1971 rep.) p. 383.

guilt by the mere process of association, for the rhetoric works to obscure the fact that she did not get a trial either before her father or before an appropriate court.

In VI.3.8 Valerius' presentation conveys the impression that the judgement by the propinqui anticipated any public measures:

Publicia autem, quae Postumium Albinum consulem, item  
Licinia, quae Claudium Asellum viros suos veneno  
necaverant, propinquorum decreto strangulatae sunt:  
non enim putaverunt severissimi viri in tam evidenti  
scelere longum publicae quaestionis tempus expectandum.  
Itaque quarum innocentium defensores fuissent, sontium  
mature vindices extiterunt.

Livy's text survives only in the epitome, from which it is apparent that a prior investigation was featured in that account:

De veneficiis quaesitum. Publilia et Licinia, nobiles  
feminae, quae viros suos consulares necasse insimulabantur,  
cognita causa, cum praetori praedes vades dedissent,  
cognatorum decreto necatae sunt. (Per. 48)

It is possible to take Valerius' propinquorum decreto strangulatae sunt as an echo of cognatorum decreto necatae sunt (and hence as evidence for the use of Livy), but the difference between the two accounts is

important in showing how Valerius moulds an episode to fit his thematic sequence. (1)

In VI.3.9 Valerius reports the incident without its historical context:

Magno scelere horum severitas ad exigendam vindictam  
concitata est, Egnati autem Meceni longe minore de causa, qui  
uxorem, quod vinum bibisset, fusti percussam interemit, idque  
factum non accusatore tantum, sed etiam reprehensore caruit,  
uno quoque existimante optimo illam exemplo violatae  
sobrietati poenas pependisse. Et sane quaecumque femina  
vini usum immoderate appetit, omnibus et virtutibus ianuam  
claudit et delictis aperit.

Livy does not refer to the affair. From Pliny NH XIV.89-90 we learn that some exempla writers placed it in the reign of Romulus:

Non licebat id feminis Romae bibere. Invenimus inter exempla  
Egnati Maetenni uxorem, quod vinum bibisset e dolio, interfectam  
fusti a marito, eumque caedis a Romulo absolutum.

This treatment of the punishment is different from Valerius': the husband does find accusers and is absolved by Romulus. The issue is

---

(1) For the argument that the extant Periochae were made from the original text of Livy (undiluted by intermediaries), see C.M. Begbie, "The Epitome of Livy", QJ, 17, 1967, pp.332-338. The similarity of expression between Per. 48 and V.M. VI.3.8 may be explained by the exigencies of compression. Valerius makes Postumius consul, a misreading of Livy's consularis.

presented as problematical, though the outcome is still in Egnatius' favour. It has already been suggested above that this item could have been cited in Piso's Annales (see Gellius NA, XI.14 (Peter fr.8) - Piso took an interest in Romulus' moderate drinking habits). Fabius Pictor noted a very similar case (see NH ibid). (1) Varro wrote on the abstemious habits of Roman women, probably in the course of a general historical discussion of the use of wine in Rome and Italy. (2) Pliny quotes him on Mezentius' policy of exacting wine as the price of military assistance to the Rutilians. It is likely that this section of Pliny's discussion of the social impact of wine (XIV.87-91) is indebted to the thoroughness of Varro's research. (3)

- (1) Pliny's statement invenimus inter exempla indicates that he had in mind an existing selection of such items, though he is clearly not thinking of Valerius' collection at this point. Malcovati in her edition of Nepos' work places Suet. Aug. 77 as a fragment from the Exempla: Vini quoque natura parcissimus erat. Non amplius ter bibere eum solitum super cenam in castris apud Mutinam, Cornelius Nepos tradidit. (fr.15, p.185) If she is right in her intuition, it would be possible to argue that Nepos' Exempla contained thematically related material and that his references to Romulus noted his judgement of Egnatius' action. Augustus' moderation in regard to wine may have been compared with Romulus'.
- (2) Nonius p.68 (on abstemius), see B. Krieger, op.cit., p.47; Helm, RE, col. 110.
- (3) Cato wrote on the proper conduct of women (see frs. of De Dote - ORF 69.221 and 222) and remarked on measures to check their drinking - Gell. X. 23. His own selection of wine (he drank the same wine as his soldiers) itself became a standard to be invoked by future moralists - NH XIV.91. B. Riposati, M. Terenti Varronis De Vita Populi Romani, 2 ed. 1972, p.53: "Io sono convinto che tutto ciò che gli eruditi dei primi secoli dopo Christo hanno detto intorno alla moderazione ed alla temperanza degli antichi Romani dipende, in massima parte, dal I libro de vita p.R."



Valerius' choice of exempla in VI.3.6-12 shows that the rhetorical tradition was nourished by material of considerable antiquity, drawing on moral principles and standards of conduct going back to Fabius Pictor, Cato and Piso Frugi. The setting of VI.3.6 (the punishment of Horatia) is sombre, with many currents of information converging to give emphasis and approval to such ancient severity. Valerius' treatment of Horatia can therefore be seen to fit the general tenor of the sequence as a whole. As a result, we are in a position to appreciate his exemplum not as an isolated divergence from Livy's text, but as an integral part of a moral universe. (1)

- 
- (1) VI.3.10, 11, 12 - exempla of divorces (two of which are also mentioned in Plutarch's QR XIV (267 C) reinforce the general mood of the sequence. These items appear to be fragments of more comprehensive antiquarian coverage of divorce, see Helm, op.cit., col. 110. Festus took an interest in pertinent terminology, see diffareatio (p.65L) and remancipatam (p.342L). Also Varro - LL VI.70.

## III)

Livy I.27 - V.M. VII.4.1

An examination of this parallel reveals the importance of taking into account differences between Livy and Valerius. Bliss notes that there are here two inversions, ten variants of diction, and two transfers and the passage is thus made to serve the argument that Valerius imitated Livy's version. (1) Now while it is true that there is no way of proving that he did not, there is the more important point to consider. Assuming that it is a deliberate stylistic variant, does it alter the conception of the event? The answer in this case is that it does.

First it is necessary to examine Livy. As is to be expected, in Livy Tullus' strategems are part of a sequence of events following the victory of Horatius. In this sequence the character of Mettius Fufetius is an important element (I.27.1 - *Invidia volgi, quod tribus militibus fortuna publica commissa fuerit, vanum ingenium dictatoris corrumpit, et, quoniam recta consilia haud bene evenerant, pravis reconciliare popularium animos coepit*) and it finds its fitting conclusion in his exemplary punishment and the destruction of Alba (I.28 and 29). This is how the annalistic tradition built up the material relating to the reign of Tullus. From Dionysius' account we can see the way a source interested in questions of economic justice treated Tullus' treatment of the citizens of Alba (viz. those in possession of land and slaves could keep them, those without land were to be given public land - III.29) and from Livy we can see

---

(1) Bliss, op.cit., p.199 and note 77.

how a source interested in the tragic possibilities of the theme of destruction of a once great city approached the episode. (1)

Both Livy and Dionysius were writing about Tullus with the tradition about the king greatly magnified and composed of variant aspects. Valerius' exemplum touches this complex tradition at a tangent, at its least controversial and, one would have thought, from the rhetorical point of view, least interesting point. His eye catches Tullus' strategem produced at a critical moment. He notes neither the punishment of Fufetius nor the fate of Alba. Moreover, where Livy has two strategems (the message to his men that the Albans were acting on his orders and the raising of the spears by the cavalry, to hide from the large part of the foot-soldiers the fact that the retreat was in progress), Valerius only has one (the former). (2)

- (1) There is a possibility that Livy used Ennius' Albae excidium (see Ogilvie, op.cit., pp.120-122). Piso was interested in the circumstances of Tullus' own death (NH, 28.14 - similar to Livy's version) and Dionysius has a version (that he rejects) of a conspiracy conducted by Ancus Marcius (III.35) to murder Tullus. V. M. IX.12.1 refers to Tullus' death by lightning, showing no traces of Livy I.31, where the death is conceived of as divine punishment for faulty performance of ritual. See Ogilvie, p.125.
- (2) Frontinus, Strategemata, II. vii.1 is in turn even further from Livy. He fails to mention Fufetius at all and only has one strategem. Frontinus also says that Tullus' appeal to his men not only had an effect on them, but on the Veientes as well (who presumably hear him). This is feasible in as much as Tullus was commanding opposite the Veientes, but Livy makes a different note - terror ad hostes transit; et audiverant clara voce dictum, et magna pars Fidenatum, ut quibus coloni additi Romani essent, latine sciebant. That is, the message was heard and understood by the men of Fidenae, this produced their demoralization which, in turn, (I.27.10-11) occasioned the rout of the Veientes. In

---

(2) cont.

abridging the tradition, Frontinus (or his source) took just one strategem and removed the references to Fufius and Fidenae. See the discussion by Klotz (1942) pp.50-51.

- \* There is a contradiction in Livy's text in relation to this whole matter, see the discussion below p.173 n.1.

Simplification of context leads Valerius to remove one of the enemies, the Veientes. There is also a different presentation of Fufetius' purpose:

## Livy

Albano non plus animi  
erat quam fidei...consilium  
erat, qua fortuna rem daret  
ea inclinare vires.

## Valerius

...deserto enim Romani  
exercitus latere in proximo  
colle consedit, pro adiutore  
speculator pugnae futurus, ut  
aut victis insultaret aut  
victores fessos adgrederetur.

The exemplum seems to assume that even if the Romans came out victorious, they would be attacked by Fufetius. Livy assumes that he intended to join the victors.

The effect on the Roman forces is part of Livy's handling of the double-strategem motif:

Miraculo primo esse Romanis qui proximi steterant, ut nudari  
latera sua sociorum digressu senserunt; inde eques citato equo  
nuntiat regi abire Albanos.

Alban treachery is perceived by qui proximi steterant and this necessitated that Tullus (who, as has been noted, commanded the other wing) be informed, hence the Livian messenger (also in D.H. and therefore part of inherited tradition):

Tullus in re trepida duodecim vocat Salios fanaque  
 Pallori ac Pavori. Equitem clara increpans voce, ut hostes  
exaudirent, redire in proelium iubet: nihil trepidatione  
 opus esse...idem imperat ut hastas equites erigerent. (1)

In Valerius there is no messenger and Tullus himself rides to re-assure all his men:

Itaque ne id fieret Tullus providit: concitato enim  
 equo omnes pugnantium globos percurrit praedicans suo  
 iussu secessisse Mettium eumque, cum ipse signum dedisset,  
 invasurum Fidenatium terga.

and there is no mention of the effect on the enemy of this claim, the focus is firmly on the Roman forces, on their initial metus and trepidatio:

Quo imperatoria artis consilio metum fiducia mutavit  
 proque trepidatione alacritate suorum pectora replevit.

- 
- (1) There is a slight inconsistency in Livy's account. Tullus raises his voice ut hostes exaudirent. These in Livy's scheme must be Veientes as they are on the opposite flank. But would they have understood what Tullus said? It emerges at a later stage in Livy's story that the effect of Tullus' claim was on the men from Fidenae who understood Latin. Presumably they heard the explanation of the Alban retreat as the messenger returned to his wing. If that is so (and Livy drops the messenger earlier), then why make Tullus speak in such a way that he might be overheard by the Veientes? In Dionysius Tullus raises his voice (and is heard by the enemy), but then he gallops past all his troops repeating encouragement (III. 24 and 25). From this it is possible to conclude that the tradition followed by D. H. and Valerius avoided the difficulty posed by Tullus' words being overheard by all his men and by the enemy (as is the case in Frontinus, Strat., II, vii.1) and made Tullus into his own messenger. For his part, Livy fused two contradictory strands: on the one hand, the impact on the Fidenates who understood Latin: on the other, a loud message reaching the hostes (who have to be the Veientes).

There are five differences between the two versions:

Livy I.27	V.M. VII.4.1
i) two strategems	i) one strategem only
ii) messenger	ii) no messenger
iii) Tullus' command given <u>clara voce</u>	iii) Tullus gallops himself to inform his troops
iv) men of Veii and Fidenae	iv) no mention of the Veientes
v) vow to establish the Salii and build shrines to Pallor and Pavor.	v) no mention of the Salii, Pallor and Pavor.

All these transformations are explicable in terms of Valerius' need to simplify, and are compatible with the assumption that he had used Livy's text in preparing the exemplum. His failure to refer to the Salii and the shrines indicates that he lacked a consistent interest in antiquarian details of this kind, see below pp.199-201, cf. 229-230.

## IV)

Livy I.39 - V.M. I.6.1

Caput arsisse Servio Tullio dormienti quae  
historia non prodidit? (De Div. I.121)

Cicero's reference shows the futility of citing a Livian "parallel" for Valerius. The exemplum is extremely brief and the material could have been adapted from any number of writers:

Servio Tullio tum puerulo dormienti  
 circa caput flammam emicuisse domesticorum oculi  
 adnotaverunt. Quod prodigium Anci regis Marci  
 uxor Tanaquil admirata, serva natum in modum  
 filii educavit et ad regium fastigium evexit.

More importantly, the happening comes from a complex tradition with distinct variants within it. Of these, we now have only the barest outlines, making it extremely hazardous to place the exemplum in relation to them. Nevertheless, it is worthwhile to deal with the relevant issues here, in as much as this will help to test the general approach adopted in this thesis.

Servius' role in establishing the centuriate organization as the basis of the Roman political system was set by the early annalists, subsequent historians responded to this core of material depending on their own conceptions of what should be the just and proper basis of



popular sovereignty. (Ogilvie, pp.156-194, passim.) Cicero's De Re Publica is exceptionally illuminating on this very point. In II.37-41, Scipio sketches out Servius' arrangements and comments on the underlying principle:

... ut suffragia non in multitudinis, sed in locupletium  
potestate essent, curavitque, quod semper in re  
publica tenendum est, ne plurimum valeant  
plurimi. (39)

Given this oligarchic tenor of Servius' reforms, it was somewhat incongruous that he was reputed to have been of servile origins. In De Re Publica there is no mention of any divine favour given to Servius, he stands out by his own intrinsic merits:

... Servius Tullius primus iniussu populi regnavisse  
traditur, quem ferunt ex serva Tarquiniense natum,  
cum esset ex quodam regis cliente conceptus. qui  
cum famulorum in numero educatus ad epulas regis  
adsisteret, non latuit scintilla ingenii, quae iam  
tum elucebat in puero; sic erat in omni vel  
officio vel sermone sollers. (37)

In this rationalist explanation of Servius' early steps, scintilla ingenii takes the place of the actual fire. It seems to serve the same purpose, one of minimising his lowly social status.

Livy reveals the unease of a Roman confronted by such origins, for how could a slave be chosen by the king to be his son-in-law? As a result,

Livy sides with those writers that offer a re-interpretation:

Hic quacumque de causa tantus illi honos  
 habitus credere prohibet serva natum eum  
parvumque ipsum servisse. Eorum magis  
 sententiae sum qui Corniculo capto Ser.  
 Tulli, qui princeps in illa urbe fuerat,  
 gravidam viro occiso uxorem, cum inter  
 reliquas captivas cognita esset, ob  
unicam nobilitate ab regina Romana  
prohibitam ferunt servitio partum Romae  
 edidisse Prisci Tarquini in domo...

As son of a princeps of Corniculum, Servius obtains an impeccable background for a conservative reformer: his mother is given nobilitas and placed in the house of Priscus on terms of friendship (familiaritas) with the queen, thus making it difficult to believe that young Servius acted as a slave. (1) The erroneous belief arose from the very fact of his mother's capture, not from the actual conditions in which she and her son were placed:

fortunam matris, quod capta patria in hostium manus  
 venerit, ut serva natus crederetur fecisse. (I.39)

---

(1) Note Festus' interest in popularizing an alternative identity - Spurius Tullius of Tibur, p.182L.

This is the substance of the revisionist narrative. Antias has been suggested as its author. (1) This is possible, for we do know that Antias tampered with another aspect of the Servius legend relevant to our enquiry. Having reported the miraculous flame as having occurred in childhood (quoted by Pliny NH II.241 - Servio Tullio dormienti in pueritia ex capite flammam emicuisse), he also reported an additional miracle. This occurred at a later stage in Servius' life, with his mother and his dying wife (Gegania) as witnesses of it. (2) It is problematical whether Antias gave more weight to the second miracle, but if he did so, this may well have been as part of an overall revision of material in order to shift the emphasis from the miraculous circumstances of Servius' birth. For if Antias' responsibility for Servius' noble pedigree is acknowledged, it can be appreciated that such a version does not require the same degree of divine involvement in the early stages as the servile version does. (3)

---

(1) Ogilvie, op.cit., pp.159-160

(2) Fr. 12 Peter (from Flutarch, de fortuna Romanorum 10).

(3) Traditionally there were two closely related events connected with Servius and his mother. One was her impregnation by fire (D.H.IV. 2; Ovid, Fasti, vi. 627-636; Pliny, XXXVI.204, and Plutarch, De fortuna Romanorum 10); the second was the flame story discussed above. Ogilvie (p.158) takes the first to be the primitive version - "which was subsequently rationalized into the more respectable tale adopted by Livy". It is important to note that the primitive version survived in later writers.

In the impregnation narrative the nobility of Servius' mother is not relevant. In Ovid (Fasti, vi. 627-628) she is outstanding in beauty (namque pater Tulli Volcanus, Oeresia mater/praesignis facie Corniculana fuit), in Pliny (NH xxxvi, 204) she is just ancilla

---

(3) cont.

captiva, in Plutarch (when he is reporting this tale) Ocrisia was a maiden who took the first-fruits and the libations on all occasions from the royal table and brought them to the hearth. Dionysius similarly, having reported her noble origins in an earlier part of the narrative (IV.1), makes the girl perform similar functions prior to the manifestation.

It is clear that in this ("crude" - Ogilvie, p.158) story it was not necessary to give Ocrisia noble pedigree. On the other hand, if Antias did give Ocrisia a princeps for a husband, it was no longer necessary for him to allude to Lar familiaris (Pliny) or to Vulcan (Ovid), and it was best to shift the fire away from Servius' childhood altogether. This is apart from any other considerations that may have affected Antias' approach. "A more sceptical age... recoiled from the idea of physical paternity of the fire-god and substituted one of Tarquin's clients as Servius' actual father" writes Ogilvie, referring to a pre-Antias refinement, traces of which can be found in Cicero (De Rep. II.37 - quoted above) and Plutarch (de fort. Rom. 10). Yet the subsequent history of the legend shows that it continued to be popular, alongside the refinement, in its cruder form. See discussion below p.182.

A collector of miracula excerpted Antias' history to obtain a selection of items to illustrate extraordinary manifestations of fire and Pliny in turn made use of this selection at II.241. This indicates the popularity in exempla literature of the version cited by Valerius.

Turning now in more detail to Valerius Maximus' exemplum, we can appreciate two things that clearly distinguish his account from Livy's. Firstly, he gives the unqualified assertion that Servius was serva natus, thus effectively pruning away the lines of debate elaborated by Livy and Antias and giving further life to a version of Servius' origins that Livy strongly rejected. Secondly, he calls Tanaquil Anci regis Marci uxor. An error that contributes to the removal of the episode from its Livian setting, at least.

This is not the only instance of Valerius referring to servus Servius. The other is III.4.3, cited by Weinstock in his examination of Fortuna Caesaris (p. 127 n.6):

In Tullio vero fortuna praecipue vires suas  
ostendit, vernam huic urbi natum regem dando.  
cui quidem diutissime imperium obtinere,  
quater lustrum condere, ter triumphare  
contigit. ad summam autem unde processerit et  
quo pervenerit statuae ipsius titulus abunde  
testatur servili cognomine et regia appellatione  
perplexis.

We know that Varro was interested in Servius Tullius' connection

with Fortuna. In De Lingua Latina VI.17 he wrote:

Dies Fortis Fortunae appellatus ab Servio Tullio  
rege, quod is fanum Fortis Fortunae secundum  
Tiberim extra urbem Romam dedicavit Iunio mense.

We also know that Varro mentioned a pleated royal robe, made by Tanaquil and worn by Servius Tullius, being preserved in the temple of Fortuna (Pliny NH, viii. lxxiv. 194). Dionysius mentions two temples of Tyche dedicated by Servius - one on the banks of the Tiber, the other in the Forum Boarium (III.27). This latter temple was destroyed by fire in 213 (Livy XXIV.47.15) and restored in the following year (XXV.7.6) - (Ogilvie, pp.680-681). Dionysius writes of a gilded wooden statue of Tullius that was reputed to have survived the fire and remained an object of veneration to his own day (IV.40). Such were the speculations of antiquarians.

Ovid reveals that the identity of the statue was a matter of conjecture:

Lux eadem, Fortuna, tua est auctorque locusque;  
sed superiniectis quis latet iste togis?  
Servius est, hoc constat enim, sed causa latendi  
discrepat et dubium me quoque mentis habet. (Fasti, vi.569-72)

He believes it is Servius and speculates on why the figure is draped, but the essential point is that a figure of this kind was bound to excite speculation as to its identity. Pliny (NH, viii.lxxiv. 197 -

most probably from Varro) identifies the statue as Fortuna, dedicated by Servius. (1)

Livy of course did not refer to the statue or to its remarkable survival. At the very least, such considerations point to Valerius' material in III.4.3 being inspired by antiquarian researches. Valerius in III.4.3 does not locate the statue, but is in no doubt that it is Servius; in I.8.11 he locates the statue in the temple of Fortuna and is again in no doubt that it represents Servius.

Given the differences between I.6.1 and Livy I.39 discussed above, is it not very much more likely that this exemplum belongs in origin to the same context as III.4.3? This would be a context in which servile origins are not qualified by claims of noble parentage, but remain a conspicuous part of the antithesis - servus rex. This would be a context in which the dramatic transition of Servius needed a vivid and comprehensible illustration. What better illustration, one that would appeal to antiquarian tastes, than a statue of Servius with an inscription?

In fact, the references in III.4.3 to four censorships and three triumphs look suspiciously like parts of such an inscription. It was noted above that some annalists, for particular reasons, were at pains to fashion a respectable image of Servius, presenting, as Livy does (I.47), his alleged servile status as only something that his enemies used against him. Through Valerius' III.4.3 we can get to an account that developed

---

(1) B.Krieger, op.cit., p64-65 considers that III.4.3 may have originated from Varro's Hebdomades; see pp.80-81 for some other suggested Varronian traces.

in the opposite direction, clearly making a feature of what the others were trying to remove.

From Plutarch (QR.74 and de fort. Rom. 10) we learn that over the years Servius' alleged connections with various temples of Fortuna multiplied remarkably (Dionysius, it should be remembered, mentioned only two temples). Servius clearly engaged popular sympathies. Ovid's remarks in relation to Fors Fortuna are in this respect valuable:

plebs colit hanc, quia posuit, de plebe fuisse  
fertur et ex humili sceptrum tulisse loco.  
convenit et servis, serva quia Tullius ortus  
constituit dubiae templa propinqua deae. (Fasti, vi.781-4)

Servius was dear to the common people and to the slaves, for it was Fortuna that brought him the highest power. (1) It did not seem incongruous in this worship that Servius' ultimate fate was one of extraordinary misfortune. His fall was explained not by Fortuna's neglect of her favourite, but by the wickedness of Tullia (ibid. 585-620).

Valerius as a rule was not exacting in making excerpts of antiquarian material, yet in the case of Servius he transmits the kind of detail that prompted at least one scholar (Krieger) to suggest Varro's Hebdomades as his source of reference in III.4.3. Was there some special reason for Valerius' departure from his usual practice in this case?

Dio reports that Seianus kept a statue of Fortuna, which was

---

(1) Dionysius (IV.14) and Pliny (XXXVI.204) link Tullius with the institution of the Compitalia; Lintott, Violence in Republican Rome, Oxford 1968, pp.80-81.



reputed to have belonged once to Servius, in his house (LVIII.7.2).

This statue was a source of great pride to him, notes Dio, and when this statue moved, turning its back on Seianus, who was then performing a sacrifice, this was taken as a sign of grave disasters to come. (1)

It is possible that Seianus' use of Fortuna inspired revival of antiquarian interest in the matter, which is reflected in Valerius' exemplum. III.4.3 and I.6.1 may thus be interpreted in two ways.

First, as exempla that show continuing rhetorical-moralistic interest in an earlier (primitive) conception of Servius. Second, as exempla that may tie in with a very specific stage in the development of this conception. That is, the affirmation by Valerius of the validity of the servus Servius stereotype may have been inspired by Seianus' popularization of the image. (2)

Comparison of Livy with Valerius' material in this case allows for a clearer definition of Valerius' distinctiveness.

(1) Weinstock, op.cit., p.127: "...no Roman worshipped a personal Fortuna until Seianus took a statue...into his house."

(2) Did Seianus value Servius' Fortuna not in the strictly literal sense in which plebs and slaves valued it (and Antias and Livy de-valued it), but as a symbol, pointing to an exemplary transition to supreme power? Did he value it because it was valued by elements in Roman society that may have been useful to him?

V)

Livy I.45 - V.M. VIII.3.1

An examination of this parallel shows that Valerius' version may derive from Livy. In this case, there are no significant modifications of detail, but it will be argued that Valerius' rhetoric and understanding of the event's significance adds a dimension that is not found in Livy and which gives a distinctive character to the exemplum. (1)

In Livy, the first part of the chapter is devoted to a coverage of Servius Tullius' policies and to his desire to involve leaders of Latium to co-operate in the building of a temple to Diana:

Saepe iterando eadem perpulit tandem, ut Romae fanum  
Dianae populi Latini cum populo Romano facerent. Ea erat  
confessio caput rerum Romam esse, de quo totiens armis  
certatum fuerat. Id quamquam omisum iam ex omnium cura  
Latinorum ob rem totiens infeliciter temptatam armis  
videbatur, uni se ex Sabinis fors dare visa est  
privato consilio imperii recipiendi.

Livy fuses the various elements in the story in a manner designed to show noble intentions of Servius, the agreement of the Latins to eventually accept Roman dominion and the discordant note struck by one Sabine who sought, privato consilio, to wrest the imperium from the Romans. In such a way, the ruse by which this man is deceived, can be

---

(1) Ogilvie, op.cit., p.183. Varro (Plutarch, QR 4) gave a more elaborate account of the incident, though, like Livy, he did not mention the Sabine by name.

conceived as a noble feat of ingenuity, consonant with Latin expectations of co-operation and peace. Given the background, it was for the general good that this one man should be deceived.

In Valerius, this setting is removed altogether; the background is given by one phrase (Servio Tullio regnante), such treatment being an inevitable outcome of the process of abridgement. One consequence is that the ruse is divested of its more ennobling aspects and stands out as a naked bid for power.

Livy is concerned with power, his conception of Rome's ascendancy is however more restrained. He merely writes of imperium and caput rerum ("a phrase redolent of Augustan ethos", Ogilvie, p.183), Valerius' rhetoric inflates the notion:

...ut quisquis eam Aventinensi Dianae immolasset,  
eius patria totius terrarum orbis imperium obtineret.

Laetus eo dominus bovem summa cum festinatione Romam actam  
in Aventino ante aram Dianae constituit, sacrificio Sabinis  
regimen humani generis daturus. De qua re antistes templi  
certior factus religionem hospiti intulit, ne prius victimam  
caederet quam proximi amnis se aqua abluisset, eoque alveum  
Tiberis petente vaccam ipse immolavit et urbem nostram

tot civitatum, tot gentium dominam pio sacrificii furto  
reddidit. (1)

Bliss considers Valerius' passage a direct imitation of Livy's text, noting seven inversions, twenty-three diction variants, and two transfers. (2) This should be accepted. But it must also be noted that Valerius' stylistic imitation produces an exemplum that conveys a more extensive conception of Rome's destiny. In short, a stylistic device achieves a magnification of the notion embedded in Livy's story.

- 
- (1) Regimen is used on a number of occasions by Valerius (e.g. humanarum rerum regimen - 1.1.9; validissimarum gentium regimen - II.8. pr.); it is also found in Velleius - II.85.2, see J. Ungewitter, op.cit., p.27. In Valerius it serves the function of a rhetorically inflated synonym for imperium, the practice that may also be observed in Livy (e.g. VI.6.6 - regimen omnium rerum).
- (2) Bliss, op.cit., p.197-198

## VI)

Livy I.48 - V.M. IX.11.1

Here we observe the familiar removal of the general setting, and focus on one aspect of an intricate affair. Again, this is best seen as an outcome of the process of abridgement itself. There is, however, an interesting difference between the two authors.

In Livy (Ogilvie, p.192), Tullia is on her way home (coming from the Curia Hostilia):

...cum se domum reciperet pervenissetque ad summum  
Cyprium vicum, ubi Dianium nuper fuit, flectenti carpentum  
dextra in Urbium clivum ut in collem Esquiliarum  
eveheretur, restitit pavidus atque inhibuit frenos is  
qui iumenta agebat, iacentemque dominae Servium  
trucidatum ostendit...Tullia per patris corpus  
carpentum egisse fertur...

Valerius' compressed version of the incident gives a different impression (it is indicative of Valerius' approach that he abridges the antiquarian details locating the event in a particular part of the city):

Cum carpento veheretur et is, qui iumenta agebat,  
succussis frenis constitisset, repentinae morae causam  
requisivit, et ut comperit corpus patris Servii Tulli  
occisi ibi iacere, supra id duci vehiculum iussit, quo  
celerius in complexum interfectoris eius Tarquinii  
veniret.

Here Tullia is on her way to see Tarquinius and thus she can only be going to the Curia, not to the Esquiline. (1) The detail is a very minor one. It does not alter the negative image of Tullia, though it is possible to argue that her rushing into the arms of her father's murderer is an intensification of it.

Bliss does not discuss this parallel in the body of his thesis, but it seems clear that the classification of the stylistic relationship between the two passages given there should be accepted. Valerius may well have made notes from Livy's text at this point, but he responded to it in his characteristically imprecise way.

- (1) Varro LL v.159 (pace Ogilvie, p.192) does not make it clear where Tullia is heading. Dionysius, giving a very colourful and detailed account, carefully plots her movements and makes her impious deed occur on her way to her father's house. This makes sense of the topography. In De Viris Illustribus VII.17-18, Tullia is returning "home." Domum is ambiguous. It could indicate her own or her father's residence. If the latter, then she is certainly going to the Esquiline, for it was there that Servius established his residence (Livy I.44.3; D.H.IV.13). In both Livy and Dionysius, Servius is killed by Tarquinius' attendants and there is no explicit reference to Tullia rushing to embrace her father's murderer. In Ovid (Fasti vi. 603-604) she is on her way to her father's home:

filia carpento patrios initura penates  
ibat per medias alta feroxque vias.

## VII)

Livy I.53 - V.M. VII.4.2

In examining this parallel, we observe a very interesting phenomenon. Both Walsh and Ogilvie demonstrate how Livy fashions a distinctive and compressed account from annalistic material that was extensively elaborated by Dionysius. In I.53, we see Livy abridging an episode that had expanded in the annalistic tradition. (1)

There is no reason to doubt Bliss' conclusion that here, too, Valerius imitated Livy, and, given Livy's brevity and concentration, one can see why he did so. (2)

(1) Ogilvie, p.206; Walsh, p.179.

(2) Bliss, p.200: "This parallel contains only three inversions and one transfer, but thirty-three diction variants. The transfer is a particularly interesting one: there seems little doubt that the phrase in the original, in manum traditur, suggested the more high-flown metaphor of the imitation: tantum non vinctis manibus tradidit." One may take this last point further. Valerius is attracted by a compressed, tight account, yet he cannot resist the temptation to add rhetorical flourishes of his own. Thus we can see the process of abridgement being combined, as in VII.3.1 above, with a contrary tendency of rhetorical inflation.

VALERIUS MAXIMUS AND LIVY II. 1 - 65

I)

Livy II.6 - V.M. V.6.1

V.6.1

Brutus consul primus cum Arrunte Tarquinii Superbi regno expulsi filio in acie ita equo concurrit, ut pariter inlatis hastis uterque mortifero vulnere ictus exanimis prosterneretur. Merito adiecerim populo Romano libertatem suam magno stetisse.

This is a highly compressed account, designed to bring out more sharply the significance of Brutus' charge, to underline the cost to the Roman community of this libertas. Exempla often work by projecting vivid images, concentrating the reader's attention on one or two central acts. Here, the focus is on Brutus and the impression is given that he takes the initiative.

Livy by giving a more extensive coverage, by dwelling on a number of aspects of the incident, produces a picture in which one's attention is focused more on Arruns than on Brutus:

Arruns ubi ex lictoribus procul consulem esse,  
deinde iam propius ac certius facie quoque  
Brutum cognovit, inflammatus ira "Ille est vir",  
inquit, "qui nos extorres expulit patria. Ipse  
en ille nostris decoratus insignibus magnifice



incedit. Di regum ultores adeste." Concitat  
 calcaribus equum atque in ipsum infestus  
 consulem derigit. Sensit in se iri Brutus.  
 Decorum erat tum ipsis capessere pugnam  
 ducibus; avide itaque se certamini offert,  
 adeoque infestis animis concurrerentur,  
 neuter, dum hostem vulneraret, sui protegend  
 corporis memor, ut contrario ictu per  
 parmam uterque transfixus duabus haerentes  
 hastis moribundi ex equis lapsi sunt.

Valerius' compression removes the density of detail, the moves  
 of challenge and response, and illuminates Brutus' gallop and the fatal  
 outcome. Thus, as we have observed on previous occasions, there is a  
 slight change of emphasis. (1)

- 
- (1) There are three other references to Brutus in Valerius. VII.3.2  
 has been discussed above; IV.4.1 will be covered below in respect  
 of Livy II.16. This leaves us with V.8.1 - his punishment of his  
 sons. A traditional story of severitas. Valerius could have  
 taken it from any number of writers, including Livy. One feature  
 of it is worth noting. Valerius writes: L. Brutus, gloria par  
Romulo, quia ille urbem, hic libertatem Romanam condidit...  
 In glory he is equal to Romulus. In Livy the matrons mourn him  
 as parens (Ogilvie, p.250). Both are exceptional compliments  
 and may have been referred to in Atticus' history of the gens  
Iunia (Nepos, Vita Attici, 18). The compliment paid by Valerius  
 makes Brutus a second founder of Rome, an honour usually  
 reserved for Camillus, see Ogilvie, p.739.

## II)

Livy II.7 - V.M. I.8.5

## Livy

Ita cum pugnatum esset, tantus terror Tarquinium atque Etruscos incessit ut omissa inrita re, nocte ambo exercitus Veiens Tarquiniensisque, suas quisque abirent domos. Adiciunt miracula huic pugnae: silentio proximae noctis ex silva Arsia ingentem editam vocem; Silvani vocem eam creditam; haec dicta: uno plus Tuscorum cecidisse in acie; vincere bello Romanum. Ita certe inde abiere Romani ut victores, Etrusci pro victis.

## Valerius

Valerio autem Publicola consule, qui post exactos reges bellum cum Veientibus et Etruscis gessit, illis Tarquinio pristinum imperium restituere, Romanis nuper partam libertatem retinere cupientibus, Etruscis et Tarquinio in cornum dextro proelio superioribus tantus terror subito incessit, ut non solum victores ipsi profugerent, sed etiam pavoris sui consortes secum Veientes traherent. Cuius rei pro argumento miraculum adicitur, ingens repente vox e proxima silva Arsia, quae ore Silvani in hanc paene modum missa traditur: Uno plus e Tuscis cadent, Romanus exercitus victor abibit. Miram dicti fidem digesta numero cadavera exhibuere.

Bliss describes this instance as a "good parallel", tending to confirm his theory of imitation. In this case, the approach is exceptionally illuminating and there can be little doubt that Valerius' version has strong connections with Livy's text. Bliss notes four cases of inversion, ten variants of diction and one transfer. (1)

One variant of diction is particularly informative. Valerius' cuius rei pro argumento miraculum adicitur shows a change of active to passive (Livy - adiciunt miracula) and a change in number. A change of case can be seen in Valerius' Etruscis and e Tuscis, the former "is one of our best examples of a change of case without change of the accompanying construction: incessit with acc. (Livy), dat. (Valerius)". (p.166 n.12)

Valerius incorporates a feature which tends to add greater verisimilitude to the incident:

Miram dicti fidem digesta numero cadavera exhibuere.

Livy does not state that the prodigy required such diligent testing:

Ita certe inde abiere Romani ut victores, Etrusci pro victis.

.....

---

(1) Bliss, op.cit., p.166.

This parallel occurs in Valerius' sequence De Miraculis I.8.1 -

12. (1) The final exemplum in that series reports two remarkable incidents of people coming to life on their funeral pyres:

1.8.12

Aliquid admirationis civitati nostrae Acilii etiam  
Aviolae rogos adtulit, qui et a medicis et a domesticis  
mortuus creditus, cum aliquamdiu domi iacuisset, elatus,  
postquam corpus eius ignis corripuit, vivere se  
proclamavit auxiliumque paedagogi sui - nam is solus ibi  
remanserat - invocavit, sed iam flammis circumdatus fato  
subtrahi non potuit.

L. quoque Lamiae praetorio viro aequae vocem fuisse  
super rogos constitit.

Pliny NH VII.173 gives an abbreviated version:

Aviola consularis in rogo revixit et, quoniam subveniri  
non potuerat praevallente flamma, vivus crematus est. similis  
causa in L. Lamia praetorio viro traditur; nam C. Aelium  
Tuberonem praetura functum a rogo relatum Messalla Rufus  
et plerique tradunt.

At NH VII.176 Pliny reports Varro's interest in this subject:

Varro quoque auctor est XX viro se agros dividente

- 
- (1) Klotz (1942), pp.21-26, discusses the relationship of this chapter with material in Pliny's books VII, VIII and XI. It is clear that a number of common sources need to be postulated between Valerius and Pliny.

Capuae quendam qui efferretur feretro domum remeasse  
 pedibus; hoc idem Aquini accidisse; Romae quoque Corfidium  
 materterae suae maritum funere locato revixisse et  
 locatorem funeris ab eo elatum. adicit miracula quae  
 tota indicasse conveniat...(story of two brothers).

The material may have been presented by Varro in De Vita Sua,  
 but, judging by Pliny's reference to Messalla Rufus and others, collection  
 of such items was a characteristic of exempla writers. (1) It is likely  
 that Valerius owes some exempla in this sequence to previous collections,  
 but it is indicative of his tendency to vary his sources that he chose  
 to supplement this material with an annalistic account in the case of  
 Silvanus. (2)

Though Bliss does not suggest it, the second part of Livy II.7  
 has an echo in Valerius' IV.1.1 - the first exemplum in the sequence  
De Moderatione. Valerius lists four items illustrating Publicola's  
moderatio:

- i) removal of the axes (not in Livy)
- ii) lowering of the fascēs (in Livy)
- iii) a provocatio law - legem etiam comitiis centuriatis tulit, ne  
 quis magistratus civem Romanum adversus  
 provocationem verberare aut necare vellet. (3)

---

(1) F. della Corte, op.cit., p.245; F. Ritschl, Rh.Mus., VI, pp.481-560.  
 (2) Pliny (VII.180) indicates that there were exempla of people appear-  
 ing after burial, though he declines to actually cite them.  
 (3) See also De Re pub. II.53.

This is in Livy II.8, but Livy also adds a law pronouncing a curse on the life and property of a man who should contrive to make himself king. (1)

iv) demolition of his house - aedes suas diruit, quia  
 excelsiore loco positae instar arcis habere  
 videbantur, nonne quantum domo inferior,  
tantum gloria superior evasit.

In Livy this is given as - delata confestim materi omnis  
infra Veliam et, ubi nunc Vicae Potae est, domus in infimo clivo  
aedificata. Valerius fails to mention these specific details.

That Valerius' material here should echo Livy is significant, for we do know that an alternative version was reported by Cicero. Cicero wrote in De Haruspicum Responsis 16:

P. Valerio pro maximis in rem publicam beneficiis  
 data domus est in Velia publice...

Asconius' comment on Cicero's In Pisonem 52 surveys antiquarian contribution to the subject:

Varronem autem tradere M. Valerio, quia Sabinos vicerat, aedes in Palatio tributas, Iulius Hyginus dicit in libro priore de viris claris, P. Valerio Volesi filio Publicolae aedium publice locum sub Veliis, ubi nunc aedis Victoriae est, populum ex lege quam ipse tulerat concessisse. (2)

---

(1) Ogilvie, op.cit., p.252.

(2) Stangl, pp.18-19.

Varro is more specific on the reason for the dedication to Valerius - quia Sabinos vicerat. Hyginus mentions a similar honour, yet attributes it to Publicola's son. It is possible that Antias connected the grant with yet another Valerius - M. Valerius Maximus (Dict.494). (1)

Such variants of the story may indicate a desire on the part of annalists and antiquarians to "mitigate the suggestion that Valerii could even be suspected of regnum". (2) In addition to this, there may have been contemporary need to find precedents in history - e.g. for Julius Caesar. (3)

Cicero's In Pisonem 52, with its forceful quod antea nemini, earned Asconius' corrective and shows the extent of oratorical licence in matters of history. Valerius' exemplum is clearly outside the antiquarian tradition concerning Valerii (and the annalistic strand going back to Antias), with Publicola's moderatio to the fore rather than an honorific grant of land (as in Hyginus) or a house (as in Antias and Varro) at public expense. See, however, the discussion below of Livy II.16 and V.M. IV.4.1

- (1) <M> in Stangl's text; Fr. 17 in Peter.
- (2) Ogilvie, op.cit., p.250. Pliny NH XXXVI. 112 - noting grants of land to Publicola and his brother, M. Valerius (cos.505), qui bis in eodem magistratu Sabinos devicerat.
- (3) On Julius Caesar, see the suggestion made by Weinstock, op.cit., pp.276-281.

III)

Livy II.10 - V.M. III.2.1

Valerius' handling of the incident carries over from Livy the notion that Horatius Cocles returned incolumis. It seems that all other versions leave Cocles either dead or wounded. (Ogilvie) (1)

Ogilvie takes Polybius as offering the primitive version of the legend: the hero drowned and received no rewards (Polybius 6.55. 1-4). Gellius preserves another piece of important evidence. Drawing on the Annales Maximi (c.123 B.C.) and Verrius Flaccus' Rerum Memoria Dignarum, he discusses the case of mistaken interpretation (of a thunderbolt striking Horatius' statue in the comitium) by Etruscan diviners. It seems clear from Gellius (IV.v) that the statue was mentioned in the Annales, even though the matter as a whole may have been treated with more brevity.

Dionysius (V.23-25) writes of Horatius' survival. He describes him as fair in appearance (in spite of having lost one eye in a previous battle) and indicates that as a result of his exploit, he became lame. (V.25).

Plutarch (Publicola 16.5) claims that some authorities described his nose as flat and sunken, with eye-brows running together, making his appearance a matter of public comment, resulting in a description of him as Cyclops (which by a slip of the tongue became Cocles). (2)

(1) Ogilvie, op.cit., pp.258-261.

(2) A Roman etymological speculation?



Both Livy and Valerius avoid referring to his personal appearance. A conspicuous feature of Livy's account is Cocles' prayer to the Tiber; this, notes Ogilvie (p.259), has no counterpart in Dionysius' story (V.24):

Tum Cocles "Tiberine pater", inquit, "te sancte  
precor, haec arma et hunc militem propitio flumine  
accipias. (II.10.11)

Valerius' exemplum removes this distinctive Livian feature:

...ut patriam periculo imminenti liberatam vidit,  
armatus se in Tiberim misit.

Livy follows the prayer with the following description and comment:

Ita sic armatus in Tiberim desiluit multisque  
superincidentibus telis incolumis ad suos  
tranavit, rem ausus plus famae habituram ad  
posteror quam fidei.

This is a subtle qualification, indicating that future generations came to doubt the veracity of the exploit. Livy does not indicate that he doubts it, or urges his readers to do so, yet he does inject an element of ambiguity, of detachment almost. And it is this very element that Valerius' story lacks. Livy, having introduced the prayer, leaves the supernatural aspect at that point. Valerius, while not alluding to the prayer, introduces direct involvement of the gods into the story:

Cuius fortitudinem dii immortales admirati incolumitatem  
sinceram ei praestiterunt...

Thus Valerius transforms what may be assumed to be an implicit feature of Livy's story into a vivid and explicit one. Livy is oblique, Valerius direct.

The exemplum is concluded by a reference that pictures the incident as a marvellous spectacle for both sides:

Unus itaque tot civium, tot hostium in se oculos  
convertit, stupentis illos admiratione, hos inter  
laetitiam et metum haesitantes...

and a rhetorical flourish:

Quapropter discedentes Etrusci dicere potuerunt:  
Romanos vicimus, ab Horatio victi sumus.

Concerned with the immediate impact of the exploit, Valerius fails to pick up a significant detail from Livy - the statue and various other honours. Here rhetorical demands remove an emblematic feature that was an item in antiquarian exempla concerning Horatius (e.g. Verrius' mention of the statue in the comitium, later moved to area Vulcani). (1)

---

(1) The grant of land, mentioned in Livy, may also be presumed to have been featured in antiquarian exempla.

## IV)

Livy II.12 - V.M. III.3.1

Valerius' exemplum diverges in a number of respects from Livy:

- i) the appeal to the Senate is pruned away,
- ii) the murder of the scriba instead of Porsenna is not mentioned,  
(detail also in D.H.V.28)
- iii) the attempt on Porsenna takes place before the altar, not, as  
in Livy, while the soldiers were being paid - ...castra eius  
clam ferro cinctus intravit immolantemque ante altaria conatus  
est.
- iv) the speech that Mucius delivers to Porsenna, disclosing the  
extent of Roman determination, is not in Valerius,
- v) the three references to fortuna made by Livy are not picked up.

Of these differences, four (i; ii; iv; v) may be explained by the need for compression. The remaining difference is a fairly important detail. As a whole, the exemplum projects a distinctive image of the incident.

v)

Livy II.13. 6-10 - V.M. III.2.2

Valerius' exemplum differs in three respects from Livy's narrative.

In Livy:

- i) there is no specific mention of the horse when Cloelia's flight is described (inter tela hostium Tiberim tranavit...)
- ii) Cloelia does not escape alone - dux agminis virginum inter tela hostium Tiberim tranavit sospitesque omnes Romam ad propinquos restituit.
- iii) a tribute to the girl is noted - pace redintegrata Romani novam in femina virtutem novo genere honoris, statua equestri, donavere: in summa Sacra via insidens equo.

Livy implies that the grant was made by the people (hence at public expense), Pliny (NH XXXIV 29) is inclined to think so too, but defers to the opinion of Piso - Piso traderet ab iis positam, qui una opsides fuissent, redditis a Porsina in honorem eius. It seems that in Piso, as in Livy, there were two consecutive episodes in the affair - Cloelia's flight and Porsenna's subsequent decision to release other hostages.

In Valerius' compressed version:

- i) Cloelia flees alone,
- ii) uses a horse,

- iii) there is no reference to Porsenna's subsequent action in respect of other hostages,
- iv) no reference to the statue.

While an equestrian statue is somewhat incongruous in Livy's account (if Cloelia had a horse, the other virgines must be presumed to have had them too, for otherwise the flight would be on quite unequal terms), in Valerius such a reference would be logical and apt. Yet, as in III.2.1 which was discussed above, he lacks a reference to a commemorative emblem. The matter of the statue and the issue of who dedicated it was a matter of learned dispute (Pliny, NH XXXIV.28-29), in so far as he is unconcerned about the question, Valerius appears to derive his exemplum from a different tradition - a rhetorical image of Cloelia's bravery, unencumbered by antiquarian detail. On the other hand, it cannot be excluded that Valerius may be making an independent abridgement from Livy's text along these rhetorically convenient lines. (1)

Bliss does not discuss in detail this particular parallel. However, it seems safe to conclude, that, even if Livy were Valerius' point of departure, by making Cloelia's flight a solitary affair, he achieves a slightly different picture of the incident.

It is interesting to note that there was a different version of these events in circulation. It was possibly disseminated by writers interested in the gens Valeria such as Antias and Valerius Messalla. Pliny cites as his authority Annius Fetalis:

---

(1) Just as the author of the periochae does, see Egbie, op.cit., p.336.

e diverso Annio Fetialis equestrem, quae fuerit contra Iovis Statoris aedem in vestibulo Superbi domus, Valeriae fuisse, Publicolae consulis filiae, eamque solam refugisse Tiberimque tranavisse ceteris opsidibus, qui Forsinae mittebantur, interemptis Tarquinii insidiis.

Not only does this exemplum substitute Valeria for Cloelia, but it also paints a grim portrait of Tarquinius, quite in tune with pro-Valerian glorification of Valerius Publicola - an enemy of tyranny. Here we have a rare glimpse of a lost strand in exempla literature.

VI)

## II.16 - V.M. IV.4.1

In IV.4.1 Valerius again cites Publicola:

Regio imperio propter nimiam Tarquinii superbiam finito  
 consulatus initium Valerius Publicola cum Iunio Bruto  
 auspicatus est idemque postea tres consulatus  
acceptissimos populo Romano gessit et plurimorum ac  
maximorum operum praetexto titulum imaginum suarum  
amplificavit, cum interim fastorum illud columnen  
patrimonio ne ad execuiarum quidem inpensam  
sufficiente decessit, ideoque publica pecunia  
 ductae sunt.

This is an amplification by rhetoric of Livy's matter of fact notice (with an addition of the number of Publicola's consulships):

P. Valerius, omnium consensu princeps belli pacisque  
 artibus, anno post Agrippa Menenio P. Postumio  
 consulibus moritur, gloria ingenti, copiis familiaribus  
 adeo exiguis ut funeri sumptus deesset: de publico  
 est datus. (1)

Omnium consensu has its counterpart in populo Romano, though this has not the force of Livy's phrase. Livy's luxere matronae ut Brutum

---

(1) This instance of a funeral at public expense (also Menenius Agrippa in IV.4.2 - Livy II.33) may have its origin in the need to find historical precedents for Sulla's - Weinstock, op.cit., p.348; Ogilvie, op.cit., p.320-321, but see below.

is removed, with Valerius offering the number of Publicola's consulships as evidence of his eminence.

The exemplum is given as one of 12 (counting Cornelia in the preface) in the chapter De Paupertate. In the preface to it (IV.4, praef.)

Valerius states that he had consulted Pomponius Rufus' collection of exempla (collectorum liber). At the very least, this suggests that the story of Cornelia's description of her sons as her ornamenta derives from it. (1)

Valerius' reflection on the false notion of riches as an index of felicitas may go back to Pomponius:

Itaque quorsum attinet aut divitias in prima felicitatis  
parte aut paupertatem in ultimo miseriarum statu  
ponere, cum et illarum frons hilaris multis intus  
armaritudinibus sit referta et huius horridior aspectus  
solidis et certis bonis abundet. Quid melius personis  
quam verbis repraesentabitur.

The whole sequence of exempla in De Paupertate has received much scholarly attention in the past. (2) In so far as it is not contested here that Valerius depended on previous collections, amongst other sources, there is no need to re-state old arguments in relation to the problem. There is, however, a need to examine some influences that may have shaped

---

(1) Maxima ornamenta esse matronis liberos...invenimus, this seems to be the thematic sequence in Pomponius.

(2) See the critical review of this discussion in R.Helm, Hermes, 74, 1939, pp.137-139.



Valerius' approach and produced modifications and additions to Livian material.

In the case of IV.4.1 a re-working of Livian material is likely. (1) Some other exempla in the chapter indicate other sources of inspiration:

IV.4.8 - the reference to the poverty of the Aelian gens (see also Plutarch, Aemilius Paulus V),

IV.4.9 - gift by Paulus to Q. Aelius Tubero, who in spite of poverty, became his son-in-law (ibid).

These two exempla may derive indirectly from the Historiae of Q. Aelius Tubero. The moral reflection on virtus in IV.4.9

- 
- (1) For IV.4.4 Valerius draws on a source familiar with the quality of land in Pupinia (cf. Cic. leg. agr. II.98). Varro (RR I.9.5) was well-informed about the nature of the locality and may have taken an interest in its history. In IV.4.6, Valerius locates Regulus' seven iugera in Pupinia and in IV.8.1 he reports that the seven iugera that Fabius Maximus ordered his son to sell, in order to ransom Roman prisoners from Hannibal, were to be found there. The seven iugera are proverbial; some authorities assigned to Manius Curius a dictum concerning this measure (NH XVIII.18, probably from Varro) which invokes an historical tradition concerning distribution of land post exactos reges. Antiquarian research contributed to Roman economic history by giving historical surveys of prices (Varro in Pliny, ibid. 17) and arguing for greater fertility of land in antiquity. The iugera of Cincinnatus (V.M.IV.4.7) must have featured prominently in the annalists (e.g. Livy III.26) and in the exempla tradition, both in rhetorical notices (like Valerius', without the references to Quinctia prata) and in the antiquarian ones (e.g. Pliny XVIII. 20 and Verrius, p.307L - Quinctia prata trans Tiberim a Quinctio Cincinnato, cuius fuerant, dicta sunt). Unlike the rhetorical references, the antiquarian ones tended to be fuller on detail

---

(1) cont.

in such matters, noting, in addition to the number of iugera, such particulars as the nature of the land, its precise location and relevant etymological points. Valerius is not consistent in his use of this type of material, occasionally invoking details of locality (e.g. Pupinia), but at other times ignoring them (e.g. the location of Cincinnatus' land).

Animi virorum et feminarum vigeabant in civitate,  
 eorumque bonis dignitatis aestimatio cunctis in  
 rebus ponderabatur. Haec imperia conciliabant, haec  
 iungebant adfinitates, haec in foro, haec intra  
 privatos parietes plurimum poterant; patriae  
 enim rem unus quisque, non suam augere properabat  
 pauperque in divite quam dives in paupere  
 imperio versari malebat. Atque huic tam praeclaro  
 proposito illa merces reddebatur, quod nihil  
 eorum, quae virtuti debentur, emere pecunia  
 licebat, inopiaeque inlustrium virorum publice  
 succurrebatur.

is possibly from Livy (for we know that he wrote on the abstinentia of Aemilius - Per. 46: L. Aemilius Paulus, qui Persen vicerat, mortuus. Cuius tanta abstinentia fuit, ut, cum ex Hispania et ex Macedonia immensas opes rettulisset, vix ex auctione eius redactum sit, unde uxoris eius dos solveretur), possibly from Tubero (1), possibly from Scaurus.

- 
- (1) Fr. 8 (Peter - Gell. VII.iii - A. Regulus fights with a serpent of extraordinary dimensions) and Fr. 9 (Peter - Gell. VII.iv - Carthaginian torture of Regulus) not only show Tubero's interest in admiranda (Badian, "The Early Historians", pp.22-23; Valerius cites Livy on the subject of this serpent - I.8. ext. 19) but also point to his moralism, for it is logical to assume that his context for these stories made the exceptional valour and endurance of Regulus a counterpoint to contemporary mores. Valerius Messalla was interested in the Aelii (NH VII.173) and may have been responsible for popularizing much of the marvellous material

---

(1) cont.

originally noted in Aelius' history. The identity of the historian Aelius is obscure (Ogilvie, op.cit., pp.16-17), he may have written in the Triumviral period. He appears to have had a preference for the history of Antias and this hints at a possible link with Valerius Messalla, whose responsibility for popularizing the achievements of the gens Valeria has already been discussed.

Atticus, of course, wrote on the Aemilii and may have noted the above exempla.

Valerius refers to Scaurus' three books de vita sua:

M. autem Scaurus quantulam a patre hereditatem  
acceperit in primo libro eorum, quos de vita sua  
tres scripsit, refert: ait enim sibi sex sola  
mancia totumque censum quinque atque xxx  
milionum nummum relictum. In hac ille pecunia  
futurus senatus princeps nutritus est  
spiritus.

Cicero praised their worth (Brutus, 112-113), yet alleged that  
no one read them in his day. Brutus later (133) admitted that he had  
not come across these memoirs or Q. Catulus' book de rebus gestis  
suis, but promised to do something about this gap in his reading:

Nunc autem et a te sumam et conquiram ista  
posthac curiosius.

Yet Valerius knew of them, (or drew on a source that did). Some-  
how these three books of Scaurus' praise of himself managed to leave  
traces in the exempla tradition. Badian suggests that Scaurus' biography  
in De Viris Illustribus must ultimately go back to it. (1)

The disquisition on modest beginnings of his political career,  
noted by Valerius, was probably an important part of the first book.  
It is not improbable that this material included some allusion to other

---

(1) Badian, "The Early Historians", p.23. See below pp.381-390.

great men who had similar origins. (1)

It is very dangerous to make connections between any two of Valerius' exempla, for he is liable to use different sources even if he is treating a similar (or related) subject in both of them.

But it is significant that he places Scaurus' reference to his background as the last item in this sequence. This highlights its importance and gives Valerius a convenient point of departure for a brief reflection on the significance of the preceding exempla:

Quid ergo modicam fortunam quasi praecipuum generis  
humani malum diurnis atque nocturnis conviciis  
laceramus, quae ut non abundantibus, ita fidis  
uberibus Publicolas, Aemilios, Fabricios, Curios,  
Scipiones, Scauros hisque paria robora virtutis  
aluit.

Scaurus is not only made part of this illustrious line, he is its culmination. This could be Valerius' own suggestion or it could derive from Scaurus' de vita sua, where a similar list may have been given. Certainly these memoirs sufficiently impressed and evoked such an inclusion. However, if the reference to the public funerals is post-Sullan in origin (Publicola and Agrippa above) then clearly IV.4.1 and 2 cannot be from Scaurus. But Ogilvie believes (p.275) that votes for a public funeral were recorded in the Annals, and so it may well be that

---

(1) Peter, HRF, pp.118-120.

Scaurus made use of suitable instances. The fact that precedents of this kind were convenient for writers interested in providing Sulla's ascendancy with a suitable historical dimension, does not prove that they invented them, but merely that they had good reason for expanding and popularizing such instances.

.....

To return now to De Paupertate as a whole. We can see that exempla in it may derive from a variety of specific historical situations, requiring the use and popularization of such images. Scaurus had good reason to refer to modest beginnings or modest desires of famous men, Q. Aelius Tubero had reasons for highlighting his family's condition; Livy's moral purpose suited inclusion of material of this kind (see his references to Publicola and Agrippa); Pomponius Rufus' collection (even if the only secure attribution to it is Cornelia's comment on ornamenta) made a point in contrasting true worth with material trappings. Valerius would have been drawn to seek material from any one of these sources, for they offered a moral world congenial to his temperament. He identified with these sentiments and thought them suitable for his own age.

.....

Finally, an item relating to Valerius Publicola that Valerius certainly did not get from Livy. This occurs in a very long exemplum devoted to the origin of Secular Games:

Et quia ceteri ludi ipsis appellationibus unde trahantur apparet, non absurdum videtur saecularibus initium suum, cuius minus trita notitia est, reddere. Cum ingenti pestilentia urbs agrique vastarentur, Valesius vir locuples rusticae vitae duobus filiis et filia ad desperationem usque medicorum laborantibus aquam calidam iis a foco petens, genibus nixus lares familiares ut puerorum periculum in ipsius caput transferrent oravit. Orta deinde vox est, habiturum eos salvos, si continuo flumine Tiberi devectos Tarentum portasset ibique ex Ditis patris et Proserpinae ara petita aqua recreasset.

Valesius undertakes the journey and the children are cured by drinking water heated at the hot springs of Tarentum. When the children recover, they report a vision, urging that Valesius perform a sacrifice at the altar of Dis and Persephone and institute lectisternium and nocturnal games:

Is, quod eo loci nullam aram viderat, desiderari credens ut a se constitueretur, aram empturus in urbem perrexit relictis qui fundamentorum constituendorum gratia terram ad solidum foderent. Hi domini imperium exequentes, cum ad XX pedum altitudinem humo egesta pervenissent, animadverterunt aram Diti patri Proserpinaeque inscriptam. Hoc postquam Valesius nuntiante servo accepit, omisso emendae arae proposito hostas nigras, quae antiquitus furvae dicebantur, Tarenti immolavit ludosque et lectisternia



continuis tribus noctibus, quia totidem filii periculo liberati erant, fecit. Cuius exemplum Valerius Publicola, qui primus consul fuit, studio succurrendi civibus secutus apud eandem aram publice nuncupatis votis caesisque atris bubus, Diti maribus, feminis Proserpinae, lectisternioque ac ludis trinoctio factis aram terra, ut ante fuerat, obruit. (II.4.5)

Per. 49 makes it clear that Livy assumed a hundred-year cycle for the games, beginning in 249 B.C.:

Ludi Diti patri ad Tarentum ex praecepto librorum facti, qui ante annum centesimum primo Punico bello, quingentesimo et altero anno ab urbe condita facti erant.

And the origins of lectisternium are precisely located by him and have no connection with Publicola - V.13.6 (1)

Valerius Maximus' exemplum derives from an antiquarian source. It is unlikely to be Varro, for, as R.E.A.Palmer shows, referring to V.M. II.4.5, Zosimus II.1 and Censorinus' record (DN 17. 8-9), that this celebration of the games by Publicola belongs to no identifiable cycle. (2) Valerius Antias' responsibility is also to be ruled out:

Antias enim et Varro et Livius relatos esse prodiderunt  
L. Marcio Censorino M'.Manlio Coss. post Romam conditam

(1) Ogilvie, op.cit., p.655.

(2) R.E.A.Palmer, Roman Religion and Roman Empire, Philadelphia 1974, pp.101-104, see especially the diagram (based on Censorinus) on p.102.

anno DCV (605/149) at Piso Censorius et Cn. Gellius, sed et Cassius Hemina, qui illo tempore vivebat, post annum factos tertium adfirmant Cn. Cornelio Lentulo L. Mummio Achaico Coss. id est anno DCVIII (608/146).

(Cens. DN, 17.11)

The cycle suggested by Antias, Varro and Livy is of one hundred years, the previous games being held in 249 B.C. (1)

In her early study of the Secular Games, Lily Ross Taylor argued that the responsibility for suggesting Publicola's celebration (as well as two other Valerian instances in 456 and 348) rests with Valerius Antias, but in a later reference she modified this position, thinking it appropriate to consider other writers of the gens Valeria (e.g. Valerius Messalla). (2)

Without entering the intricacies surrounding the origins of the Games and without exploring how a distinctively Valerian cycle, beginning in 509 B.C., was developed, it is possible to accept the general proposition that the involvement of the gens Valeria in the Games was popularized by interested antiquarians, like Valerius Messalla, from whom Valerius could have taken this exemplum.

(1) Cens. DN, 17.8.

(2) Lily Ross Taylor, "New Light on the History of the Secular Games", AJP, 55, 1934, pp.101-120: AJP, 90, pp.225-226 (note 2).

## VIII)

Livy II.27 - V.M. IX.3.6

Comparison of these two passages shows very vividly the extent to which compression brings with it a change of emphasis and results in a different historical image. Livy depicts the dedication of the Temple of Mercury as an episode in the struggle of the populus with the patres. In his conception of the story, the senate plays a vital role:

Certamen consulibus inciderat uter dedicaret  
 Mercuri aedem. Senatus a se rem ad populum reiecit:  
utri eorum dedicatio iussu populi data esset, eum  
 praeesse annonae, mercatorum collegium instituere,  
 sollemnia pro pontifice iussit suscipere. Populus  
 dedicationem aedis dat M. Laetorio, primi pili  
 centurioni, quod facile appareret non tam ad  
 honorem eius, cui curatio altior fastigio suo  
 data esset, factum quam ad consulum ignominiam. (1)

Dionysius does not refer to this incident, and this could indicate that some annalists were uneasy about incorporating such display of popular petulance in their narratives. (2)

- 
- (1) Valerius' exemplum removes the references to the annona and collegium mercatorum. Verrius (Festus, p.135L) noted the Ides of May as the day of the festival of the mercatores.
- (2) Ogilvie, op.cit., pp.303-304.

On the other hand, Valerius is extremely keen to use it and extract a moral. He sees the episode as an affirmation of the power of popular anger (placing it in his chapter De Ira):

Age, quam violenter se in pectore universi populi Romani gessit eo tempore, quo suffragiis eius dedicatio aedis Mercurii M. Plaetorio primi pili centurioni data est praeteritis consulibus, Appio, quod obstitisset quo minus aeri alieno suo succurreretur, Servilio, quod susceptam causam suam languido patrocinio protexisset. Negas efficacim esse iram, cuius hortatu miles summo imperio praelatus est. (1)

Valerius does not approve (as the following exemplum shows), yet he is impressed. His eye is on the power and effectiveness of popular anger, though he is mindful of the gravity of the insult (IV.3.7 - Quae quidem non proculcavit tantum imperia, sed gessit inpotenter...). The reasons for the popular decision are identical in the two accounts, but Valerius gives a very clear impression that the populus acted on its own initiative. Livy tempers his evidence of this display of popular will by a reference to the senate's decision to refer the matter to popular arbitration. (2)

- (1) Plaetorius in Valerius is a MSS error: on Laetorii, see Ogilvie, op.cit., p.303.
- (2) IV.3.7 - is a critical account of the anger of a Metellus. Valerius conflates Metellus Macedonicus, Pius, and Creticus, confuses Cn. Pompeius with Q. Pompeius.

Here we have compression and a change of emphasis.

VIII a)

Livy II.33 - V.M. IV.4.2

In this exemplum Valerius meditates on the achievement of concordia by Menenius Agrippa, noting his poverty:

Quantae amplitudinis Menenium Agrippam fuisse arbitremur, quem senatus et plebs pacis inter se faciendae auctorem legit. Quantae scilicet esse debuit arbiter publicae salutis. Hic, nisi a populo conlatis in capita sextantibus funeratus esset, - ita pecuniae inops decessit - sepulturae honore caruisset. Verum idcirco perniciose seditione dividua civitas manibus Agrippae in unum contrahi voluit, quia eas pauperes quidem, sed sanctas animadverterat. Cuius ut superstitis nullum fuit, quod in censum deferretur, ita extincti hodieque amplissimum est patrimonium Romana concordia. (1)

Concordia is Agrippa's lasting patrimonium. The whole exemplum is a comment on Agrippa's role, not a description of it. The impression given here is that Agrippa was selected by the senate and the people as an arbitrator, Livy reveals that Agrippa was sent by the senate to the people who accepted his wise parable, legatus patrum ad plebem. But the

---

(1) Here Valerius fails to give the location of the secession; cf. Livy II.32, mentioning both mons Sacer and the Aventine (on Piso's authority).

impression that Valerius gives may result from his thinking about the outcome of the episode, in as much as the people accepted Agrippa's message they "chose" him as an instrument of peace. Thus the differences between Livy and Valerius here may be explained by Valerius' focus on the results of Agrippa's mission.

In view of Livy and Valerius sharing the same tradition here, it is interesting to note that in another part of the collection, Valerius presents a rival claimant to the honour claimed by Menenius Agrippa. In VIII.9.1 (Quanta vis sit eloquentiae) he writes:

Regibus exactis plebs dissidens a patribus iuxta ripam  
fluminis Anienis in colle, qui sacer appellatur, armata  
consedit, eratque non solum deformis, sed etiam  
miserrimus rei publicae status, a capite eius cetera  
parte corporis pestifera seditione divisa. Ac ni  
Valeri subvenisset eloquentia, spes tanti imperii  
in ipso paene ortu suo corruisset: is namque populum  
nova et insolita libertate temere gaudentem oratione  
ad meliora et saniora consilia revocatum senatui  
subiecit, id est urbem urbi iunxit. Verbis ergo  
facundis ira, consternatio, arma cesserunt. (1)

Thus Valerius is honoured for the achievement of reconciliation between the patres and the plebs by ILS 50. (2)

---

(1) See Cicero, Brutus 54.

(2) Ogilvie, op.cit., p.306.

The presence of this exemplum in Valerius Maximus' collection may be due to the interest in his role revived by Augustus' Forum. On the other hand, it may be due to the fact that this exemplum entered the exempla tradition through the work of Valerius Antias. (1) Senatui subiecit appears to reflect a version which stressed the return of the people to obedience - an emphasis different from the spirit of IV.4.2. Of course, as in previous similar instances, Valerius Messalla is a possible source.

Neither exemplum gives details of the concessions that were granted to the plebs in return for their obedience. We can observe here how an abridgement of the annalistic tradition (valuable traces of which are to be detected in Livy and Dionysius) divests this crucial episode in Roman political and constitutional history of its revolutionary implications. In IV.4.2 pax and concordia are abstractions, obscuring the point that this was the origin of a most potent political institution; and ad meliora et saniora consilia revocatum senatui subiecit of VIII.9.1 tends to give a similar impression. The precedent that armed challenge to authority can gain spectacular and lasting results disappears altogether. (2)

- (1) Ibid., p.311; Dionysius, VI.43-48. Cicero (in Pro Cornelio I, fr.49 (I. Puccioli ed.)), Verius (Festus, pp.422-424L) and ILS 50 locate the secession on mons Sacer. Livy, Cicero and Verrius state trans Anienem. Livy (tria ab urbe milia passuum), Cicero (Brutus 54) and Verrius (paullo ultra tertium miliarium) also add information on its distance from Rome. Valerius and ILS 50 (but it is only to be expected in this case) lack such details.
- (2) Significantly, Valerius' collection has no place for the first tribunes - C. Licinius and L. Albinus (Livy II.33). Livy's account

---

(2) cont.

of these events is compressed. Dionysius in book VI gives a very elaborate sequence of demands, deliberations and speeches, managing to allocate roles in the crisis to Menenius and Valerius. If in his prolixity Dionysius is following the habits of some of his predecessors, Livy's brevity and economy may then be seen as a deliberate departure from the conventional. Yet Livy's brevity and concentration do not detract from the significance of the constitutional concessions made. Antiquarians, interested as they were in law and constitutional procedure, were also unlikely to neglect the details, see, for instance, Verrius on the tribunate (Festus, pp.422-424L).



That these two exempla, coming from two different perspectives, should so drain this crisis as to make it appear as a comforting episode of reconciliation and renewed obedience, points to an important tendency in the rhetorical exempla tradition which at times obscured the revolutionary precedents of the political system.

IX)

Livy II.37 - V.M. VII.3 ext. 10

Comparison between these two passages reveals compression and stylistic modification, with a corresponding slight change in the substance of the episode. Valerius gives a self-contained piece showing execrabile consilium of one individual:

At Volscorum ducis Tulli execrabile consilium. Qui ad bellum inferendum Romanis maxima cupiditate accensus, cum aliquot adversis proeliis contusos animos suorum et ob id paci proniores animadverteret, insidiosa ratione quo volebat compuli: nam cum spectandorum ludorum gratia magna Volscorum multitudo Romanam convenisset, consulibus dixit vehementer se temere ne quid hostile subito molirentur monuitque ut essent cautiores et protinus ipse urbe egressus est. Quam rem consules ad senatum detulerunt. Qui, tametsi nulla suspicio suberat, auctoritate tamen Tulli commotus ut ante noctem Volsci abirent decrevit. Qua contumelia inritati facile inpelli potuerunt ad rebellandum. Ita mendacium versuti ducis simulatione benivolentiae involutum duos simul populos fefellit, Romanum, insontes notaret, Volscum, ut deceptis irasceretur.

One can see how this transposes elements of Livy's text. (1)

---

(1) Bliss, op.cit., pp.198-199.

In Livy the great numbers of the Volsci come to Rome auctore Attio Tullio. In Valerius his agency in this regard is not mentioned, yet Valerius' auctoritate tamen Tulli commotus ut ante noctem Volsci abirent decrevit is a reflection of a notion forcefully stated by Livy:

Consules cum ad patres rem dubiam sub auctore certo detulissent, auctor magis, ut fit, quam res ad praecavendum vel ex supervacuo movit; factoque senatus consulto ut urbe excederent Volsci, praecones dimittuntur qui omnes eos proficisci ante noctem iuberent.

The second half of the sentence is picked up by Valerius' ut ante noctem abirent decrevit. In the same way Valerius' consulibus dixit vehementer se temere ne quid hostile subito molirentur monuitque ut essent cautiores et protinus ipse urbe egressus est, picks up Livy's

... ad consules venit, dicit esse quae secreto agere de re publica velit. Arbitris remotis "Invitus" inquit quod sequius sit de meis civibus loquor...Quod ad me attinet, extemplo hunc domum abire in animo est, ne cuius facti dictive contagione praesens violer." Haec locutus abiit.

However, in Livy, Attius Tullius is not the sole architect of the consilium - priusquam committerentur ludi, Tullius, ut domi compositum cum Marcio fuerat, ad consules venit. That is, the episode is a vital part of the Coriolanus sequence, Valerius' abridgement isolates Tullius.

X)

Livy II.39 and 40 - V.M. V.2.1

V.4.1

Coriolanus and Veturia

Dionysius gives the incident extensive dramatic coverage. In this he may be presumed to be following annalistic precedent. Certainly his reference to the role of a certain Valeria (sister of Publicola - VIII.39) in organizing an appeal by Roman women to Veturia shifts the focus from Coriolanus' mother. Veturia is prompted to make her appeal by the initiative of Valeria, and this points to Valerius Antias as Dionysius' main source. As is to be expected, Livy gives a more compressed account. Yet he and Dionysius agree that Veturia had to be coaxed into undertaking her mission:

Tum matronae ad Veturiam, matrem Coriolani, Volumniamque uxorem frequentes coeunt. Id publicum consilium an muliebris timor fuerit parum invenio; pervicere certe ut et Veturia, magno natu mulier, et Volumnia duos parvos ex Marcio ferens filios secum in castra hostium irent et, quoniam armis viri defendere urbem non possent, mulieres precibus lacrimisque defenderent. Ubi ad castra ventum est nuntiatumque Coriolano est adesse ingens mulierum agmen, ut qui nec publica maiestate in legatis nec in sacerdotibus tanta offusa oculis animoque religione motus esset, multo

obstinatior adversus lacrimas muliebres erat. (1)

Thus when Veturia and Volumnia do arrive, they arrive accompanied by a large group of women, and Coriolanus at first takes no notice of their tears. It is only when a friend of his points out to him his mother, wife and children that he begins to relent:

Dein familiarium quidam qui insignem maestitia  
inter ceteras cognoverat Veturiam inter nurum  
nepotesque stantem, "Nisi me frustrantur", inquit,  
"oculi, mater tibi coniunxque et liberi adsunt."

Valerius' exemplum prunes away a great deal of the circumstantial detail. There is no direct appeal by Roman matrons to Veturia, she appears to act on her own initiative:

Stupebat senatus, trepitabat populus, viri pariter ac  
mulieres exitium imminens lamentabantur. Tunc Veturia  
Coriolani mater Volumniam uxorem eius et liberos secum  
trahens castra Volscorum petiit. (V.4.1)

As soon as Coriolanus catches sight of her he exclaims:

Quam ubi filius aspexit, "Expugnasti" inquit "et vicisti  
iram meam, patria, precibus huius admotis, cuius utero quamvis  
merito mihi invisam dono", continuoque agrum Romanum

---

(1) Ogilvie, op.cit., pp.334-335.

hostibus armis liberavit. (ibid)

Valerius removes Veturia's speech (Livy II.40; Dionysius VIII. 46-55 - Coriolanus argues with his mother and only gives way gradually, forcing her to fall at his feet to gain her point), the mere sight of her is sufficient to change his mind. In this way a more favourable impression is given of both Veturia and Coriolanus. This view of the episode as an instantaneous conversion is emphasized by Valerius' concluding remarks in V.4.1:

Ergo pectus dolore acceptae iniuriae, spe potiendae victoriae, verecundia detractandi ministerii, metu mortis refertum, totum sibi pietas vacuefecit, uniusque parentis aspectus bellum atrox salutari pace mutavit.

In V.4.1 there is no reference to Roman gratitude for the role played in the crisis by Veturia and Volumnia, this aspect is given special attention in V.2.1 (De Gratis):

...Veturia mater et Volumnia uxor nefarium opus exequi precibus suis passae non sunt. In quarum honorem senatus matronarum ordinem benignissimis decretis adornavit: sanxit namque ut feminis semita viri cederent, confessus plus salutis rei publicae in stola quam in armis fuisse, vetustisque aurium insignibus novum vittae discrimen adiecit. Permisit quoque his purpurea veste et aureis uti segmentis. Super haec aedem et aram Fortunae muliebri eo

loco, quo Coriolanus exoratus fuerat, faciendam curavit,  
memorem beneficii animum suum exquisito religionis cultu  
testando.

(Precibus suis here need not indicate that an actual plea by  
Veturia is referred to, a similar expression was used in V.4.1)

This list contains material not found in Livy, he only mentions a temple of Fortuna (II.40). Dionysius abounds in details - even naming the first priestess to officiate at the new altar in the sacred precinct as Valeria, the one whom he credits with conceiving of the embassy to Veturia in the first place. Clearly the matter excited annalistic elaboration (DH), and, given that interest in Coriolanus may be safely traced back as far as Fabius Pictor (Livy II.40 - Fabius claimed that Coriolanus lived on to a ripe old age), with pro-Valerian prosopography taking a hand along the way, it is not profitable to speculate on Valerius' source. Suffice it to say, that he clearly did not inherit his exemplum from a writer interested in magnifying the rôle of the gens Valeria, and that he supplemented Livian material in V.2.1 and had a different view of the episode to that given by Livy in V.4.1. (1)

- 
- (1) Like Livy, Plutarch (Coriolanus 37) does not allude to the tradition of additional honours to the women that Valerius details - sanxit....vetustisque aurium insignibus novum vittae discrimen adiecit. An antiquarian (Varro?), interested in the history of honours paid to Roman women (and their social role generally), is likely to be Valerius' source for these items. Varro's responsibility for antiquarian material concerning women has already been canvassed above, pp.163 - 167(esp. p.167 n.3).

XI)

Livy II.41 - V.M. V.8.2

Sp. Cassius

Valerius' exemplum is part of a sequence referring to severitas patrum in liberos. There are five items in the series:

V.8.1

L. Brutus, gloria par Romulo ... Exuit patrem, ut consulem ageret, orbusque vivere quam publicae vindictae deesse maluit.

8.2

Huius aemulatus exemplum Cassius filium suum [Sp. Cassium], qui tribunus plebis agrariam legem primus tulerat multisque aliis rebus populariter [actis] animos hominum amore sui devinctos tenebat, postquam illam potestatem deposuit, adhibito propinquorum et amicorum consilio adfectati regni crimine domi damnavit verberibusque adfectum necari iussit ac peculium eius Cereri consecravit.

8.3

T. Manlius Torquatus' condemnation of his son - D. Silanus:  
Cum Silanum filium meum pecunias a sociis accepisse probatum mihi sit, et re publica eum et domo mea indignum iudicio protinusque e conspectu meo abire iubeo.



## V.8.4

Suicide of M. Scaurus' son - accused by his father of cowardice -  
 recordatione enim iuventae suae qualis M. Scauro aut  
 habendus aut spernendus filius esset admonebatur. Quo nuntio accepto  
 iuvenis coactus est fortius adversus semet ipsum gladio uti quam  
 adversus hostes usus fuerat.

## 8.5

Nec minus animose A. Fulvius vir senatorii ordinis euntem in  
 aciem filium retraxit quam Scaurus ex proelio fugientem increpuit:  
 namque iuvenem et ingenio et litteris et forma inter aequales  
 nitentem, pravo consilio amicitiam Catilinae secutum inque castra  
 eius temerario impetu ruentem medio itinere abstractum supplicio  
 mortis adfecit, praefatus non se Catilinae illum adversus patriam,  
 sed patriae adversus Catilinam genuisse.

It seems that Valerius was eager to give coherence to this small  
 selection. Cassius is presented as emulating Brutus' severitas and it  
 is implicit that Torquatus acts according to the same pattern of moral  
 and legal imperative. Fulvius' action is deliberately compared to that  
 of Scaurus, the comparison revealing the full range of paternal  
 responsibility and concern. Rhetoric imposes order, suggests continuity  
 and vitality of these historical precedents, with the final exemplum  
 mirroring the harshness and force of the first, the suicide of young  
 Scaurus mirroring that of Silanus.

To what extent is Valerius dependent on Livy? In relation to this it is worth recalling the argument developed above in the context of analysing V.M. IV.4.1 and Livy II.16. With reference to IV.4. De Paupertate, it was urged that exempla in that particular sequence could have derived from a variety of specific historical situations, requiring the use and popularization of appropriate historical precedents.

Here in V.8. 1-5, similar demands may be seen to be at work. First, there is the suggestive exemplum featuring Scaurus' severitas. Valerius' respect for Scaurus has already been noted and some arguments developed in support of the proposition that certain exempla in the collection derive from his de vita sua. It is very likely that V.8.4 originates from that history. Whatever his motives for the accusation of his son, Scaurus had reasons for including the incident in de vita sua. The episode served as a moral precept to the young, it underlined sharply Scaurus' own origins and youthful endeavours, and it gave Scaurus an opportunity to link himself with other great Romans who showed similar resolve in their dealings with sons. It is possible that references to L. Brutus, to Sp. Cassius and to Torquatus featured in that history.

Secondly, there is the case of Fulvius. Sallust's reference to his action is extremely brief:

Cat. 39.6 Fuere tamen extra coniurationem complures qui ad Catilinam initio profecti sunt. In eis erat Fulvius senatoris

filius, quem retractum ex itinere parens necari iussit. (1)

Whereas Sallust merely notes the execution of young Fulvius in passing, it must have made sufficient impact to find itself the subject of an exemplum. It is not too fanciful to conjecture that in the heated political atmosphere of the time, the case found eager detractors and defenders. It is therefore possible that Valerius owes this item to a writer interested in publicizing such severitas and, more importantly, in finding historical precedents for it - just as Cicero tried to find precedents for his action against the conspirators proper (Lintott, Violence in Republican Rome, pp.55-57).

As in other instances, the dependence may be direct or indirect. Livy wrote on the conspiracy and its elimination, it is possible that he, like Sallust, had a reference to Fulvius' prompt justice. He may have treated the episode more fully than Sallust. Certainly the summary of book 102 makes no reference to it, though this is not a decisive case against Livy's possible interest in the matter. The epitomator picks up

---

(1) See also Dio, XXXVII.36.4; Syme, Sallust, p.129 n.27. A.H.J. Greenidge, op.cit., pp.367-368. (P. McGushin in his recent commentary on the Bellum Catilinae (Brill, 1977, p.212) writes that "Val. Max. (V.8.5) adds the father's statement in this case." It may well be that Valerius is reporting the substance of Fulvius' claim, though it is more likely that he is inventing a suitable rhetorical flourish for the occasion, see E. Badian, "Two Roman non-entities", CQ. XIX, 1969, pp.198-200 - on Valerius' purple patches.)

Livy's coverage of the severitas of T. Manlius Torquatus (Per.54) and therefore this must have featured prominently in that book. A less extensive treatment of Fulvius need not have attracted the epitomator's attention.

Thus Livy could have been Valerius' source for V.8.5, just as he probably was for V.8.3 (Valerius is in complete agreement with Per.54). But other currents of information were at hand. Certainly Livy was not Valerius' source for V.8.2.

A.W.Lintott has recently discussed the development of the historical tradition concerning Spurius Cassius' punishment. (1) His aim is to distinguish the different layers of the tradition. On the one hand, a strand deriving "from a basic notice in the Fasti together with the evidence of the inscriptions and perhaps some oral tradition connected with them". This version presented Cassius' father in the image of Junius Brutus and Manlius Torquatus, eliminating an aspiring tyrant by domestic jurisdiction. (2) On the other hand, a strand that sought to introduce a iudicium populi into the affair and gave the father a subsidiary role. Though Lintott considers it conceivable that it was Fiso "who first took exception" to domestic jurisdiction here, he is more

---

(1) A.W.Lintott, "The tradition of violence in the annals", Historia, XIX, 1970, pp.18-22.

(2) Ibid., pp.20-21.

inclined to attribute the responsibility for the "revisionist" account to the Gracchan annalists. (1)

Putting aside the possibility of Piso's responsibility for the modification of the "primitive" version, it is possible to conceive a neat chronological schema of the development of the story. The story of Sp. Cassius may be seen to be evolving from an early instance of a iudicium domesticum into a iudicium populi on a specified charge, brought by two quaestors (two - Livy and Dionysius; one - Cicero, De Re Publica, II.60). Yet, even if this pattern of historiographical evolution were to be accepted, Piso's responsibility for initiating the change in the nature of the judicial process is not at all clear. For determining Piso's conception, two items from Pliny NH XXXIV are relevant. Firstly, there is a reference to Cassius which is explicitly stated to be from Piso (Peter fr.37):

(30) L. Piso prodidit M. Aemilio C. Popilio iterum cos. a censoribus P. Cornelio Scipione M. Popilio statuas forum eorum, qui magistratum gesserant, sublatas omnes praeter eas, quae populi aut senatus sententia statuae essent, eam vero, quam apud aedem Telluris statuisset sibi Sp. Cassius, qui regnum adfectaverat, etiam conflata a censoribus.

---

(1) Ibid., if Cicero's reference in De Re pub. II.60 is from Fabius Pictor (as Ogilvie, op.cit., p.338 suggests), Lintott's proposed evolution has to be fundamentally revised, for we would then have as our earliest story a quaestorial prosecution, see below p.

Secondly, there is an item that may well be from Piso (not in Peter):

(15) Romae simulacrum ex aere factum Cereri primum reperio ex peculio Sp. Cassi, quem regnum adfectantem pater ipsius interemerit. (1)

If this reference is from Piso's history, then Lintott is right in seeking some other sources as being responsible for creating the iudicium populi version. And it was this version that found favour with Livy, having reported sunt qui patrem auctorem eius subplicii ferant, he makes a special point of commending an alternative:

#### II.41.11

Invenio apud quosdam, idque propius fidem est, a quaestoribus Caesone Fabio et L. Valerio diem dictam perduellionis, damnatumque populi iudicio, dirutas publice aedes. Ea est area ante Telluris aedem. Ceterum, sive illud domesticum sive publicum fuit iudicium, damnatur Servio Cornelio Q. Fabio consulibus.

In spite of the concession to doubt in the last sentence, the rejection of the iudicium domesticum is explicit and stands out as a distinct feature of the whole presentation. Valerius Maximus gives an exemplum reporting, without qualifications, a domestic tribunal. It is

---

(1) Given that Piso held that Sp. Maelius was eliminated by Ahala as a privatus, it would be logical to assume that he did not take exception to Cassius being tried by his father - see Lintott, Historia, 1970, pp.13-15.

of course possible that he chose from Livy's text that part of the narrative, but there is no need to make such an assumption. Valerius could go elsewhere and here he most probably did. He also makes Spurius Cassius a tribune of the plebs. No such conclusion could be drawn from Livy. It is then either a "slip of the pen" (Ogilvie, p.339) or a fragment of an alternative version.

Our purpose is not to examine in detail the formation of the tradition concerning Spurius Cassius, but to determine with as much precision as possible Valerius' relation to the various strands within it. From the material so far treated, it emerges that Valerius' exemplum reproduces a version of the story that many writers chose to eliminate. He revives the image of paternal power exercised in a sensitive political crisis. It is safe to assume that this revival is not original. Valerius' exemplum, just as the sequence in which it is set, derives from political concerns of previous generations. As Lintott argues, the Gracchan annalists may have been responsible for introducing the concept of a iudicium populi into this story. Valerius' exemplum in V.8.2 shows us that, whatever the refinements brought about by writers elaborating alternative versions, an image of a severe domestic punishment continued to be of relevance and consequently survived in the exempla tradition. (1)

---

(1) Dionysius, as in other instances discussed previously, is expanding the various elements in the tradition - VIII. 69-80. Lintott, p. 21: "It is conceivable that we have in Dionysius a highly popularis account with trace of revolutionary intellectualism, perhaps attributable to Licinius Macer, while Livy is following a source conservative in all respects, perhaps Valerius Antias." However,

---

(1) cont.

it is more likely that both Livy and Dionysius rely on Antias, note that both of them have a Valerius as one of the quaestors. The other quaestor is a Fabius. This raises the possibility that Fabius Pictor referred to a quaestorial prosecution. Ogilvie mentions this (p.338) and suggests that De Re Publica II.60 may be from Fabius.



Torquatus' punishment of his son found a conspicuous place in historiography (as noted above, it was a feature of Livy's book 54, and one may assume that previous sources took an interest in publicizing the instance ). Fulvius at the height of the Catilinarian crisis actually acted according to a conception of moral and legal responsibility that such ancient exempla embodied. We have here evidence of meaningful and useful historical precedents.

Previous studies of Valerius' collection had been too preoccupied with positing other similar collections that preceded his, without sufficient recognition that many exempla had relevance at various points in Roman political history and that certain sequences of historical parallels may originate in specific circumstances requiring them - e.g. the need to defend or praise Fulvius' punishment of his son, to posit it as a glorious cautionary tale for young spirits interested in political intrigue.

VI.3.1 (b) and VI.3.2

There are two other references to Spurius Cassius in the Facta et Dicta. Both occur in the chapter De Severitate, part of which has already been examined in the context of discussing Horatia's punishment in VI.3.6. VI.3.1 (b) is at variance with V.8.2, and VI.3.2 offers an item of information not found in any other source. These exempla are part of a sub-theme of the chapter - severitas exhibited in defence of libertas. It is again appropriate to survey the whole grouping: (1 (a) - 2)

## VI.3. 1 (a)

M. Manlius, unde Gallos depulerat, inde ipse praecipitatus est, quia fortiter defensam libertatem nefarie opprimere conatus fuerat. Cuius iustae ultionis nimirum haec praefatio fuit: "Manlius eras mihi, cum praecipites agebas Senonas: postquam imitari coepisti, unus factus es ex Senonibus." Huius supplicio aeternae memoriae nota inserta est: propter illum enim lege sanciri placuit ne quis patricius in arce aut Capitolio habitaret, quia domum eo loci habuerat, ubi nunc aedem Monetae videmus.

## 1 (b)

Par indignatio civitatis adversus Sp. Cassium erupit, cui plus suspicio concupitae dominationis nocuit quam tres magnifici consulatus ac duo speciosissimi triumphi profuerunt: senatus enim populusque Romanus non contentus capitali eum supplicio adficere interempto domum superiecit,

ut penatium quoque strage puniretur: in solo autem aedem Telluris fecit. Itaque quod prius domicilium inpotentis viri fuerat nunc religiosae severitatis monumentum est.

## 1 (c)

Eadem ausum Sp. Maelium consimili exitu patria multavit. Area vero domus eius, quo iustitia supplicii notior ad posteros perveniret, Aequimeli appellationem traxit. Quantum ergo odii adversus hostes libertatis insitum animis antiqui haberent parietum ac tectorum, in quibus versati fuerant, ruinis testabantur. Ideoque et M. Flacci et L. Saturnini seditiosissimorum civium corporibus trucidatis penates ab imis fundamentis eruti sunt. Ceterum Flacciana area, cum diu + pene vacua mansisset, a Q. Catulo Cimbricis spoliis adornata est.

## 1 (d)

Viguit in nostra civitate Ti. et C. Gracchorum summa nobilitas ac spes amplissima. Sed quia statum civitatis conati erant convellere, insepulta cadavera iacuerunt supremusque humanae condicionis honos filiis Gracchi et nepotibus Africani defuit. Quin etiam familiares eorum, ne quis rei publicae inimicis amicus esse vellet, de robore praecipitati sunt.

## 2.

Idem sibi licere P. Mucius tribunus pl. quod senatui et populo Romano credidit, qui omnes collegas suos, qui

duce Sp. Cassio id egerant ut magistratibus non subrogatis communis libertas in dubium vocaretur, vivos cremavit. Nihil profecto hac severitate fidentius: unus enim tribunus eam poenam novem collegis inferre ausus est, quam novem tribuni ab uno collega exigere perhorruissent.

3.

Libertatis adhuc custos et vindex severitas, sed pro dignitate etiam ac pro disciplina aequae gravis...

One common feature of all these exempla is that the culprits are condemned in most general terms. There is no clear indication of what they had actually done to threaten libertas. The Gracchi are condemned jointly for their desire to disturb statum civitatis, Spurius Cassius and Sp. Maelius for desiring to impose dominatio. Yet relevant details are pruned away and historical situations are turned into generalized images, designed to inspire feelings of indignation at their audacity.

Such removal of specific items of information (which we know from other exempla that Valerius was quite capable of providing) narrows the possibility of debate: the vaguer the image of those figures desiring statum civitatis convellere, the more rhetorically and politically useful the exemplum. Quite a few exempla in Valerius' collection convey divergent estimates of controversial figures. Other exempla produce a contrary effect. Here in VI.3. 1 (a) - 2 we have a conception of these

personalities that obliterates ambiguities, removes specifics and imposes narrow, negative verdicts. The conception offered cannot be original to Valerius, nor is it profitable to trace it to one particular source that he might have used.

Valerius presents us with historical debris of a partisan tradition, exempla that have been through several stages of refinement, moulding and abridgement. It is not surprising therefore that we should find VI.3.1 (b) in conflict with V.8.2.

In V.8.2 we had a iudicium domesticum and, more importantly, clear indications of Cassius' error - tribunus pl. agrariam legem primus tulerat multisque aliis rebus populariter [actis] animos hominum amore sui devinctos tenebat. VI.3.1 (b) offers only suspicio concupitae dominationis and a judgement by the senate and people. The reference to both the senate and the populus is very significant. We have noted before, in our examination of the divergent historical tradition concerning Cassius' punishment, that one strand of it was a iudicium populi, on a charge brought by quaestors (Livy II.41.). There is no specific reference in this version to the role of the senate in bringing Cassius to justice, though a clear indication is given that the patres were alarmed by his behaviour. Valerius' exemplum gives the impression that the senate and people jointly acted against Cassius' threat. Whatever the precise relationship of VI.3.1 (b) to the iudicium populi tradition, the exemplum clearly aims to project a unanimous judgement by the whole political community on an aspiring tyrant.

A similar tendency to project unanimity of response is seen in the reference to Sp. Maelius. As Lintott has recently pointed out, there had been an historical controversy on the issue of whether C. Servilius Ahala, the slayer of Sp. Maelius, had been a privatus or a magister equitum (see "The tradition of violence in the annals", pp. 13-18), a point of crucial significance in the post-Gracchan atmosphere (see also Violence in Republican Rome, pp.55-56). (1) Valerius' VI.3.1 (c) neatly side-steps the problem:

Eadem ausum Sp. Maelium consimili exitu patria multavit. (2)

In the reference to the Gracchi their deaths are referred to and approved, yet the agents are not named. (3)

The last exemplum in this cluster of allusions to defenders of libertas gives the extraordinary story of P. Mucius' burning of his nine tribunician colleagues. The association of Sp. Cassius with these nine victims (duce Sp. Cassio id egerant ut magistratibus non subrogatis

- (1) Dionysius XII.4.2-5 (from Piso) - C. Servilius Ahala acts as a privatus.
- (2) In V.3.2 (g) - a crucial reference missed by Lintott - Ahala, a magister equitum, defends libertas, yet is sent into exile. This surely is a fragment of a pro-Gracchan version. For defence of Servilius' act - Livy IV.15 - justly slain (defence by Cincinnatus, see Ogilvie, pp.555-556).
- (3) Another exemplum in the collection focuses on and glorifies Scipio Nasica's initiative - III.2.17. The exemplum tradition itself preserves an earlier instance of a very critical conception of this private justice - Ad Herennium, IV.55.

communis libertas in dubium vocaretur) is unique to Valerius. (1)

If, as seems likely, this is a fiction, it is a convenient fiction. Cassius and his associates are severely punished. He by the joint effort of the senate and people (condemnation, not a trial, is actually to the fore in VI.3.1 (b)), his nine accomplices by being burned alive by one remaining responsible tribune. Seen in isolation from Cassius' bid for dominatio, such an action by a tribune exceeds all bounds of tribunician competence. Yet, by being tied to a grave threat to libertas and a joint enterprise by the senate and people, it appears in a positive light. It stands as a worthy precedent for tribunes and senators acting together in defence of the status civitatis.

The very imprecision of all the exempla (with the possible exception of the last one in which the crime of the nine tribunes is defined) makes them convenient points of reference in any number of situations. Cicero's use of historical precedents will be examined separately, yet here is a convenient point to note a degree of similarity between this selection and his presentation of related material in Pro Milone.

- (1) Verrius (Festus 180L) gives names, yet indicates a different historical event and context - a conflict with the Volsci, see Lintott, Historia, 1970, p.20 n.32. Dio fr.22 (Zonaras 7.17) - places the burning in the setting of the struggle of the orders. The puzzling aspect of this account is that the nine are burned by the people - apparently on their own initiative. No mention of what the tenth tribune was doing. No mention of why the people should have so acted. See also Ogilvie, op.cit., p.339.

In Pro Milone III Cicero appeals to common knowledge:

Neque enim posset aut Ahala ille Servilius aut P. Nasica  
aut L. Opimius aut C. Marius aut me consule senatus non  
nefarius haberi, si sceleratos civis interfici nefas  
esset.

Here the historical context is deliberately removed, there are no details of the crimes for which Ahala and others exacted retribution. The key point is that the act of retribution is itself just and proper. It is therefore not surprising that Cicero begins his series of historical allusions with Horatius:

Negant intueri lucem esse fas ei, qui a se hominem  
occisum esse fateatur. In qua tandem urbe hoc  
homines stultissimi disputant? Nempe in ea, quae  
primum iudicium de capite vidit M. Horatii,  
fortissimi viri, qui nondum libera civitate tamen  
populi Romani comitiis liberatus est, cum sua  
manu sororem esse interfectam fateretur. (ibid)

The instance is not strictly relevant to Milo's case, yet it is relevant in the general sense of showing that some murders have at some point in time been held to be justified. From Cicero's point of view, to show this is to go some way in showing that Milo's murder of Clodius was justified.

Such argument requires the bare minimum of historical detail. The aim is to obliterate distinctions and complexities. Lintott's careful



analysis of the development of the annalistic tradition in respect of Sp. Cassius, Sp. Maelius and M. Manlius (Historia, pp.12-24) reveals the interest that these figures aroused in the post-Gracchan climate and indicates the relevance of particular interpretations of their fates in the late Republic. It mattered whether Sp. Cassius was condemned by a domestic or by a public trial, it mattered even more whether Servilius Ahala acted as a privatus or as a magister equitum. In all this the details of what they had done, the ways in which they had endangered libertas, also mattered.

So much for the historical tradition. What we see from the above sequence of exempla in Valerius (and in Cicero) is that in the context of public political debate and in the courtroom these controversial characters became mere shadows of their disputed selves. From historical precedents they were transformed into mere allusions, verbal symbols conveying a single message - aspirations to dominatio deserve severest reprisals, not to be flinched from even if they require striking at the very heart of the nobility.

When looking at Valerius' sources at this point, it is essential to recognize his dependence on this whole context of public debate of previous generations. He stands at the end of a complex tradition of oratorical/rhetorical use and abuse of history.

## XII)

Livy II.47 - V.M. V.5.2

In Livy's presentation of Fabius' refusal of a triumph, the act of declining the honour is characterized as glorious as any triumph:

Itaque consul decernente senatu triumphum, si exercitus sine imperatore triumphare possit, pro eximia eo bello opera facile passurum respondit; se, familia funesta Q. Fabi fratris morte, re publica ex parte orba, consule altero amisso, publico privatoque deformem luctu lauream non accepturum. Omni acto triumpho depositus triumphus clarior fuit: adeo spreta in tempore gloria interdum cumulatione rediit.

This Livian reflection is not picked up in Valerius' exemplum. (1)  
Valerius focuses on Fabius' love for his brother:

M. Vero Fabius consul inclita pugna Etruscis et Veientibus superatis delatum sibi summo senatus populiue studio triumphum ducere non sustinuit, quia eo proelio Q. Fabius frater eius consularis fortissime dimicans occiderat. Quantum in eo pectore pietatem fraternae caritatis habitasse existimemus, propter quam tantus amplissimi honoris fulgor extingui potuit.

---

(1) See Ogilvie, p.358: "A record of a triumph declined would not be kept in the Fasti Triumphales. If there is anything trustworthy in the story it will be derived from a traditional laudatio or elogium of K. Fabius preserved in the family...".

Another difference between the two accounts concerns the source of the offer. In Livy, the triumph is offered by the senate, Valerius writes of the senate and people. (1)

The first triumph populi iussu is noted by Livy at III.43.11:

Tum primum sine auctoritate senatus populi iussu  
triumphatum est.

In his commentary on this passage, Ogilvie notes (p.513) that the power to allow a triumph rested with the magistrates and refers to Sulla's provision for senatorial "discretionary control" (citing Pro Lege Manilia 62). Whatever the precise nature of the historical development in question, it is interesting to note that from historiography proper one gets the impression of an evolution from senatorial monopoly to occasional triumphs populi iussu (see Richardson, passim,). On the other hand, Valerius' exemplum gives a distinct impression that a consensus of both the senate and people was the constitutional norm. This impression may be the result of rhetorical manipulation, the purpose of the story being to highlight Fabius' refusal in the face of a unanimous desire of the community to grant him the triumph.

---

(1) For the influence of the senate on the granting of triumphs, see J.S.Richardson, "The Triumph, the Praetors and the Senate", JPS, lxxv, 1975, pp.50-63, notable for the attention it gives to Valerius' snippets of information relating to triumphs.

It may be that in spite of the differences noted between Livy and Valerius here, Valerius depends on Livy for information. There is another possibility. Valerius is dependent on a source interested in the history of the gens Fabia. Atticus' history of that family comes to mind, though that work must have been written with considerable attention being paid to points of chronology and constitutional propriety.

.....

It was argued above that Valerius tends to transform Livy's problematic material into exempla that convey clear-cut moral judgements and single-minded interpretations (e.g. Tarpeia and Horatia). It was also suggested that Valerius' rhetoric inherits aspects of partisan political images of previous generations and that this produces exempla that eschew controversy and doubt (e.g. Sp. Cassius and the Gracchi). The thrust of Valerius' presentation in individual exempla and the respective thematic sequences is to negate ambiguity on vital political and constitutional issues. The tensions and ambiguities in the collection are not willed by the compiler, but are the almost inevitable outcome of large-scale rhetorical manipulation of historical fragments. (1) Valerius' is a rhetoric of single-minded condemnation and admiration. (2)

Now it is true that eulogy and invective were the characteristic forms of Roman political debate. In historiography too, committed writers, like Sallust, operated with politically loaded vocabulary that

- 
- (1) Particularly important in producing these tensions is the influence of the process of rhetorical transmission itself, see the discussion of VII.1.1 and VII.5.2 above pp.106-111.
  - (2) But note the analysis of exempla concerning Marius and Sulla in the Appendix.

tended to present black and white conceptions of events. Yet in Livy's history, we have an account of the Roman res publica that is not dominated by ideology of particular factions. (1)

Livy presents Rome's rise to leadership in Italy and subsequently in the Mediterranean world as a tough, ceaseless struggle in which two patterns of events interweave - a series of ever-expanding external conflicts and a series of internal seditiones that in later centuries expand into civil wars. (2) Within this overall image, the Roman system of government is represented as a consequence of multiple changes and experiments - with new institutions (e.g. the tribunate) being eventually created to meet mounting internal problems. In the long term of the whole history, these institutions are not seen as immutable, but as provisional arrangements that later produce preconditions for other changes and struggles. Livy's is a history of conflicts and their resolutions, of a fluid yet durable res publica. His is the story of movement and instability. (3)

- 
- (1) D.C.Earl, The Moral and Political Tradition of Rome, pp.78-79. It is true of course that, in so far as all written history expresses the author's personal choices, obsessions and commitments, Livy's description of conflicts, of attitudes attributed to various participants, the dramatic working out of the issues at stake, all reveal a personal ideology. But it is not an ideology identical with any factional perspective of the late Republic.
  - (2) On the significance of external conflicts, see R.I.Frank, "The Dangers of Peace", Prudentia, 8, 1976, pp.1-7.
  - (3) Debates of major political issues (e.g. IV. 1-6) highlight the problematic nature of internal conflicts. On rhetoric of this kind as a source of historical understanding, see N.Struever's examination of the Sophistic tradition in relation to rhetoric in Renaissance historiography - The Language of History in the Renaissance, Princeton 1970, esp. pp.5-39.

The ideals of the nobiles - virtus, nobilitas, gloria - and the competing values of political outsiders are not posited by Livy as definitive or self-sustaining. The very structure in which they are located severely qualifies them. The totality of Rome's military and political past unfolded by Livy is a problematical one, with the magnitude of successful achievements counterbalanced by avaritia and political disintegration.

D.C.Earl has described this history as "a tacit lament for an ideal which the Principate had abolished". (1) The emphasis here should be on the "tacit." For if Livy's history appears as a lament, it does so only incidentally, as a consequence of giving due attention to the competing forces and ideals that <sup>6</sup>shaped the course of political and social change across five centuries. The account is that of an historian, not an ideologue.

In Valerius, we detect the earliest comprehensive response to Livy's history. His is a reading that concentrates on isolated incidents, frequently removing the institutional setting and the moral ambiguity of Livy's presentation. In the course of such selection and abridgement, the dominant Livian pattern of constitutional transformation and social and political change is removed. Seditiones and bids for dominatio are seen in isolation. The disappearance of the distinctive institutional, political and chronological background to numerous episodes removes the sense of distance that Livy's history creates between the past and the present.

---

(1) Ibid., pp.78-79.

In a very real sense, Valerius' exempla are like medieval paintings of classical antiquity in which the past is continuous with the present. (1) What Erwin Panofsky has written concerning the medieval mind may be with justice applied to Valerius' reading of Livy:

"For the medieval mind, classical antiquity was too far removed and at the same time too strongly present to be conceived as an historical phenomenon." (2)

For Valerius, the conventions and institutions, as well as the political slogans of the past are too strong to be ignored, yet his type of rhetorical approach leads him away from an historical understanding of the conflicts of antiquity and prevents him from establishing the issues at stake and their proper institutional setting. Here one may, as on other occasions, juxtapose the rhetorical and the antiquarian strands of the exempla tradition. The characteristic feature of the latter, as has been argued, was the tendency to evoke the standards and practices of the maiores as a corrective to contemporary trends. The separateness of the past from the present was thereby clearly established. In his preface, Livy asserted a similar qualitative difference between antiquity and present-day mores.

- 
- (1) E. Panofsky, Studies in Iconology, Harper Torchbook pbk., New York 1962, pp.27-28. It is not surprising that Valerius found many readers and commentators in the Middle Ages, see Carter, op.cit. 48.  
 (2) Ibid.

Although Livy was sensitive to the need of introducing antiquarian items into his history (see discussion of the Horatia episode above), for the most part he writes outside that field of contemporary scholarship. (1) He achieves the "sense of distance" in his narrative by the sheer immensity of the history itself and, more importantly, by isolating and developing the dominant pattern of historical change over the long term. Therefore, in spite of the thematic similarity between the early tribunes and the Gracchi, to take just one conspicuous instance that projects recent history into ancient, Livy conveys a very strong impression of change, of fundamental and important differences between historical epochs.

Both the antiquarian exempla material and Livy's history could have been, in their different ways, of considerable help to Valerius in determining a coherent perspective in the collection, the lack of which was discussed in chapter three. Part of the challenge of arriving at such a perspective was the task of establishing the elements of distance, dimension and proportion between remote and recent history. Antiquarian historical observations, in particular, could have furnished useful chronological signposts for such an enterprise.

Wider implications of these observations will be examined at the conclusion of this dissertation. It now remains to survey Valerius' response to Ciceronian material and then go on to analyse the methods by which the Elder Pliny used the rich resources of the antiquarian exempla literature for telling criticism of the break in the Roman tradition brought about by the principate of Augustus.

---

(1) Ogilvie, op.cit., p.6 - absence of Varronian material.