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Livy's Republic: Reconciling Republic and  
Princeps in *Ab Urbe Condita*

Joshua Stewart MacKay

A thesis submitted to the faculty of  
Brigham Young University  
in partial fulfillment of the requirements for the degree of  
Master of Arts

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## ABSTRACT

### Livy's Republic: Reconciling Republic and Principes in *Ab Urbe Condita*

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As early as Tacitus, Livian scholarship has struggled to resolve the "Livian paradox," the conflict between Livy's support of the Roman Republic and his overt approval of Augustus, who brought about the end of the Republic. This paper addresses the paradox by attempting to place Livy's writings within their proper historical and literary context. An examination of Augustus' position during the early years of Livy's writing shows that the *princeps* cloaked his power within the precedent of Republican autocracy, in which *imperium* could be unlimited in power so long as it was limited by time. As a result, although Augustus' rule would ultimately prove the end of Rome's republic, nevertheless during Livy's early writings Augustus' reign and the Republic were not antithetical.

Livy's preface and early *exempla* further demonstrate that Livy's writings, while condemnatory of his contemporary Rome, blame Rome's decline on the character of the Roman people rather than a corruption of the Republic's political forms. In his preface Livy blames *vitia*, not *ambitio* for the universal destruction of the civil wars, while his *exempla* from the monarchic period and beyond show praise or condemnation of individuals for their actions, not their political offices. Livy praises most of Rome's monarchs for their individual character and their establishment of *mores*, while also portraying the early Romans' defense of *libertas* as injuriously overzealous. Ultimately, Augustus' attempts to legislate conservative, "traditional" morality made him a contemporary *exemplum* of Livy's ancient *mores*. Thus, the Livian paradox is answered by understanding that Augustus and the Republic were not antithetical, Livy was not concerned with political forms but morality, and Augustus' morality aligned with that championed by Livy.

Keywords: Livy, Augustus, Roman Revolution, *mores*, Livian paradox, Roman autocracy

## ACKNOWLEDGMENTS

I am extremely grateful to all those from whom I have received advice, assistance, and encouragement during this and other projects. In no instance has this aid been limited to academia or scholarship, but each has imparted invaluable, personal, inspiration and guidance. In particular I would like to thank Dr. Cecilia Peek, who has never hesitated to go above and beyond to assist me in my undertakings. She has been a profound *exemplum* in her personal life and professional capacity of a dedicated, caring, and intelligent individual.

I could not have found success in my graduate work without the support of my intelligent and supportive friends, Ryan Baldwin, Allen Kendall, and John Martin. They read more pages of my work than I would have thought possible, and their encouragement has propelled me to greater achievement than I ever could have found. I also want to offer extra thanks to Allen, who was always the first to read my work and the first to talk down my anxieties and doubts.

Ultimately, any achievement in my life is due to my family: my grandmother, Suzanne Clark, whose bedtime stories inspired my love of history. My grandfather, Robert Clark, whose assistance and encouragement have allowed me to pursue my dream and support my family. My parents, whose love of learning and work ethic have propelled me throughout my life. My children, August and Leah, whose quick smiles and pure love have lifted many cares. Most importantly, I want to thank Maddie, my wife, whose support and unconditional love have been everything in my life and compensated for my deficiencies. She has lifted me higher by her patience and faith than I could ever have achieved on my own.

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## Introduction

A paradox exists in Livy's *Ab Urbe Condita*. Livy praises both the Republic and Augustus openly and consistently, which seems to show his support for two antithetical ideologies. The paradox exists not only within *Ab Urbe Condita* but also in the life of the author himself. Livy was a personal friend of Augustus, yet was also designated by him "*Pompeianus*" because of his Republican sentiment (Tac. *Ann.* 4.34). A common response to this paradox, which will be referred to in this paper as the "Livian paradox," is to assert that Livy can only have been sincere in his espousal of *one* cause, either pro-Republican or pro-Augustan. Scholars have proposed numerous explanations for Livy's conflicting affiliations, yet no proposal has succeeded in achieving a scholarly consensus, due partly to a lack of evidence, partly to the fact that the existing evidence is conflicting. The lingering debate proves that the readings are problematic, and the inability to bridge the scholarly divide shows that a new approach to Livy is needed.

This paradox, I believe, is the result of assuming that within Livy's work and, further, within the mind of the author, Augustus and the Republic were antithetical ideas, which could not be praised together with any sort of ideological consistency. Such an assumption fails to place Livy's view of Augustus within the proper historical context and to recognize and accept Livy's own aims. The author himself states these aims in his *praefatio* and demonstrates them through numerous *exempla*. Locating Livy in the correct historical context and reaching a close, text-based understanding of Livy's stated aims demonstrate that Livy perceived no conflict between promoting the Republic and supporting the man who would eventually prove its demise. Rather, in Livy's contemporary, moralistic literary creation Augustus is, in fact, fit to fill the role

of champion of the Republic, the most influential and vehement proponent of conservative moral conduct.

Livy's harmony of *princeps* and Republic becomes clear when it is understood that shortly after Actium Augustus fit easily into the autocratic precedent set by Sulla and, more anciently, extraordinary grants of power such as the dictatorship.<sup>1</sup> Additionally, Livy's *praefatio* and *exempla* demonstrate that Livy looked at the Republic not in terms of *mores* (in the political sense) but in terms of *mores* and *vitia*, which are ethical considerations.<sup>2</sup> The preface shows a distinct absence of political language that would indicate he was writing about constitutional changes or the Augustan regime. Instead it consists of morally-charged language which explicitly lays out his aims as a didactic historian. Likewise, Livy's most prominent *exempla* from the monarchic period show that Livy's overall aims tend to be ethical, not political. The monarchs themselves are judged on virtues and vices, not position. Brutus overthrew the monarchy in response to an ethical, not political, violation.<sup>3</sup> Others, who later prevented the return of monarchy, show that Livy's objectives in these narratives are likewise ethical, for they treat each *exemplum*'s individual conduct rather than his office. After we embrace Livy's principle-based view of the Republic, we can see that Augustus' image as a traditional and

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<sup>1</sup> These extraordinary grants of power are not to be confused with the "extraordinary commands" of Mommsen and Ridley (Theodor Mommsen, *Römisches Staatsrecht*, vol. II, pt. 2, 3rd ed. (Leipzig: S. Hirzel, 1887), 2.645; Ronald T. Ridley, "The Extraordinary Commands of the Late Republic: A Matter of Definition. *Historia: Zeitschrift für Alte Geschichte*, Bd. 30, H. 3 (1981), 280-281) which they limit to military commands given to either lower magistrates or *privati*. Rather, I define an "extraordinary grant of power" to be any *potestas* or *imperium* legally granted which exceeds the normal Republican tradition, such as Caesar's ten year proconsulship, Pompey's *imperium maius*, Scipio Africanus' *imperium* as a *privatus*, etc.

<sup>2</sup> cf. Cicero's use of *mores* in *De Republica* 1.2 where it is paired with *leges*, and at 1.10, 57, where it is paired with *vita* and *ingenia*. See also E.M. Atkins, "Cicero," in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield (Cambridge University Press, 2000), 481; F. Weiacker, *Römische Rechtsgeschichte I: Quellenkunde, Rechtsbildung, Jurisprudenz und Rechtsliteratur* (Munich 1988), 353, 374, 502; Karl-Joachim Hölkeskamp, "Rekonstruktionen einer Republik: Die politische Kultur des antiken Rom und die Forschung der letzten Jahrzehnte," in *Historische Zeitschrift. Beihefte*, New Series, Vol. 38 (2004), 19-30.

<sup>3</sup> Although his ends are political, Brutus' given motivation and justification for the expulsion of the monarchy centers on the moral failings of the Tarquin family, not any political or even moral failing of monarchy *per se*. See below, pg. 22ff. for a further discussion of Livy's portrayal of Brutus' actions.

morally conservative Roman makes him an ideal champion of Livy's conception of the Republic, i.e. its ethical *mores*. In fact, Livy's interaction with Augustus in this conservative, principled context, rather than being ambiguous or paradoxical, demonstrates that Livy's pro-Augustus and pro-Republic stances naturally wed ancient morality to its foremost proponent.

### **The Livian Paradox**

The debate over Livy's allegiance hinges on Livy's praise of ancient Republicans and his distaste for contemporary Rome, and a few passages offering explicit praise of Augustus.<sup>4</sup> The simultaneous praise of Republic and *princeps* has presented a paradox to both ancient and modern scholars, who see in Augustus the death of the Republic and the violation of its constitution. Attempts to make sense of these opposing affiliations have centered on dismissing or rationalizing one of the conflicting elements. The purpose of this section is to establish Livy as both a Republican and an Augustan by a thorough examination of his text, and to outline the scholarly attempts to resolve the complexity of these two, apparently contradictory, ideas.

Livy's position as a Republican is firmly established throughout his work, which extensively praises the figures of the Early Republic. Additionally in his *praefatio*, Livy elevates the past and rejects contemporary Rome, apparently preferring the ancient Republic to the modern autocracy. In his praise of ancient Rome, Livy directs the minds of his readers to ancient Rome for instruction in how to live their lives and how to guide their state: "quisque acriter intendat animum, quae vita, qui mores fuerint, per quos viros quibusque artibus domi militiaeque et partum et auctum imperium sit....inde tibi tuaeque rei publicae quod imitere capias;" *praef.* 9-

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<sup>4</sup> See such works as: Dylan Sailor, "Dirty Linen, Fabrication, and the Authorities of Livy and Augustus," *Transactions of the American Philological Association*, Vol. 136, No. 2 (2006), pp. 329-88; Jan Felix Gaertner, "Livy's Camillus and the Political Discourse of the Late Republic," *Journal of Roman Studies*, Vol. 98 (2008), pp. 27-52; Hans Petersen, "Livy and Augustus," *Transactions and Proceedings of the American Philological Association*, Vol. 92 (1961), pp. 440-52; and many others.



10 "Each reader should turn his attention sharply to these questions, what was the manner of life, what were the customs, through what men and by what character the empire was established and enlarged....from this you may take for yourself and your republic what you should imitate."<sup>5</sup>

Further, Livy states that his purpose in his work is to avoid the problems of his day by dwelling on the glories of the earlier periods of Roman history: "ego contra hoc quoque laboris praemium petam, ut me a conspectu malorum...tantisper certe dum prisca illa tota mente repeto, avertam;" *praef.* 5 "On the contrary, I seek this reward of my labor also, that I may turn my gaze from evils...so long as I examine only those ancient days in my mind." Livy, further, praises the Roman republic as the greatest the world had ever known: "nulla umquam res publica nec maior nec sanctorum nec bonis exemplis ditior fuit;" *praef.* 11 "Never was a state greater, nor more upright, nor richer in good examples." Such sentiments as these, which Livy makes explicit at the beginning of his work, are echoed throughout the history and emphatically establish Livy's preference for Rome's past, contrasting sharply with his distaste for contemporary, autocratic Rome.<sup>6</sup>

Livy's praise of Augustus is as explicit as his praise of the Republic, if less pervasive. While the Republic is a constant subject of praise, Augustus is mentioned only infrequently in Livy's extant works. When referenced, however, he is praised as emphatically as the Republic. Two instances merit examination. The first is the Augustan reference in Livy's discussion of the Temple of Janus during the reign of Numa:

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<sup>5</sup> This and all other translations are my own.

<sup>6</sup> R.M. Ogilvie, *A Commentary on Livy: Books 1-5*, (Oxford: Clarendon Press, 1965), 26.

Bis deinde post Numae regnum clausus fuit, semel T. Manlio consule post Punicum primum perfectum bellum, iterum, quod nostrae aetati di dederunt ut videremus, post bellum Actiacum ab imperatore Caesare Augusto pace terra marique parta (Livy 1.19.3).

Twice since the reign of Numa it [the Temple of Janus] has been closed, once when Titus Manlius was consul after the first Punic war ended, and another time, which the gods have granted that we might see, after the battle of Actium when peace was established on land and on sea by Imperator Caesar Augustus.

The praise rendered to Augustus here is extraordinary, particularly when compared to Livy's description of the first closing of the doors. For the first closure of the temple's doors, Livy mentions Titus Manlius in traditional annalistic fashion, using the ablative absolute to name the consul for the year, and neglecting even to use a conjugated verb to illustrate the occasion for the closure. This unornamented reference to Manlius is simple and factual. Livy's mention of Augustus, however, introduces Augustus as the agent by which peace was established and includes thanks to the gods that his generation was blessed to see the days of the *pax Augusta*. Additionally, Livy employs the first instance of the phrase "*pace terra marique parta*," which became a common Augustan slogan.<sup>7</sup> Although it may be argued that this passage praises only the specific accomplishment of Augustus in bringing peace, it is clear nonetheless that the praise of Augustus goes beyond the historical necessity of referencing the event (as was the case with Manlius) and expresses overt approval of Augustus.

Livy demonstrates this same approbation in his other prominent, early mention of Augustus, when Livy describes the historical problem of Aulus Cornelius Cossus' *spolia opima*. When Livy was confronted with a discrepancy in his sources, the annals stating that Cossus

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<sup>7</sup> Ibid, 94.

dedicated the *spolia opima* as a military tribune while Augustus claimed that Cossus had been consul, the historian not only sided with Augustus over “omnes ante me auctores” (4.20.5) “all authors who preceded me,” but also called the princeps “templorum omnium conditorem aut restitutorem” “the founder or restorer of all temples,” terming it *sacrilegium* to doubt such a testator (4.20.7). This praise goes beyond a normal citation and makes clear that Livy accepted Augustus’ account not just because Augustus himself had read the inscription, but because he was pious and almost as sacrosanct in his word as he was in his person.<sup>8</sup> Once again Livy goes out of his way to place Augustus in a positive light in what could conceivably be a simple citation, showing an affinity for the first man of Rome which cannot be dismissed as “politic” or “unemphatic.”

That there was at least an apparent conflict between partisanship to Augustus and to the Republic is demonstrated by Tacitus, who cites as evidence of the *clementia* of Augustus that he preserved his *amicitia* with Livy, a *Pompeianus* (Tac. 4.34). Later scholars have also perceived this conflict and endeavored to reconcile Livy’s conflicting connections. There are, generally, three ways to respond to the paradox expressed by Livy’s conflicting sentiments: 1) dismissing Livy’s republicanism as a matter of Augustan policy;<sup>9</sup> 2) dismissing Livy’s pro-Augustan

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<sup>8</sup> For a discussion of the possibility of Augustan censorship influencing the representation of Augustus, see below, pg. 7. As to this specific passage, even were Augustus to insist on his version being read into the historical record, Livy’s final statements about the sanctity of Augustus’ witness goes beyond what any Augustan influence would exert, and falls either into the category of expressed approval or of extreme sarcasm. Given the general lack of such dry, subversive wit elsewhere in the work, it appears to me that whether Augustus exerted his influence in this passage or not, Livy still independently expressed approval.

<sup>9</sup> Mathilde Mahé-Simon, “L’Italie chez Tite-Live: l’ambiguïté d’un concept,” *Revue de Philologie, de Littérature et d’Histoire Anciennes*, No. 77 (2002/3), pp. 235-258; Gertrude Hirst, “The Significance of Augustus as Applied to Hercules and to Romulus: A Note on Livy I, 7, 9 and I, 8, 9,” *AJP*; L.R. Taylor, “Livy and the Name Augustus,” *CR* 32 (1918); Kenneth Scott, “The Identification of Augustus with Romulus–Quirinus,” *TAPA* 56 (1925); H. Dessau, “Livius und Augustus,” *Hermes*, 41. Bd., H.1 (1906); and others.

passages as an instance of Augustan censorship;<sup>10</sup> or 3) arguing that Livy praised both to avoid taking sides in political conflict.<sup>11</sup>

Syme has argued for the Augustan Livy, most notably in his *Roman Revolution* stating that Augustus encouraged Livy to praise the Republic so that Augustus might separate himself ideologically from his adoptive father, Julius Caesar.<sup>12</sup> In addition to scholarship's general rejection of this premise, it seems unlikely to me that the same man who unabashedly sponsored the overtly Augustan poetry of Horace and Virgil would feel compelled to restrain his influence over Livy's work to the general tone of the work and a few short passages of praise. Rather, Occam's Razor suggests that if Livy was a Republican, it was because he ardently admired the ancient Republic.

Scholars who argue for the pro-Republican Livy often claim censorship to explain the pro-Augustan passages in Livy. There is, indeed, some small evidence for censorship during the reign of Augustus, as the books of Titus Labienus and Cassius Severus were burned and the men themselves punished (for Labienus: Seneca rhetor, *Controversiae* 10. *praef.* 4; for Severus: *op. cit.*, 10. *praef.* 4).<sup>13</sup> However, it is notable that these first evidences of censorship occur late in the reign of Augustus, long after the most prominent passages of Augustan praise were published by Livy. Ovid and Cornelius Gallus likewise were punished and their works were destroyed, but

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<sup>10</sup> Andrew Feldherr, "Livy's Revolution: Civic Identity and the Creation of the *Res Publica*," in *Oxford Readings in Classical Studies: Livy*, ed. Jane D. Chaplin and Christina S. Kraus (Oxford: 2009), pp. 409-435; Léonie Hayne, "Livy and Pompey," *Latomus* 49 (1990); E. Mensching, "Livius, Cossus, und Augustus," *MH* 24 (1967); G.B. Miles, *Livy: Reconstructing Early Rome* (Ithaca, 1995); J.R. Seeley, *Livy, Book I*, 3rd ed. (Oxford, 1881); W. Hoffmann, "Livius und die römische Geschichtsschreibung," *Antike und Abendland* 4 (1954), 170-186; and others.

<sup>11</sup> W.W. Capes, *Livy*, ed. John Richard Green, (New York: D. Appleton and Company, 1880), 7; P.G. Walsh, *Livy, His Historical Aims and Methods*, (Cambridge: 1961), 11-18; Mensching, 12-32.

<sup>12</sup> Syme, *The Roman Revolution* (Oxford: 1939), 317.

<sup>13</sup> See M. Toher, "Augustus and the Evolution of Roman Historiography" in *Between Republic and Empire: Interpretations of Augustus and His Principate*, ed. Kurt A. Raaflaub and Mark Toher (Berkeley: University of California Press, 1990), 140 ff. for a more in-depth examination of these specific instances of 'censorship' and how they differ from any proposed censorship of Livy.

their literary offenses were coupled with political conspiracies and, therefore, this should not be counted as literary censorship. In fact, in addition to the republicanism of Livy, which Tacitus seems to have seen as offensive to Augustus, the works of Cremutius and Scaurus were known to Augustus and, although condemned under Tiberius, were tolerated by the *princeps*.<sup>14</sup> Thus, there is no evidence that Augustus exerted any sort of censorship in the writings of Livy. Had he asserted any influence, this would have been more in line with the *amicitia* the two shared than with censorship.

Although an appeal to Occam's Razor and an argument from silence may not be convincing arguments in and of themselves to disprove the theories of the Augustan and Republican scholars, they nevertheless show why the arguments of those scholars have failed to achieve a scholarly consensus. They fail to convince, on the one hand because the argument is complex and the thesis out of character with both Livy and Augustus, and on the other hand because it does not account for the lack of evidence of Augustan censorship.

There are also more moderate readings of Livy. One such reading sees Livy as remaining aloof—or at least separate—from political partisanship by praising both extremes.<sup>15</sup> While this argument has its merits (along with venerable proponents), it fails to reconcile the depth of Livy's Republican feeling with the praise of the man who violated all the Republic's forms and would effectively institute monarchy at Rome, and seems to assert a fear of censorship which we have already seen has no historical grounds. Another reading asserts that although Livy admired the Republic, he recognized that in his contemporary Rome such a constitution was impractical

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<sup>14</sup> For Cremutius: Tacitus, *Annales*, 4.34-5, Seneca, *Ad Marciam de consolatione*, 22.4ff.; for Scaurus: Tacitus, *Annales*, 6.29. See also Frederick H. Cramer, "Bookburning and Censorship in Ancient Rome: A Chapter from the History of Freedom of Speech," *Journal of the History of Ideas*, Vol. 6, No. 2 (1945): 157-196, for a complete examination of censorship under Augustus. It is not something that would have affected Livy's writings.

<sup>15</sup> Such is the position of Ogilvie, 2-4.

and that Augustus' primacy was necessary.<sup>16</sup> This implies that Livy not only recognized the necessity of permanently altering the constitution of Rome but also recognized that this permanent change was being put into place by Augustus, before we have any evidence that Augustus himself contemplated such a permanent change and long before such ambitions would have been apparent to the Romans.<sup>17</sup> The failure of these various readings to establish a scholarly consensus is evidence of the need for a new approach to understanding the relationship of Augustus and Livy.

In fact, the core assumption of all of these examinations is that Augustus and the Republic are antithetical to each other. Such an assumption may have its origin in Augustus' claim that he would restore the Republic (*Res Gestae*, 34; *Dio*, 53.2.7-10.8), which promise seems to assert that Augustus' autocracy and the Republic were incompatible. Yet, I believe that this assumption is incorrect and is at the root of Livy's seeming ambiguity of allegiance. When we approach Livy and Augustus in their historical context, no support is found for the assumption that Augustus and the Republic are perceived to be ideologically in conflict. This change of perspective invites a new approach to Livy's relationship with the *princeps*, one which allows the historian to praise Augustus and the Republic without contradiction.

### **Augustus the Republican**

A significant anachronism, one necessary in a political reading of Livy, has worked its way into our perception of Augustus in the Livian context. This anachronism is the belief that Augustus destroyed the Republic and created a dynastic autocracy. While this was in fact the

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<sup>16</sup> See Barbara Levick, "Historical Contest of the *Ab Urbe Condita*," in *A Companion to Livy*, ed. Bernard Mineo, (Oxford: John Wiley & Sons, Inc., 2015), 34.

<sup>17</sup> Most readings of Livy have him begin his work in 27 B.C.E or earlier. If he began in 27, this is prior to Augustus' attainment of what he considered to be the basis of his rule (from which he dates his rule), *tribunicia potestas* and *imperium maius proconsulare* in 23 B.C.E.

result of Augustus' *principate*, such a fact would not have been apparent to Livy or others of Augustus' contemporaries, particularly in the years preceding the second constitutional settlement. For although Augustus held autocratic power within Rome, many autocrats had gone before, a tradition evident in the constitutional monarchy of the dictatorship as well as the more recent, extra-constitutional rules of Sulla and Julius Caesar. Within this context, autocracy in and of itself was not necessarily anti-Republican, being seen as a necessary and temporary resort to handle problems which the senate and the annually elected magistrates had proved incapable of resolving. Augustus ruled Rome for eight years within this precedent before the second constitutional settlement of 23 B.C., wherein he first began to establish what we think of as the *principate*. Even after the beginning of the *principate*, Augustus concealed the monarchical nature of his power by veiling the permanence of his position for many years. Thus, protected as he was by Roman political precedent and by his own devices, Augustus maintained the appearance of a temporary, Republican autocracy such as that Sulla had employed.

#### Roman Autocratic Precedents

Roman autocracy had a long history by the time of Augustus, one which was both understood and chronicled by Livy (2.18), and one which allowed Augustus to be simultaneously autocrat and Republican. The first precedent for "Republican autocracy," as we might call it, was the constitutional office of dictator, which temporarily gave the powers of a king, in time of emergency, to a specific individual for a certain *causa*. The titles of some later dictatorships illustrate the types of situations in which dictatorship was necessary: *rei gerundae causa* (Livy, 23.23), *rei publicae constituendae causa* (Appian, *Civil Wars*, 1.99),<sup>18</sup> and *comitiorum*

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<sup>18</sup> Appian uses the Greek equivalent, "μέχρι τὴν πόλιν καὶ τὴν Ἰταλίαν καὶ τὴν ἀρχὴν ὅλην στάσει καὶ πολέμοις σεσαλευμένην στηρίσειεν." "Until the state and Italy and the whole empire is established and the disturbances to the state are resolved."

*habendorum causa* (Livy, 9.7). These *causae* deal with situations which would normally be handled by the senate and Rome's magistrates—holding elections, putting down sedition, accomplishing the business of the state—but which they had proven incapable of handling due to extraordinary circumstances.<sup>19</sup> Similarly the *decemvirate* of the early Republic was granted exceptional powers in a remarkable situation (Livy, 3.33-39).<sup>20</sup> Later this practice of legally granting extraordinary powers expanded from the strictly defined office of the dictator to more *ad hoc* situations, such as with the grant of *imperium* to the *privatus* Publius Scipio in the Second Punic War or the grant of *imperium maius* to Pompey in his campaign against the pirates.<sup>21</sup> Overall, the idea behind these grants was that while Rome was to remain or return to its Republican core, in unusually threatening circumstances, pragmatism trumped tradition, and extreme or even monarchical power could be granted for a short period of time. Hence, a “Republican autocracy.”

The Republican practice of granting extraordinary, autocratic powers saw its logical end in the rise of extra-constitutional autocrats who represented their autocracy as necessary for the good of the Roman state.<sup>22</sup> Sulla in particular embodies this representation, marching on Rome twice under the pretext of freeing the city from populist politicians (Plutarch, *Sulla*, 10.3).<sup>23</sup> In what may seem a paradox, yet was in keeping with ancient practice, Sulla used autocracy to

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<sup>19</sup> There are other *causae* recorded, such as *clavi figendi causa* (Livy, 9.28) and *ludorum faciendorum causa* (Livy 9.34), but these had a religious/ceremonial function separate from the more significant uses of the dictatorship. T.M. Taylor, *Constitutional and Political History of Rome*. (London: Methuen & Co., 1899), 44; F.E. Adcock, *Roman Political Ideas and Practice*. (Ann Arbor: University of Michigan Press, 1959), 9.

<sup>20</sup> T.M. Taylor, 76-84.

<sup>21</sup> The idea of extraordinary powers as precedent for the foundation of the *principate* is also found in A.E.R. Boak, “The Extraordinary Commands from 80 to 48 B.C.: A Study in the Origins of the Principate.” *The American Historical Review*, 24.1 (1918), 1-25; and Mommsen, p. 840 ff. But Boak and Mommsen only see this precedent as a justification of Augustus’ principate, not a means of disguising it.

<sup>22</sup> Autocrats who, though their offices were legally awarded, went beyond the traditional functions and authority of those offices. Tacitus, significantly, saw these autocracies as the fruit of earlier temporary autocracies (Tac. *Ann.* 1.1).

<sup>23</sup> Taylor, 292-305; Syme, *Approaching the Roman Revolution*, ed. Federico Santangelo (Oxford: 2016), 64 ff.; *Roman Revolution*, 50.



protect and secure the aristocracy of the senate (Cicero, *Roscio Amerino*, 135-42).<sup>24</sup> Although Sulla used autocratic means, his acts served to strengthen the Republican constitution against encroaching demagoguery, and thereby arguably supported rather than subverted the ancient Republic. Even Caesar, assassinated on the accusation of monarchy, maintained that his autocracy was for the ordering of the Republic (*Bello Civile*, 1.9, 1.22.5), and there is no evidence of notable resistance to his autocracy until he adopted the title *dictator in perpetuum*.<sup>25</sup> Augustus then, in the eight years between Actium and the second constitutional settlement, guided Rome within this precedent. Like previous autocrats, he used his *auctoritas*—backed by the threat of military might—to ensure his election to traditional Republican offices.

Augustus' rule within this Republican autocratic precedent provided the early context for Livy's writing, particularly the composition of his first pentad.<sup>26</sup> The nature of Augustus' Republican camouflage changed after 23 B.C., when Augustus faced a near-fatal disease and a serious assassination plot. These ominous events drove him to instigate the *principate*, the means by which Augustus would permanently change the nature of Roman government.<sup>27</sup> Yet even in this period Augustus worked effectively to hide the permanent nature of his position, using an illusion of temporality to hide within the autocratic precedent of the Republic.

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<sup>24</sup> Syme, *Augustan Aristocracy*, 15, 53-4, 227. There is also Greek precedent for using temporary autocracy to set the state in order, as is evident with Lycurgos, Draco, Solon, and other Greek founding myths.

<sup>25</sup> Alison E. Cooley, *Res Gestae Divi Augusti: Text, Translation, and Commentary* (Cambridge University Press: 2009), 109. For the lack of resistance prior to being named *dictator in perpetuum*, see C. Meier, "Formation of the Alternative in Rome," in *Between Republic and Empire: Interpretations of Augustus and His Principate*, ed. Kurt A. Raaflaub and Mark Toher (Berkeley: University of California Press, 1990), 61; Cooley, 127; Syme, *RR*, 57, 60.

<sup>26</sup> Although there is a complex debate over the dating of Livy's first pentad, for the purposes of this paper I have accepted the later dating, which has Livy begin drafting between 27 and 25 B.C., with the first decade finished soon thereafter (see L.R. Taylor, 1918). If an earlier dating is accepted, as suggested by Paul J. Burton (*The Last Republican Historian: A New Date for the Composition of Livy's First Pentad*, 2000), then any reference to Augustus' anti-Republicanism is even more clearly anachronistic, and the points presented in this argument would apply to the second or later decades of *Ab Urbe Condita* rather than the first few. For the idea that Livy believed that Augustus would return the state to regular Republican governance early in his reign, see Miles, *Livy*, 93; Ogilvie, 2-4, 564; Luce, 155n; Hoffmann, 181.

<sup>27</sup> Taylor, 414.

## Augustus' Constitutional Fiction

Augustus' assumption of *imperium maius proconsulare* and *tribunicia potestas*, the pillars of the *principate*,<sup>28</sup> marks a clear departure from Roman autocratic precedent. Yet Augustus' "constitutional fiction," which limited his terms of power and returned jurisdiction to the senate veiled the permanence of his power, keeping him within the sphere of Republican autocracy. Livy's own statement shows how important the illusion of temporariness was, as inherent in the Roman idea of 'Republican autocracy' is the idea that no amount of power was monarchical so long as it was temporally limited. Livy voices this idea explicitly when discussing the origin of the consulship and how this manner of rule differed from the monarchy from which Rome had been freed:

Libertatis autem originem inde magis quia annum imperium consulare factum est quam quod deminutum quicquam sit ex regia potestate, numeres. Omnia iura, omnia insignia primi consules tenuere; id modo cautum est ne, si ambo fasces haberent, duplicatus terror videretur (Livy, 2.7-8).

You ought to count the origin of liberty from this, that consular power was made annual, rather than on account of any diminution of kingly power. The early consuls held all the rights, all the signs of power; this only was guarded against, that their terror not seem to be double if they both held the *fasces*.

Thus, Rome in the Republican period was not troubled as to *libertas* in granting extraordinary, even absolute power to individuals in times of crisis.<sup>29</sup> The extent of this power

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<sup>28</sup> Ibid, 417.

<sup>29</sup> Taylor, 42, 364; Adcock, 45-6; M.I. Henderson, "Potestas Regia." In *The Journal of Roman Studies* Vol. 47, No. 1/2 (1957), 82-3; W. Eder, "Augustus and the Power of Tradition: The Augustan Principate as Binding Link," in *Between Republic and Empire: Interpretations of Augustus and His Principate*, ed. Kurt A. Raaflaub and Mark Toher (Berkeley: University of California Press, 1990), 93.

was seldom a matter of concern, as the office of dictator illustrates, because while it was only slightly limited in terms of power, it was strictly limited in terms of temporality either to the fulfilling of the *causa* of the office or the preordained term of the appointment. This is the tradition that allowed autocrats such as Sulla and Caesar to maintain their absolute power amidst a senate firmly devoted to its *libertas* and *auctoritas*. Caesar's rule makes a particularly fitting example because he faced little opposition during his first four years of autocracy, as he held his constitutional offices for limited terms.<sup>30</sup> However, as soon as Caesar abandoned the temporal limitations of his office by adding *in perpetuum* to his title of dictator, he was assassinated not only by former enemies, but by men of his own party.<sup>31</sup>

Augustus learned from his adoptive father's example and, even in departing from previous autocratic precedents, he maintained the illusion that his reign was still a temporary necessity to set in order a state which had been wracked by civil unrest for decades. This illusion was maintained in large part by Augustus' constitutional fiction, which served Augustus' purpose of hiding, not the absolute nature of his power, but its permanence. Thus the key to Augustus' success was not just the assumption of the powers which served to establish the *principate* but also the assumption of these powers for limited terms of five to ten years in order to maintain the image of temporary autocracy (Dio, 53.16).<sup>32</sup> These grants, although longer than Rome would traditionally allow, maintained a date when they would expire and thereby provided hope that Augustus would eventually step down.

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<sup>30</sup> See note 23.

<sup>31</sup> Syme, *RR*, 59.

<sup>32</sup> Although *tribunicia potestas* was incredibly important, its ostensible goal of protecting the plebs, a broad band of the Roman population, made Augustus' gaining of it for life (Suetonius *Div. Aug.* 27) not as significant as his term limitations for consular and proconsular *imperium*.

Augustus also supplied other evidences that his autocracy was temporary and therefore Republican. He resigned the consulship and feigned a retirement (Dio, 53.2.7-10.8). He returned some of the provinces to the senate in 27 B.C., and, having pledged the return of the rest when they were ordered, fulfilled this promise in part by returning both Cyprus and Gallia Narbonensis in 22 B.C. (Dio, 53.13.1, 54.4).<sup>33</sup> When he appeared to be on his deathbed, Augustus granted his signet ring to Agrippa but sent the papers of state to the consul (Dio, 53.30.1-2). Each of these actions, calculated or sincere, showed signs of a progression, of Augustus ordering the state and thereby coming closer to abandoning the powers he had assumed *rei publicae constituendae causa*.<sup>34</sup>

Thus, even though Augustus' power was obvious and autocratic it would not have designated him as an enemy of republicanism and certainly would not have indicated a fundamental change to the forms of Rome's government. His autocracy fits into the context of Roman grants of extraordinary power and, more directly, Republican autocrats. Even with his eventual departure from Sulla's precedent, eight years after he first gained primacy, Augustus disguised the transformation from Republic to monarchy by maintaining that his power, although absolute, was only temporary. In this way, Augustus would still have appeared to be Republican early in his reign, even after the foundation of the *principate*, and there was no "anti-Republic" stigma which would have prevented Livy's coherent praise of both Republic and Augustus.

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<sup>33</sup> Eder, 106.

<sup>34</sup> Walsh, 10; Miles, 169 ff.; Luce, 155n; Taylor, 363, 408, 415-17; Bernard Mineo, "Livy's Political and Moral Values and the Principate," in *A Companion to Livy*, ed. Bernard Mineo, (Oxford: John Wiley & Sons, Inc., 2015), 10, 135; Mineo, "Livy's Historical Philosophy," in *A Companion to Livy*, ed. Bernard Mineo, (Oxford: John Wiley & Sons, Inc., 2015), 139-40, 144; Eder 81-82.

### Livy's Moral Perspective

Augustus' standing within the precedent of Republican autocracy, which avoided any stigma of "anti-republicanism," nevertheless violated the ideals of the Republic by placing supreme power in the hands of one individual, negating the "mixed constitution" in which the Roman senatorial class took such pride (Cic. *De Rep.* 1.45). Yet when Livy praises both Republic and autocrat he manifests that he saw no such conflict.<sup>35</sup> Further, an examination of the text of *Ab Urbe Condita* shows that Livy's nostalgia for the ancient history of Rome was limited to its morals, with little attention paid to the actual forms of government. A look at the preface to his work reveals Livy's ethically charged language, while the language of political forms is nowhere present. Likewise, Livy's accounts of the Monarchic and early Republican periods shows Livy's consistency in praising *virtus* and condemning *vitia*, absent of any consideration of the form of government. Thus, Livy's condemnation of modern Rome, and praise and nostalgia for the early history of Rome is not based on any particular form of Roman government, but on the development of decadence and greed within the *populus Romani*. Such a moral focus eliminates any constitutional conflict which may have otherwise arisen between Augustus' *res novae* and the early Republic's rejection of monarchy.

#### In the *Praefatio*

The overall tone of Livy's preface can overshadow his actual language. The result is that Livy's pessimistic view of contemporary Rome is often fit to the modern scholarly narrative of the "Roman Revolution," whereby demagogic tendencies are introduced by the Gracchi and advance down a slippery slope to the dissolution of the Republic under Augustus. Such a

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<sup>35</sup> Thomas Wiedemann, "Reflections of Roman Political Thought in Latin Historical Writing," in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield, (Cambridge University Press, 2000), 520-1, 524.

political reading arises from the ambiguity of the term *mores* and ignores the highly ethical language which Livy utilizes to describe both the rise and fall of Rome. *Ambitio*, *res novae*, *libertas*, and any other terms which would be expected in a condemnation of contemporary politics are completely absent from Livy's *praefatio*; at the same time, terms relating to ethics and tradition such as *mores*, *vitia*, *sanctus*, and *bonus* abound.<sup>36</sup> Livy is clearly pessimistic about the state of Rome and its future, but this pessimism seems to be centered on ethical rather than political morality.

Livy announces his goals in the preface to his monumental work:

ad illa mihi pro se quisque acriter intendat animum, quae vita, qui mores fuerint, per quos viros quibusque artibus domi militiaeque et partum et auctum imperium sit; labente deinde paulatim disciplina velut desidentis primo mores sequatur animo, deinde ut magis magisque lapsi sint, tum ire coeperint praecipites, donec ad haec tempora quibus nec vitia nostra nec remedia pati possumus perventum est. (Livy *praef.* 9)

I would have everyone turn their minds toward this, what was the manner of life and what were the morals, through what sort of men and by what sorts of conduct at home and abroad the empire was established and expanded; then let him follow in his mind how, slowly at first, as discipline was relaxed, morals first began to slip, then slid more and more, then they began to plummet headlong, until finally we arrive at our times in which we are able to bear neither our vices nor their cures.

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<sup>36</sup> The omission of *ambitio* as a cause of Rome's decline is particularly notable as it departs from the literary tradition as illustrated by Sallust of blaming both *avaritia* and *ambitio* for the decline of civilization. See Andrew Feldherr, *Spectacle and Society in Livy's History* (Berkeley: University of California Press, 1998), 39-40; Gary B. Miles, "The Cycle of Roman History in Livy's First Pentad," *The American Journal of Philology* Vol. 107, No. 1 (1986), 3-4.; Ogilvie, 23-5; Mineo *Livy's Political and Moral Values*, 130.

The problem with Livy's declaration is his emphasis on *mores*, a highly ambiguous term which has both an ethical connotation (coming into English as "morals"), and a political connotation.<sup>37</sup> Given this ambiguity, Livy's call to return to the *mores* of the old Republic might be read as a recognition of Augustus' rule as a *de facto* monarchy and an admonition to return to Republican governance. However, the context surrounding Livy's use of *mores* makes such a reading unlikely. Livy invites his reader to look to the *vita*, *virii*, and *artes* of the early Roman state as the reason for its success. As with *mores*, these terms all have a certain ambiguity about them; but taken together they clearly point towards ethical meanings. *Mores*, *vita*, and *artes* all refer to the manner of living, i.e. morals, while *virii* refers to the sort of men who possessed those *mores*.<sup>38</sup> This ethical reading of *mores* and its surrounding terms shows that Livy is looking to the character, not the constitution, of the old Republic. Livy does mention political success, the augmentation and maintenance of empire, but he attributes this success to the moral strength of the nation, showing that he saw the character as foundational and any political success as secondary. Livy likewise describes Rome's decline in moral terms, talking of *disciplina labens* and *mores desidentes*, leading to his own times in which the *vitia*, another highly moralistic term, are too grievous to be borne.<sup>39</sup> In this, Livy's instruction to the reader in his didactic history, moral terms are abundant, political terms are entirely absent, and Livy demonstrates that political success is due to moral excellence and—to continue Livy's medical metaphor—political problems are a symptom, not a cause, of the disease.

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<sup>37</sup> See note 2.

<sup>38</sup> The relative clause of characteristic, as indicated by the subjunctives 'fuerint' and 'sim,' shows that Livy discusses the *manner* of life and the *manner* of men, making these terms more moralistic than they would appear to be on the surface.

<sup>39</sup> *Vitia* carries a medical connotation, as well, which allows it to fit into the medical metaphor Livy creates. Yet Livy's choice of a term which carries both a moral and a medical connotation, rather than one which is strictly medical such as *infirmetas* or *morbus*, is significant.

Livy gives a more specific description of the *mores* responsible for Rome's ancient success soon after:

nulla umquam res publica nec maior nec sanctor nec bonis exemplis ditior fuit, nec inquam civitatem tam serae avaritia luxuriaque immigraverint, nec ubi tantus ac tam diu paupertati ac parsimoniae honos fuerit. Adeo quanto rerum minus, tanto minus cupiditatis erat; nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere (Livy, *praef.* 11-12).

Never was any republic greater or more righteous nor more full of good examples, nor was their a state into which avarice and luxury came so late, nor where for so long poverty and simplicity were honored for so long. For the less the possessions, the less the desire for them; only recently have riches brought in desire and abundant pleasures brought in the desire to bring destruction and ruin to all, through luxury and desire.

Again, Livy uses morally charged language to describe the causes of Rome's political supremacy. *Sanctus*, *bonus*, *avaritia*, *luxuria*, *honor*, and *cupiditas* all suggest morality, not politics. *Avaritia*, not *ambitio* is at fault for Rome's decline, and more pointedly, *libido* is the cause of *perdendi...omnia*. This can and should be read as a reference to *bellum civile*, which would be foremost in any Roman's mind at the mention of *perdendi omnia*.<sup>40</sup> Yet it is important to note how Livy couches his lone reference to political events. Widespread destruction is just one result of greed and luxury, and not the most serious one. The main problem, one far more troubling to Livy, is the advent of wealth and luxury and the subsequent abandonment of humble living and simplicity. The political repercussions are side-effects and should not be elevated

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<sup>40</sup> AJ. Woodman, *Rhetoric in Classical Historiography: Four Studies* (London: Routledge 1988), pp. 132-34 also suggests the "mala" (5) and "vitia" (9) as references to civil war.



above curing the disease. Understanding this is key to understanding the rest of Livy's *Ab Urbe Condita*, as this focus explains Livy's preoccupation with the early Roman state and its values. It is not the Republican forms of government that hold his attention, but rather the *mores* of the men within the early state, both during the Republic and the Monarchy.

#### Livy's Moral Perspective in *Ab Urbe Condita*

It is commonly held that Livy's preoccupation with the early Republic shows his longing for a time before monarchic ambition had corrupted the state. Yet as Livy's preface indicates, his preoccupation is not with monarchic ambition but with the lust for wealth and other *vitia* which contrast sharply with the *mores* of early Rome. This reading of Livy is confirmed by an examination of Livy's accounts of the earliest origins of Rome, where he extols individuals for their *virtus*, regardless of their office, while condemning not monarchy but the monarch in the account of the expulsion of the Tarquins. Livy's first book is filled with positive *exempla*, from the kings to those under their rule, and Livy does not begin to write of the *liber...populus Romanus* until book 2. Thus, Livy's preoccupation with the early Roman state should be understood as a preoccupation not with Republican *libertas* or political forms, but with ancient *mores* contrasted against modern *vitia*.<sup>41</sup>

Livy's infatuation with the idea of the Republic is centered on the traditions of simplicity, duty, and hard work rather than any specific type of government. In this way his didacticism more closely resembles that of Varro than of Tacitus.<sup>42</sup> Livy's focus on Republican morals rather than Republican forms is revealed by an examination of some of his most prominent *exempla*,

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<sup>41</sup> This separation of the term *res publica* from the political forms of government is common in the late Republic, as evidenced by Cicero's definition of *res publica* in *De Re Publica*: "Est...res publica res populi" "a republic is a thing of the people." says Cicero's interlocutor, Scipio, who later goes on to describe monarchy, oligarchy, and democracy as all forms of government which can be a *res publica* (1.39, 41-42).

<sup>42</sup> In that Cato the Elder criticized Rome's *luxuria* (as in *Rerum Rusticarum* 2.1-5), while Tacitus—a product of the *dominate*—is noted for his antipathy towards monarchy and his desire for Republican forms.

the kings of Rome, and of Rome's subsequent reaction to monarchy. This examination reveals that Livy was generally approving of Rome's monarchs, condemning the last for his *vitia*, not his kingship; likewise Livy's account of Rome's early interactions with monarchy shows a Rome almost comically overzealous of protecting its *libertas*, a zeal not necessarily reflected in Livy himself. Rather, in all cases and all *exempla*, Livy grants approval or disapproval to individuals based on their *vitia* and their *virtus*, not their political views or their political offices.

Were Livy truly examining the early Republic with an eye towards the corrupted political forms of his own day, a distaste of monarchy would be expressed in his description of the early kings of Rome. Yet from the beginning, Livy shows himself to be a firm admirer of the majority of Roman monarchs. Romulus and Numa are first put forward as *exempla* of the ideal rulers in war and peace, respectively: "Ita duo deinceps reges, alius alia via, ille bello, hic pace, civitatem auxerunt....Cum valida tum temperata et belli et pacis artibus erat civitas" (Livy, 1.21.5). "Thus two kings [Romulus and Numa], one by war, another by peace, aided the state....The state was sound and temperate, both in the art of war and that of peace."<sup>43</sup>

Following the establishment of these paradigms, Livy judges the achievements of their successors by their ability to excel in the arts of Romulus and Numa, war and peace. Tullus Hostilius, who "magna gloria belli regnavit" (Livy, 1.31.8), "reigned with great glory in war" yet lacked in religious observances, showed the necessity of possessing the virtues of both Romulus and Numa, which excellence is demonstrated by Ancus Marcius: "superiorum regum belli pacisque et artibus et gloria par" (1.25.1). "His reign was the equal of his predecessors both in the arts of peace and war, and in glory." After describing the military glory of Tarquinius Priscus, Livy says of him: "maiore inde animo pacis opera incohata quam quanta mole gesserat

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<sup>43</sup> Notably for Livy, the "*ars pacis*" are primarily religious.

bella” (1.38.5). “From this point he began the works of peace with a greater zeal than that with which he had previously waged war.” This places the king within the ideals established by Romulus and Numa. Servius Tullius is shown to be capable in both war and peace, “ita ut bono etiam moderatoque succedenti regi difficilis aemulatio esset” (1.48.8). “so that even a good and moderate successor would have emulated his rule with difficulty.” Of Rome’s first six kings, Hostilius and Romulus, being the most warlike of the monarchs, are the most flawed characters in Livy’s portrayal. Yet even here Tullius receives no strong condemnation, and Livy attributes to Romulus excellence in war *and* peace worthy of his apotheosis (1.14.6). Of these monarchs as a whole, Livy says, “Ita regnarunt ut haud immerito omnes deinceps conditores partium certe urbis...numerentur” (2.1.2). “They so reigned that not unworthily they may be numbered among the founders of facets of the city.” Livy likewise affirms that Brutus’ act of establishing the Republic should have been an evil deed if perpetrated under any of their reigns, saying, “neque ambigitur quin Brutus idem qui tantum gloriae superbo exacto rege meruit pessimo publico id facturus fuerit, si libertatis immaturae cupidine priorum regum alicui regnum extorsisset (2.1.3-6) nor is it doubtful that that same Brutus who merited such great glory by driving out a haughty king would have done great evil to the people, if from a desire of premature liberty he had expelled the monarchy during the reign of any of the previous kings.” Livy justifies this claim both by a statement that the Roman populace was unready to live in a republic and by belief that these monarchs were of such a quality that their rule was beneficial to Rome.

Indeed, a close examination of Rome’s early monarchs as portrayed by Livy shows that only Tarquinius Superbus is actually represented in a negative light, and this negative depiction is entirely due to his character, not his position as king. When Brutus rallies the Romans against the Tarquins, he does so by reciting to them not the evils of kingship but the vices of this

particular king and his family (Livy, 1.49.1-12). In fact, there is a notable disconnect between Lucretia's demand for a personal vengeance against Sextus Tarquinius, her violator, and Brutus' vow to end kingship entirely at Rome. It might be thought that this disconnect is the result of a leap in logic, from the fact that a member of the royal family had committed such a crime to the idea that such crimes were a natural result of kingship. Yet this does not, in and of itself, mean that Livy saw the crimes of the Tarquins as typical of or inherent in the idea of monarchy. In fact, his positive characterization of Rome's earlier monarchs shows that Superbus and his family were the outliers rather than the norm in monarchic rule.

Rather than portraying the last Tarquins as representative of the problems with monarchy, it seems likely that Livy uses them to explain Rome's aversion to monarchy. His point is not that such abuses were inherent in monarchy but that Rome had a traumatic experience with kingship and therefore had a deep-seated aversion to any monarchy, however just that monarchy might be. Of course, Livy expresses the idea that a republic is superior to a monarchy (1.48.9, 2.1.1), yet Livy never expresses the idea in a way that shows him to be fundamentally opposed to monarchy. Rather, he expresses the belief that monarchy or autocracy was a temporary necessity for the initial establishment of the *mores* of the state (Livy, 1.46.5, 2.1.2-7). Thus, Livy does not show in his *exempla* of monarchy an aversion to such governance but treats each monarch as his *mores* and *vitia* demand.

This same pattern of concern with *mores* and *vitia* rather than political forms exists in others of Livy's *exempla* commonly cited as examples of Livy's pro-Republic, anti-monarchic stance. The dictatorship of Cincinnatus is a likely candidate for anti-monarchical sentiment, as this Roman paragon of virtue not only quickly resigned his first dictatorship but in his second presided over the execution of a supposed monarchic pretender. Yet ambition or the lack thereof

was not Livy's focus in relating the story of Cincinnatus' first dictatorship, which he prefaces with this statement: "Operae pretium est audire qui omnia prae divitiis humana spernunt neque honori magno locum neque virtuti putant esse, nisi ubi effusae affluent opes" (3.26.7). "It is beneficial that they who spurn humanity for wealth and think there is no place for great honor or virtue except where wealth overflows hear what follows." The thematic notion that *virtus* excels *divitiae* echoes Livy's statement of that theme in his *praefatio*, and prepares the reader for the importance, not of Cincinnatus' resignation of the consulship, but of his simplicity and *virtus*.

During Cincinnatus' later term as dictator he presided at the trial of Maelius, and Livy contrived for him a speech about monarchic pretenders. It may seem that here at least Livy takes a stand against monarchy (4.14-15), yet Livy couches this speech in the context of the struggle of the orders. In fact Maelius made no pretensions towards monarchy, despite his being executed for it. Cincinnatus himself admits: "Maelium iure caesum pronuntiavit etiam si regni crimine insons fuerit" (4.15.1). "He pronounced Maelius justly killed, even if he was innocent of the charge of monarchic aspirations." In this context, Rome's fear of monarchy seems somewhat overweening, as Livy characterizes it in 2.2.2, when Tarquinius Collatinus—leader of the expulsion of the Tarquins and husband of the rebellion's martyr, Lucretia—is exiled: "Ac nescio an nimis undique eam minimisque rebus muniendo modum excesserint." "Perhaps they were overzealous in their defense of [liberty], excessively, everywhere, in every way." The condemnation of Spurius Cassius and suspicion of Publius Valerius also seem to fit into this category (for Cassius, Livy 2.41; for Valerius, 2.7.5-12). Again, the examples cited seem to show Rome's distaste for monarchy rather than Livy's own.

Further, the prevalence of monarchic aspirations in the early Republic shows that the vice of ambition was clearly present in the early Republic, even more so and more openly than in

Livy's contemporary Rome. Were Livy's preoccupation with constitutional forms and those who sought to usurp power, a focus on these ancient examples would have run contrary to his stated purpose: to look to the ancient Republic as an example of times when Rome was at least generally free of the *vitia* he so mourns in his own day. This escapism is not a mere literary convention, but is unique to Livy and thereby significant.<sup>44</sup>

Thus Livy, both in his *praefatio* and in his *exempla*, shows a distinct disinterest in constitutional forms, praising some monarchs as paradigms of ideal rulers, blaming a monarch—rather than monarchy—for Rome's institution of the Republic, and showing in his later *exempla* a Roman, but not Livian, overzealous fear of monarchy. Rather than this preoccupation with monarchy, we see a focus on the *mores* of leaders, whether they were Republican or autocratic. Simplicity and courage are everywhere praised, as is the spurning of wealth. There is, in fact, no *exemplum* better suited to Livy's professed aims than that of Tarpeia, who in her lust for wealth admitted the Sabines to the city and thereby admitted of “pereundi [se] perdendique omnia” (*praef.* 12) “destruction [for herself] and ruin for all.” In viewing the ancient Republic as a collection of ethical *mores* rather than of political forms, Livy affirms his desire for Rome to return to the traditions and values of the past. In this desire, there was no greater ally for Livy than Augustus, champion of conservative morality and thus, to Livy's mind, champion of republicanism.

### **Augustus as the Ultimate Republican**

Once it is understood that Livy focuses on the *mores* rather than the political forms of the Republic, the praise of Augustus and of the Republic, rather than being paradoxical, becomes a natural and expected pairing. Regardless of Augustus' constitutional changes, he consistently

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<sup>44</sup> Ogilvie, 24, 26.

represented himself as the champion of the Republican *mores* and traditional *romanitas*.<sup>45</sup> This reputation, which was in part developed in contrast to the claimed Bacchic debauchery of Antony, nevertheless continued into Augustus' autocracy and throughout his *principate*. Augustus' championing of conservative, supposedly traditional, Roman values fits perfectly with Livy's conception of Republican *mores* and prompts Livy's brief but effusive references to the *princeps*. Therefore Livy does not act as an apologist for any conception of an Augustan regime, but rather utilizes Augustus as an example of Republican *mores* existing in contemporary, debauched Rome.

#### Augustus' Image

Augustus, like earlier autocrats, likely saw himself in one way or another as the savior of the Republic. Some may doubt Augustus' sincerity in this, but Augustus seems to have been genuine at least in his attempts to impose on Rome conservative, ethical *mores*, even if the antiquity of these was largely imagined. This earnestness is demonstrated by Augustus' unpopular, unsuccessful, and yet fervent attempts to impose such *mores* on an unwilling populace, both in the upper and lower echelons of society (Suet. *Vit. Aug.* 34). Regardless of his sincerity, however, it is clear that Augustus attempted to create and maintain an image of himself as a conservative, pious Roman. This is demonstrated clearly by Augustus' own work, his *Res Gestae*, which states, "Legibus novis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo reduxi et ipse multarum rerum exempla imitanda posteris tradidi" (8) "By new laws which I authored, I brought back many examples of the ancestors which had fallen from our reverence and passed on examples of many things to be imitated by posterity."

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<sup>45</sup> Mineo, Livy's Political and Moral Values, 134.

Augustus' representation of himself as morally conservative was facilitated by the deification of Julius Caesar and the morally ambiguous actions of his assassins, which gave him religious justification for his cause and allowed him to claim divine sanction for his actions. Vows to Apollo, Mars Ultor, and other deities were typical of his actions in the political sphere prior to Philippi and beyond (Suet. *Vit. Aug.* 23, 29; Dio, 50.24.1). After Philippi, Octavian's public image was strongly influenced by a desire to contrast that of Antony, and Octavian's adoption of Apollo as his patron and exemplar was likely prompted in part by Antony's association with Bacchus, representing himself as conservative and Roman even as Antony's depiction became more wild and oriental.<sup>46</sup>

The battle of images finds fitting encapsulation in Octavian's speech at Actium, wherein he characterizes Antony as warring with the gods and state of Rome, culminating in his command, “Μήτ' οὖν Ῥωμαῖον εἶναί τις αὐτὸν νομιζέτω, ἀλλά τινα Σαραπίωνα” (Dio, 50.27.1), “Therefore let no man think him to be a Roman, but a son of Serapis,”<sup>47</sup> and his exhortation, “καίτοι μείζον οὐδὲν ἂν ἄλλο φήσαιμι ὑμῖν προκειῖσθαι τοῦ τὸ ἀξίωμα τὸ τῶν προγόνων διασῶσαι, τοῦ τὸ φρόνημα τὸ οἰκεῖον φυλάξαι” (50.28.3). “And yet I can tell you of no greater achievement that is set before you than to preserve the reputation of your progenitors, to guard your ancestral pride.” These statements, although unlikely to be exact quotes of Octavian, illustrate the image Octavian tried to convey. This image, passed down at least to Dio, was of a staunch Roman at war with a foreign and Orientalized opponent, technically Cleopatra but, in

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<sup>46</sup> Although it is difficult to unpack and understand Antony's image after Octavian/Augustus' propaganda and *damnatio memoriae*, it seems his reputation for drunkenness was not entirely a creation of Augustus. If entirely untrue, Cicero may have been its author, repeatedly mentioning Antony's drunkenness (see: 2.6, 63 ff, 104 ff; 3.12-15, 35; 5.24; 6.4; etc.). There is also the implication, in Cicero and Plutarch, that Antony's debauchery was the cause of his replacement as Caesar's *magister equitum* (see: Plut. *Vit. Ant.*, 10; Cic. *Phil.* 2.71 ff).

<sup>47</sup> This condemnation is especially pertinent as Serapis was the Ptolemaic equivalent of Dionysus.



reality, Antony. This depiction seems to be typical of Octavian's public image war with Antony and earned Octavian a reputation for conservative *romanitas*.<sup>48</sup>

Octavian's reputation as a follower and a defender of Roman *mores* continued and even increased after Actium.<sup>49</sup> Possessed of the sovereignty of Rome, the now-Augustus still advanced a public image of conservatism and traditionalism. Restorations of temples (Suet. *Vit. Aug.* 30.2), moral legislation (34, 56), and the encouragement of traditional *romanitas* were hallmarks of his reign,<sup>50</sup> even if modern scholarship remembers him primarily for his constitutional changes. This, then, is the context in which Livy would have understood Augustus as he wrote the early books of *Ab Urbe Condita*, not as the monarchic enemy of the Republic but as the conservative champion of Republican *mores*. In this, Augustus proved himself to be an ideal *exemplum* of ancient *mores* in modern Rome, and this is the origin of Livy's effulgent references to Augustus.

#### Livy's Preface

Returning to Livy's *praefatio* to examine his theme, we find that it compares well with the image which Augustus presented.<sup>51</sup> Looking at how "et partum et auctum imperium sit" "the empire was both established and augmented" under Augustus, we see that Augustus expanded the empire through skillful military engagements,<sup>52</sup> at the very least bringing Egypt, a rich and

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<sup>48</sup> The contrast between Octavian's *romanitas* and Antony's orientalism is also evident at Dio 48.40 and elsewhere.

<sup>49</sup> It is evident that incidents in Octavian's early life do not fit with his promulgated image, such as his reported sacrifice of Roman knights (Dio 48.14), adultery (Suetonius *Vit. Aug.* 69), and sacrilege (Suetonius 70). Laying aside the question of whether these reports are true or Antonian propaganda, these events seem to be few and largely isolated, at the very least within his youth: "ex quibus sive criminibus sive maledictis infamiam impudicitiae facillime refutavit et praesentis et posteræ vitae castitate" "He easily refuted the infamy of shame from these crimes or slanders, by the morality of his life then and afterwards" (Suet. 71). At worst, they are aberrations that may have caused Romans to doubt the veracity of his public image, but the image he sought to portray is unquestionably that of a conservative Roman.

<sup>50</sup> This *romanitas* took the form of encouraging the traditional *familia* (Suet. 34), conservatism in fashion (Ibid. 40), and carrying out the duties of the censor, though not formally holding the position (Ibid. 27.5).

<sup>51</sup> Luce, 294-5; Mineo Livy's Historical Philosophy, 140.

<sup>52</sup> Even if the skill was Agrippa's, the glory still goes to Augustus.

powerful state, into Rome's power, truly a deed worthy of Romulus. The establishment of the empire falls as well into the ideal established by Livy, namely the attention to religion and the propagation of peace. Livy speaks directly to Augustus' contributions in these areas. As previously cited, he says of Augustus' propagation of peace:

[Aedes Iani] bis deinde post Numae regnum clausus fuit, semel T. Manlio consule post Punicum primum perfectum bellum, iterum, quod nostrae aetati di dederunt ut videremus, post bellum Actiacum ab imperatore Caesare Augusto pace terra marique parta (1.19.3).

Twice since the reign of Numa it [the temple of Janus] has been closed, once when Titus Manlius was consul after the first punic war ended, and another time, which the gods have granted that we might see, after the battle of Actium when peace was established on land and on sea.

Notice that Livy neither praises Augustus for his victory over Antony, merely mentioning the battle to give context, nor censures him for engaging in civil war. Rather, his focus is on Augustus' conforming to the ideal type of a leader as exemplified by the early Roman kings, his ability to bring about peace, as represented by the closure of the gates of Janus. Again, of Augustus' attention to religion, we have Livy's only other direct reference to Augustus:

Hoc ego cum Augustum Caesarem, templorum omnium conditorem aut restitutorem, ingressum aedem Feretri Iovis, quam vetustate dilapsam refecit, se ipsum in thorace linteo scriptum legisse audissem, prope sacrilegium ratus sum Cosso spoliorum suorum Caesarem, ipsius templi auctorem, subtrahere testem (4.20.7).

This thing I heard when Caesar Augustus, the founder or restorer of all the temples, having entered the temple of Jupiter Feretrius, which he had repaired when it was

crumbling with age, and he himself read the inscription on the linen breast-plate, and I thought it almost sacrilege to remove from Cossus a witness of his spoils such as Caesar, who was himself the builder of the temple.

The context of this quote, a seeming discrepancy in Livy's sources, has received a great deal of attention as a centerpiece in the debate of Livy's allegiance to Augustus or the Republic. This stumbling-block has been removed, and we can now see not the writing of an apology but the invocation of an *exemplum* by Livy, illustrating Augustus' care for religion, a hallmark of those early leaders of Rome who were seen to establish as much as they expanded the empire.

Augustus is further aligned with Livy's values when the author blames wealth and greed for the decline of Rome: "nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere" (*praef.*) "only recently have riches brought in desire and abundant pleasures brought in the desire to bring destruction and ruin to all, through luxury and desire." For the opposite of this greed and the reason for Rome's long-lasting dominion was that "paupertati ac parsimoniae honos fuerit" "poverty and simplicity were honored." Though Augustus by no means lived the farmer's life of a Cincinnatus, he was renowned for his restraint and relatively humble means, sharing his house with a temple of Apollo and avoiding the excesses of Antony or his successors (Suet. *Vit. Aug.* 71). Even further, his pursuit of sumptuary legislation to combat the *luxuria* such as that parodied in the *Cena Nasidieni* would have made him appear a greater proponent of simple living than his own life might indicate (Hor. *Ser.* 1.8).

It is in this context, then, that Augustus is not symptomatic of the *vitia* but of the *remedia* of which Livy speaks, and thus that Augustus seems to be an ideal modern *exemplum* of the ancient *vita, vires, artes, and mores* that contemporary Rome had lost. It is in this way, too, that

Livy writes of Augustus, not as an apologist for any conception of an Augustan regime, but utilizing Augustus to show that ancient *mores* were both achievable and desirable in modern Rome.

### **Conclusion**

The long scholarly debate over Livy's allegiance has its roots in a fundamental misunderstanding of Livy's historical context and his purpose in writing. To look at Livy as either pro or anti-Augustus assumes that Augustus and the Republic were obviously at odds, an assumption not supported by the historical evidence, and that Livy wrote *Ab Urbe Condita* with an eye towards political forms, which is not supported by the textual evidence. The historical context for much of Livy's writing was the early autocracy of Augustus, which hid its permanence within the Republic's long precedent of temporary autocracy. Livy's aims for his work, set out in his *praefatio*, look to tradition and ethics, not political or constitutional forms. This focus continues within the main body of the work, where Livy fails to express any condemnation of monarchy, even in the accounts of the monarchs and their expulsion, or in other situations where such a condemnation would be expected. Rather, individuals are exalted or condemned in Livy's accounts based on their ethical *mores*. Thus, with the stigma of "anti-Republic" removed from Augustus and the narrative of "Republic vs. monarchy" removed from Livy's work, the praise of both Republic and Augustus is natural rather than paradoxical. Augustus' representation of himself as a traditional, conservative Roman makes him an ideal invocation for Livy, who rather than being a puppet of political forces, makes use of the *princeps* for his own didactic ends.

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