

## A PUZZLE IN LIVY

By T. P. WISEMAN

After the rape and suicide of Lucretia, Lucius Brutus is in the Roman Forum, urging the citizens to rebel against Tarquin. Here, in T. J. Luce's translation, is Livy's summary of his speech:

He spoke of the violence and lust of Sextus Tarquin, of the unspeakable rape of Lucretia and her wretched death, of the bereavement of Lucretius Tricipitinus and the cause of his daughter's death, which for him was more unworthy and more pitiable than the death itself. He mentioned also the arrogance of the king himself and how the *plebs* had been forced underground to dig out trenches and sewers: the men of Rome, victorious over all their neighbours, had been turned into drudges and quarry slaves, warriors no longer. He recalled the appalling murder of King Servius Tullius and how his daughter had driven over her father's body in that accursed wagon, and he invoked her ancestral gods as avengers. (1.59.8–10)

There must have been more, but Livy does not report it:

*his atrocioribusque, credo, aliis, quae praesens rerum indignitas haudquaquam relatu scriptoribus facilia subiecit, memoratis incensam multitudinem perpulit ut imperium regi abrogaret exsulesque esse iubet L. Tarquinius cum coniuge et liberis.* (1.59.11)

After saying these things and, I am sure, even more shocking ones prompted by his outrage of the moment, which are not easy for writers to capture on paper, he brought his listeners to such a pitch of fury that they revoked the king's power and ordered the exile of Lucius Tarquinius, together with his wife and children.

What did Livy mean by *haudquaquam relatu scriptoribus facilia*? If Luce's 'not easy for writers to capture on paper' seems too far from the Latin, Aubrey de Séincourt in the Penguin translation has 'but a mere historian can hardly record them', and R. M. Ogilvie in his commentary offers 'which historians find it embarrassing to recount'.<sup>1</sup>

It is true that *scriptores* in Livy are always historians;<sup>2</sup> but, far from being embarrassed, historians in the Greek and Roman world relished the chance to report impassioned speeches. Since Livy has just summarized most of what Brutus is supposed to have said, it is not

<sup>1</sup> R. M. Ogilvie, *A Commentary on Livy, Books 1–5* (Oxford, 1965), 228.

<sup>2</sup> Pref. 2 and 3, 1.44.2, 3.23.7, 4.23.2, 8.30.7, 9.18.5, 23.6.8, 26.11.10, 29.14.9, 33.36.15, 45.44.19. More specifically, *scriptores rerum*: 21.1.1, 38.56.5, 39.50.10. In the singular, Valerius Antias is twice referred to as a *scriptor* (36.38.7, 38.55.8).

obvious why he feels he has to break off here. What exactly was his problem?

I think the plural *scriptores* is significant. He is evidently not deciding how much *he* is prepared to relate, as de Sélincourt's translation implies, but offering an explanation for lack of material in the previous writers whose work he used.<sup>3</sup> That is, Livy is putting on record his belief (*credo*) that Brutus' indignation prompted him to make even more dreadful accusations against the Tarquins, even though they were not in his written sources. The question is, *why* did he believe that? If there was nothing in the *scriptores*, how else could he have access to a speech given five hundred years before?

It may be worth looking more closely at Livy's narrative of these events. There are at least three oddities in it, which may turn out to be revealing.

First, Brutus is giving this speech in an official capacity, as *tribunus celerum*, 'a post that he chanced to be holding at that moment'.<sup>4</sup> But Livy has already told the famous story of how the young Lucius Junius, after his father and brother were murdered by Tarquin, pretended to be an idiot, and was kept in the king's house as an object of mockery; that, of course, was why he was called *brutus* ('stupid').<sup>5</sup> Meanwhile, the *tribunus celerum* was the king's deputy, commander of his cavalry, later equated with the Prefect of the Praetorian Guard.<sup>6</sup> How could Tarquin have entrusted his safety to a man he believed to be an idiot?

The same paradox appears in the somewhat different narrative of Dionysius of Halicarnassus, and in his painstaking way Dionysius does at least try to explain it. His Brutus, having thrown off his idiot's disguise at the death of Lucretia, is conferring with her father and husband and Publius Valerius about how they should effect the overthrow of the Tarquins. When he proposes that they summon the people to the Forum, Valerius asks which of them will do it, 'for that's

<sup>3</sup> So 3.48.8, cited for comparison in the commentary of W. Weissenborn and H. J. Müller, I.1 (Berlin, 1908), 264, is no real parallel: there Livy may simply be summarizing an emotional speech found in his source.

<sup>4</sup> 1.59.7 (*in quo tum magistratu forte Brutus erat*), trans. T. J. Luce.

<sup>5</sup> 1.56.7–12, esp. 8 (*Bruti quoque haud abnuñt cognomen*).

<sup>6</sup> Pomponius in *Digest* 1.2.2.15 and 19: 'For it was he [the *tribunus celerum*] who commanded the cavalry, and held, as it were, the second place to the king. One such was Iunius Brutus, who was responsible for the ejection of the king.... This office was much the same as that of the present-day Praetorian Prefect.' For the *celeres*, see Livy 1.15.8 (king's bodyguard); Plin. *NH* 33.35 (*equites*).

a magistrate's business, and none of us holds a magistracy'. 'I shall,' replies Brutus:

for I am the commander of the *celerēs*, and empowered by law to call an assembly when I wish. The tyrant gave me this office, important though it is, in the belief that as an idiot I wouldn't know what its powers are, or if I did know I wouldn't use them.  
(*Ant. Rom.* 4.71.5–6)<sup>7</sup>

Even if one could believe that, one might wonder why Valerius did not know. So desperate an expedient is a clear sign of a historian combining two mutually inconsistent accounts. Livy, faced with the same problem, knew better than to try to explain; he just mentions the office in passing and hopes his readers will not notice as the narrative sweeps on.

In the story Cicero knew, mentioned in *De republica* (51 BC), Brutus leads the rebellion as a private citizen. As Ogilvie rightly pointed out, that must be the original version, presupposing the feigned-idiocy legend.<sup>8</sup>

The second oddity in Livy's story is the way in which Brutus arrives in the Forum. The death of Lucretia took place at Collatia, where she had summoned her father and husband and their associates after the rape.<sup>9</sup> In Dionysius' variant, Lucretia has to go to Rome, to her father's house, to tell her story and then kill herself; that is more convenient for the sequel, since her body can then be displayed in the Roman Forum to help rouse the citizens to act.<sup>10</sup> But Livy keeps to the standard version, which means that the display of the body takes place in the marketplace at Collatia, and it is there that Brutus first urges action.<sup>11</sup>

In response to his call, 'all the fiercest young men' take up arms.<sup>12</sup> Guards are posted at the gates of Collatia, to prevent news getting out to Tarquin. And then:

*ceteri armati duce Bruto Romam profecti. ubi eo uentum est, quacumque incedit armata multitudo, pauorem ac tumultum facit; rursus ubi anteire primores ciuitatis uident, quidquid sit haud temere esse rentur.*  
(1.59.5–6).

<sup>7</sup> Cf. Dion. Hal. *Ant. Rom.* 4.68–9 for the 'idiot' story.

<sup>8</sup> Cic. *Rep.* 2.46: *qui cum priuatus esset...quo auctore et principe concitata ciuitas.* Ogilvie (n. 1), loc. cit.

<sup>9</sup> Diod. Sic. 10.20.3; Livy 1.58.5–6; Ov. *Fast.* 2.813–16; Dio Cass. 2.11.18; *De uiris illustribus* 9.4–5; Servius *ad Aen.* 8.646; Zonaras 7.11.

<sup>10</sup> Dion. Hal. *Ant. Rom.* 4.66–7, 70–84.

<sup>11</sup> 1.59.3–4: 'They took up Lucretia's body and carried it to the forum...Brutus rebuked their tears and useless complaints: what was fitting for men and Romans was to take up arms.'

<sup>12</sup> 1.59.5: *ferocissimus quisque iuuenem.*

Brutus led the rest of the warriors to Rome. The arrival of a large group of armed men caused fear and commotion wherever it went; on the other hand, the sight of the nation's leaders at the forefront made people think that whatever was afoot there must be good reason for it.<sup>13</sup>

No other account of the end of the monarchy makes any mention of these armed men and the panic they caused. It is not as if they were the *celerēs*, of whom Brutus was supposedly in command; Livy makes it clear that they were a volunteer force, and the Roman people evidently regarded them as a private army with no obvious business to be carrying weapons in the city. They cannot be a Livian invention: they do not help his narrative, and he immediately cancels out the effect of their appearance by reporting the reassuring presence of the *primores ciuitatis*. But they must have been important to someone earlier, whose version of the events is reflected in Livy.

Finally, what about Lucretia, whose body was last seen in the marketplace at Collatia (1.59.3)? If the *primores ciuitatis* are Brutus, Collatinus, Sp. Lucretius, and P. Valerius (and it is hard to see who else they could be), then Lucretia's husband and father must have left her there unburied. It is evident that Livy has combined, with less than complete success, two separate narratives of the rousing of the citizens against Tarquin: first, what we have called the standard version, set in Collatia, in which Brutus spoke over Lucretia's body at her funeral;<sup>14</sup> and second, a scene set in the Roman Forum, where Brutus was a magistrate with an armed escort holding a formal *contio* before the people.

It is in connection with the second scenario that Livy seems to be conscious of things Brutus said that his written sources did not record.

When Livy wrote Book 1, it was less than twenty years since the traumatic day of 'fear and commotion' when Brutus, a magistrate with an armed escort, held a *contio* in the Roman Forum in which he urged the Roman people to seize their liberty after the overthrow of a tyrant.<sup>15</sup> It was the afternoon of the Ides of March, 44 BC, and although on that occasion the armed men were gladiators and the

<sup>13</sup> Trans. T. J. Luce.

<sup>14</sup> Livy 1.59.3; Ov. *Fast.* 2.847–50 (*fertur in exsequias*, 847); Zonaras 7.11 ('Brutus... displayed the woman lying there to many of the people'); cf. Dion. Hal. *Ant. Rom.* 4.76.3 for the same scene shifted to Rome.

<sup>15</sup> Nicolaus of Damascus *FGrH* 90 F 130.26.98–100; App. *B Civ.* 2.122.512–4.

citizen audience was shocked and silent, the parallels with the Livian scenario are much too close to be accidental.

The alleged descent of Marcus Brutus, praetor in 44 BC, from Lucius Brutus the liberator, already advertised on the coins he issued ten years earlier, had been exploited by opponents of Caesar's regime in anonymous messages urging Brutus to act like his ancestor.<sup>16</sup> To the assassins' surprise and dismay, the Roman people soon made it clear that they saw the death of Caesar not as tyrannicide but as murder and sacrilege;<sup>17</sup> however, after the amnesty of 17 March and Cicero's revival of the optimate cause in the autumn of 44, the parallel between the old Brutus and the new could still be drawn, though now it was a bitterly controversial issue.<sup>18</sup>

How was the controversy played out during those long months of desperate strife, between the Ides of March and Brutus' suicide at Philippi on 23 October 42 BC? The short answer is that we do not know, but it may be possible to offer a more interesting longer answer, inevitably conjectural.<sup>19</sup>

Not surprisingly, Lucius Brutus and the expulsion of the Tarquins were a subject for the Roman stage. Two *fabulae praetextae* are attested with the title *Brutus*: Accius' classic drama of the late second century BC, and a play by an otherwise unknown Cassius, twice cited by Varro in *De lingua Latina*.<sup>20</sup> There may well have been more. We know from casual comments in our sources that, in Livy's lifetime, plays on Roman subjects were a regular part of contemporary drama;<sup>21</sup> among the examples that happen to be referred to are one on the capture of Corinth in 146 BC, and another on the arrival of the Magna Mater in 204.<sup>22</sup>

M. Brutus should have been in charge of the *ludi Apollinares* in 44 BC, but circumstances made it necessary for a deputy to preside on his

<sup>16</sup> Michael H. Crawford, *Roman Republican Coinage* (Cambridge, 1974), 455, no. 433; Plut. *Brut.* 9.6–7; *Caes.* 62.1, 4; Suet. *Iul.* 80.3; App. *B Civ.* 2.112.469; Dio Cass. 44.12.1–3.

<sup>17</sup> App. *B Civ.* 2.119.501 ('When the people did not run to join them they were afraid and at a loss'), 143.596–147.614 (popular reaction at funeral).

<sup>18</sup> E.g. Cic. *Phil.* 2.26. For the controversy, see Plut. *Brut.* 1.6 on 'those who manifest hostility and ill-will towards Brutus on account of the murder of Caesar'.

<sup>19</sup> For a sceptical view, see Arthur Keaveney, 'Livy and the Theatre: Reflections on the Theory of Peter Wiseman', *Klio* 88 (2006), 510–15.

<sup>20</sup> Fragments and discussion in Gesine Manuwald, *Fabulae praetextae. Spuren einer literarischen Gattung der Römer*, *Zetemata* 108 (Munich, 2001), 220–37 (Accius), 237–43 (Cassius).

<sup>21</sup> Hor. *Ars P.* 285–8; Manilius *Astronomica* 5.282 (I follow G. P. Goold's ordering of the text in the Loeb edition).

<sup>22</sup> Hor. *Ep.* 2.1.187–93; Manuwald (n. 20), 71–5; Ov. *Fast.* 4.326 ('I shall tell of marvels, but they are attested by the stage').

behalf.<sup>23</sup> We know from Cicero's correspondence that Brutus was expecting Accius' play about his ancestor to be put on; although that did not happen, it illustrates how politically relevant even plays from three generations earlier could be made to be.<sup>24</sup>

But classic revivals were not the only way of making political points. Topical comments were a regular feature of the mimes,<sup>25</sup> but not necessarily restricted to them. In the early principate, performances at the *ludi scaenici* regularly dealt with contemporary themes; normally, of course, it was loyal praise of the emperor, always in danger of descending into mere flattery,<sup>26</sup> but the pseudo-Senecan *Octavia* suggests that, on the right occasion, it was possible to deal with more contentious subjects. I think it is more likely than not that, under the Republic, and especially at periods of acute tension such as 44–42 BC, the aediles and praetors responsible for the theatre games would have made sure that the performances reflected their own political attitudes.

To return to Livy: his Lucius Brutus, invoking the gods who avenge kin-murder, reminds the citizens of the killing of Servius Tullius and the guilt of his daughter, Tarquin's queen.<sup>27</sup> Livy had reported that story with the theatre in mind – 'the Roman royal house produced a tragic spectacle to rival those of Greece' – and now he concludes it with the citizens calling down the avenging Furies against the murderous Tullia.<sup>28</sup> As we know from Cicero, the Furies pursuing the guilty were a familiar sight on the Roman stage.<sup>29</sup>

Livy's version of Brutus' speech also makes much of the suffering of the plebeians, who allegedly had to work underground digging trenches and sewers for Tarquin's engineering projects.<sup>30</sup> But that brutal exploitation of the citizen body is elsewhere attributed to Tarquinius *Priscus* and his construction of the Cloaca Maxima two generations earlier.<sup>31</sup> Why should it be brought up now? Although it

<sup>23</sup> This was C. Antonius (App. *B Civ.* 3.23.87).

<sup>24</sup> Cic. *Att.* 16.5.1, cf. 2.3. The *locus classicus* for contemporary political allusions is Cic. *Sest.* 118–23 (on the *ludi Apollinares* of 57 BC).

<sup>25</sup> Cic. *Fam.* 7.11.2 (54 BC), *Att.* 14.3.2 (44 BC).

<sup>26</sup> Phaedrus 5.7.16–27; Suet. *Aug.* 89.3 (cf. 43.5 and Cic. *Att.* 16.5.1 for *commissio* referring to *ludi scaenici*); Plin. *Pan.* 54.1–2.

<sup>27</sup> 1.59.10: *inuocantique ultores parentum di.*

<sup>28</sup> 1.46.3 (*tulit enim et Romana regia sceleris tragici exemplum*), trans. T. J. Luce; 1.59.13 (*inuocantibusque parentum furias uiris mulieribusque*).

<sup>29</sup> Cic. *Pis.* 46 (*ut in scaena uidetis*), *Leg.* 1.40 (*sicut in fabulis*), *Acad.* 2.89 (tragedy); cf. *Har. Resp.* 39 (*in tragoediis*) on the Furies and madness.

<sup>30</sup> 1.59.9 (*miseriaequae et labores plebis in fossas cloacasque exhauriendas demersae*), previously reported at 1.56.2.

<sup>31</sup> Plin. *NH* 36.107–8; cf. Livy 1.38.6. Dionysius (*Ant. Rom.* 3.67.5, 4.44.1–2) achieves a spurious consistency by making Superbus finish what Priscus had started.

can be no more than a guess, I think we should remember the huge building and engineering works put in train by Caesar and paid for out of his Gallic booty.<sup>32</sup> They included not only the creation of what later became the Forum Iulium but also the excavation of a system of passages underneath the Roman Forum itself; it has been convincingly suggested that they were designed to enable the Forum to be used for wild-beast shows, as it was for Caesar's great triumphal games in 46 BC.<sup>33</sup>

The hypothesis I propose – by its nature unprovable, but I hope adequate to explain the phenomena – is that, not long after the Ides of March, someone produced a drama about the end of the monarchy that presented Lucius Brutus and Tarquin in a way deliberately reminiscent of Marcus Brutus and Caesar,<sup>34</sup> and that the play remained in the repertory long enough to have been seen by Livy and influenced the way he thought about the events. Even after Philippi, its message might have been welcome in the period from 40 to 36, when Sextus Pompeius was popular in Rome for sheltering people who had escaped the proscriptions.<sup>35</sup> Livy was in his twenties then.<sup>36</sup>

Cicero tells us that the stage was a source of information; Varro tells us that plays at the *ludi scaenici* taught the Roman people about history; Plutarch tells us that a playwright's version of events could be regarded as accurate if not contradicted by a historian's.<sup>37</sup> The very unexpectedness of those passages is a good reason for taking them seriously.

Livy was well aware of the ways in which playwrights could distort history. There is a famous passage in Book 5 where he refuses to endorse a story about the fall of Veii that seemed to him 'more appropriate to the stage, which delights in marvels'.<sup>38</sup> But Livy was not making any such fundamental objection in the passage with which we began. If, as we have argued, he had in mind a play about the end of

<sup>32</sup> Cic. *Att.* 4.16.8; cf. Plut. *Caes.* 29.2–3.

<sup>33</sup> Katherine E. Welch, *The Roman Amphitheatre. From its Origins to the Colosseum* (New York, 2007), 38–42; Dio Cass. 43.22.3–23.3 on Caesar's 'hunting theatre' in the Forum; cf. Plin. *NH* 15.78 (altar removed), 19.23 (awnings over the whole Forum).

<sup>34</sup> Perhaps the death of Ser. Tullius was adduced as analogous to the death of Pompey, which was cited in March 44 BC as an example of Caesar's 'tyranny' (*App. B Civ.* 3.127.533).

<sup>35</sup> *App. B Civ.* 4.36.150–3, 5.25.98–9; Dio Cass. 48.31.2–6. A very good discussion of the period can be found in Anton Powell, *Virgil the Partisan* (Swansea, 2008), 64–75.

<sup>36</sup> Jerome gives his birth date as 59 BC, but that is probably a mistake for 64: see Ronald Syme, *Roman Papers*, vol. 1 (Oxford, 1979), 414.

<sup>37</sup> Cic. *Leg.* 1.47 (*scaena* among sources of *opiniones*); Varro *Ling.* 6.18 (*togata praetexta data...Apollinaribus ludis docuit populum*); Plut. *Thes.* 28.2 (on Phaedra and Hippolytus).

<sup>38</sup> 5.21.9: *ad ostentationem scaenae gaudentis miraculis aptiora quam ad fidem.*

the monarchy, no doubt he found it perfectly credible that Brutus should have given a speech in the Forum, and he was able to make it compatible (just) with what earlier historians reported about a speech over Lucretia's body at Collatia.

However, the stage speech may have included material that was not reconcilable with what Livy found in the *scriptores*. In that case, he used what he could and excused himself from reporting the rest: the other items were *haudquaquam relatu scriptoribus facilia*. Livy uses the verb *referre* very frequently, but the supine form *relatu* occurs nowhere else in the huge extent of the surviving text. It is a unique passage, and seems to require a very particular explanation.