Servile Stories and Contested Histories: Empire, Memory, and Criticism in Livy's Ab Urbe Condita

I – Introduction

The great Roman historian Titus Livy (59 BCE-17 CE) never held public office. He did not serve in the Roman military and participate in the civil wars of the late first century BCE that saw the death of the republic and the rise of the principate. Only his writings, therefore, can shed light on his politics and relationship to the emperor Augustus.

He was once regarded as a straightforward Augustan whose history was propaganda for the new regime.[i] This view was eventually challenged by scholars who still regarded Livy as sympathetic to the princeps, but as a private supporter rather than a public partisan.[ii] P.G. Walsh offered a further reconsideration: Livy was not an Augustan, but a traditional Roman chauvinist.[iii] While these arguments agreed that Livy was engaged in political writing, they saw him as affirming Augustus (or tradition) rather than skeptically challenging it.[iv]

More recently, scholars have explored the possibility that Livy distanced himself from Augustus. Notable among these are Gary Miles[v] and Dylan Sailor.[vi] Their skeptical readings, though, come at the expense of the political dimension in Livy's narrative. For Miles and Sailor, Livy's distance from Augustus's politics is an apolitical act, a refusal to get into the political arena and affirm substantive judgements.

There are problems with both of these competing views, though. The political readings condition us to expect that Livy is unwilling to criticize Augustus, while the skeptical readings condition us to expect that Livy has no political teachings to impart. But neither view can adequately explain certain key moments in the text. The most notable among these is the Cossus affair of 4.17-20, especially the famous digression at 4.20.5. There Livy reports that Augustus uncovered information that contradicted Livy's previous writing regarding the famous Roman military leader Aulus Cossus and his dedication of the *spolia opima*, a specific sort of spoils of honor taken from an enemy king killed in combat. The digression on the Cossus affair is almost universally regarded as a later addition to the narrative, in no small part because of the political stakes involved in the emperor's consolidation of power as Livy was writing.

Although he appears to defer to Augustus, the digression is so unconvincing that the reader is led to suspect that Livy means something different than what he actually says. This cannot be easily reconciled with the "Livy as Augustan" political interpretation, since the question of deference remains open, nor can its obvious political subject matter fit with the skeptical "Livy as apolitical" interpretation.

These interpretive issues suggests that the previous views are incomplete. What, then, can explain this famous and oft-studied digression, and what might it tell us about Livy's politics? The missing piece, I argue, is an interpretation that recognizes Livy's skepticism toward Augustus while also acknowledging that such skepticism amounts to political *criticism* of Augustus and his regime. Since Augustus intertwines his own political and historical claims, we cannot read Livy as criticizing one without criticizing the other.

This critical skepticism emerges by attending to the rhetorical strategy that Livy employs at key moments like the Cossus digression. Specifically, Livy uses "figured" speech, a rhetorical strategy not uncommon in antiquity whereby a speaker communicates a message whose intended meaning is more than what the words seem to say. In these moments, Livy presents Augustus as a despot whose regime centers more on controlling memories of the past through monopolization of memory than on overt political domination. If despotic rule seeks to control memories of the past, then we should expect that historians like Livy will have to communicate in an oblique or figured manner.

My reading of the Cossus affair is not so much a refutation as it is a complement to skeptical readings like Sailor's that acknowledge Livy's criticism but restrict its domain by not engaging the

political implications of this skepticism. It also complements recent efforts by scholars like Jan Felix Gaertner,[vii] Daniel Kapust,[viii] and Ann Vasaly[ix] that recognize Livy's independence and capacity for serious political thought.

Recognizing that Livy uses the Cossus affair to criticize Augustus also allows us to see other instances of similar criticism in his text. This in turn raises points of continuity between Livy and other Roman authors like Ovid and Tacitus. Ovid, for his part, exposes and challenges the private or informal channels of control that Augustus wielded over the Romans. Tacitus, like Livy, looks to the past as a means of resisting despotism. For these authors, despotism is just as much about controlling the past through monopolizing memory as it is about overt political dominion.

I begin with a discussion of figured speech that examines its precedent, theory, and use. I then turn to Livy, briefly giving the narrative context around the digression, followed by a close reading of his rhetorical strategy in the digression. I show the connection between this reading of the Cossus affair and other moments in the text, particularly the treatment of some of the variant stories told about Romulus. Finally, I consider how this interpretation of Livy is similar to other Roman authors' treatment of the relationship between empire and memory and the nature of despotism.

II – Figured Speech

At its most general, ancient rhetorical theorists defined a figure as the term for "the form of a thought, as in bodies, which, however they are arranged, have by necessity some shape" (*forma sententiae, sicut in corporibus, quibus, quoquo modo sunt composita, utique habitus est aliquis*; Quint. *Inst.* 9.1.10). There was also a more specialized meaning, though, in which figure (also known as *schema*) was understood as an intentional change to speech that allowed speakers to mean something different than what their words appeared to say.[x]

The orator (or author) could achieve this effect by using figures like simile, metaphor, irony, all of which are familiar enough to modern readers, and *emphasis*, a term that the ancients use to refer to the alternate meanings that a speaker hides, as it were, for the listener to discover. As Quintilian writes, *emphasis* "is among the figures of speech too, whenever something hidden is dug out from some remark" (*est emphasis etiam inter figuras, cum ex aliquo dicto latens aliquid eruitur*; Quint. *Inst.* 9.2.64).[xi] This, of course, is effectively the opposite of how we use "emphasis" today to mean a point that we wish to explicitly make clear to an audience. [xii]

Figures are powerful because they are compact.[xiii] They allow the speaker to convey a great deal of meaning in a short space, and the listener is led to infer the point from a brief statement rather than having it spelled out for them (*On Style* 241; 265-66; 272-3). Accordingly, they are useful whenever direct speech is not advisable. As Quintilian writes,

> There are three uses of this[xiv] figure: first, if speaking openly is unsafe, second, if it is not seemly, and third, which is used for the sake of elegance and which, by its novelty and greater variety, delights more than if the narration were straightforward.[xv]
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> *eius triplex usus est: unus si dicere palam parum tutum est, alter si non decet, tertius qui venustatis modo gratia adhibetur et ipsa novitiate ac varietate magis, quam si relatio sit recta, delectat* (*Inst.* 9.2.66)

The first condition is most relevant for understanding Livy. Here, figured speech is useful and necessary because a tyrant prevents open expression. Quintilian tells us that

Of these, the first [use] abounds in the schools, as in the conditions of tyrants laying down their power and senatorial decrees composed after a civil war – and it is a capital crime to criticize someone for past actions, since that which is not suitable in the forum is not allowed in the schools.

ex his, quod est primum, frequens in scholis est. Nam et pactiones deponentium imperium tyrannorum et post bellum civile senatus consulta finguntur et capitale est obiicere anteacta, ut, quod in foro non expedit, illic nec liceat (*Inst.* 9.2.67).

Ahl points out that Quintilian's tyrants are not mere *personae*, rightly underscoring that such exercises in the schools were intended to be directly applicable to Roman life (1984: 190).[xvi]

Seneca the Elder offers a similar view of figured speech. [xvii] He praises his old friend Marcus Porcius Latro for his rhetorical skill in declaiming fictitious lawsuits, including such cases where figured speech was needed. But, Seneca says,

It did not please him to change his speech, to deviate from the straightforward path, unless either necessity compelled him, or a great advantage persuaded him. He denied that figures were invented for the sake of beauty, but to aid, so that something that would offend the ears if spoken openly might slide in furtively, from the side.

non placebat illi orationem inflectere nec umquam recta via decedere nisi cum hoc aut necessitas coegisset aut magna suasisset utilitas. Schema negebat decoris causa inventum, sed subsidii, ut quod [palam] aures offensurum esset si palam diceretur, id oblique et furtim surreperet. (*Controversiae* 1.24).

Oblique criticism of a powerful person rests on three interrelated interpretive premises: the ability for facts to speak (as it were) for themselves, the speaker's ability to hide something within a phrase, and the listener's ability to uncover it.

Do facts speak for themselves? The ancient rhetoricians thought so. Demetrius gives Plato's *Phaedo* as a prime exemplar. There Plato reproaches his friends Aristippus and Cleombrotus for their absence in the final days of Socrates' life when, at the outset of the dialogue, Phaedo tells Echecrates that Aristippus and Cleombrotus were in Aegina rather than Athens (*On Style* 288; *Phaedo* 59c). Plato is therefore able to criticize his two friends tactfully (recall Quintilian's second condition) while not saying so explicitly. The facts of Aegina's proximity to Athens, the length of Socrates' imprisonment, and the low cost of the travel *are themselves* the reproach (*On Style* 288). This cuts against the way that modern readers tend to interpret arguments,[xviii] yet this is the grounding assumption for the ancient rhetoricians who theorize figures. Thus Quintilian:

The facts themselves must lead the judge to suspicion, and we must remove other points, so that this suggestion alone remains. Often in this, emotions, delays, and words broken by silence are helpful. For thus the judge will be brought to look for something that he would perhaps not believe if he were to hear it, and that he *does* believe because he thinks that he found it for himself.

res ipsae perducant iudicem ad suspicionem, et amoliamur cetera, ut hoc solum supersit; in quo multum etiam adfectus iuvant et interrupta silentio dictio et cunctationes. sic enim fiet, ut iudex quaerat illud nescio quid ipse, quod fortasse non crederet, si audiret, et ei, quod a se inventum existimat credat (*Inst.* 9.2.71)

Now, it is not *literally* the case that a fact can "speak for itself." This is, after all, a figure of speech. But it is true that context and facts can be shaped and presented so as to suggest a particular interpretation – one that does not require the explicit statement of the speaker – and this is what rhetoricians like Quintilian and Demetrius have in mind.

One of the dominant metaphors in rhetorical treatments of figured speech is that of hiding or concealing. We saw that Quintilian defined *emphasis* as "whenever something hidden is dug out from some remark" (9.1.14). He repeats this at 9.2.65, saying there that "In this, we want to arouse a certain suspicion that we imply a meaning that we did not actually say. Our meaning in this case is not simply the opposite of what we said, as in irony, but something hidden and that the listener must uncover (*in quo per quandam suspicionem quod non dicimus accipi volumus, non utique contrarium, ut in Εἰρωνείᾳ, sed aliud latens et auditori quasi inveniendum*). In describing Latro's *subtilitas*, Seneca writes that "plots that are concealed are more dangerous: disguised acuteness, which is evident from its effect, concealed in its appearance, is the most useful (*magis nocent insidiae quae latent: utilissima est dissimulata subtilitas, quae effectu apparet, habitu latet*; Seneca the Elder *Controversiae* 1.21).

Complementing this is the idea that the listener can uncover this meaning. Thus, Quintilian says that remarks are not merely hidden, but must be uncovered by the listener. Similarly, Seneca the Elder uses *latent*/*latet* (lie hid, lurk,) to convey this idea. As Ahl says, "[i]n the forceful style…the reader or listener must supply some information, do some work himself" (1984: 176). The meaning of a speaker's statement is unfinished until the listener uncovers the lurking suggestion. Moreover, this meaning is not accidental. The speaker intentionally hides these meanings.[xix] The speaker does not need to explicitly make sensitive or critical statements – something that a tyrant's rule likely precludes anyway. Quintilian notes the risk to the speaker is capital punishment (9.2.67), and Demetrius signals that the speaker risks the anger of the tyrant (it is not difficult to imagine the range of adverse outcomes here).

Certain strategies were known to be conducive to oblique criticism. In dealing with tyrants, Demetrius recommends condemning others who display similar vices as the tyrant in question or praising those who have displayed the opposing virtue (292). He also approves the practice of praising a tyrant with a certain vice for the instances where he has avoided that vice (295). Quintilian, as we saw, recommends appearing to hesitate and introducing emotion as a way to arouse a listener's suspicion (9.2.71; cf. Hermogenes *On Types of Style* 367, Longinus *On The Sublime* 17, Pseudo-Hermogenes *On Invention* 368, and Pseudo-Dionysius in Russell 2001: 162). Curiously, Quintilian recommends *against* using words with ambiguous meanings (9.2.69) and arrangements (9.2.70) – precisely the strategies that other rhetoricians recommend. Pseudo-Hermogenes, for example, in the stock situation of a son confronting his father for an adulterous relationship with the son's wife, urges the speaker to say the word "father" near "adulterer" to avoid the unseemly direct accusation (e.g., "I know you were not the adulterer, Father"; *On Invention* 4.13 209-210; cf. Pseudo-Dionysius in Russell 2001:161-3 and Demetrius 291).[xx] There is widespread agreement, though, that figures of any type should not be overused: "But if figures are to be most effective, they ought not be too numerous. For figures become apparent by their sheer number, and they will not lack for offense, but persuasion" (*sed ne si optimae quidem sint esse debent frequentes. nam densitate ipsa figurae aperiuntur, nec offensae minus habent, sed auctoritatis*; Quint. *Inst.* 9.2.72).[xxi]

Finally, let us note that there was widespread awareness of this style of speaking. When Quintilian introduces the topic, he writes that "there is another (figure), bordering on or even the same, as *emphasis*, which is widely used at the present time. Now I must come to this, which is extremely common and, I believe, eagerly anticipated" (*huic vel confinis vel eadem est, qua nunc utimur plurimum.*

Iam enim ad id genus, quod et frequentissimum est et exspectari maxime credo, veniendum est), a point that Demetrius echoes (287).

Forceful though latent meaning can be found in Livy's text. Let us turn to the preface of *Ab Urbe Condita*. It is a preface to the work in its entirety, to the first pentad as a unit, and to the first book specifically. Here Livy makes the potentially surprising acknowledgement that events in the far past are historically suspect.[xxii] Among these is the Romans' descent from Mars. Despite the unknowability of this claim, "if it is fitting to allow any people to make sacred its own origins and to call the gods their progenitors, the Roman people's glory in war is such that when it claims Mars as its own and especially the parent of its founder, the peoples of the world accept this with the same equanimity as they endure her rule" (*et si cui populo licere oportet consecrare origines suas et ad deos referre auctores, ea belli gloria est populo Romano ut cum suum conditorisque sui parentem Martem potissimum ferat, tam et hoc gentes humanae patiantur aequo animo quam imperium patiuntur*; preface 7).

This is a forceful simile. With it, Livy indicates that his focus is not so much on questions of historical truth as the inseparability of these questions from politics. Accepting the truth of doubtful stories is akin to submitting to *imperium*.[xxiii] In this simile, *imperium*, usually understood to mean the right to command in war and to interpret and execute law, also includes the right to determine the truth of stories about the past. The stakes of competing historical stories are high – subordination and subjugation in the manner of a conquered people.

Casting history in this way has implications for thinking about its political nature. Dominion over a people can be exercised beyond the formal and institutional bounds of politics by deciding historical truth.[xxiv] Stories about the past are, in this view, a site of political contestation. A despot will seek to restrict competing historical traditions and impose an interpretation of the past, just as he "resolves" political pluralism and competition. Similarly, not accepting dubious or obviously false stories marks one as independent (in spirit, at least) and raises the possibility of resistance through presenting historical complexity and variant stories — not accepting the despot's history as true is equivalent to not accepting his rule as legitimate.

Despots and conquerors do not generally take well to resistance and dissent, though. We should expect, therefore, that resistance to a despot's historical claims will be made obliquely, rather than openly. This, I will show in the following section, is exactly what Livy does in his treatment of the Cossus affair at 4.17-20.

III – The Cossus Affair

In the year 437 BCE, the Roman colony at Fidenae revolted and allied itself to Lars Tolumnius, king of the Etruscan city Veii (*Ab Urbe Condita* 4.17).[xxv] The Romans fought a bloody but inconclusive battle against the Veientines, prompting the Senate to appoint Mamercus Aemilius as dictator. The dictator and his lieutenants pushed the Etruscans and their allies out of the Roman hinterlands until the two armies were arrayed outside of Fidenae for the climactic battle. In the midst of this battle, as Lars Tolumnius himself put up the strongest resistance, Livy introduces Aulus Cornelius Cossus: "There was then among the cavalry a tribune of the soldiers named Aulus Cornelius Cossus" (e*rat tum inter equites tribunus militum A. Cornelius Cossus* 4.19).[xxvi] It is the first time the man appears in the narrative. He is a *tribunus militum*, a tribune of the soldiers or a mid-level officer. Cossus kills Tolumnius himself, strips the king's arms and armor, and routs the Etruscans by displaying their king's severed head. Because Cossus killed Tolumnius in battle, the loot or *spolia* that he took from the king and dedicated to Jupiter were called *spolia opima* ("spoils of honor,"), a feat that at that time only the legendary Romulus had achieved.

After reporting this dedication, Livy interrupts the historical narrative with a digression on Cossus, his rank, and the *spolia opima*:

> Following all historians before me, I have related that Aulus Cornelius Cossus bore the second *spolia opima* to the temple of Jupiter Feretrius as a tribune of the soldiers; however, besides the fact that only those *spolia* are rightfully held *opima* that a commander strips from another commander –and we do not recognize a commander except he under whose auspices war is waged – the label itself, having been inscribed on the *spolia*, argues against them and me, showing that Cossus took them as consul. When I heard that Augustus Caesar, founder and restorer of all temples, had entered the temple of Jupiter Feretrius, which had fallen apart from age and that he repaired, and had himself read the inscription on the linen corselet, I judged that it would be near sacrilege to take away from Cossus a witness of his spoils like Caesar, the man responsible for the temple itself. What the error might be in this affair, since both the ancient annals and records of magistrates, whose linens are stored in the temple of Moneta and whom Licinius Macer often cites as authorities, only hold that Cossus was consul ten years later with Titus Quinctius Poenus, is for anyone to judge. For this issue also arises, that it would not have been possible to move so famous a battle to that year, because there was a three-year period nearly without war because of disease and a lack of crops around the consulship of Cossus, to such a degree that certain annals, as if funeral records, offer nothing except the names of the consuls. The third year from the consulship of Cossus has him as a military tribune with consular power[xxvii], and master of horse in the same year, in which command he waged another notable cavalry fight. It is a free conjecture, but, as I judge the matter, vain. Although one may hold any of these opinions, the man responsible for the battle, having just deposited the *spolia* in the sacred place, nearly gazing upon Jupiter himself, to whom he had dedicated, and Romulus – witnesses to a false inscription hardly to be scoffed at – wrote that he was Aulus Cornelius Cossus, consul.
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> *Omnes ante me auctores secutus, A. Cornelium Cossum tribunum militum secunda spolia opima Iouis Feretri templo intulisse exposui; ceterum, praeterquam quod ea rite opima spolia habentur, quae dux duci detraxit nec ducem nouimus nisi cuius auspicio bellum geritur, titulus ipse spoliis inscriptus illos meque arguit consulem ea Cossum cepisse. Hoc ego cum Augustum Caesarem, templorum omnium conditorem ac restitutorem, ingressum aedem Feretri Iouis quam uetustate dilapsam refecit, se ipsum in thorace linteo scriptum legisse audissem, prope sacrilegium ratus sum Cosso spoliorum suorum Caesarem, ipsius templi auctorem, subtrahere testem. Quis ea in re sit error quod tam ueteres annales quodque magistratuum libri, quos linteos in aede repositos Monetae Macer Licinius citat identidem auctores, decimo post demum anno cum T. Quinctio Poeno A. Cornelium Cossum consulem habeant, existimatio communis omnibus est. Nam etiam illud accedit, ne tam clara pugna in eum annum transferri posset, quod imbelle triennium ferme pestilentia inopiaque frugum circa A. Cornelium consulem fuit, adeo ut quidam annales uelut funesti nihil praeter nomina consulum suggerant. Tertius ab consulatu Cossi annus tribunum eum militum consulari potestate habet, eodem anno magistrum equitum; quo in imperio alteram insignem edidit pugnam equestrem. Ea libera coniectura est sed, ut ego arbitror, uana. Versare in omnes opiniones licet, cum auctor pugnae, recentibus spoliis in sacra sede positis, Iouem prope ipsum, cui uota erant, Romulumque intuens, haud spernendos falsi tituli testes, se A. Cornelium Cossum consulem scripserit.*

The issue at hand is Aulus Cossus's rank. Was he a tribune or a consul? Livy initially had said tribune, but sometime after writing this, Augustus[xxviii] announced that he had discovered evidence for Cossus being consul and Livy inserted this new evidence into the narrative. This was not a disinterested correction of

the historical record on the emperor's part – there were political stakes in this historical question. The tale is well-known by now but still worth briefly laying out.[xxix] In 29 BCE, Marcus Licinius Crassus, grandson of the *triumvir* and the proconsul of Macedonia, killed the Bastarnae chieftain Deldo. He claimed that the *spolia* he had stripped from Deldo were *opima*, entitling him to dedicate them to Jupiter Feretrius in the same ceremony as Cossus and Romulus.[xxx] Unsurprisingly, Octavian objected to this. As Cassius Dio reports (51.4), the reason given was that Crassus, as proconsul, was fighting under the consul Octavian's auspices and so was not technically a *dux*. However, there was the inconvenient fact that the famous historical precedent, Cossus, had not been consul but tribune when he claimed the *spolia opima*. If true, then the status of *dux* would be immaterial to the question and Crassus would have been right in claiming his *spolia* as *opima*.

The political stakes prompted the emperor to look into the matter himself. He claimed to have entered the temple of Jupiter Feretrius and discovered the original linen corselet with Cossus's own inscription, where he referred to himself as "consul." This was Octavian's stated reason for denying Crassus the right to dedicate the *spolia opima*. The real reason, of course, was not a technical question of law but a political one: Octavian did not want to share honors,[xxxi] particularly an outstanding military honor, with a potential rival. It was politically convenient – even necessary – to the regime that the emperor control the distribution of honors, so this contemporary political issue, and its "solution" that *spolia opima* could only be claimed by a *dux*, required a revision of Roman history.

Following Dylan Sailor (2006: 332), what matters for my purposes is that the passage is a later insertion and is presented as such. The text, however, is surprisingly vague about how Livy came to be aware of Augustus's discovery of the consular claim. Badian notes (1993: 14-16), there is an omitted verb of saying in the clause that ends with *legisse audissem*.[xxxii] A participle (*dicentem*) would signify a firsthand link between Augustus's statement of his research and Livy, while an infinitive (*dicere, dixisse*) would signify a secondhand connection, i.e., that Livy heard about Augustus's research. Badian argues that Livy would not have omitted the "great honour of being personally told by the Princeps" (1993: 14), nor could he be referring to a report of the Senate, and surmises that Augustus must have called a *contio* to present his research (thereby justifying his decision to deny Crassus) that Livy attended. This, however, seems to run into a similar problem as the other explanations: why Livy would not mention that he had attended this *contio*. The text ultimately does not allow us to draw any firm conclusions about *how* Livy heard Augustus's discovery – only *that* he did. All we can say for certain is that the contrast between the original tribune narrative and the inserted consular claim reflects a pressing and contemporary political problem for Augustus, who had a stake in the consular claim being or seeming true. This unspoken reality surely hung over Livy's head, however it was transmitted to him. From a rhetorical perspective, the omitted verb of saying mirrors this by creating a sense of imprecise but looming tension for the reader, who likewise comes to feel the unspoken political necessity that compelled the emperor to investigate Cossus's rank.

The passage should be read, then, as reflecting a condition that was not conducive to speech – exactly the situation that rhetoricians identify as appropriate for using figured criticism. The simplest way to incorporate Augustus's evidence would have been to change the instances of *tribunus militum* to *consul*. Not doing so seems to betray a lack of confidence in the evidence – not to mention the fact that Cossus is referred to as *tribunus militum* at 4.32.4. This would be a clumsy and rather shoddy correction, if that is what Livy meant it to be.[xxxiii] Instead, its length invites the reader's attention. Accordingly, let us consider the passage in light of the discussion on figures. A careful parsing of the digression shows that Livy uses the strategies recommended by rhetoricians for speaking in figures – *emphasis*, letting facts speak for themselves, and irony.[xxxiv]

Livy begins by stating that "all authors before me" (*omnes ante me auctores*) recorded that Cossus was a tribune. This is not in fact true: as Ogilvie notes (563), Valerius Maximus says that "as *magister equitum* [second in command to the dictator] he met the leader of the Fidenates in battle and

killed him" (*magister equitum ducem Fidenatium in acie congressus interemisset*; 3.2.4). Since Valerius Maximus was writing in the reign of Tiberius, Ogilvie must mean that this is evidence of an earlier and alternative tradition.[xxxv] There are two options here. Livy may be simply right that *omnes auctores* held Cossus as tribune,[xxxvi] in which case the phrase is a straightforward description of Augustus against every other Roman historian. Alternatively, Livy may be rhetorically creating a historiography in which every other Roman historian is arrayed against Augustus by eliding alternate traditions where Cossus was not tribune. In this case, Livy is deliberately isolating Augustus by contrasting him to an invented consensus of *omnes auctores*. And while Livy says "all authors before me," he is implicitly part of this category by virtue of calling Cossus a tribune in the original text. The effect is much the same as the first option, though if this is the case, then Livy has gone out of his way to show a contrast between Augustus and *omnes auctores*, which would tell us something about his intentions.

With this statement, Livy appears to apologize ("I was just following everyone else, and we were all wrong"), while actually showing just how unprecedented Augustus's consular claim is. Drawing battle lines with *omnes auctores* on one side and Augustus on the other is not exactly a credible position for the emperor. Livy does not need to say this – the contrast itself leads the reader to the point. A person claiming to correct everyone before him would need to have powerful and compelling evidence to be convincing. Someone without such evidence is either foolish or contemptuous.

Augustus's story relied on one core piece of evidence – the inscription on the linen corselet that read "Aulus Cornelius Cossus, consul." This, Livy writes "argues against them [*omnes auctores*] and me."[xxxvii] But, as we saw above, Livy notes that he *heard* this about this evidence,[xxxviii] not that he (or even others) had *seen* this linen corselet, thereby weakening the strength of the evidence without directly expressing doubt.[xxxix] Moreover, Augustus had a personal and political stake in the consular claim. He was the very definition of an interested party. Conveniently, the corselet provided *exactly* what the emperor needed. The evidence in question was a four-hundred-year-old piece of linen that had been worn in battle and then stored in a temple with a wooden roof that had gradually fallen into ruin.[xl] To think that the corselet would have been intact, much less that any writing on it would have been legible, beggars belief.[xli] Livy does not need to say this, though. He merely needs to report Augustus's claim. The "evidence" is so inherently implausible that its very nature arouses the reader's suspicion that it is counterfeit.

As a correction, the digression nominally concedes that Augustus is right. But, Livy notes, this raises questions about the relationship between the corselet and the traditional historical record, which held that Cossus was consul at a later date. There is no obvious way to reconcile these claims: Livy notes that the three-year period around the traditional year of Cossus's consulship contained no major events, thus making it unlikely that the battle where Cossus claimed the *spolia opima* could have been moved to the year of his consulship. By calling attention to the difficulties involved in trying to reconcile the claims, Livy ironically demonstrates that Augustus's claim is full of problematic implications and that it actually raises more questions than it answers.[xlii]

Livy describes Augustus as the man responsible for the temple of Jupiter Feretrius (*ipsius templi auctorem*). This, of course, would have given Augustus latitude to fabricate any evidence he needed. Ogilvie and Harriet Flower have argued that the temple did have a genuine inscription of "Aulus Cornelius Cossus, consul" that dated to the 2nd century BCE,[xliii] but if true, this would raise the question of why neither Livy nor anyone else went to see the inscription and verify it. Badian rightly argues that although "we may assume that by [the time Livy could have seen it] the corselet with the correct dedication would be in place," it would nevertheless have shown "unpardonable suspicion of the Princeps" for Livy to do so (1993: 16). Furthermore, it does not explain why Livy would have erroneously identified Cossus as tribune in the first place. So we are brought back to the idea that Augustus invented his evidence.

Suspicion of fabrication is one thing, but the religious language Livy uses, and the religious setting, mean that Augustus's fabrication would be something worse – *sacrilegium*, the robbing of a temple or the theft of sacred things. The question here is whether Augustus's consular claim is pious. Livy indicates that accepting Augustus's consular claim is a near-religious matter, while rejecting it would almost be akin to sacrilege (*prope sacrilegium*), or theft of a sacred object. Augustus is the man responsible for the temple's refurbishing (*ipsius templi auctorem*), a phrase that seems to establish his credibility and *pietas*.[xliv] Cossus, too, appears as a pious man, since he does what any good believer would do: not dare lie in the sight of Jupiter and Romulus. Yet as we saw, the heavy implication is that Augustus fabricated his evidence. If he did indeed lie, then given the religious setting, this lie would amount to the very thing that Livy says no person would do – scoffing at the gods. The message is therefore an ironic accusation, implying that the real sacrilege is Augustus's lie about the consul tradition.

This is a powerful display of rhetoric. The entire digression presents itself as a deferential apology to Augustus. And yet its figures undermine this apparent message and work as a double criticism of Augustus's *auctoritas* and *pietas*. The criticism of *pietas* is an especially cutting point since the dominant theme in Octavian's revival of Rome was traditional religion.[xlv]

IV – Conclusion

Attending to Livy's rhetorical strategy in the Cossus affair shows that he is skeptical towards Augustus's historical research in a way that also challenges Augustus's political position. My reading underscores the political nature of Roman history, especially as it was used by Augustus. Yet it differs from previous work in two ways. First, scholars in previous generations tended to read the digression as a political *endorsement* of Augustus.[xlvi] More recently, scholars like Gary Miles and Dylan Sailor have read the digression as an expression of Livy's skepticism. Miles, for example, sees Livy as "acknowledging Augustus' personal authority generously and uncompromisingly while at the same time undermining it."[xlvii] Sailor, too, reads the digression as suggesting fabrication, such that "Livy demonstrates he is not among the fooled, and gives his readers a way out of this social degradation as well."[xlviii]

I share the skepticism of Miles and Sailor but stress the political implications of this skepticism. In reading Livy as calling into question historical truth itself, Miles's reading leaves Livy unable to affirm any sort of truth claim – including political ones. [xlix] Sailor is more forceful when he writes that Livy's and Augustus's "versions are not…equally available, but rather…two incompatible modes of belief."[l] Yet his conclusion too pulls back at a critical juncture:

> The implicit contest between the *auctoritas* of Augustus and that of Livy is not, after all, about anything so trivial as a particular piece of policy… Resistance to Augustus's story is not in the first instance about whether Romans should be under the leadership or domination of Augustus: it is above all, I would offer, about whether Livy's history is to have sovereign authority and the full attention of the people of Rome, and it is only then and incidentally about Augustus... This one passage does not make Livy's text generally contrary to the Augustan regime; resistance here has appeared in response to a particular instance of Augustus's work that seems to pose a threat to what Livy's text is supposed to become. And surely much in Livy's project was congenial to the regime.[li]

This conclusion, like Miles's, is missing something. It views the contest between Livy and Augustus as an apolitical question of who the superior historian is. Yet questions of whose history is preferable would seem almost inescapably political – particularly interpretive questions of power and legitimacy.[lii] But to

the extent that Sailor treats the political dimension, his reading resembles the earlier pro-Augustan readings, in no small part because of the implicit identification of "politics" with "policy."

Reading the digression as a figured criticism of Augustus, however, takes the reader to deeper political issues than the nominal, merely factual, question of Cossus's rank. It reveals that Augustus is neither a restorer of temples nor a restorer of the republic. Instead, he seeks to control Roman memory itself, insidiously claiming that (his false) history underwrites his political legitimacy.[liii] Livy resists Augustus through an indirect defense of the traditional Cossus story, and in doing so lays bare Augustus's rule for what it is – despotism.

This reading is also helpful more broadly because Livy's figured criticism of Augustus is not limited to the Cossus affair. Specifically, his presentation of Romulus works as a covert criticism of Augustus's political position. This, I argue, places Livy in the company of other Roman authors who are similarly critical of despotism and whose criticism also centers on the informal and extra-institutional elements of political life.

One of the strategies that Demetrius recommends for censuring powerful people is to use a person in a similar position as a stand-in for the real target, either by condemning someone who has acted like the real target or by praising someone who has done the opposite (*On Style* 292). Such a strategy helps to explain the variant stories about Romulus that Livy reports in Book I[liv] as in keeping with the criticism of Augustus in the Cossus digression.

The intelligibility of this strategy depends on there being a suitable stand-in for the real target. Without this, the author's point will be utterly obscure. There are numerous reasons to see a connection between Augustus and Romulus. Augustus presented himself as a second founder of Rome (and the rebuilding of the temple of Jupiter Feretrius played no small part in this[lv]). Before accepting the title "Augustus," he coveted the appellation "Romulus" until its kingly connotations dissuaded him.[lvi] Even so, "Augustus" brought to mind Romulus "through its connection with *augurium*," as Walter Eder writes.[lvii] For Roman authors, comparing Augustus to Romulus was not unprecedented – Horace does just this in the opening of *Epistles* 2.1-17. As Miles (following Ogilvie) argues, a Roman reader of the 20s BCE would have recognized discussions of Romulus and Cossus (among others, like Camillus) as having a contemporary parallel in Augustus.[lviii]

Understanding this allows us to see Livy's authorial choices in the stories about Romulus as having some measure of application to Augustus. Among these choices are the slaying of Remus and the death of Romulus. Despite its fame, both in the Augustan era and in our time, the story of Romulus's slaying of his brother Remus was only one among many.[lix] Other versions name a man in Romulus's service, Celer, as the killer, or leave the identity unknown. Put differently, Livy had a number of more prominent traditions available to draw on, but he chose to include one that casts Romulus in a decidedly ambivalent light. As T.P. Wiseman writes, "[i]f…you wanted to blame Romulus, there was a better way of doing it than by using Celer. Livy does not mention Celer at all" (1995: 10). Promoting the Romulus-as-killer variant, then, underscores a fratricidal and tyrannical streak in Romulus.

This finds a parallel in Romulus's death. At the end of his reign, Romulus was reviewing a cohort of troops. A sudden storm arose, and Romulus vanished amid clouds and thunder. Such an end would be fitting for a god – but Livy adds a variant story. "I believe that there have also been those who were quietly asserting that the king was torn to pieces at the hands of the senators; for this story has survived, although very obscurely" (*fuisse credo tum quoque aliquos qui discerptum regem patrum manibus taciti arguerent; manavit enim haec quoque sed perobscura fama*; 1.16). Romulus, hated by the Senate that he had founded, appears again as a tyrant.[lx] This, I want to suggest, should be read as Livy's own way of quietly asserting that Augustus was a despot and murderer, not the just and forgiving republican of imperial propaganda.

But Livy was not alone, either in communicating indirectly or in identifying control over memory as a central feature of despotism. This raises a critical point of similarity with a tradition of other Roman authors, namely Ovid and Tacitus, and their insights into the nature of despotism.[lxi]

Ovid, who was exiled by Augustus for his writings,[lxii] nevertheless continued to write poetry that challenged Augustus. As Nandini Pandey has argued, Ovid's exile poetry figuratively allows the poet to "[reinvent] Rome as a conceptual *res publica* in which he can still participate, even from the margins of empire. The sense of civic identity he propounds from exile is based not on place, politics, or legal rights, but rather, on shared language, ideas, and imaginative participation in Rome's diverse polity – including spectatorship of their shared leader, whether he likes it or not" (2020: 140).[lxiii] In addition to her perceptive reading of Ovid's words, Pandey rightly underscores how this reading is both political and at the same time "beyond" the scope of the legal rights and formal institutions that we normally associate with politics. Instead, Ovid "exposes the private, irrational basis of the so-called 'power of images in the age of Augustus'" (2020: 139-140).[lxiv]

The force of such poetry lies in its ability to define Augustus in a way that the emperor could not control. Pandey's 2018 *Poetics of Power* opens with a story from Suetonius about Augustus's last day, where he asks the observers at his bedside whether he has "played the mime of life fitly" and adjusts his appearance (1-2). Revisiting this story throughout the work, Pandey concludes by noting that it "encapsulates the reciprocal roles of emperor and subjects in creating imperial authority and shaping historical memory" (250-1). Ultimately, Augustus could not control memory itself, despite a lifetime of effort, because the emperor's literary power did not match his political power. This was due in no small part to authors like Ovid who, through the very act of writing, implicitly claimed a reciprocal power to define or re-define the emperor. The "Augustus we know," writes Pandey, "is not so much a person as a collective text, woven from successive acts of interpretation and imagination" (251).

Tacitus too focuses on the emperor's attempt to control perception and memory through censorship.[lxv] A major theme in the proem of the *Agricola* is Domitian's censorship and its consequences for the survivors (*Agr.* 2). Likewise, the story of the historian Cremutius Cordus in the *Annales* tells a similar story about censorship and memory. Cordus was sentenced to death and his works were destroyed due to his praise for Brutus and Cassius – the implication of which is not difficult to work out. Despite the burning of Cordus's books, copies of his work survived. This prompts Tacitus to observe that "it is all the more pleasing to mock the stupidity of those who believe that present-day might is able to extinguish even the memory of subsequent generations" (*quo magis socordiam eorum inridere libet qui praesenti potentia credunt extingui posse etiam sequentis aevi memoriam*. *Ann*. 4.35). The censors of memory are foreign kings (*externi reges*)[lxvi] or those who wield the same savagery (*qui eadem saevitiam usi*) – in other words, the princeps.

A central feature of despotism, as it appears in Tacitus's works, is its attempts to suppress speech and memory. Like Ovid and Livy, what matters most in this analysis is the character of the emperor. As Dan Kapust has written, the Cordus episode demonstrates that "[t]he personality of the ruler trumps the impersonality of institutions in such a situation" (2015: 23).[lxvii] Recognizing this, as this tradition of authors helps us to do, is a major insight into the nature of despotism.

This notion of despotism encompasses more than mere domination of present political institutions. Its reach extends to Roman history and the stories that inform the Romans' collective sense of identity. As Livy writes in the preface (7), control over historical stories shares something with political domination. This general statement does not name Augustus directly. Yet as we have seen, this is exactly what Augustus does with Cossus's consular claim. The reader can infer, then, that Augustus appears more like a conqueror imposing his will on a foreign people than a citizen reviving his community's ancestral values (as Augustus presented himself in the *Res Gestae*). Livy's characterization

in the preface highlights a strategic motivation that despots have to control narratives of the past, since this allows them to turn citizens into servile imperial subjects.

Such a regime is arguably more insidious than one that merely controls institutions. Since history furnishes morally and politically useful examples for one's own conduct (praefatio 10), the despot's control over history removes the most powerful potential source of resistance. The real locus of despotic control is not in institutions or laws but in collective memory and sense of self. These are, of course, related, and as a matter of practice, overt control tends to precede legitimating propaganda, but in Livy's telling the overt features of despotism are conceptually reliant on its subtler control of history and memory.

[i] See the bibliographies in P.G. Walsh, 1961, "Livy and Augustus," Proceedings of the African Classical Associations 4: 26-37 and D. Hammer, *Roman Political Thought: From Cicero to Augustine* (Cambridge: Cambridge University Press, 2014).
[ii] R. Syme, *The Roman Revolution* (Oxford: Oxford University Press, 1939); R. Syme, "Livy and Augustus." *Harvard Studies in Classical Philology* (1959), pp. 27-87; R.M Ogilvie, *A Commentary on Livy: Books 1-5* (Oxford: Clarendon Press, 1965); T. J. Luce, "The Dating of Livy's First Decade." *Transactions of the American Philological Association* (1965), pp. 209-40.
[iii] Walsh "Livy and Augustus" p.27.
[iv] Ernst Badian, while taking the more agnostic position that "the historian…will respond [to politics] in his writing [but] this need not reveal anything about his personal or political attitudes" (20), nevertheless asserts that "[Livy] must have welcomed the moral revival" that Augustus attempted (22). E. Badian, 'Livy and Augustus', in *Livius: Aspekte Seines Werkes* (Konstanz: Universitätsverlag Konstanz, 1993), pp. 9–33
[v] G. Miles, *Livy: Reconstructing Early Rome*, (Ithaca: Cornell University Press, 1995).
[vi] D. Sailor, "Dirty Linen, Fabrication, and the Authorities of Livy and Augustus." *Transactions of the American Philological Association* (2006) 136 (2): 329–88.
[vii] J.F. Gaertner, "Livy's Camillus and the Political Discourse of the Late Republic." *The Journal of Roman Studies* (2008): 27–52.
[viii] D.J. Kapust, *Republicanism, Rhetoric, and Roman Political Thought: Sallust, Livy, and Tacitus* (New York: Cambridge University Press, 2011).
[ix] A. Vasaly, *Livy's Political Philosophy: Power and Personality in Early Rome* (New York: Cambridge University Press, 2015). See also her historiography of Livy studies, pp. 1-4.
[x] See Ahl "Art of Safe Criticism" and Quint. 9.1.14 for the multiple meanings of figure and scheme.
[xi] Cf. Hermogenes *On Types of Style* 241, 287-290, and 366 in Hermogenes, *Hermogenes' on Types of Style*, trans. Cecil W. Wooten (Chapel Hill: The University of North Carolina Press, 1987; Pseudo-Dionysius *Ars Rhetorica* 8-9 (in D.A. Russell, 'Figured Speeches: "Dionysius," Art of Rhetoric VIII-IX', in Wooten (ed.) *The Orator in Action and Theory in Greece and Rome*, (Boston: Brill, 2001); Pseudo-Hermogenes *On Invention* 4.13 (G.A. Kennedy *Invention and Method: Two Rhetorical Treatises from the Hermogenic Corpus* (Boston: Brill, 2005).
[xii] Cf Frederick Ahl, *The Art of Safe Criticism in Greece and Rome* (1984: 179). This section draws on his discussion of figured speech.
[xiii] Cf Anonymous Seguerianus 1.78 in M. Dilts and G.A. Kennedy (eds.) *Two Greek Rhetorical Treatises from the Roman Empire: Introduction, Text, and Translation of the Arts of Rhetoric, Attributed to Anonymous Seguerianus and to Apsines of Gadara* (New York: E.J. Brill, 1997); See especially Frederick Ahl "The Art of Safe Criticism" p.176.
[xiv] Introduced in the previous section 9.2.65: There is another (figure), bordering on or even the same, as *emphasis*… (*huic vel confinis vel eadem est…*).
[xv] Curiously, Quintilian seems to be the only extant rhetorician who adds this third category, going against previous authors like Seneca the Elder (*Controversiae* 1.24).
[xvi] For more on this exercise, cf Seneca the Elder *Controversiae* 5.8 and Russell's note on this passage (121) in the 2002 Loeb edition.
[xvii] See also Demetrius 289-95; Apsines 1.16-19 and especially 1.85; Pseudo-Hermogenes *On Invention* 4.13.
[xviii] See Ahl "Art of Safe Criticism" pp. 178-9.
[xix] Cf. also Hermogenes *On Types of Style* 241, Anonymous Seguerianus 2.78, Apsines 1.16-19, 1.85, and 2.17-9, Pseudo-Dionysius *Art of Rhetoric* chs. 8 and 9, Pseudo-Hermogenes *On Invention* 4.13, which all treat *emphasis* and figured problems as intentional and under the control of the (skillful) speaker.
[xx] Cf Russell's comments on the insignificance individual words ("Figured Speeches" pp. 162-3). For the unseemliness of such an accusation, see Demetrius *On Style* 302 and Quintilian *Inst.* 9.2.76-80.
[xxi] Cf. Longinus *On The Sublime* 17; Seneca the Elder *Controversiae* 1.21-4; Hermogenes *On Types of Style* 376; Apsines 2.19.
[xxii] Syme criticized the early books as a "plunge into fiction" (Syme "Livy and Augustus" p.27), though I prefer Vasaly's argument that the lack of firm historical evidence affords Livy philosophical creativity in adopting traditional stories (Vasaly *Livy's Political Philosophy* pp.26-29).

[xxiii] Cf Miles *Livy* pp.138-9

[xxiv] Cf A. Wallace-Hadrill 'Mutatas Formas: The Augustan Transformation of Roman Knowledge', in Galinsky (ed.) *The Cambridge Companion to the Age of Augustus*, (Cambridge: Cambridge University Press, 2005), pp. 55–84 for example. He offers a Foucaldian analysis of Octavian's consolidation of power that emphasizes the emperor's control over the "possession of knowledge" and the ability to decide what is and is not a legitimate" way of knowing."

[xxv] I will refer to 4.17-4.20 as "the Cossus affair," and the 4.20.5-11 specifically as "the digression."

[xxvi] All translations are my own unless otherwise noted. I have used Ogilvie's OCT.

[xxvii] An office created during the "conflict of the orders" to accommodate plebeian unrest at being barred from holding the consulship. See T. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000-264 B.C.)*. Routledge History of the Ancient World (New York: Routledge, 1995) pp.344-40; see also Livy 4.6-7.

[xxviii] At the time of Crassus' victory, the emperor was known as Octavian, though by the time Livy had written this digression, he had assumed the title "Augustus."

[xxix] Originally pointed out by Dessau in H. Dessau, 1906. "Livius und Augustus." Hermes 41: 142-51, discussed in (among others) Syme "Livy and Augustus," Badian "Livy and Augustus," and Sailor "Dirty Linens."

[xxx] Additionally, Marcus Claudius Marcellus dedicated *spolia opima* in 222 BCE; see H. Flower, "The Tradition of the Spolia Opima: M. Claudius Marcellus and Augustus." *Classical Antiquity* (2000): 34–64.

[xxxi] See Syme "Livy and Augustus" p.64; M. Reinhold, *From Republic to Principate: An Historical Commentary on Cassius Dio's Roman History Books 49-52 (36-29 B.C.)* (Atlanta, Ga.: Scholars Press, 1988) p.162; F.V. Hickson, 1991. "Augustus 'Triumphator': Manipulation of the Triumphal Theme in the Political Program of Augustus." *Latomus* 50 (1): 124–38; and Badian "Livy and Augustus" 15.

[xxxii] Correcting Luce's claim that there was firsthand communication between Augustus and Livy. Cf Sailor "Dirty Linens" p.338fn25, who argues that once Augustus inserted himself in the chain of events, all other intermediaries become irrelevant.

[xxxiii] It is always possible that an author *is* simply careless. I think it is much more fruitful to assume that Livy is in control of his material. It seems implausible that in the course of making this major change to the text, Livy would have forgotten that he had referred to Cossus as *tribunus* just a few chapters later.

[xxxiv] I am not claiming that Livy took these strategies from any specific rhetorical theorist (for many of the rhetoricians cited in this article, that would be anachronistic). Rather, my point is that these strategies existed and were well-known, and therefore would have been available for Livy to draw on.

[xxxv] Additionally, Diodorus Siculus (*Library* 12.80) refers to Cossus as one of four military tribunes with consular powers in the year 418 BCE.

[xxxvi] On this view, Diodorus Siculus would be mistaken, and Valerius Maximus would either be mistaken or referring to a tradition that began after Livy wrote.

[xxxvii] A further indication that Livy groups himself with *omnes auctores* against Augustus.

[xxxviii] See note xxxvi; Sailor "Dirty Linens" fn25 for the difficult Latinity of this sentence; also, Gaertner "Livy's Camillus" p.28fn4.

[xxxix] See Badian "Livy and Augustus" p.16fn22 for the question of whether Livy could have seen the corselet.

[xl] For the construction of pre-Augustan temples, see P. Zanker *The Power of Images in the Age of Augustus*, trans. A. Shapiro (Ann Arbor: University of Michigan Press, 1988). Cf. also Miles *Livy* p 57.

[xli] As Ogilvie and Syme point out, *cognomina* were not recorded in early documents, and the chief consul at that time was called "praetor," not consul, so the inscription of "Aulus Cornelius Cossus, consul" reflects linguistic conventions that Cossus would not have used (Ogilvie *Commentary* p.563; Syme "Livy and Augustus" pp.43-4). Even if these would not have been known to Livy's average reader, the point about the linen's durability surely would have been available to anyone reading the digression (although Livy's observation at 7.3 may indicate a general awareness of linguistic changes from earlier Latin).

[xlii] I am grateful to Reviewer 1 for helping me to clarify this point in particular.

[xliii] Flower "The Tradition of the Spolia Opima" pp.34-5 n2 and n3 suggest that Marcellus invented the process of dedicating *spolia opima*; Ogilvie *Commentary* p.563 claims simply that Marcellus may have "restored" the temple and brought the older inscription into line with contemporary Latin.

[xliv] Cf Sailor "Dirty Linens" 339fn26 and Miles "Livy" p.43, contra Walsh "Livy and Augustus" p.34; but see D.S. Levene, *Religion in Livy* (New York: E.J. Brill, 1993) pp. 170-3, who takes Livy as genuinely praising Augustus's

pietas.

[xlv] As Zanker writes, "…it was *pietas,* as we shall see, that became the focal point of the new emperor's cultural and political program" (*Power of Images* p. 96).

[xlvi] Syme describes Augustus's "helpful admonition" toward Livy, who "probably regarded the whole business as a vexatious perturbation in a smooth and satisfactory narrative" ("Livy and Augustus" pp. 46-7). Luce similarly argues that Livy "accepts without question that Cossus was consul when he won the *spolia opima*; only a *dux* could do that, and it is confirmed by the inscription on the corselet" ("The Dating of Livy's First Decade" pp. 213-4). Ogilvie reads it as evidence that Livy's "ties with the imperial house were close and personal" though he was "politically uncommitted" (*Commentary* p. 564). Despite some differences from these scholars, P.G. Walsh still claimed that "Livy concedes that since Cossus described himself as consul before Jove and Romulus he could hardly have been lying" ("Livy and Augustus" p. 34).

[xlvii] Miles *Livy* p.46.

[xlviii] Sailor "Dirty Linens" p.335.

[xlix] Miles *Livy* pp. 47-54.

[l] Sailor "Dirty Linens" p.335.

[li] Sailor "Dirty Linens" pp. 381-2.

[lii] My thanks to [ ] for pushing me on this point.

[liii] C.f. Gaertner "Livy's Camillus" p.52: "Cunningly, Augustus would have presented himself as a true Republican, devoted to the traditional order, and at the same time he would have effectively silenced the Republican opposition by appropriating one of its most powerful and appealing paradigms [i.e., Camillus]."

[liv] These variant stories are not Livy's invention, to be clear. See, e.g., Plutarch *Romulus* 27 for the alternate tale of Romulus's death. T.P. Wiseman has documented the variety of myths about Romulus and Remus in T.P. Wiseman *Remus: A Roman Myth* (Cambridge; New York, NY, USA: Cambridge University Press, 1995). Cf also Miles *Livy* ch4. There are interpretive choices that must be made in the face of such evidence. I am not inclined to read Livy as merely reproducing conventional thought (i.e., reporting these variant stories simply because other authors reported them). I am more sympathetic to an approach like Catalina Balmaceda's in *Virtus Romana* (C. Balmaceda *Virtus Romana Politics and Morality in the Roman Historians* (Chapel Hill: University of North Carolina Press, 2017). Balmaceda rejects the idea that historians like Livy are merely "literary artists expressing important ideas of their times" and instead views them as "constructors of society in their own right, who, on the grounds of their personal political experience…and knowledge were in a privileged position to evaluate and promote change in political thinking" (p.2). While I do not claim that Livy is *constructing* social conventions so much as he is articulating standards that help us *assess* social and political conventions, I think Balmaceda is right to view authors like Livy as actively controlling their material rather than passively reporting it.

[lv] See Zanker *Power of Images* p. 56 and 103. Cf. Ovid *Fasti* 1.607.

[lvi] Cassius Dio 53.16.7.

[lvii] W. Eder "Augustus and the Power of Tradition: The Augustan Principate as Binding Link between republic and Empire" in K. Raaflaub and M. Toher (eds.) *Between Republic and Empire: Interpretations of Augustus and His Principate* (Berkeley: University of California Press, 1990) p. 105.

[lviii] Miles *Livy* p. 92; Ogilvie 739. Cf Lily Ross Taylor "Livy and the Name Augustus" *The Classical Review*, 32.7/8 (1918), 158–61 and G. Hirst "The Significance of *Augustior* as Applied to Hercules and to Romulus: A Note on Livy I, 7, 9 and I, 8, 9", *The American Journal of Philology*, 47(4), 347–357.

[lix] See Wiseman *Remus* pp. 10-11; Miles *Livy* pp.147-8. Livy's claim that the commoner story is that of Romulus slaying Remus for having leapt over the walls is perhaps an editorialization. Dionysius of Halicarnassus does not mention this version at all (1.87.2-3; 1.88.1); Licinius Macer does not identify Remus's killer; Plutarch (*Romulus* 10) reports two versions, where Romulus is responsible only in one, and as he makes clear in the comparison on the lives of Theseus and Romulus (5), there was much dispute over the identity of Remus's killer.

[lx] Cf Miles *Livy* p. 153.

[lxi] To be sure, there are disciplinary differences over what counts as a "tradition." As a political theorist, I use the word to mean a group of texts that orient us to similar theoretical or universal (political) issues. This may differ from the way that a historian understands a "tradition." See A. Saxonhouse,"Texts and Canons: The Status of the 'Great Books' in Political Theory," in *The State of the Discipline*, ed. Ada Finifter (Washington: APSA 1993) pp. 3-26.

[lxii] For Ovid's use of suggestive rather than open speech, see S. Casali "Qvaerenti Plvra Legendvm: On the Necessity of 'Reading More' in Ovid's Exile Poetry", *Ramus*, 26.1 (1997). Cf. Ov. *Ib*. 55-8 and *Tr*. 1.1.21-2.

[lxiii] N. Pandey, "Ovid, the Res Publica, and the 'Imperial Presidency': Public Figures and Popular Freedoms in Augustan Rome and America", Polis: The Journal for Ancient Greek and Roman Political Thought, 37.1 (2020), pp. 123–44.
[lxiv] An argument that Pandey makes elsewhere, as in *The Poetics of Power*, where the pillar of Augustus's rule was his *auctoritas* – but this (paradoxically) "existed within and because of his subjects' perceptions" (N. Pandey, *The Poetics of Power in Augustan Rome: Latin Poetic Responses to Early Imperial Iconography* (Cambridge, United Kingdom: Cambridge University Press, 2018) p. 2). See also pp. 5-6 and chapter 3.
[lxv] We should also note Tacitus's use of *emphasis*. See *Ann*. 4.33, R.H. Martin and A.J. Woodman, eds. *Annals. Book IV.* Cambridge Greek and Latin Classics. Cambridge: Cambridge University Press, 1989, p.175, and A.J. Woodman, *The Annals of Tacitus. Book 4.* Cambridge Classical Texts and Commentaries; 58. Cambridge; New York: Cambridge University Press, 2018, p. 187.
[lxvi] We should note the political implications here – "king" (*rex*) was not an office that the Romans looked favorably upon. Julius Caesar avoided the title, as did Augustus and all other emperors. Livy records that Brutus, after expelling Tarquin, made the Romans swear an oath never to allow another king to reign in Rome (2.1).
[lxvii] D. Kapust, "The Case of Cremutius Cordus: Tacitus on Censorship and Writing under Despotic Rulers," in G. Kemp (Eds.). *Censorship Moments: Reading Texts in the History of Censorship and Freedom of Expression* (Textual Moments in the History of Political Thought, pp. 17–24). London: Bloomsbury Academic, 2015.