

LIVY

THE HISTORY
OF ROME

Books 1–5

Translated, with Introduction and Notes, by
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Chronology

All dates are BCE and follow the Varronian chronology; many are traditional or approximate.

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| c. 753 | Traditional date of the foundation of Rome. |
| 753–716 | King Romulus. |
| 716–653 | King Numa. |
| 653–641 | King Tullus Hostilius. |
| 641–617 | King Ancus Marcius. |
| 617–578 | King Tarquinius Priscus. |
| 578–535 | King Servius Tullius. |
| 535–510 | King Tarquinius Superbus. |
| c. 509 | Expulsion of the kings; beginning of the republic with institution of two annual magistrates (consuls); dedication of temple of Jupiter Capitolinus. |
| 508–507 | King Lars Porsenna, king of Clusium, attacks and besieges Rome. |
| 504 | Migration of Claudian family to Rome. |
| 501 | Appointment of first dictator. |
| 499 | Battle of Lake Regillus between Rome and Latin League. |
| 495 | Consulship of Appius Claudius; problem of debtors. |
| 494 | First Secession of the Plebs; institution of the tribunate of the plebs. |
| 493 | Treaty of Spurius Cassius with the Latins. |
| 491 | Coriolanus defects to the Volsci. |
| 488 | Coriolanus marches against Rome but withdraws. |
| 486 | Treaty of Rome with the Hernici; intermittent warfare with Volsci and Aequi over the next fifty years; Spurius Cassius proposes an agrarian bill. |

- 485 Spurius Cassius is indicted, condemned, and executed.
- 482–474 War with Etruscan city of Veii.
- 477 Defeat of the Fabii near the river Cremera.
- 471 Publilian law transfers election of tribunes to the Tribal Assembly; their number is increased to five. Consulship of Appius Claudius, son of the consul of 495.
- 470 Appius Claudius is indicted and is reported to have died before his trial.
- 468 The Romans capture Antium.
- 462 Plebeian tribune Terentilius' bill to limit the power of the consuls by having written laws is shelved.
- 461 Livy's first mention of the Sibylline books.
- 460 Capitol is seized by exiles and slaves led by the Sabine Appius Herdonius. The consul Valerius is killed in the recovery of the Capitol.
- 458 Cincinnatus, as dictator, defeats the Aequi on Mount Algidus.
- 457 Ten tribunes of the plebs are elected.
- 456 Aventine hill is opened for settlement.
- 454 Terentilius' bill is abandoned; envoys sent to consult the laws of Solon.
- 451 Appointment of the First Decemvirate. Ten laws are written and passed.
- 450 The Second Decemvirate. Publication of Laws of the Twelve Tables.
- 449 The decemvirs continue in power; secession of the plebs; Valerio-Horatian laws are passed, restoring the power of the tribunate.
- 445 Canuleian law removes ban on marriage between patricians and plebeians. Three military tribunes with consular power elected in place of two consuls.
- 444 Rome's treaty with Ardea renewed.
- 443 Censorship established.

- 440/439 Spurius Maelius institutes a grain dole and is killed while resisting arrest.
- 437 Aulus Cornelius Cossus kills the king of Veii and wins the *spolia opima*.
- 431 The Romans defeat the Aequi and Volsci near Mount Algidus.
- 426 Rome captures Fidenae.
- 421 Number of quaestorships increased to four; office opened to plebeians.
- 409 Three plebeians elected as quaestor.
- 406 Capture of Volscian Anxur (Tarracina).
- 399 First celebration of *lectisternium*.
- 396 Capture of Veii.
- 391 Gauls defeat Romans at battle of the Allia.
- 390 Gauls sack Rome and then withdraw.

always being dependent on force of arms for asserting Roman interests, he tried to increase his dominion by means of diplomacy, at the same time adding splendor to the city. Already at that time, the temple of Diana at Ephesus was famous, reputedly built as a joint enterprise by the cities of Asia. Servius lavishly praised this cooperation and community of worship to the Latin leaders, with whom he had assiduously cultivated ties of hospitality and friendship in both a private and official capacity. By reiterating the same points, he convinced the Latin peoples to join with the Roman people in building a temple to Diana at Rome.¹³⁵

This was an admission that Rome was the capital city—an issue that had so often caused armed conflict. Although this had apparently now ceased to be a concern to the Latins after their many unsuccessful efforts, there was one of the Sabines who imagined that he had a chance of recovering their dominion by a plan of his own. It is said that a heifer of wondrous size and beauty was born in Sabine territory, on the property of a certain head of a family. For many generations, its horns have been fastened up in the vestibule of the temple of Diana to commemorate this marvel. This heifer was considered to be a prodigy, as indeed it was. Soothsayers prophesied that dominion would belong to the state whose citizen should sacrifice the animal to Diana. The priest of Diana's temple had heard of this prophecy. On the first suitable day for sacrifice, the Sabine led the heifer to the temple of Diana in Rome and set it before the altar. The priest was impressed by the famed size of the victim but, mindful of the prophecy, asked him, "Stranger, what do you think you are doing? Surely you aren't going to make a sacrifice to Diana without first purifying yourself? Why don't you first bathe in running water? The Tiber is flowing down there in the valley." The stranger, touched by a sense of religious obligation, immediately went down to the Tiber because he wanted to do everything with the proper ritual so that the outcome would match the prediction. Meanwhile the Roman sacrificed the heifer to Diana, an act that was wonderfully gratifying to both the king and the citizens.

(Ovid, *Fasti* 4.825–6; Plutarch, *Romulus* 11). It is not to be confused with the city wall, though at some points it may have coincided with the wall; this boundary demarcated the augurally constituted city, as Livy's description indicates. On the earlier *pomerium* attributed to Romulus, see Grandazzi 1997: 154–9.

135. There was already a temple to Diana at Aricia in the Alban hills, which served as the federal cult center of nine Latin communities to which Rome, being under Etruscan domination, did not belong. Servius Tullius' building of a temple to Diana in Rome is evidently a bid to outdo the cult at Aricia.

46. *Servius gets the people to ratify his rule. Tarquin and the younger Tullia conspire to gain the kingship, so first they dispose of their spouses, Arruns and the older Tullia.*

Servius was now undoubtedly king *de facto*, but he kept hearing that the young Tarquin was from time to time making remarks that the king was ruling without the consent of the people. So, first he won over the goodwill of the people by dividing the territory captured from the enemy among all the citizens; then he ventured to ask the people whether they were willing to vote for him as their king. Servius was declared king with a unanimity as great as that accorded to any previous king. But this event did not diminish Tarquin's hopes of obtaining the kingship. Indeed, he had realized that Servius' action of giving land to the people was contrary to the wishes of the senators, and so he thought that he had been given an opportunity to censure the king in the senate and increase his own power in that body. He himself was a young man of fiery spirit, and he had a wife, Tullia, who goaded the restlessness of that spirit.¹³⁶ For even the royal house of Rome produced an example of a crime worthy of Greek tragedy, in order that hatred of kings might hasten the coming of liberty and the last kingship be one that was obtained by a criminal act.¹³⁷

This Lucius Tarquinius—it is not at all clear whether he was the son or grandson of King Tarquinius Priscus, though I follow the majority of sources, and so would declare that he was the son—had a brother, Arruns Tarquinius, a young man of a gentle nature. These two young men, as noted above, were married to the king's two daughters, who were very different in their characters. By chance it happened that the two violent characters were not married to each other—thanks, I suppose, to the good fortune of the Roman people—so that Servius' reign would be prolonged and the state's traditions become established. It was distressing to the fierce Tullia that her husband did not have the stuff of ambition and boldness. So, she turned completely from him to his brother; he was the one she admired, calling him a man and one of true royal blood. She despised her sister, because, as she said, now that the other woman had a real man as a husband, she had lost the boldness that a woman should have. Similarity quickly brought the two together, as usually happens, since evil is most drawn to evil.

136. *Tullia*: Tarquin's second wife, the younger daughter of Servius Tullius. Her older sister, Tarquin's first wife, was also named Tullia, since Roman women are known by the feminine form of their father's family name; see stemma, p. xlv.

137. *a crime worthy of Greek tragedy*: an allusion to the murder of Agamemnon by his wife Clytemnestra and her lover Aegisthus.

But it was the woman who began all the trouble. She got into the habit of conversing secretly with another woman's husband and spared no insults when speaking about her husband to his brother, nor about her sister to her husband. She said that it would have been better for her to be unmarried and for him to be without a wife than for them to be married to their inferiors. In the present situation, however, they had to remain inactive because of others' cowardice. If the gods had given her the husband she deserved, she would soon have seen in her own house the royal power that she now saw in her father's. Quickly she filled the young man's mind with her own recklessness. Deaths followed in quick succession, ensuring vacancies in their homes for new spouses. And so Lucius Tarquinius and the younger Tullia were married. Servius did not prevent the marriage but hardly gave his approval.

47. Goaded by the ambitious Tullia, Tarquin solicits support, takes a bodyguard, seats himself on the throne, and maligns Servius.

From that time on, Tullius' old age was increasingly a source of danger, and his rule became more endangered day by day. Already the woman was looking from one crime to another, and she did not allow her husband any peace either by night or day, urging him not to let the murders they had committed prove ineffective. She had not wanted a husband simply to be called his wife and endure slavery with him in silence. What she had lacked was a man who thought himself worthy to be a king, who remembered that he was the son of Tarquinius Priscus, and who preferred to have the throne rather than to hope for it. "If you are the man that I think I married," she said, "I salute you both as husband and king. But if not, then the situation has changed for the worse, for crime is compounded by cowardice. Why don't you rouse yourself to action? You don't come from Corinth or Tarquinii. Unlike your father, you don't have to take over a foreign kingdom. Your household gods, the gods of your ancestors, your father's image, the royal palace and the royal throne in your home, and the name of Tarquin declare and summon you to be king.¹³⁸ Or, if you have so little nerve for this, why do you disappoint the citizens? Why do you allow yourself to be seen as a prince? Get out of here

138. *father's image*: an allusion to the busts (*imagines*) of ancestors that were kept in the *atrium* of a Roman noble's house and paraded at funerals of prominent family members; see Polybius 6.53. These images represented a family's illustrious past.

and go to Tarquinii or Corinth; take yourself back to your roots! You are more like your brother than your father."

With these and other taunts, she goaded the young man. She herself could not bear the thought that Tanaquil, a foreign woman, had had the nerve to be kingmaker twice in succession, once for her husband and then for her son-in-law; whereas she, a king's daughter, was unable to have any influence in making and unmaking a king. Tarquin, spurred on by his wife's frenzy, went round soliciting the senators, especially the heads of the lesser families.¹³⁹ He reminded them of his father's kindness to them, seeking their favor in return. The young men he attracted by gifts, increasing his influence everywhere not only by extravagant promises but also by slandering the king. Finally, when it seemed the time for action, he surrounded himself with a band of armed men and rushed into the forum.

Then, amid the general consternation and panic, he seated himself on the royal throne in front of the senate house and ordered a herald to summon the senators to come before King Tarquin at the senate house. They came immediately, some by prearrangement, others fearing that their nonappearance might prove harmful to them. Astonished at this strange miracle, they thought that Servius was finished. Then Tarquin began by maligning the king, going back to his family origins. Servius, the son of a slave woman, was a slave himself who, after the undeserved death of Tarquin's own father, had seized the kingdom, thanks to a gift given by a woman. There had been no *interregnum* as on previous occasions; no elections had been held; there had been no vote of the people or ratification by the senators. Such was Servius' birth; this was how he came to be king. He had promoted the lowest types of society, to which he himself belonged. His hatred of others' noble birth had caused him to take land from the leaders of the state and divide it among the rabble. All the burdens that had formerly been shared, he had transferred to the city's foremost men. He had initiated the census to make the fortunes of the rich a conspicuous mark for envy and a source for extravagant gifts that he could give to the most needy whenever he wished.

48. The murder of Servius Tullius. His daughter drives her carriage over her father's dead body.

Servius, alerted by this alarming news, interrupted this harangue, calling out in a loud voice from the vestibule of the senate house, "What's all this about,

139. *lesser families*: see 1.35.

Tarquin? How dare you have the audacity to summon the senators and take my seat while I yet live?" Tarquin ferociously replied that he was occupying his own father's seat; a king's son was a much better heir to the throne than a slave. Too long had Tullius had the license to mock and insult his masters. Shouts arose from the partisans of each man. People rushed to the senate house. It was clear that the victor would become king. Then Tarquin was forced by sheer necessity to dare the ultimate. Being far stronger because of both his age and vigor, he seized Servius around the waist, carried him out of the senate house, and flung him to the bottom of the steps. Then he returned to the senate house to control the senators. The king's companions and attendants fled. Servius himself, faint from loss of blood and half dead, was making his way back home without his royal retinue when the men that Tarquin had sent in pursuit caught up with him, and he was killed.

There is a belief that Tullia suggested this deed, which is not inconsistent with the rest of her wickedness. In any case, it is generally agreed that she drove in a carriage into the forum and, unafraid of the men who had gathered there, summoned her husband from the senate house and was the first to hail him as king. He ordered her to get out of the fray. On her way back home, she came to the top of Cyprius Street, where the shrine of Diana recently stood. As she sought to turn to the right toward the Urbian slope to reach the Esquiline hill, her driver recoiled in terror and, pulling in the reins, pointed out to his mistress the murdered king lying there. Abominable and inhuman is the crime that is said to have ensued. The place itself is a reminder, for they call it the Street of Wickedness. Crazy by the avenging spirits of her sister and husband, Tullia is said to have driven her carriage over her father's body. Spattered and defiled by the blood of her murdered father, she brought some of it on her vehicle to the gods of her own household and those of her husband's. These deities, in their anger, saw to it that the evil beginning of this reign was soon followed by a similar end.¹⁴⁰

140. *crazed by the avenging spirits* . . . : in the closing sentences of this section, Livy presents the story in terms of a Greek tragedy, a comparison he made earlier in 1.46; see also n. 137. One of the most familiar stories in Greek tragedy is that of Orestes, the son of Agamemnon, who killed his mother Clytemnestra to avenge his father's death and so was pursued by the Erinyes, or furies, his mother's avenging spirits. But he was finally absolved and purified by Apollo, whereas Tullia finds no such expiation; see 1.59.

spattered and defiled: not only is Tullia polluted as a result of the murder of her sister and her first husband, she is now polluted by the blood of her father, for whose death she was partly responsible.

followed by a similar end: these words and the subsequent reference to Servius' "plans to give freedom to his country" foreshadow the expulsion of the Tarquins and the institution of the republican form of government in Book 2.

Servius Tullius ruled for forty-four years. His reign was such that even a good and moderate successor would have found it difficult to match him. But this renown has been enhanced by the fact that just and legitimate kingship perished along with him. Mild and moderate as his rule was, some sources say that he intended to resign because it was rule by a single individual. This he would have done had not wickedness within his own family interrupted his plans to give freedom to his country.

49. *The beginning of Tarquin's tyrannical reign.*

Such was the beginning of the reign of Lucius Tarquinius, who, because of his actions, was given the name of Superbus.¹⁴¹ He forbade the burial of his own father-in-law, asserting that Romulus had also not received burial after his death.¹⁴² Then he killed those leading senators whom he believed had been Servius' supporters. Aware that the precedent he had set of seeking the kingship by criminal means might be used against him, he surrounded himself with a bodyguard; for he had no judicial right to the kingship, since he ruled without the bidding of the people or consent of the senators. In addition, his rule had to be protected by fear, since he had no hope of the citizens' affection. To instill this fear into the majority, he alone, without advisers, carried out the investigation of capital charges.¹⁴³ For this reason, he was able to execute, exile, or fine not only those whom he suspected or disliked, but also those from whom he had nothing to gain but plunder. It was mainly senators whose numbers were depleted in this way. Tarquin, moreover, was determined not to replace them, so that the fewness of their number would bring more contempt on the senate, which, in turn, would be less able to express anger at its lack of participation in state business.

Tarquin was the first of the kings to break with the custom of consulting the senate on all matters, a custom handed down by his predecessors. He

141. *Superbus* is more accurately translated as "arrogant," though he is more usually called Tarquin the Proud as opposed to Tarquin the Elder (*Priscus*). *Superbia* (arrogant and excessive behavior) is the equivalent of the Greek *hybris* and is the dominant characteristic of this king that ultimately leads to the downfall of his dynasty—a further reflection of the theme of a Greek tragedy to which Livy has already alluded. Tarquin is also portrayed as the stereotypical Greek tyrant (*tyrannos*), who takes a band of armed men, seizes power by force, and surrounds himself with a bodyguard. Not only Greek tragedy but also Greek history has left a mark on the Roman tradition.

142. *forbade the burial*: an act of impiety; see 1.20 where provision is made by Numa for "proper funeral rites and appeasement of the spirits of the dead."

143. *capital charges*: charges affecting a man's status as citizen—i.e., his life, freedom, and civic rights.

the palace.¹⁵⁵ The king himself was not so much stricken with sudden panic; rather, his heart was filled with anxious foreboding. Only Etruscan seers were summoned to deal with state prodigies, but Tarquin was so alarmed by this apparition, which he regarded as affecting his own household, that he decided to consult Delphi, the most famous oracle in the world. Not daring to entrust the oracle's reply to anyone else, he sent two sons to Greece, through lands unknown at that time and over seas yet more unknown. Titus and Arruns set out. Lucius Junius Brutus, the son of the king's sister Tarquinia, also went with them as their companion, a young man of a far different character from what he pretended to be. After hearing that the leading men of the state, including his own brother, had been executed by his uncle, Brutus had determined to leave nothing either in his own conduct for Tarquin to fear, or in his possessions for Tarquin to desire. He would secure his safety by being despised in a situation where justice offered little protection. And so he deliberately put on an act of being stupid, allowing himself and his property to become the spoil of the king. Nor did he refuse the name Brutus, so that under its cover, the great spirit that was to free the Roman people might lie low and bide its time.¹⁵⁶ This was the man who was taken to Delphi by the Tarquins, more as a buffoon than as a companion. He is said to have brought as a gift to Apollo a golden staff enclosed within one of cornel wood that was hollowed out to fit it, an enigmatic representation of his own character.

When they arrived and had carried out their father's instructions, the two Tarquins were possessed by a desire to ask which of them would succeed to the kingship. From the depths of the cave, so the story goes, came the reply: "Whoever of you shall be the first to kiss his mother will hold the highest power in Rome." The Tarquins ordered the matter to be kept absolutely secret, so that Sextus, who had been left in Rome, should be unaware of the response and thus excluded from power. They themselves decided by lot which of them should be the first to kiss their mother on their return. But Brutus thought that the Pythia's words had a different meaning.¹⁵⁷ Pre-

155. *portent*: the report of this incident clarifies the distinction between a portent and a prodigy; see n. 72. Tarquin erred in treating the apparition "as one affecting his own household," not the state. A snake was thought to portend a death, but in this case, it portended the end of the monarchy; see Appendix 3, p. 429.

156. *Brutus* means "stupid" or "dull"; see also the stemma, p. xlv.

to free the Roman people: these words foreshadow Brutus' role in the overthrow of the monarchy.

157. *Pythia*: Apollo's priestess, who delivered the oracular responses.

tending to slip, he fell and touched the earth with his lips, evidently regarding her as the mother of all mortals. Then they returned to Rome, where preparations for war with the Rutulians were vigorously underway.

57. During the siege of Ardea, the young princes engage in a contest to test the virtue of their wives. Sextus Tarquinius becomes obsessed by Lucretia.

Ardea was held by the Rutulians, a race that, for both that time and place, was extremely wealthy.¹⁵⁸ Their wealth was the cause of the war, since the Roman king, impoverished by his magnificent public works, wanted to enrich himself while also mollifying the feelings of the people with booty. For they were hostile to his rule, not only because of his general arrogance, but also because they were angry that the king had kept them employed for so long, like workmen doing the job of slaves. The Romans tried to capture Ardea at the first assault. When that did not succeed, they began to blockade the city with siegeworks. Here in their permanent camp, as usually happens in a war that is protracted rather than intense, furloughs were rather freely granted; more freely, however, to the leaders than the soldiers. The young men of the royal house were whiling away their free time in feasting and drinking among themselves. They were drinking in Sextus Tarquinius' quarters, where Tarquinius Collatinus, the son of Egerius, was also dining, when the subject of wives happened to come up.¹⁵⁹ Each man praised his own wife in extravagant terms. Then, as the rivalry became inflamed, Collatinus said that there was no need for words: in a few hours they could discover how his Lucretia far excelled the rest. "Come!" he cried. "If we have the vigor of youth, why don't we mount our horses and see for ourselves what kind of women our wives are? Let us each regard as decisive what meets his eyes when the woman's husband shows up unexpectedly." They were heated with wine. "Right! Let's go," they all cried. At full gallop, they flew off to Rome.

Arriving there at early dusk, they went on to Collatia.¹⁶⁰ There they found Lucretia occupying herself differently from the king's daughters-

158. *Ardea*: a town some twenty miles from Rome and three miles from the sea. It served as the port of Latium. On the Rutulians in the legendary time of Aeneas, see 1.2. Archaeology corroborates that they were wealthy in the time of Tarquin.

159. On Egerius, see 1.34 and 1.38. For discussion of this and the following episodes, see Feldherr 1998: 194-203.

160. *Collatia*: a small town about ten miles east of Rome, the home of Collatinus.

in-law. These they had seen whiling away their time at a luxurious banquet with their young friends. In contrast, though it was late at night, they came upon Lucretia sitting in the middle of the house busily spinning, surrounded by her maidservants who were working by lamplight.¹⁶¹ The prize of honor in this contest about wives fell to Lucretia. As her husband and the Tarquins approached, they were graciously received. The victorious husband courteously invited the young royals to be his guests. It was there that Sextus Tarquinius was seized by an evil desire to debauch Lucretia by force. Not only her beauty but also her proven chastity spurred him on. Meanwhile they returned to the camp after their youthful nocturnal prank.

58. Sextus Tarquinius rapes Lucretia. She summons her father and husband and makes them swear to avenge her. She then kills herself, rather than set a precedent for unchastity.

After the lapse of a few days, Sextus Tarquinius went to Collatia with just one companion. He was graciously received by a household unaware of his purpose. After supper he was led to the guest bedroom. Burning with passion, once he saw that it was safe all around and everyone was asleep, he drew his sword and went to the sleeping Lucretia. Pressing his left hand on her breast, he said, "Keep quiet, Lucretia! I am Sextus Tarquinius. My sword is in my hand. You will die if you utter a sound!" Terrified out of her sleep, Lucretia saw no help at hand, only imminent death. Then Sextus confessed his love and pleaded with her, mingling threats with prayers and trying in every way to play on her feelings as a woman. When he saw that she was resolute and unmoved even by fear of death, he added the threat of disgrace to her fear: after killing her, he would murder a slave and place him naked by her side, as evidence that she had been killed because of adultery of the lowest kind. With this terrifying threat, his lust prevailed as the victor over her resolute chastity. Sextus Tarquinius departed, exulting in his conquest of a woman's honor. Lucretia, grief-stricken at this terrible disaster, sent the same message to her father in Rome and her husband in Ardea, bidding each to come with a trustworthy friend. This they must do and do quickly; a terrible thing had happened. Spurius Lucretius came with Publius Valerius, the son of Volesus;¹⁶² Collatinus with Lucius Junius Brutus, with

161. Etruscan tomb paintings and sarcophagi indicate that Etruscan women generally had a greater freedom than their Roman counterparts.

162. *Publius Valerius*: he would later replace Collatinus as consul in 509 BCE; see 2.2.

whom he happened to be returning to Rome when he encountered his wife's messenger.

They found Lucretia sitting in her bedchamber, grieving. At the arrival of her own family, tears welled in her eyes. In response to her husband's question, "Is everything all right?," she replied, "Not at all.¹⁶³ What can be well when a woman has lost her honor? The marks of another man are in your bed. But only my body has been violated; my mind is not guilty. Death will be my witness. But give me your right hands and your word that the adulterer will not go unpunished. Sextus Tarquinius is the man. Last night he repaid hospitality with hostility when he came, armed, and forcibly took his pleasure of me, an act that has destroyed me—and him too, if you are men."¹⁶⁴ All duly gave her their pledge. They tried to console her distress by shifting the guilt from the woman who had been forced to the man who had done the wrong, saying that it is the mind that errs, not the body. For where there has been no intent, there is no blame.¹⁶⁵ "You shall determine," she replied, "what is his due. Though I absolve myself of wrongdoing, I do not exempt myself from punishment. Nor henceforth shall any unchaste woman continue to live by citing the precedent of Lucretia."¹⁶⁶ She took a knife that she had hidden in her garments and plunged it in her heart. Falling forward onto the wound, she died as she fell. Her husband and father raised the ritual cry for the dead.

59. Brutus leads the people against the royal house of the Tarquins, swearing to abolish the monarchy.

While the rest were absorbed in grief, Brutus took the knife from Lucretia's wound and held it up, dripping with blood, as he proclaimed, "By this blood, most chaste until it was defiled by a prince, I swear and take you, O gods, to witness that I will pursue Lucius Tarquinius Superbus, together with his wicked wife and all his children, with sword, fire, and indeed with whatever violence I can. Nor will I allow them or anyone else to be king at

163. *Is everything all right?*: an archaic greeting that "is only found in deliberately archaic and emotional passages of Livy" (Ogilvie 1965: 224).

164. *repaid hospitality with hostility*: again a pun on the similarity of *hostis* (enemy) and *hospes* (host); see 1.12 with n. 42.

165. Livy has the men invoke the principles of Roman law.

166. *precedent*: here the Latin word is *exemplum*; see Pref. 10 with n. 14.

Rome."¹⁶⁷ Then he handed the knife to Collatinus, and from him to Lucretius and Valerius. They were stunned at the miracle, wondering what was the source of the new spirit in Brutus' heart. They swore as bidden. Switching from grief to anger, they all followed Brutus' lead as he summoned them to overthrow the monarchy. They carried Lucretia's body out of the house and took it down to the forum, attracting crowds in amazement and indignation at this strange event, as generally happens. Everybody made his own complaint about the criminal rape committed by the prince. They were moved not only by the father's grief but also by Brutus, who reprimanded them for their tears and idle complaints, urging them, as befit men and Romans, to take up arms against those who had dared such acts of hostility. All the boldest young men seized their weapons, offering their service, and the rest also followed. Then, leaving a garrison at Collatia and posting guards to prevent anyone taking news of the uprising to the royal family, the rest of the armed force set out for Rome under Brutus' command.

Arriving there, the armed populace caused panic and confusion wherever it advanced. But when the Romans saw the leading men of the state marching at the head of the forces, they realized that, whatever it was, this was no random business. The dreadful event created no less an emotional uproar in Rome than it had in Collatia. People rushed from every part of the city into the forum. As soon as they were assembled there, a herald summoned the people before the tribune of the Swift Ones, an office that Brutus happened to hold at that time.¹⁶⁸

There he gave a speech that was quite inconsistent with the spirit and disposition that he had feigned up to that day. He spoke of Sextus Tarquinius' violent lust, his unspeakable rape of Lucretia, her pitiful death, and the loss sustained by her father Tricipitinus, for whom the reason for his daughter's death was more outrageous and pitiful than her death itself. In addition, he spoke of the arrogance of the king himself and the wretched forced labor of the people who were plunged into ditches and sewers and forced to clean them out. The Romans, conquerors of all the surrounding peoples, had been changed from fighting men into workmen and stonecutters. Invoking the gods who avenge parents, he recalled the shameful murder of Servius Tullius and how his daughter had driven over her father's body with her accursed carriage. With these and, I suppose, recollections of other more savage deeds, the sort suggested by an immediate feeling of outrage that is by no means

167. Livy's description would have evoked memories of the assassination of Julius Caesar, when another Brutus claimed to be restoring liberty.

168. *Swift Ones*: the king's bodyguard, initiated by Romulus; see 1.15.

easy for historians to relate, he inflamed the people, driving them to revoke the king's power and order the exile of Lucius Tarquinius, together with his wife and children.

Brutus himself enrolled a band of young men who voluntarily offered their names. Arming them, he set out for the camp at Ardea to stir up that army against the king. He left Lucretius in control of Rome as prefect of the city, a position he had been given by the king some time before. In the midst of this revolt, Tullia fled from her house, cursed wherever she went, as men and women called down upon her the furies that avenge the wrongs done to parents.¹⁶⁹

60. *The Tarquins are banished and two consuls chosen in place of a king.*

When news of these events reached the camp, the king, terrified by this unexpected crisis, set out for Rome to suppress the revolt. Brutus had anticipated the king's arrival and so changed his route to avoid encountering him. At almost the same time, though by different routes, Brutus arrived at Ardea and Tarquin at Rome. Tarquin found the city gates closed and his exile pronounced. But the camp received the city's liberator joyfully and the king's sons were driven out. Two followed their father and went into exile at Caere in Etruria.¹⁷⁰ Sextus Tarquinius set out for Gabii, as if returning to his own kingdom, and was killed there by men avenging old feuds that he himself had stirred up by murder and pillage.¹⁷¹

Lucius Tarquinius reigned for twenty-five years. The rule of kings at Rome, from the foundation of the city to its liberation, lasted 244 years. Two consuls were then chosen in the *Comitia Centuriata* under the presidency of the prefect of the city, in accordance with the precepts laid down in the commentaries of Servius Tullius.¹⁷² Lucius Junius Brutus and Lucius Tarquinius Collatinus were chosen.

169. *furies*: again a theme from Greek tragedy; see 1.48 with n. 140.

170. *Caere*: modern Cerveteri, an ancient Etruscan city some thirty miles north of Rome.

171. *his own kingdom*: see 1.53–4.

172. *two consuls*: see 3.55, where Livy notes that the original title of the consul was "praetor." *commentaries*: a reference to some kind of procedural manual attributed to Servius Tullius.

BOOK 2

1. *Livy outlines his new theme, libertas, freedom or liberty, and he explains the basic elements of the republican system of government.*

The freedom of the Roman people, their achievements in peace and war, government by annually elected magistrates, and the rule of laws that overrides the rule of men will be my theme from now on. This freedom was all the more joyous as a result of the arrogance of the last king. His predecessors had ruled in such a way that, not undeservedly, they are regarded as the successive founders of at least those parts of the city that they had annexed to provide new homes for the increase in population that each of them had brought to Rome. Nor is there any doubt that the same Brutus, whose expulsion of Tarquinius Superbus won him so much glory, would have acted in the worst interests of the state if, in a premature desire for freedom, he had wrested the kingship from any of the earlier kings. For what would have happened if a people of shepherds and refugees, deserters from their own peoples who were under the sacred protection of asylum, had obtained either freedom or at least impunity?¹ Released from fear of a king's power, they would have been buffeted by the storms of tribunician demagogues, creating quarrels with the senators (*patres*) of a city that was not their own, before pledges of a wife and children and love of the very soil—a characteristic that develops over a long period—had created a sense of community.²

1. *people*: the Latin word *plebs* foreshadows a major theme of this and ensuing books: the so-called struggle of the orders, between the patricians (*patres*) and the people or plebeians (*plebs*). On the plebs, see Cornell 1995: 257: "The likelihood is that . . . the organized plebeian movement embraced an undifferentiated mass of poor people who shared a common sense of distress and were united by their commitment to the cause."

The patricians were a privileged group of Roman citizens who originally dominated political offices and retained a monopoly of the major priesthoods until the end of the fourth century BCE. Patrician status generally depended on birth. See Livy 1.8 for the tradition that Romulus appointed one hundred senators "who were called fathers (*patres*) because of their rank, and their descendants were called patricians (*patricii*)." For more detailed discussion, see Cornell 1995: 245–50.

2. *tribunician demagogues*: an allusion to the office of tribune of the plebs, which would be created in the early stages of the struggle of the orders; see 2.33.

The state would have disintegrated into dissension before it reached maturity. But the calm and moderate exercise of government nurtured the state to the point at which its mature strength enabled it to bear the good fruits of liberty.

One should realize that the birth of freedom was due to the limitation of the consuls' power to one year, rather than to any lessening of the power that the kings had possessed. The first consuls had all the rights and all the insignia of the king. There was only one precaution: to avoid doubling the fear that they inspired, both consuls were not allowed to hold the *fasces* at the same time.³ By agreement with his colleague, Brutus was the first to hold the *fasces*, proving as keen a guardian of freedom as he had been its champion. First of all, while the people were still eager for the new freedom, he avoided the possibility that they might be turned from their purpose by the entreaties or bribes of the princes, by having them swear an oath that they would allow no man to be king in Rome. Then, to increase the strength of the senate (it had been depleted by the murders committed by the king), he brought its number up to 300 by enrolling the leaders of the equestrian class. From that time, it is said, the tradition developed that when the senate was summoned into session, they were called on as Fathers and the Conscripted, since those he enrolled—that is, the new senate—were called *conscripti*. It is amazing how much this contributed to the harmony of the state and to uniting the plebs with the senators (*patres*).⁴

senators: throughout his account of the struggle of the orders, Livy uses the term *patres*, which denotes both patricians and senators. "Patricians" and "senators" are almost synonymous, although not all senators were of patrician birth; see n. 4. Therefore, I will generally translate *patres* as "senators" in a governmental context, reserving "patricians" for contexts that emphasize the class struggle.

3. *all the insignia of the king*: the consuls did not, however, wear royal dress.

fasces: a bundle of rods surmounted by an ax that was part of the insignia carried by the lictors, symbolizing their power to flog or execute wrongdoers.

4. *he brought its number up to 300 . . .*: this number is unlikely for this period.

leaders of the equestrian class: another probable anachronism; see Ogilvie 1965: 236.

Fathers and the Conscripted: Latin *patres et conscripti*. This and the following sentence indicate a tradition that plebeians could be members of the senate in the early republic. See Cornell 1995: 246–51.

camp was filled with indignation: there was a resolution to take Siccus to Rome immediately, but the decemvirs hurried to give him a military funeral at public expense. Great was the soldiers' grief at his burial, and the decemvirs' reputation among the rank and file was at its lowest.

44. *Appius Claudius lusts after a plebeian virgin and has one of his clients claim her as his slave.*

Another unspeakable happening occurred in the city as a result of lust; this was as abominable in its outcome as was the rape and death of Lucretia that had driven the Tarquins from the city and kingship. And so, not only did the same end befall the decemvirs as befell the kings, but the same cause also deprived them of power.⁹⁸ A lust to violate a plebeian virgin seized hold of Appius. The maiden's father, Lucius Verginius, was a high-ranking soldier on Algidus, an exemplary character both at home and in the field. His wife had been brought up in the same principles, and his children were being trained in the same way. He had promised his daughter to Lucius Icilius, a former tribune, who was energetic and of proven courage in the plebeian cause.⁹⁹ Crazed with passion, Appius tried to entice this beautiful and nubile maiden with presents and promises, but when he realized that her modesty was proof against all advances, he turned his mind to cruel and tyrannical force. He charged his client, Marcus Claudius, to claim the maiden as his slave and not to yield to those who would lay legal claim to her until the question of her free status was decided. He thought that the absence of the girl's father gave him an opportunity to wrong her.¹⁰⁰

98. Modern scholars differ on the question of the historical basis for the story of Verginia. For example, Ogilvie (1965: 477) considers that it is "entirely devoid of historical foundation," whereas Cornell remarks (1995: 275), "it is perfectly conceivable that it has some basis in fact." Several inconsistencies indicate that it is the result of elaboration over a considerable period of time. Although the story bears some resemblance to that of Lucretia (1.57–8), the emphasis is rather on the chastity of an unmarried girl, as opposed to that of the married Lucretia. For a detailed analysis of the thematic connections between the Lucretia story and that of Verginia, see Feldherr 1998: 203–12.

abominable in its outcome: a similar phrase occurs in Pref. 10, involving the adjective *foedus*, meaning "foul, loathsome, shocking."

99. *Icilius*: the tribune who sponsored the law opening up the Aventine in 456 BCE; see 3.31 with n. 72.

100. *free status* . . . : from the legal point of view, Verginia would have still been under the control of her father (*patria potestas*), but she presumably would have had a guardian act on her

As Verginia was coming into the forum (there were schools in the market area nearby), the servant of the decemvir's lust laid his hand upon her, called her the daughter of his own slave woman and a slave herself, and ordered her to follow him.¹⁰¹ If she hesitated, he said, he would drag her off by force. The panic-stricken girl was dumbfounded, but a crowd rushed up as her nurse cried out, imploring the help of her fellow citizens. Since the name of her father Verginius and fiancé Icilius were well known among the people, their political reputation won their supporters over to the girl's side, and the crowd was won over by the outrage of her situation. She had already been protected from violence, and so the claimant said that there was no need for the crowd to become excited: he was acting lawfully, not by force. He then summoned the girl to court, and the bystanders advised her to follow.¹⁰²

And so, they came before Appius' tribunal. The prosecutor Marcus Claudius acted out the play that was familiar to the judge, since he was the author of the plot.¹⁰³ The girl had been born in his house and had been secretly taken from there to Verginius' house and passed off to him as his child. He had good proof of this and would prove it even to Verginius, were the latter the judge. For Verginius was the one who had suffered the greater part of the wrong. Meanwhile it was just that the slave girl follow her master. The girl's supporters said that Verginius was absent and was in the service of his country, but would come in two days if he were given notice. It was unjust to fight over a man's children in his absence. They therefore requested Appius to leave the matter alone until the father arrived, since the law that he himself had passed gave interim possession of the girl to those who defended her freedom. He should not allow a grown maiden to endanger her reputation before her free status had been decided.

behalf to confirm her free status. One of the laws established by the First Decemvirate stated that when a person's freedom was in question, he should be presumed free until a court could decide. The danger was that the case would go by default, which is what Appius is depicted as wanting.

101. *market area*: an allusion to shops that were not built until the second century BCE. Also anachronistic is the mention of attending school, which was probably inserted to connect Verginia with that area of the forum; see 3.48, and Ogilvie 1965: 480–1.

102. Here my translation follows the punctuation of Ogilvie 1965: 482, and the *OCT*.

103. *acted out the play*: note the language of drama in this sentence. The Latin for "play" is *fabula*, which is also the word for "tale" or "story." On the connection between drama and history, see Wiseman 1994: 17–8, and also Introduction, pp. xv–xvi.

45. *Icilius makes a vehement protest when Appius refuses to release Verginia from the custody of his client, Marcus Claudius.*

Before making a decision, Appius said that the law that Verginius' friends offered in support of their claim made it clear how much he favored freedom. But, he said, it would only offer firm support for freedom if there were no variation in its application to cases or persons. In the case of those who were claimed to be free, the request was legal, since anyone could bring an action. But in the case of a woman who was under the legal control of her father, there was no other person to whom the master could yield the custody. He therefore resolved that the father be summoned and that meanwhile the claimant should not lose his right of taking the girl and producing her when her alleged father arrived.

Against the injustice of the decree, though many were seething, there was no one individual who dared protest until the girl's grandfather Publius Numitorius and her fiancé Icilius intervened. A path was made through the throng, since the crowd believed that Icilius' intervention would be particularly effective in resisting Appius. But then the lictor cried that the decision had been made and pushed Icilius aside as he began to protest. Such a savage wrong would have inflamed even a placid disposition. "Appius," cried Icilius, "you will have to use a sword to remove me if you want to avoid an outcry as you carry out what you wish to conceal. I am going to marry this maiden, and I intend that my bride be chaste. Go ahead and summon all your colleagues' lictors as well. Order the rods and axes to be made ready. Icilius' future bride will not remain outside her father's house. No! Even if you have deprived the Roman plebs of the help of the tribunes and the right of appeal, the two bastions that protect liberty, you have not been granted the power of a king to satisfy your lust and force yourself on our wives and children. Vent your rage on our backs and necks. But at least let their chastity be safe. If that be violated, I will invoke the loyalty of the citizens here present to protect my bride; Verginius will call upon the soldiers to protect his only daughter; and we will all invoke the protection of gods and men. You will never carry out that decree without shedding my blood. I bid you, Appius, consider over again and again where you are heading. Let Verginius see what he will do about his daughter when he comes. But he should just know this: if he gives in to this man's claim, he will need to seek another marriage for his daughter. As for me, I shall sooner die in defense of my bride's free status than prove disloyal."

46. *Appius backs down for the moment, and Verginia is sent back to Verginius' house after bail is given by the people. Appius fails to prevent Verginius' return from camp.*

The crowd was aroused and conflict seemed imminent. The lictors had surrounded Icilius, but they had not yet gone beyond threats. Appius kept on saying that Icilius was not acting in defense of Verginia but rather behaving like the tribune he once had been, making trouble and looking for an opportunity to stir up strife. He would give him no excuse for strife at present; he would neither pronounce judgment that day nor enforce his decree. Icilius, however, should realize that he was not yielding to his impudence, but rather in deference to the absent Verginius, a father's name, and the claim of liberty. He would not pronounce judgment on that day nor give a decision. He would ask Marcus Claudius to withdraw his right and allow his claim on the girl to be decided the next day. But if the father were not present then, he gave notice to Icilius and the likes of Icilius that the proposer of his law would not fail to support it, nor would the decemvir be lacking in firmness. He would not, in any event, summon his colleagues' lictors to restrain the leaders of sedition but would be content with his own.

When the time of the injustice had been postponed, the girl's supporters went off by themselves and decided first that Icilius' brother and Numitorius' son, energetic young men, should go straight to the city gate and summon Verginius from the camp as quickly as possible: the girl's safety turned on his presence the next day in time to defend her from injustice. Once ordered, they set out, galloping their horses, and brought the message to her father. Meanwhile, when the girl's claimant pressed him to give securities to guarantee her appearance, Icilius said that he was doing just that (he was carefully spinning out the time until the messengers who had been sent to the camp should get a head start on their journey). On all sides the crowd raised their hands, each person showing Icilius his readiness to guarantee the money. In tears, Icilius said, "Thank you. Tomorrow I shall use your help; I have enough securities for now." On the security of her relatives, Verginia was released. Appius delayed a short time so that he did not appear to have sat just for this case. But nobody came up to him, since all other matters had been forgotten in their concern for this one thing. So, he went home and wrote to his colleagues in the camp, telling them not to grant leave to Verginius and also to detain him under guard. His wicked plan was too late, as it should have been. Verginius already had his leave and had set out in the first night watch. The letter to detain him was delivered in the morning of the following day, to no effect.

47. *Despite Verginius' pleas, Appius rules against him.*

In the city at dawn, as the citizens were standing in the forum in eager anticipation, Verginius came down into the forum, wearing the ragged garb of mourning and escorting his daughter, who was dressed in a shabby garment and attended by a number of matrons.¹⁰⁴ Accompanied by a large group of supporters, he began to circulate and canvass people, not only begging for their help as a favor, but also seeking it as his due. Daily, he said, he stood in the battle line in defense of their children and their wives. No other man was on record for performing so bravely and energetically in war. But what good was it if, though the city was unharmed, their children had to endure the frightful things that followed a city's capture? So he went around, speaking as if he were addressing a public assembly. Similar remarks were addressed to them by Icilius. But the silent weeping of the women attendants was more moving than any words.

Confronted by all this but with his purpose stubbornly fixed—so great was the force of the madness (a more truthful definition than passion) that had disturbed his mind—Appius mounted the tribunal. The plaintiff Marcus Claudius was actually making a few complaints that his rights had not been granted the day before because of the wrangling when, before he could finish his demand or Verginius was given the opportunity to reply, Appius interrupted him. The ancient sources have perhaps preserved something of the true speech with which Appius prefaced his decision. However, since I have nowhere found one that is plausible in view of the enormity of his decision, it seems necessary to set forth the bare fact that he decided in favor of the plaintiff: the girl was his slave.

At first everyone was stunned with amazement at such an outrage. For a while, silence gripped them. Then, as Marcus Claudius was going to seize the maiden from the group of matrons surrounding her, the women received him with wailing and lamentation. Verginius shook his fist at Appius, exclaiming, "It was to Icilius, not you, Appius, that I promised my daughter. I raised her to be married, not debauched. Animals and wild beasts fornicate indiscriminately. Is this what you want? I do not know whether these people here will tolerate this. But I don't expect that those who have arms will do so."

As the claimant to the girl was being driven back by the ring of women and supporters surrounding her, silence was commanded by a herald.

104. *ragged garb of mourning . . . shabby garment*: such clothing was regularly worn by defendants and suppliants to attract attention and sympathy; see 2.54, n. 95.

48. *Appius is preparing to use armed men to enforce his decision when Verginius kills his daughter and flees, protected by the crowd. Icilius expresses his outrage.*

The decemvir, out of his mind with lust, declared that he knew, not only from Icilius' abuse the day before and Verginius' violent behavior that the Roman people had witnessed, but also from definite information, that meetings had been held throughout the night to promote sedition. Aware of the impending fight, he had come to the forum with armed men, not to do violence to any peaceable citizen, but to exercise the dignity of his office and restrain those who were disturbing the peace. "It will be better," he said, "if you are peaceable. Go, lictor, remove the mob and make a path for the master to seize his slave." Filled with rage, he thundered these words and the crowd parted of its own accord, leaving the girl standing there, a prey to injustice.

Then Verginius, seeing no help anywhere, cried, "I ask you, Appius, first to pardon a father's grief, if I spoke too harshly against you. Allow me, in the presence of my daughter, to ask the nurse what this is all about. If I have falsely been named as the girl's father, then I will go away with more equanimity." Permission was granted. He led his daughter and her nurse aside, near the shrine of Cloacina by the shops that are now called the New Shops.¹⁰⁵ Seizing a knife from a butcher, he cried, "Daughter, I am claiming your freedom in the only way that I can." He then stabbed the girl to the heart and looked back at the tribunal, saying, "With this blood, Appius, I declare you and your life accursed."

An uproar broke out at this terrible deed. Appius jumped up and ordered Verginius to be arrested. But with his weapon Verginius made a path for himself wherever he went until, under the protection of a crowd of followers, he reached the gate. Icilius and Numitorius lifted the lifeless body and showed it to the people, lamenting Appius' crime, the girl's unfortunate beauty, and the necessity that had driven her father to such a deed. Following them, the matrons cried out, "Is this what it means to have children? Are these the rewards of chastity?"—and the rest of the pitiful complaints that women's grief drives them to utter in such a situation, a grief that is all the more sad because of their emotional nature, and the more pitiable as they readily give way to lamentation. The men's talk, especially that of Icilius, was entirely

105. *Cloacina*: the divinity of the *cloaca* (i.e., the Great Drain or Sewer), constructed by Tarquinius Superbus (1.56). In time, the divinity Cloacina came to be identified with Venus and was known as Venus Cloacina. The shrine was directly in front of the later Basilica Aemilia.

about tribunician power, the right of appeal to the people that had been wrested from them, and the state's sense of outrage.

49. With the support of the crowd, Lucius Valerius and Marcus Horatius challenge Appius, who is trying to arrest Icilius. Appius flees. Realizing defeat, a colleague, Spurius Oppius, summons the senate.

The crowd was stirred up partly because of the atrocity of the crime, and partly in the hope of using the opportunity to regain their freedom. Appius first ordered that Icilius be summoned; then, on his refusal, that he be arrested. Finally, since the attendants could not get near him, Appius himself marched through the crowd with a band of patrician youths and ordered Icilius to be put in chains. By this time, there was not only a crowd around Icilius but also the crowd's leaders, Lucius Valerius and Marcus Horatius. They drove the lictor back, saying that if he were acting according to the law, they were protecting Icilius from prosecution by a private citizen.¹⁰⁶ But if he was resorting to violence, they were a match for that, too.

A fierce brawl broke out. The decemvir's lictor made a rush at Valerius and Horatius, and the *fasces* were broken by the crowd. Appius mounted the platform to address the people, followed by Horatius and Valerius. The assembled crowd listened to them but shouted the decemvir down. Already acting as if he were a magistrate, Valerius ordered the lictors to stop serving a man who was a private citizen; whereupon Appius, his spirit broken and fearing for his life, covered his head and fled to a house near the forum, unnoticed by his adversaries. Spurius Oppius burst into the forum from another direction to help his colleague. He saw that force had prevailed over his authority as a magistrate. An agitated discussion followed. In trepidation, Oppius agreed now with one and then with another of his many advisers on every side. Finally he ordered the senate to be summoned. This move calmed the crowd, because the majority of the patricians seemed to disapprove of the decemvirs' actions. The hope was that the senate would put an end to their power. The senate decided that the plebs should not be provoked, realizing that it was much more important to see to it that Verginius' arrival did not cause a disturbance in the army.

106. The argument is that, if Appius thought he had the legal right to arrest Icilius, they had the right to act as tribunes, although that office no longer existed.

50. After hearing Verginius' story, the soldiers leave their camp and seize the Aventine, telling the senate that they will talk with Valerius and Horatius.

And so, some younger senators were sent to the camp, which was then on Mount Vecilius; they announced to the decemvirs that they should make every effort to restrain their soldiers from mutiny.¹⁰⁷ There Verginius stirred up greater commotion than he had left in the city. As he approached, not only was he seen to be accompanied by almost 400 men from the city, who had joined him in their anger at the outrage he had suffered, but his unsheathed weapon and the blood with which he was spattered drew the attention of the whole camp. The sight of togas all over the camp had produced the appearance of a considerably larger crowd of civilians than it actually was.¹⁰⁸ When asked what the problem was, Verginius wept and for a long time did not utter a word. At last, when the bustle and confusion of the gathering had settled and there was silence, he explained everything in the order that it had happened.

Then with palms upraised, he called on them as fellow soldiers, praying that they would not consider him responsible for Appius Claudius' crime nor regard him as one who had murdered his child. His daughter's life would have been dearer to him than his own if she had been allowed to live in freedom and chastity. But when he saw her being hurried off like a slave to be debauched, he had thought it better to lose a child to death than to outrage. The pity he felt had occasioned him to commit an act of apparent cruelty. Nor would he have outlived his daughter had he not hoped to avenge her death by getting the help of his fellow soldiers. For they too had daughters, sisters, and wives. Appius Claudius' lust had not died with Verginia, but the longer it went unpunished, the more unbridled it would become. The calamity that had befallen another gave them a warning to guard against a similar outrage. As far as he, Verginius, was concerned, fate had robbed him of his wife; now his daughter had died a pitiful but honorable death, since she would have no longer lived in chastity. Now there was no opportunity in his house for Appius' lust. He would defend his own body from Appius' further violence with the same spirit that he had defended his daughter. The rest should look out for their own interests and those of their children.

107. *Mount Vecilius*: otherwise unknown, probably part of the Algidus range.

108. *sight of togas*: the presence in a military camp of a large number of unauthorized men wearing civilian dress would have posed a visible threat to the authority of the commanders, bringing the reality of the political struggle into the camp.

As Verginius shouted these words, the crowd cried out in support that they would not fail to avenge his grief and vindicate their own freedom. The civilians mingled with the crowd of soldiers, making the same laments and telling them how much more outrageous the events would have appeared if they had seen them rather than simply heard about them. At the same time they announced that the government in Rome was already overthrown. Others arrived, saying that Appius had almost been killed and had gone into exile. All this drove the soldiers to proclaim the call to arms, tear up the standards, and set out for Rome. The decemvirs, thrown into confusion by what they were seeing and by what they heard had happened in Rome, rushed in different directions throughout the camp, trying to quell the mutiny. Mild talk got no response from the soldiers. If one of them tried to impose his authority, he got the reply that they were men and were armed. They marched to the city in a column and took possession of the Aventine, urging the plebeians they encountered to regain their freedom and elect tribunes of the plebs. No other violent proposals were heard.

Spurius Oppius convened the senate, and it was decided to take no harsh measures, since they themselves had provided the opportunity for sedition. Three ex-consuls were sent as envoys to ask, in the name of the senators, who had ordered them to abandon the camp, what their aim was in seizing the Aventine with arms and capturing their native land after abandoning a war with the enemy. The men did not lack a response, but they did lack someone to give that response since they had no definite leader, nor as individuals were they sufficiently daring to risk such an invidious position. The crowd simply cried out in unison that the senators should send Lucius Valerius and Marcus Horatius; to them they would give a reply.

51. The army on the Aventine elects its own officials, tribunes of the soldiers; Icilius has the other army do the same. Valerius and Horatius refuse to go and negotiate with the armies until the decemvirs resign. The decemvirs, however, refuse to resign until their laws are passed.

When the envoys were dismissed, Verginius warned the soldiers that they had been thrown into confusion a few moments before over an unimportant matter because, as a group, they lacked a leader. Their answer, though a good one, was the result of a fortuitous consensus rather than a concerted plan. He rec-

ommended that ten men be appointed as leaders and that they be given a military title, "tribunes of the soldiers." When this honor was offered to him as the first appointee, he said, "Keep your judgment about me until the situation has improved both for you and for me. No official honor can be pleasing to me as long as my daughter is unavenged. Nor, while the state is in such confusion, is it helpful for you to have in office men who are exposed to political hatred. If I am of service to you, that service will be no less if it comes from a private citizen." And so they chose ten tribunes of the soldiers.

Nor was the army on the Sabine front quiet. There too, at the instigation of Icilius and Numitorius, there was a mutiny against the decemvirs. Men's feelings were stirred anew by the memory of Siccius' murder no less than they were kindled by the news of the girl who had been so shamefully sought to gratify a man's lust. Icilius, when he heard that tribunes of the soldiers had been appointed on the Aventine, was afraid that the assembly in the city might follow the precedent of the military assembly by making these same men tribunes of the plebs. Since he was experienced in popular politics and had designs on the office for himself, he had his soldiers elect the same number with equal power before they went to the city. Under their standards, they entered the city by the Colline Gate, proceeding in a column right through the middle of the city to the Aventine. There they joined the other army and charged the twenty tribunes of the soldiers to appoint two of their number to the supreme command. The tribunes appointed Marcus Oppius and Sextus Manilius.

The senators were alarmed about the state of the nation. But, although they were meeting every day, they were spending more time in recriminations than in deliberation. They blamed the decemvirs for the murder of Siccius, Appius' lust, and the disgraces in the military sphere. It was resolved that Valerius and Horatius should go to the Aventine. But they said that they would only go if the decemvirs would lay down the symbols of office that had expired a year ago. The decemvirs, complaining that they were being forced to return to the ranks, said that they would not lay down their power until the laws for which they had been appointed were passed.

52. Given the stalemate, the plebs move to the Sacred Mount, and cries for the senate to take action increase.

The plebs were told by Marcus Duilius, a former tribune of the plebs, that nothing was being achieved by the senate's continual bickering. So, they

moved from the Aventine to the Sacred Mount, since Duilius assured them that the senate would not feel any concern until they saw the city deserted. The Sacred Mount would warn them of the plebs' steadfastness; the patricians would find out whether it was possible to restore the harmony of the state without reinstating tribunician power. They set out by the Via Nomentana, which was then called Ficolensis, and pitched camp on the Sacred Mount, copying the restraint of their fathers who had done no pillaging. The plebs followed the army, with no one who was physically able refusing to go. They were attended for some distance by wives and children who asked pitifully who was going to protect them, abandoned in a city where neither chastity nor liberty was sacred.¹⁰⁹

An unaccustomed emptiness had made all of Rome desolate. There was no one in the forum except a few older men; when the senators were in the senate house, the forum seemed deserted. Then more than just Horatius and Valerius began to make their voices heard. "What will you wait for, senators?" they asked. "If the decemvirs won't put an end to their obstinacy, are you going to allow everything to be ruined and go up in flames? What is this power, decemvirs, that you are clinging to so tenaciously? Are you going to give laws to roofs and walls? Aren't you ashamed that an almost greater number of your lictors are to be seen in the forum than the rest of the citizens? What are you going to do if the enemy should come to the city? What if the plebs were to come soon and in arms, while we are unmoved by their secession? Do you want your power to end with the downfall of the city? And yet, either we must have no plebeians or we must have plebeian tribunes. We will be deprived of patrician magistracies more quickly than they will lack plebeian offices. They wrested from our fathers a new and untested power. But now that they are captivated by its charm, they would not bear its loss, especially since we are not so moderate in the exercise of our power that they need no help." Assailed by these taunts from all sides and defeated by the consensus, the decemvirs agreed that they would submit, since it seemed best, to the power of the senators. They only asked, giving a warning, that they be protected from hatred and that their blood not be the means of accustoming the plebs to punishing senators.

109. The historicity of this secession is disputed by some scholars; see Cornell 1995: 276–8; for example, see Forsythe 2005: 230–3.

53. *Valerius and Horatius negotiate with the plebs on the senate's behalf. Icilius acts as spokesman for the plebs.*

Then Valerius and Horatius were sent to the plebs to negotiate conditions for their return and make a settlement. They were also ordered to safeguard the decemvirs from the anger and violence of the people. They set out and were received into the camp to the plebeians' great joy, as the undisputed champions of freedom both at the beginning of the disturbance and in its outcome. On their arrival they were thanked, and Icilius made a speech on behalf of the crowd. And, when the conditions were being discussed and the envoys were asking what the plebs demanded, Icilius presented their demands in accordance with a plan that had been made before the envoys' arrival. He made it clear that their hopes lay in an equitable settlement rather than the use of arms; the recovery of tribunician power and the right of appeal were what they sought—those things that had been the plebs' safeguards before the election of the decemvirs. The plebeians also wanted a guarantee that it would not be held against anyone that he had roused either soldiers or plebs to regain their freedom by seceding. Their only harsh demand was for the punishment of the decemvirs. They thought it just that the decemvirs be handed over to them and threatened to burn them alive.

In response to these proposals, the envoys said, "The demands are the product of deliberation and are so fair that they should have been granted to you voluntarily. You are seeking them as guarantees of liberty, not as license to make attacks on others. But your anger is to be excused rather than indulged. Your hatred of cruelty is driving you headlong into cruelty, and, almost before you are free yourselves, you are wanting to lord it over your foes. Will our state never have a rest from senators punishing plebeians, or plebeians punishing senators? You need a shield rather than a sword. It is enough and more than enough for a low-born citizen to enjoy equal rights in the state and neither inflict nor suffer injustice. Even if, at some future date, you show that you are to be feared, it will be after you have recovered your magistrates and laws when you have jurisdiction over our lives and fortunes;¹¹⁰ then you will make a decision as each case comes before you. Meanwhile it is enough to regain your freedom."

110. *when you have jurisdiction . . .*: this statement anticipates the situation in the late republic when many of the patrician families had died out and the number of plebeians holding office far exceeded that of the patricians.

54. 449 BCE. *The settlement of Valerius and Horatius is accepted and the decemvirs resign. The plebs return, elect tribunes, and pass a bill restoring the consulship, subject to the right of appeal.*

When the people all agreed that Valerius and Horatius should do as they saw fit, the envoys assured them that they would return when they had completed the settlement. They set out, and, when they had explained the plebs' demands to the senators, the other decemvirs made no objection since, contrary to their expectation, there was no mention of punishment for them. But Appius, because of his savage temperament and his extraordinary unpopularity, measured other men's hatred of him by his own hatred of them, exclaiming, "I am not unaware of the fortune that threatens me. I see that the struggle against us is being postponed until weapons are handed to our adversaries. Their antagonism demands the offering of blood. I have no hesitation in resigning from the decemvirate." The senate decreed that the decemvirs should abdicate their office as soon as possible; that Quintus Furius, the *pontifex maximus*; should conduct an election for tribunes of the plebs; and that the secession of the soldiers and the plebs should not be held against anyone.¹¹¹

When the senatorial decrees had been passed and the senate dismissed, the decemvirs went before the people and abdicated their office, to everyone's great joy. These happenings were announced to the plebs. Whatever people were left in the city followed the envoys. This throng was met by another joyful crowd running out from the camp. They congratulated each other on the restoration of freedom and harmony to the state. The envoys addressed the people: "May this be favorable, fortunate, and happy for you and for the republic. Return to your native city, to your household gods, to your wives and children. But as you go, take into the city that same restraint that you have shown here, where no man's land was violated, though so many things were useful and necessary for so great a throng. Go to the Aventine, from where you set out. There, in the auspicious place where you made the first beginnings of liberty, you will elect tribunes of the plebs. The *pontifex maximus* will be there to hold the election."

These words quickly drew huge applause, as the crowds gave their approval to everything. They tore up the standards and set out for Rome, their

111. *pontifex maximus*: Cicero (*In defense of Cornelius* 25) notes that the *pontifex maximus* presided over this election "because there was no magistrate."

joy vying with that of those who came to meet them. Armed, they went in silence through the city to the Aventine. There Quintus Furius, the *pontifex maximus*, immediately held an assembly, and they elected tribunes of the plebs: first of all Lucius Verginius; then Lucius Icilius and Publius Numitorius (Verginia's maternal uncle), the instigators of the secession;¹¹² then Gaius Sicinius, the son of the man who is said to have been the first tribune elected on the Sacred Mount; and Marcus Duilius, who had distinguished himself in the tribunate before the election of the decemvirs and who had not failed the plebs in their struggle with the decemvirs. Elected more for their promise than their service were Marcus Titinius, Marcus Pomponius, Gaius Apronius, Appius Villius, and Gaius Oppius. As soon as they had taken office, Lucius Icilius proposed to the plebs, and they approved, that secession from the decemvirs should not be held against anyone. Immediately Marcus Duilius carried a resolution to elect consuls with the right of appeal. All this was enacted by the Council of the Plebs in the Flaminian Meadows, which they now call the Circus Flaminius.¹¹³

55. *After the rapprochement between senators and plebeians, the new consuls, Valerius and Horatius, pass laws regarding plebiscites, the right of appeal, and sacrosanctity.*

Then, through an *interrex*, Lucius Valerius and Marcus Horatius were elected to the consulship and took up office immediately [449 BCE]. Their term of office favored the people without wronging the patricians, but not without offending them; for they believed that whatever was done to protect the plebs diminished their own power. First of all, since it was virtually an undecided point of law whether patricians were legally bound by decisions of the plebs, they carried a law in the *Comitia Centuriata* that what the plebs should pass when voting by tribes should be binding on the people, a bill that gave tribunician proposals a very sharp weapon.¹¹⁴ Then the consuls not only

112. *maternal uncle*: Latin *avunculus*. In 3.45 and 3.57, Numitorius is called Verginia's grandfather (*avus*). The discrepancy may indicate the use of a different source.

113. The Circus Flaminius was built in 220 BCE in the southern part of the Campus Martius.

114. *what the plebs should pass when voting by tribes* . . . : two similar measures are recorded for 339 BCE (*lex Publilia*) and 287 BCE (*lex Horrensia*), causing many scholars to doubt the historicity of this measure in 449 BCE; see Cornell (1995: 277–8), who gives a hypothetical, but plausible, reconstruction of the evidence for such a measure in the context of 449 BCE and

restored another consular law about the right of appeal, the sole defense of liberty, that had been overturned by the power of the decemvirs, but they also strengthened it for the future by the solemn enactment of a new law that no one should declare the election of a magistrate without right of appeal.¹¹⁵ Anyone who did so could be killed according to both human and divine law, and such a homicide would not be considered a capital offense.

When they had given sufficient safeguards to the plebs, through the right of appeal on the one hand and tribunician help on the other, in the interests of the tribunes they restored the principle of sacrosanctity, a thing that had almost been forgotten.¹¹⁶ They revived long-neglected ceremonies and renewed them. They made tribunes inviolate, not only on the principle of religion but also by a statute that stipulated that anyone who harmed tribunes of the plebs, aediles, or the ten-man panel of judges should forfeit his life to Jupiter, and his possessions should be sold at the temple of Ceres, Liber, and Libera.¹¹⁷ Legal experts say that this statute does not make someone sacrosanct but marks anyone who has harmed one of these officials as accursed.¹¹⁸ Thus an aedile may be arrested and imprisoned by the higher magistrates—an act that, though it may be illegal (since harm is being done to a man who, under this statute, should not be harmed), is nevertheless proof that an aedile is not considered to be sacrosanct. The tribunes, on the other hand, are sacrosanct by virtue of an ancient oath taken by the plebs

subsequent years. Whatever the date of this measure, Livy's comment that the bill "gave tribunician proposals a very sharp weapon" is in keeping with his earlier observations on the institution of the Tribal Assembly for the election of tribunes; see 2.56, n. 99, and 2.60, n. 107.

115. On the Valerian law on the right of appeal (*provocatio*) of 509, see 2.8; on the allusions to such appeal, see 2.27 and 2.55. The sources record three laws concerning the right of appeal—for 509, 449, and 300 BCE—and attribute each to a member of the Valerian family. Cornell (1995: 277) notes, "As far as the 449 law is concerned, the sources themselves indicate that its specific purpose was not to grant the right of appeal *per se*, but to prohibit the creation of magistracies not subject to appeal."

116. Cornell (1995: 276) remarks that the effect of this law (if authentic) would have been "to give statutory recognition to the plebeian organization, and as such it was a great victory for the plebs."

117. *aediles*: the aediles at this time were religious officials, not civic magistrates; see 3.6 with n. 18.

ten-man panel: perhaps to be identified with a later board that adjudicated questions of freedom and slavery; see Ogilvie 1965: 501.

Ceres, Liber, and Libera: the cult was probably established in 493 BCE.

118. *accursed*: the Latin word is *sacer*, which underscores the distinction between the one who was protected from violation (*sacrosanctus*) and the violator, who was *sacer*—"accursed, outside the law," and thus an outlaw; see 2.33 with n. 57.

when their power was first established. There were those who interpreted this Horatian law as also applying to consuls and likewise to praetors, because they were elected under the same auspices as the consuls: the consul, they said, was called "judge." But this interpretation is refuted by the fact that, in those days, it was not yet the custom to call the consul "judge," but rather "praetor." These were the laws enacted by the consuls.

Also instituted by these consuls was the practice of taking senatorial decrees down to the aediles at the temple of Ceres. Previously these decrees were suppressed or falsified at the discretion of the consuls. Marcus Duilius, a tribune of the plebs, then proposed a bill to the plebs, which the plebs passed, that whoever left the plebs without tribunes and whoever declared the election of a magistrate without appeal should be scourged and beheaded. All these measures were passed against the will of the patricians, though they did not oppose them because their harshness was not yet directed at any one person.

56. *Verginius begins the prosecution of Appius Claudius, who demands the right to appeal as he is arrested and led off to prison.*

Once the tribunician power and the freedom of the plebs had been firmly established, the tribunes thought it safe and timely to attack individuals.¹¹⁹ So, they chose Verginius to bring the first accusation and Appius to be the defendant. On being indicted by Verginius, Appius came down into the forum surrounded by a throng of young patricians. Immediately everyone recalled his appalling power as they saw the man himself and his satellites. Then Verginius said, "Oratory was invented for dubious matters. Therefore I shall not waste your time by making a formal accusation of a man from whose cruelty you have freed yourselves with arms, nor will I allow him to add to his other crimes the effrontery of making a defense.¹²⁰ Appius Claudius, I am overlooking all the impious and wicked deeds that you dared to commit, one after another, over the last two years. On one charge only will I give the order for your imprisonment—unless you agree to go before

119. Having dealt with the Valerio-Horatian laws, Livy returns to the dramatic story of Verginia as he relates the indictment of Appius by Verginius, which balances Appius' "trial" of Verginia.

120. Verginius is not preventing Appius from defending himself but rather advising Appius to curtail the preliminary proceeding, as Verginius himself has just done.