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TULLIA AND THE FURIES

Tarquinius Superbus, a fully historical figure
once we remove the black paint with which
our sources smeared him.

Adam Ziółkowski (2019: 23)

Abstract

This article detects the plot of a lost play by Lucius Accius in Livy's narrative of the death of Servius Tullius (*Ab urbe condita* 1.46-8), and explores the significance of the Furies in the political ideology of the late republic.

Keywords

Livy, Accius, historical drama, Servius Tullius, Tarquin, Furies.

It is a pleasure and a privilege to contribute to a volume in honour of Adam Ziółkowski. What follows is a contribution to two areas of study in which Adam's work has been fundamental, the topography of the city of Rome and the history (or myth-history) of the regal period. In particular, the argument turns on the most significant advance in topographical understanding in the last half-century: the course of the Sacra Via as elucidated by Adam in his book *Sacra Via Twenty Years After*, published in Warsaw in 2004.

1. A historical drama?

In 1855 Sir George Cornewall Lewis, recently appointed Chancellor of the Exchequer in Lord Palmerston's government, published his two-volume 'inquiry into the credibility of the early Roman history'. Though largely forgotten nowadays, it is a very impressive historical argument, well worth the attention of

modern readers. Reporting the traditional narrative of the death of king Servius Tullius, Lewis makes a telling comment on how the king's daughter Tullia urged her husband to get rid of her father: 'In this Roman tragedy, she sustains the part of Lady Macbeth.'¹

Lewis was well aware of the evidence for historical subjects being treated like drama,² and for dramatists themselves staging historical subjects,³ but he never considered the possibility that Roman historians drew on plays as sources for their own narratives. That was an idea that became fashionable a generation later, with the work of Otto Ribbeck, Leopold von Ranke and others.⁴ Given that Livy actually states that the murder of Servius Tullius was a subject for tragedy, it was surprisingly late in the scholarly process that his story of Tullia and Tarquin came to be cited as evidence for a lost historical drama.⁵

The full argument was first made by an American scholar, Henry B. Wright, in a 'Festschrift' booklet in 1910. Very briefly at the end he suggested Lucius Accius as the author, on the strength of two phrases from Accius quoted by Cicero: 'One woman, of two men', and 'I see two tombs, of two bodies'.⁶ Tullia's adultery with Tarquin, and the deaths of her husband and Tarquin's wife,⁷ provide a very suitable context for both of them. We know that Accius was interested in Servius Tullius, to whom he referred in his play *Brutus* as 'Tullius, who had established freedom for citizens'.⁸ So there is strong circumstantial evidence for Livy having Accius in mind as he wrote the story.

But even the best ideas can be forgotten, or prematurely dismissed. Wright's unobtrusive work had no immediate impact, and even when it was picked up forty years later in an article by Agnes Kirsopp Michels,⁹ that was still not enough to get it taken seriously. Henry Bardon's brilliant survey of lost Latin literature

¹ Lewis 1855: 1.504, cf. 1.228 on the murder of Servius as a 'tragic crime ... suitable to poetry', clearly a reminiscence of Livy 1.46.3 (*sceleris tragici exemplum*).

² Lewis 1855: 1.240–1, on Plutarch, *Romulus* 8.7 (δραματικὸν καὶ πλασματώδες) and Livy 5.21.9 (*haec ad ostentationem scaenae ... aptiora*).

³ Lewis 1855: 1.226–7, on Aeschylus' *Persians*, Phrynichus' *Capture of Miletus* and Shakespeare's history plays.

⁴ E.g. Ribbeck 1875: 63–75; Ribbeck 1881; von Ranke 1883: 108–15; Meiser 1887; Schöne 1893; Soltau 1909: 17–59.

⁵ Livy 1.46.3 (n. 1 above); Schöne 1893: 17, one in a list of possible examples.

⁶ Wright 1910: 25–47, esp. 47 on Accius fr. 655–6 Ribbeck = 699–700 Dangel (Cicero, *Orator* 156, on forms of the genitive plural): *atqui dixit Accius 'uideo sepulcra duo duorum corporum', idemque 'mulier una duum uirosum'*.

⁷ Livy 1.46.6–9, Dionysius of Halicarnassus, *Roman Antiquities* 4.28.3–30.1.

⁸ Quoted by Cicero, *Pro Sestio* 123: *nominatim sum appellatus in Bruto: 'Tullius qui libertatem ciuibus stabiliuerat'* (Manuwald 2001: 234–5).

⁹ Unfortunately, with the arbitrary suggestion of Asinius Pollio as the author (Michels 1951: 24); she does not mention the Accius quotations.

would have been the place to give it the currency it deserved, but alas, Bardon brushed aside the whole notion of plays detectable in historical narratives: ‘A fine imaginative effort, a laudable desire to breathe life into phantoms – but these dreams of scholarship produce only empty shadows.’¹⁰

Things got even worse in 1965, with Robert Ogilvie’s commentary on the early books of Livy. Ogilvie cited Wright and Michels, but did not engage with their arguments. Like Bardon, he simply delivered an *ex cathedra* judgement:¹¹

[Livy] has not, of course, utilized an actual play as a model. He has written his own tragedy. ... It is certain that L[ivy] does not depend upon Ennius or an unknown Roman tragedian. With a profound interest in psychology he is writing tragedy not copying it.

That was two generations ago. Are we still content to accept dogmatic authority, or should we decide on the basis of the evidence? I think the latter is preferable.

First, the notion of prose narrative being influenced by what the author and his readers had seen on the stage is not in itself outlandish. On the contrary, it is what we should expect. The stage had a serious educational function, and its importance in forming people’s opinions is attested by Cicero.¹² It was more than just popular entertainment. Notionally at least, at the *ludi scaenici* everyone was there together, including senators and equestrians in their reserved seats; the audience was the whole citizen body, *populus Romanus uniuersus*,¹³ and we can certainly assume that that included Livy.

As for the Tullia and Tarquin story, there is one remarkable feature of Livy’s narrative to which no serious attention has yet been paid: the prominence of the Furies (Greek *Erinyes*), the deities who avenged kin murder.¹⁴ Historians were very cautious about attributing agency to gods or goddesses,¹⁵ and Livy was no exception. In the entire surviving text (thirty books in total) there are only six references

¹⁰ Bardon 1952: 327: ‘Bel effort d’imagination, louable désir de ressusciter des fantômes: mais de ces songes philologiques ne naissent que des ombres impalpables.’

¹¹ Ogilvie 1965: 186, 196.

¹² On the sources of *opinion*es see Cicero, *De legibus* 1.47 (*parens, nutrix, magister, poeta, scaena*); for the educational purpose of drama see Cicero, *Pro Rabirio Postumo* 29 (*ut ... discamus*), Varro, *De lingua Latina* 6.18 (*docuit populum*), and in general Rawson 1991: 570–81.

¹³ Cicero, *Pro Sestio* 118, 119, 122, 124; *Philippics* 1.36; Pliny, *Natural History* 36.119. Reserved seats: Livy 34.54.4–5 (senators); Asconius 78–9C (*equites*).

¹⁴ They goad both Tarquin (1.47.7) and Tullia (1.48.7) to fateful action, and they are summoned by the citizens when Tullia flees her home in the rising against Tarquin (1.59.13); briefly registered, but not exploited, by Michels 1951: 17, 19–20, 23.

¹⁵ For the issues involved see Polybius 3.47.6–9, Dionysius of Halicarnassus, *Roman Antiquities* 2.68.1–2, 8.56.1; Valerius Maximus 1.8.7; Wiseman 2008: 243–70.

to the Furies, two of which are in speeches and a third is merely metaphorical;¹⁶ the other three are all in the Tullia narrative. Why should that be so?

It can hardly be a coincidence that the Furies were a familiar sight on the Roman stage. Ennius wrote a *Eumenides*, as did Varro a century later.¹⁷ Cicero provides evidence as explicit as one could wish, noting more than once that ‘you often see in plays that those who have committed some impious or criminal act are driven in terror by the blazing torches of the Furies’.¹⁸ Given all that, why should we *not* infer that Livy’s narrative of the death of Servius Tullius was based on a stage play?

2. The evidence

The case in favour can best be made by a close reading of Livy 1.46–48, with running commentary. I give Livy’s narrative in the excellent translation of T.J. Luce (Oxford World’s Classics):

[46.1] Servius was no doubt *de facto* king, but from time to time the young Tarquin ventilated in public his contention that Servius ruled without the People’s consent.¹⁹ In response the king first won the goodwill of the plebeians by dividing up land captured from the enemy and giving it to them in individual allotments;²⁰ he then ventured to ask the People for their formal consent to his rule, which they gave with more unanimity than for any of the earlier kings.

[2] But this did not stop Tarquin. Quite the contrary: he wanted the throne for himself and, when he perceived that the senators were displeased in the matter of the land distribution to the *plebs*, he saw his opportunity to worm his way into their good graces by censuring the king on the Senate floor. He was a restive and ambitious young man, to be sure, but at home he had a wife – Tullia – who inflamed that ambition still further.²¹ [3] From this the Roman royal house produced a tragic

¹⁶ Livy 10.29.4 (metaphor), 29.18.15 (Locrians’ speech), 40.10.1 (Perseus’ speech).

¹⁷ Jocelyn 1969: 99–100 (Ennius); Varro, *Menippean Satires* frs. 117–65 Astbury; for Varro’s satire as a stage genre (*hic modus scaenatis*, fr. 304), see Wiseman 2015: 76–8.

¹⁸ Cicero, *Pro Roscio Amerino* 67 (*quem ad modum in fabulis saepe numero uidetis, eos qui aliquid impie sceleraeque commiserint agitari et perterreret Furiarum taedis ardentibus*); also *In Pisonem* 46 (*in scaena*), *De haruspicum responso* 39 (*in tragoediis*), *De legibus* 1.40 (*in fabulis*), *Academica* 2.89 (quoting Ennius’ *Alcmeo*, Jocelyn 1969: 74). It was equally true of Athenian tragedy (Aristophanes, *Ploutos* 423–5, Aeschines, *In Timarchum* 190).

¹⁹ See 1.41.6: Servius had assumed the kingship, with the help of queen Tanaquil, on the death of Tarquinius Priscus. The popular vote he now obtains confirms the legitimacy of his rule and removes any possible justification for Tarquin’s act.

²⁰ See 1.42.2–3 for Servius’ war against Veii and other Etruscan cities, which according to Dionysius of Halicarnassus (*Roman Antiquities* 4.27.1–6) went on for twenty years.

²¹ See 1.42.1: Servius had married his two daughters, each called Tullia, to the two sons of Tarquinius Priscus, as Livy later reminds us (1.46.4–5 below).

spectacle to rival those of Greece,²² in order that disgust with the kings might all the sooner usher in an era of liberty and that the last king would be one who seized the throne through crime.

[4] This Lucius Tarquinius – whether he was the son or grandson of King Tarquinius Priscus is not clear,²³ but I follow the majority of writers in saying he was the son – had a brother, Arruns Tarquinius, a youth of mild disposition. [5] These two had married the two Tullias, daughters of the king, as I said before, who were likewise very different in character. It happened by chance that the two of violent temperament were not married to one another – or rather, I think, it was owing to the Fortune of the Roman People, whose purpose it was that the reign of Tullius endure long enough to lay a firm foundation for the building of Rome’s national character.

In a play, this background information would be given in the prologue, and Livy’s reference to the purpose of Fortuna, who we know was a familiar stage character at just this time,²⁴ suggests that she would have spoken it. Luce is right to give her a capital letter: this is a very specific goddess, *Fortuna Publica* or *Fortuna (Publica) populi Romani Quiritium*, whose annual festivals – on 5 April, 25 May and an unknown third date, were respectively celebrated at three adjacent temples on the Quirinal next to the Colline Gate.²⁵

The first of those dates coincided with the first of the annual Roman theatre games (*ludi Megalenses*, 4–10 April), a very appropriate occasion for a patriotic drama showing how the goddess looked after the Roman People.²⁶ Ovid refers to Fortuna ‘confessing’ her love for Servius, perhaps to the audience in our imagined prologue.²⁷ Livy’s narrative too now turns to characters *speaking*:

²² Unusually, Luce’s translation misses something here. *Tulit enim et Romana regia sceleris tragici exemplum* means ‘The Roman royal house too produced an example of crime fit for tragedy’. The *et* does indeed refer to Greek tragedy (i.e., like the Mycenaean or Theban royal houses), but *sceleris tragici* is more than just a spectacle: the key word *scelus*, ‘crime’, is repeated at the end of the sentence, and at 1.47.1 (twice), 1.47.3, 1.48.5 and 1.48.7.

²³ Dionysius, who took chronology seriously (*Roman Antiquities* 1.74.1–75.3), insists they were his grandsons (*Roman Antiquities* 4.6–7, 4.28.1, 4.30.2–3), thus losing Tullia’s most persuasive argument.

²⁴ Diodorus Siculus 32.10.5: τῆς Τύχης ὥσπερ ἐν δράμασι τὸ παράδοξον τῆς περιπετείας ἀγούσης.

²⁵ *Fortuna Publica*: Ovid, *Fasti* 4.375–6, 5.729–80; *Fasti Praenestini* (Degrassi 1963: 126–7); cf. Lucan 8.686 (*Fortuna Romana*). *Fortuna P.R.Q.* or *P.P.R.Q.*: *Fasti Antiates, Caeretani, Esquilini, magistrorum uici* (Degrassi 1963: 11, 67, 87, 91). Three temples: Vitruvius 3.3.2 (*Fortunae tres ... proxime portam Collinam*).

²⁶ See 1.46.3 above for a hint of divine teleology, and 2.1.3–6 for the idea that Rome’s citizens needed the ‘moderate’ rule of successive good kings (2.1.6 on *moderatio imperii*, 1.48.9 on Servius’ *moderatum imperium*) before they could be ready for ‘mature’ freedom.

²⁷ Ovid, *Fasti* 6.573–4 (*dum dea furtiuos timide profitetur amores, | caelestemque homini concubuisse pudet*); Wiseman 1998: 25–30.

[46.6] Tullia – the one who was so headstrong²⁸ – was greatly aggrieved because her husband did not have the stuff of manhood, neither hungry for power nor two-fisted;²⁹ turning from him, she set her sights on the other Tarquin, confessing her admiration for someone who was a real man, a true son of a king, while ridiculing her sister for having married such a fine specimen, while lacking the backbone a woman should have. [7] Their similar natures swiftly drew them together, as so often happens: evil attracts evil. Yet it was the woman who began the débâcle.³⁰ Conversing secretly with another woman's husband became normal for her: she had no scruples in damning her husband to his brother, her sister to her sister's husband; she maintained it would have been better if she had remained a spinster and he a bachelor than to be married to such unsuitable spouses: as it was, their enterprising nature was being stifled by the spinelessness of others; [8] if the gods had given a husband who was worthy of her, she would soon see in her own house the royal power she now saw in her father's. [9] It did not take long for her to fill the young man with her own recklessness. Lucius Tarquinius and the younger Tullia emptied their houses with virtual back-to-back funerals. They married, with Servius not forbidding it more than with his approval.

In what we may think of as Act I, Tullia is in charge. Dionysius, as befits a professor of rhetoric, has her deliver an elaborately formal *suasoria* speech to her brother-in-law;³¹ Ovid's much briefer version omits these early moves in Tullia's plot. All three narrators, I suggest, were transcribing into their respective idioms material with which they were familiar from the stage.

Similarly, all three narrators pass very swiftly over what happened next, the murders of the respective spouses and the marriage of the guilty pair.³² It is a striking feature of the only surviving Roman historical drama, the pseudo-Senecan *Octavia*, that Nero's marriage to the 'haughty harlot' Poppaea is mentioned in the text only in advance and in retrospect: it takes place between lines 645 (exit the Ghost of Agrippina) and 646 (enter Poppaea and her Chorus), presumably as a danced spectacle without dialogue.³³ We may reasonably infer a similar sequence

²⁸ Literally 'ferocious' (*ferox*); cf. Tarquin at 1.48.2, attacking Servius *ferociter*.

²⁹ Literally 'adequate neither for desire nor for audacity' (*neque ad cupiditatem neque ad audaciam*); *audacia* recurs at the end of the sentence, applied to Tullia herself (Luce's 'backbone'), and at 1.48.1 and 3 (*audere*), applied to Tarquin.

³⁰ Literally 'general upheaval' (*turbandi omnia*), a phrase often applied to demagogues (e.g. M. Manlius at Livy 6.14.7, M. Lepidus at Sallust, *Histories* 1.77.1M).

³¹ *Roman Antiquities* 4.28.3–30.1; for historians who composed speeches 'like exercises for the rhetorical school', see Polybius 12.25a.5 (on Timaeus).

³² Livy 1.46.9 (*prope continuatis funeribus cum domos uacuas nouo matrimonio fecissent*), Ovid, *Fasti* 6.587 (*Tullia coniugio sceleris mercede peracto*); Dionysius of Halicarnassus, *Roman Antiquities* 4.30.1 ('both died the same way', cf. 4.79.1–2 (by poison, according to L. Brutus); the formulation in *De uiris illustribus* 7.15 (*mites seu forte seu fraude perierunt*) is similarly vague.

³³ [Seneca], *Octavia* 125 (*superba paelex*), 593–7 (in advance), 671–3, 683–5 (in retrospect); Boyle 2008: 230–1; Wiseman 2008: 198–9.

in the putative drama of Tullia and Tarquin. Tullia speaks again as Livy's narrative proceeds.

[47.1] From then on Tullius' old age proved an increasing source of danger and his hold on the throne became more precarious with each passing day: the woman, having committed one crime, was now looking to commit another. Night and day she pressured her husband not to let the previous murders go for nothing. [2] What she had previously, she said, was a man to whom she could be said to be married and with whom she wordlessly served those in power; what she had not had was a man who thought himself worthy of the throne, who remembered he was the son of Tarquinius Priscus, who preferred to take the throne than to hope for it. [3] 'If you are the man whom I think I married, I salute you as husband and king. If not, my situation is worse than before, for what I now have is a criminal as well as a coward. [4] Why not arm yourself for action? You are not from Corinth or Tarquinii.³⁴ You do not, like your father, have to win a kingdom in a foreign land. The gods of your house and of your ancestors, the image of your father, the palace that was your home, the royal throne in that home, the very name of Tarquin – they all declare and make you king. [5] If you lack the nerve, then why disappoint everyone's expectations? Stop parading around as a prince of the blood royal. Clear out of Rome, slink back to Tarquinii or Corinth. Revert to what your family once was, more like your brother than your father!' [6] With such taunts as these she goaded the youth to act. Yet she was equally hard on herself: if a spirited woman like Tanaquil – and a foreigner as well – could act as a kingmaker twice in a row, first for her husband and then for her son-in-law,³⁵ then why was she, who was of royal blood, unable to make headway in making and unmaking a king?

'Act II' thus consists of two speeches by Tullia: one to Tarquin, the other a soliloquy after he has left to start his campaign for political support. Ovid offers a brief version of the former, which the commentators too easily assume was no more than a précis of Livy;³⁶ since he puts into Tullia's mouth the aphorism 'Crime is a king's thing!', alluding to a well-known Euripidean quotation used also by Dionysius,³⁷ here again we may be looking at three different ways of handling the same dramatic material.

Dionysius, however, turns away from drama at this point, resuming his 'school of rhetoric' mode. He composes two set-piece senatorial speeches, one by

³⁴ See 1.34.1–11 on his grandfather Demaratus and his father Tarquinius Priscus.

³⁵ First for Demaratus' son Lucumo, who became Tarquinius Priscus (Livy 1.34.4–10), then for Servius Tullius, the palace slave-boy marked out by the gods (Livy 1.39.1–5, 1.41.1–6).

³⁶ Ovid, *Fasti* 6.587–96; Schilling 1993: 192; Littlewood 2006: 177; for a more nuanced view see Murgatroyd 2005: 201–4.

³⁷ Ovid, *Fasti* 6.595 (*regia res scelus est*); cf. Euripides, *Phoenissae* 524–5 (εἴπερ γὰρ ἄδικεῖν χρή, τυραννίδος περὶ | κάλλιστον ἄδικεῖν), whence Dionysius of Halicarnassus, *Roman Antiquities* 4.29.7 (καὶ γὰρ ἐὰν τᾶλλα τις ἀδικεῖν ὀκνῇ, βασιλείας γε χάριν οὐ νέμεσις ἅπαντα τολμᾶν). According to Cicero, Caesar 'always had the Euripides verses on his lips' (Cicero, *De officiis* 3.82, 'nam si uiolandum est ius, regnandi gratia | uiolandum est').

Tarquin attacking Servius' right to rule, one by Servius defending it, and then a speech by Servius before the People to confirm the legitimacy of his government.³⁸ There are no such formalities in Ovid or Livy.

[47.7] Tarquin, goaded by the frenzied ambition of his wife,³⁹ went the rounds, seeking in particular the support of the senators from the lesser families:⁴⁰ he reminded them of the favour his father had done them, and now sought their support in return. He won over the younger men with gifts, and increased his influence everywhere by making extravagant promises and denouncing the king. [8] Finally, the moment to strike was at hand. Escorted by a cadre of armed men he burst into the forum.⁴¹ When everyone was stricken with fear, he took his seat on the king's throne in the entrance to the senate-house and ordered a herald to summon the senators into the presence of King Tarquin.

'Enter Tarquin, escorted' can be taken as the start of the third act. He takes his seat in the king's place in front of the Senate-house (*in regia sede procuria*);⁴² as Livy's readers would know, and as we see later in the story, the Senate-house was on a raised podium with steps leading down to the Comitium (place of assembly) below.⁴³ It is worth remembering that when the *ludi Romani* were on, the Comitium was probably used as a theatre.⁴⁴

[47.9] They gathered at once, some acting on cue, others fearful the non-appearance might get them into trouble; people were dumbfounded by this brazen step: Servius, they thought, was doomed. [10] Tarquin began by attacking the king, going back to his base origin:⁴⁵ a slave born of a slave, he seized the throne after the shameful murder of Tarquin's father, without the customary interregnum, without calling the assembly, without a vote of the people, without the sanction of the senate: the throne was the gift of a woman! [11] Such was his birth, such was how he became king, a champion of the dregs of society from which he himself came; in his hatred of others' nobility he took land from the high-born and gave it to riff-raff; [12] all the burdens that once had been shared in common were now piled on the backs of the

³⁸ *Roman Antiquities* 4.30.4–7 (Tarquin's conspiracy), 4.31–32 (Tarquin in the Senate), 4.33–36 (Servius in the Senate), 4.37 (Servius before the People).

³⁹ Literally 'possessed by female Furies' (*muliebribus instinctus Furiis*), referring to the avenging deities themselves, as at 1.48.7 and 1.59.13.

⁴⁰ See 1.35.6: the families of 100 men whom Tarquinius Priscus had made senators.

⁴¹ According to Dionysius of Halicarnassus (*Roman Antiquities* 4.38.2) his escort consisted of friends with swords under their togas and servants acting as lictors carrying axes.

⁴² Cf. Ovid, *Fasti* 6.597–8 (*solio priuatus in alto | sederat*).

⁴³ Livy 1.48.3 (*in inferiorem partem per gradus deiecit*); Dionysius of Halicarnassus, *Roman Antiquities* 4.38.5 (κατὰ τῶν κρηπιδῶν τοῦ βουλευτηρίου τῶν εἰς τὸ ἐκκλησιαστήριον φερουσῶν), cf. 4.39.1 (τὸν Ταρκύνιον ἐπὶ τῆς κρηπιδὸς ἐστῶτα); the steps are referred to at Cicero, *Ad Q. fratrem* 2.1.3 and Livy 1.36.4.

⁴⁴ Livy 27.36.8 (207 BC, *comitium tectum esse memoriae proditum est et ludos Romanos semel instauratos ab aedilibus*); see Wiseman 2009: 164–70 on multiple stages at the *ludi scaenici*.

⁴⁵ The speech is omitted by Dionysius of Halicarnassus (*Roman Antiquities* 4.38.2), who had worked through all the arguments in the Senate debate he had previously inserted (n. 38 above).

nation's leaders; he had instituted the census so that the rich might be singled out as objects of jealousy, while providing a perpetual source, whenever he wanted, of lavishing gifts upon the needy.

[48.1] In the midst of this harangue Servius burst upon the scene,⁴⁶ alerted to the alarming news. In a great voice he called out from the antechamber of the senate-house, 'Tarquin, what is the meaning of this? How dare you presume to call the senate or take my seat while I am alive?' [2] Tarquin snarled in reply that he was sitting in his father's seat; the son of a king had a far better claim to the throne than a slave; Servius had flouted his masters long enough with an insulting licence that knew no limits. An uproar arose from the supporters of each man; a crush of people pushed into the senate chamber;⁴⁷ it was clear that the victor would be king. [3] Tarquin was forced to stake everything on his next move.⁴⁸ Much younger and stronger, he seized Servius about the waist, carried him out of the room and flung him down the steps of the senate-house to the ground below. He returned to the chamber and ordered the senators to resume their places.

We have to suppose that at 47.9 the senators and Tarquin go inside the chamber, where he delivers his speech; that is the implied scene at 48.1, where Servius' voice is heard from the *uestibulum*. But at 48.1–2 it is clear that Tarquin is still sitting in the royal seat, which at 47.8 was out in front of the building. The uproar (*clamor* and *concursus*) take place inside, and Tarquin's act of 'extreme daring' at 48.3 risks becoming merely grotesque as he picks the old king up and walks out of the door with him.⁴⁹

These inconcinnities disappear when we imagine it performed. We need a big stage with steps up from ground level, a *scaenae frons* with the columns of the Senate-house as its central entrance, and the royal seat in front of it.⁵⁰ There would be a crowd at ground level representing the Roman People, through which Tarquin and his supporters would force their way at the start of 'Act III'. They would control the crowd; he would go up the steps, take his seat and summon the senators.

The senators would enter, perhaps from the side doors of the *scaenae frons*, and take up positions on the stage and the upper steps to form an audience around Tarquin. That simple dramatic convention for presenting an 'indoor' scene was

⁴⁶ Literally 'when Servius intervened in this speech' (*huic orationi Servius cum interuenisset*); but Luce's choice of phrase is a natural one.

⁴⁷ The Latin is more explicit (*concursus populi fiebat in curiam*): this was an intervention of the Roman People.

⁴⁸ Literally 'now forced to the most extreme daring by necessity itself' (*necessitate iam ipsa cogente ultima audere*).

⁴⁹ In Dionysius (*Roman Antiquities* 4.38.5) Tarquin calls his servants to help him take the old man outside.

⁵⁰ Compare the thrones *in medio* imagined by Virgil at *Aeneid* 1.506 (Dido) and 7.169 (Latinus).

not something Livy could exploit; hence the slight oddities in his account. In performance it would have the economical effect of making Tarquin's harangue to the senators equally audible to the 'Roman People' at ground level, as well as to the real Roman People in the audience behind them.

Now enter Servius, with a much smaller escort, and this time the crowd respectfully gives way. He rushes up the steps to challenge Tarquin while the respective supporters of the usurper and the rightful king struggle for control. Eventually, in a single dramatic – and horrifying – move, Tarquin seizes Servius and hurls him bodily down the steps. In Livy he then 'returned to the chamber and ordered the senators to resume their places',⁵¹ but no further senatorial business is reported. I imagine Livy was remembering the end of 'Act III', the exit of Tarquin and the terrified senators through the central door of the *scaenae frons*.

[48.4] Servius' attendants and companions took to their heels, while Servius himself, faint from the loss of blood and close to death, headed back to the palace, assisted by some of the royal bodyguards.⁵² But Tarquin had sent men after him, who caught him as he fled and cut him down. [5] Some believe that this was done at Tullia's prompting;⁵³ it certainly fits in with the other terrible things she did. For all agree that she rode into the forum in a wagon and, unabashed by the presence of the males gathered there, called her husband forth from the senate-house and was the first to salute him king. [6] He told her to clear out and fast, for the situation was dangerous. When she was heading back home and had reached the top of Cuprius Street (where the chapel to Diana was until recently),⁵⁴ and as she made a right turn on Urbis Street *en route* to the Esquiline hill,⁵⁵ her driver started in horror and, reining in, pointed out to his mistress the body of the slain king.

⁵¹ Literally 'then he went back into the Senate-house to compel the senators' (*inde ad cogendum senatum in curiam rediit*), who should have been still inside.

⁵² Literally 'as he was going back home with the royal escort' (*cum ... regio comitatu domum se reciperet*); presumably the *apparitores* and *comites* who fled at the start of the sentence had now remembered their duty.

⁵³ In Dionysius' typically longwinded version (*Roman Antiquities* 4.49.1–3), Tullia is driven to the Forum, salutes Tarquin as king while he stands on the steps, takes him aside to advise him not to let Servius live, and is driven away again. (Her *carpentum*, a lady's carriage, deserves a more polite description than Luce's 'wagon', and of course she was not driving it herself.)

⁵⁴ Probably the *Dianae sacellum in Caeliculo* removed by L. Piso as consul in 58 BC (Cicero, *De haruspicio responso* 32). The toponym *Caeliculum* is otherwise unknown; it is often identified (e.g. Rodríguez Ameida 1993) with the *Caeliolum* at Varro *De lingua Latina* 5.46, but there seems to be no reason to identify it as the street linking Carinae and the Caelian at 5.47, where the MS readings are *ceroniensem*, *cerolienses* and *cerulensis*.

⁵⁵ I assume that 'made a left turn' in Luce's text is a simple slip and not a deliberate 'correction' of Livy's *flectenti carpentum dextra*; there is certainly no warrant for it in any of the manuscripts. 'Urbis Street' for *cluius Vrbius* misses the point that it was a gradient, leading *up* to the Esquiline.

After everyone flees and Servius is helped back home (48.4), ‘Act IV’ begins with the arrival of Tullia in her carriage. Tarquin comes out; she hails him; he tells her to go home. Luce’s ‘clear out’ is good: the colloquial verb *facessere* was what she had sarcastically used to him in ‘Act II’.⁵⁶ Now he is in charge, but we may wonder how ‘ferocious’ Tullia would react to being so brusquely ordered away.⁵⁷ Does she obey him, or does Livy’s careful description of her route indicate something else?⁵⁸

Note first that the respective exits of Servius and Tullia are described in identical terms: *cum ... domum se reciperet* (Servius, 48.4), *cum se domum reciperet* (Tullia, 48.6). In a play, the symmetry would be visible: ‘Help me home’, says the old king to his attendants, and exits stage right; ‘Go home’, Tullia is told by her husband, and exits stage left. In Livy’s time it was known where the various kings had lived.⁵⁹ Servius’ house was on the Esquiline, above the *cluius Vrbius*; that of Tarquinius Superbus was also on the Esquiline, but above the *cluius Pullius* at the Fagutal grove.⁶⁰

Self-evidently, the old king was returning to one address and his daughter to another.⁶¹ So how did Tullia come upon her father’s body? The answer must lie in Livy’s careful naming of the streets, *uicus Cuprius* and *cluius Vrbius*, to explain what she was doing. Instead of going ‘home’ to her husband’s house, Tullia was now heading to the house of Servius. She was going to take possession.⁶²

Livy’s narrative, like those of Ovid and Dionysius,⁶³ naturally follows Tullia and shows her ordering the carriage to be driven over her murdered father’s body.

⁵⁶ 1.47.5; it occurs otherwise only twice (4.58.7, 6.17.8) in the whole of Livy.

⁵⁷ Cf. *De uiris illustribus* 7.18 (*coniugem regem salutauit, a quo iussa turba decedere*), presumably from Livy.

⁵⁸ Dionysius too mentions the *cluius Vrbius*, using the alternative spelling *Orbius* (*Roman Antiquities* 4.39.5, ὁ στεινωπὸς Ὀρβιος καλούμενος); cf. Varro, *De lingua Latina* 5.159 for its proximity to the *uicus Cuprius*.

⁵⁹ Varro, *De uita populi Romani*, fr. 22 Pittà (Nonius 852L); Solinus 1.21–6, evidently from Varro (Pittà 2015: 134–5).

⁶⁰ Solinus 1.25–6: *Seruius Tullius Esquilinus supra cliuum Vrbium. ... Tarquinius Superbus et ipse Esquilinus supra cliuum Pullium ad Fagutalem lucum* [MSS *lacum*]. For the grove see Varro, *De lingua Latina* 5.49; Pliny, *Natural History* 16.37; Coarelli 2019: 334–8.

⁶¹ Pace Palombi 1997: 47 (‘dal Foro al Clivo Urbio dove Servio abitava ... i due percorsi coincisero’). Palombi 1997 is the standard work on the topography of the area (superseding Terrenato 1992 and Ziółkowski 1996), but this assumption makes his reconstruction of the ancient street system very problematic.

⁶² Festus 450–1L (*properans in possessionem domus paternae*); cf. 196L on *Orbius cliuus* (n. 58 above), where *pro>sessionem* survives in a very damaged text, along with the names of Tullia and Tarquin. The situation is, I think, misunderstood by Ziółkowski 1996: 133 (‘Tullia rides home by the most roundabout way imaginable’), and by Coarelli 2019: 347–9, who supposes there were two rival narratives (confused by Livy?), in one of which Tullia went home, in the other to Servius’ house.

⁶³ Ovid, *Fasti* 6.603–10; Dionysius of Halicarnassus, *Roman Antiquities* 4.39.3–5.

In a play, however, ‘Act IV’ would end with Tullia’s exit; how would the audience know of her dreadful deed? Possibly from a ‘messenger speech’,⁶⁴ if the driver came back with the blood-stained carriage and reported what he had been forced to do. But in that case, what had the audience been watching in the meantime? A better alternative is suggested by the way Livy goes on:

[48.7] She is said to have committed an appalling and barbaric crime there – and the place is a reminder of it, for they call it the Street of Crime: maddened by the avenging spirits of her sister and former husband, Tullia, so the story goes, drove the wagon over Servius’ body. Spattered and defiled by the blood of her murdered father, she brought back part of it to her own household gods and those of her husband, who in their anger saw to it that the evil beginning of the reign would soon have a suitably bad ending.

‘So the story goes’ (*traditur*) is the sort of phrase Livy often uses for narratives of divine agency, the truth of which he cannot guarantee; at one point he observes of such tales that ‘they are more appropriate to the ostentation of the stage, which delights in marvels, than to credibility’.⁶⁵ Our story is probably an example.

Luce’s ‘avenging spirits’ were the Furies, as familiar on the Roman tragic stage as they were on the Athenian,⁶⁶ but in this case we have also the Penates, gods of the household, outraged by Tullia’s pollution of her father’s house. I suggest that ‘Act V’ consisted of the Furies describing what Tullia has done, followed by the Penates explaining how she will be punished.

Specifically Roman deities could appear on stage as easily as the gods of Greek tragedy. The best known examples are the *Lar familiaris* who speaks the prologue in Plautus’ ‘pot of gold’ comedy, and Anna Perenna, the eponymous heroine of a play by Laberius.⁶⁷ The Penates would appear as two young men carrying spears, iconographically similar to Castor and Pollux.⁶⁸ Their function here,

⁶⁴ As suggested by Michels 1951: 17.

⁶⁵ Livy 5.21.9 (*haec ad ostentationem scenae gaudentis miraculis aptiora quam ad fidem*); see in general Levene 1993: 19–20; Wiseman 2008: 245–6.

⁶⁶ 1.48.7 (*agitantibus furiis sororis ac uiri*); see above, notes 17–18. In Ennius’ *Eumenides*, after the acquittal of Orestes Minerva tells them to ‘clear out’, using the same verb Livy conspicuously repeats in this episode (*facessite*, n. 56 above): Nonius 477L; Jocelyn 1969: 100. For the *Erinyes* in Greek tragedy see Lloyd-Jones 1990.

⁶⁷ Plautus, *Aulularia* 1–39 (cf. Priscian, *Grammatici Latini* 2.213 Keil for a *fabula Atellana* by L. Pomponius entitled *Lar familiaris*); Aulus Gellius 16.7.10; Nonius 129L.

⁶⁸ Dionysius of Halicarnassus, *Roman Antiquities* 1.68.2; see the coin-types of M’. Fonteius, C. Sulpicius and C. Antius C.f. Restio (Crawford 1974: 316, 320, 470, nos 307, 312.2 and 455.2), where the legends read *Dei Penates* or *(D) PP* for *(Dei) Penates publici*. They were sometimes identified as the θεοὶ μεγάλοι of Samothrace, whom Varro in turn (cited in Servius on *Aeneid* 3.12) identified as the Dioscuri.

as usual with gods in Roman tragedy,⁶⁹ would be to reassure the audience: justice would be done, Tullia would be driven from the house to face the Furies. Livy, I suggest, turned that promise into narrative. A few pages later, describing the uprising against Tarquin, he notes that ‘in the tumult Tullia fled from her home, with men and women cursing her wherever she went and calling down on her the Furies of her kin’.⁷⁰

All the indications point in the same direction. It seems clear that at this point in his narrative Livy deliberately, and conspicuously, based his narrative on a stage play, a classic tragedy that he knew his own audience, and later his readers, would recognise.⁷¹ It was what Greek and Roman historians had done for centuries, adding enjoyable vividness to their narratives by exploiting the effects of drama.⁷² The playwright concerned was very probably Accius, one of the three ‘greats’ of Roman tragedy,⁷³ as Wright convincingly proposed more than a century ago.

3. The scene in the city

Let’s return to fierce Tullia in her carriage, sent home by Tarquin but changing her route to take possession of the old king’s house.⁷⁴ Both Servius and Tarquin lived on the Esquiline, which covered a substantial area to the east of the Forum.⁷⁵ Servius’ house was evidently on the northern side of the hill, overlooking the *uicus Patricius* (modern via Urbana) and therefore probably on the height where the

⁶⁹ Plautus, *Amphitruo* 41–4: *ut alios in tragoediis | uidi, Neptunum, Virtutem, Victoriam | Martem, Bellonam commemorare quae bona | uobis fecissent.*

⁷⁰ 1.59.13 (*inter hunc tumultum Tullia domo profugit execrantibus quacumque incedebat inuocantibusque parentum furias uiris mulieribusque*); cf. 1.59.10, Lucius Brutus’ recollection of Tullia’s crime and invocation of the *ultores parentum di*.

⁷¹ For historians’ audiences at this time see *FRHist* 48 T1, 54 T1: respectively Horace, *Satires* 1.3.86–9 (with ps.-Acro *ad loc.*) on Octavius Ruso, who recited *in spectaculo*, and Suda K 2098 (3.158 Adler) on Cornutus, who drew crowds larger than Livy’s.

⁷² See Moles 1993: 112–3; Morgan 1993: 184–6. The key texts are Duris of Samos *FGrH* 76 F1 (*mimesis* and pleasure); Polybius 2.56.10–12 (Phylarchus confusing the aims of tragedy and history); Cicero, *Ad familiares* 5.12.6 (history as a *fabula* with successive ‘acts’); Plutarch, *Pericles* 28.1 (Duris turning history into tragedy); what Polybius and Plutarch disapproved of was evidently common practice.

⁷³ Along with Ennius and Pacuvius (Cicero, *De oratore* 3.27, *Orator* 36, *Academica* 1.10); for his stature see Cicero, *Pro Sestio* 120 (*summi poetae ingenium*), *Pro Plancio* 59 (*grauis et ingeniosus poeta*).

⁷⁴ Livy 1.48.6–7; see above, nn. 58–62.

⁷⁵ It consisted of two hills, *mons Oppius* to the south-west and *mons Cispius* to the north-east (Varro, *De lingua Latina* 5.50), separated by the valley of the Subura, which ran from the Argiletum to the Porta Esquilina; however, the *mons Cispius* (S. Maria Maggiore) does not concern us here.

church of S. Pietro in Vincoli is now.⁷⁶ Tarquin's house cannot be placed precisely, but the logic of the drama requires that the respective houses were reached by different routes from the Forum: exit Servius in one direction; exit Tullia in another. Tarquin's assassins followed Servius, so the theatre audience could have no suspicion, until it was explained to them, that Tullia would arrive at the crime scene and drive over the corpse.

That explanation leads us into a notorious complex of topographical problems.⁷⁷ To understand the relevant routes from Forum to Esquiline, four documents are essential.

The first is Dionysius' account of the Penates, who were believed to have been brought from Troy by Aeneas:⁷⁸

They show you in Rome a temple built not far from the Forum in the short street that leads to Carinae; it is a small shrine, and is darkened by the height of the adjacent buildings. The place is called in the native speech 'Velia'. In this temple there are images of the Trojan gods which it is lawful for all to see, with an inscription showing them to be the Penates.

The second is Dionysius' narrative of Spurius Cassius, who was executed for treason in 485 BC:⁷⁹

His house was razed to the ground and to this day its site remains vacant, except for that part of it on which the state afterwards built the temple of Earth [i.e. Tellus], which stands in the street leading to Carinae.

There is no reason to doubt that the same street is meant.⁸⁰

In the third passage Dionysius refers again to 'Carinae', and also to one of the street-names in Livy's story.⁸¹ In the reign of Tullus Hostilius the hero Horatius, who had killed his sister, was purified of her death by passing under a 'yoke':⁸²

⁷⁶ Festus (Paulus) 247L; Coarelli 2019: 350–1.

⁷⁷ Most recently addressed by Coarelli 2019: 315–95, who provides full bibliography.

⁷⁸ Dionysius of Halicarnassus, *Roman Antiquities* 1.68.1 (Loeb trans. by E. Cary): νεὸς ἐν Ῥώμῃ δεικνύται τῆς ἀγορᾶς οὐ πρόσω κατὰ τὴν ἐπὶ Καρίνας φέρουσαν ἐπίτομον ὁδὸν ὑπεροχῇ σκοτεινὸς ἰδρυμένος οὐ μέγας. λέγεται δὲ κατὰ τὴν ἐπιχώριον γλῶτταν Οὐελία [MSS ὑπ' ἐλαίως or ὑπελαίας] τὸ χωρίον. ἐν δὲ τούτῳ κεῖνται τῶν Τρωικῶν θεῶν εἰκόνες, ἃς ἅπεσιν ὁρᾶν θέμις, ἐπιγραφὴν ἔχουσαι δηλοῦσαν τοὺς Πενάτας. The emendation Οὐελία is based on Varro, *De lingua Latina* 5.54 and Augustus, *Res gestae* 19.2 (in *Velia*).

⁷⁹ Dionysius of Halicarnassus, *Roman Antiquities* 8.79.3 (Loeb trans. by E. Cary): ἡ τε οἰκία κατεσκάφη, καὶ μέχρι τοῦδε ἀνεῖται ὁ τόπος αὐτῆς αἰθριος ἔξω τοῦ νεῶ τῆς Γῆς, ὃν ὑστέροις ἡ πόλις κατεσκεύασε χρόνοις ἐν μέρει τινὶ αὐτῆς κατὰ τὴν ἐπὶ Καρίνας φέρουσαν ὁδόν.

⁸⁰ Pace Palombi 1997: 49–51 and Coarelli 2001: 20–1; they assume that ἐπίτομον at 1.68.1 (n. 78 above) is a defining adjective, meaning 'the short street as opposed to another longer one', but that is an unnecessary complication. The adjective may equally well be simply descriptive.

⁸¹ Livy 1.48.6: *ad summum Cuprium uicum ... dextra in Urbium clium ut in collem Esquiliarum eueheretur.*

⁸² Dionysius of Halicarnassus, *Roman Antiquities* 3.22.8 (Loeb trans. by E. Cary): ἐν ᾧ δὲ τῆς πόλεως χωρίῳ τὸν ἀγνισμὸν ἐποιήσατο πάντες Ῥωμαῖοι νομίζουσιν ἱερὸν· ἔστι δ' ἐν τῷ στενωπῷ τῷ φέροντι

The place in the city where they performed this expiation is regarded by all the Romans as sacred; it is in the street that leads from Carinae as one goes towards *uicus Cuprius*.

One of the few things known about 'Carinae' is that it was on a hillside,⁸³ either the north-eastern slope of the Velia or the south-western slope of the Esquiline.

Our fourth document is the explanation of the name 'Carinae' in Varro's *De lingua Latina*:⁸⁴

Perhaps from *caerimonia*, because here begins the origin of the Sacra Via, which extends from the shrine of Strenia to the *arx*, by which the sacred items are brought month by month to the *arx*, and along which the augurs normally set out from the *arx* to carry out their auguries.

The site of Strenia's shrine is unknown; nevertheless, it is clear that the Sacra Via descended from 'Carinae' to the Forum,⁸⁵ and from there went up to the citadel (*arx*) on the Capitol.

What these four passages attest is the existence of two separate routes from the Forum eastwards to 'Carinae' (wherever that was) and the Esquiline (**Fig. 1**).

The first, a 'short street', went directly over the Velia, which Dionysius elsewhere describes as a 'fairly high and steep hill overlooking the Forum'.⁸⁶ The temple of the Penates was on the summit of the hill, supposedly on the site of the house of Tullus Hostilius;⁸⁷ the temple of Tellus, on the other hand, may have been on the north-eastern slope of the Velia, out of sight of the Forum but evidently

ἀπὸ Καρίνης τοῖς ἐπὶ τὸν Κύπριον ἐρχομένοις στενωπὸν. See also Livy 1.26.13; Festus 380L: the story was an aetiology of the *tigillum sororium*, an ancient cult site at the *compitum Acilium* (*Fasti Arualium*, Degraasi 1963: 36–7).

⁸³ As implied by Varro, *De lingua Latina* 5.48 (the *pagus Succusanus* so called *quod succurrit Carinis*) and Festus 476L (*mons Oppius* so called because Opiter Oppius, a Tusculan ally of Tullus Hostilius, settled in *Carinis*).

⁸⁴ Varro, *De lingua Latina* 5.47: *Carinae pote a caerimonia, quod hinc oritur caput Sacrae viae ab Streniae sacello quae pertinet in arcem, qua sacra quotquot mensibus feruntur in arcem et per quam augures ex arce profecti solent inaugurare*. So too Festus 372L.

⁸⁵ For *descendere in forum* see Cicero, *Pro Plancio* 17; Horace, *Satires* 1.9.1 and 35; Ovid, *Tristia* 3.1.27–30; Pliny, *Natural History* 19.23; Plutarch, *Cicero* 22.1.

⁸⁶ Dionysius of Halicarnassus, *Roman Antiquities* 5.19.1 (λόφον ὑπερκεῖμενον τῆς ἀγορᾶς ὕψηλὸν ἐπιεικῶς καὶ περίτομον), the site of the house of P. Valerius Publicola; cf. Cicero, *De republica* 2.53 (*in excelsiore loco*); Livy 2.7.6 (*alto atque munito loco*); Plutarch, *Publicola* 10.2 (ἐπικεκραμένην τῇ ἀγορᾷ καὶ καθορώσαν ἐξ ὕψους ἅπαντα).

⁸⁷ Solinus 1.22 (*Tullus Hostilius in Velia, ubi postea deum Penatium aedes facta est*); Cicero, *De republica* 2.53 (*ubi rex Tullus habitauerat*), thereafter the house of Publicola (n. 86 above). This evidence is unfortunately discounted by Ziółkowski 1996: 140–1.



Fig. 1: Vertical view of the historic centre of Rome from the Colosseum to the piazza del Campidoglio, from a mosaic of air photographs taken by Giacomo Boni in 1908: Aerofototeca Nazionale ICCD, GM_1908_150_MOS-T_0 33221 0 (detail).

Known Roman streets are marked as follows:

A–B: the Sacra Via, as excavated by Boni in 1899; for its continuation, see Ziółkowski 2004.

C–D: via del Tempio di Pace > via di S. Pietro in Vincoli (now via Frangipani): Lanciani 1990 tavv. 22, 29.

E–F: via del Colosseo > via Cardello: Lanciani 1990 tavv. 22, 29.

The asterisk marks the site of the *compitum Acilium*, discovered in 1932.

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not out of earshot.⁸⁸ The profile of the hill was much altered by the construction of Vespasian's *templum Pacis* and the Basilica of Maxentius, and practically all of what remained was dug away in 1932 for the construction of Mussolini's 'via dell'Impero', the road now called 'via dei Fori Imperiali'.⁸⁹

The second route was the Sacra Via, a processional way with a gentle gradient, used for triumphs.⁹⁰ To reach the same place ('Carinae') as the direct route, it must have rounded the Velia to the south-east. We must assume that that was the way Tullia's carriage was imagined as going, whereas the wounded Servius

⁸⁸ See n. 79 above, with Appian, *Civil Wars* 2.131.547, where Lepidus, outside the temple of Tellus, is called down to the Forum.

⁸⁹ Details in Manacorda and Tamassia 1985: 181–94; excellent illustrations in Palombi 1997, figs. 13 and 44, tavv. I–VI.

⁹⁰ Horace, *Epodes* 7.7–8 (*intactus ut Britannus ut descenderet | Sacra catenatus uia*); *Odes* 4.2.34–6 (*quandoque trahet feroces | per Sacrum clium merita decorus | fronde Sugambros*).

was taken by the direct route, past the temple of the Penates who would in due course avenge him.

Each of these routes is archaeologically attested at the western end. The first begins immediately above the so-called Temple of Romulus, where paving survives of a street leading north-west between Vespasian's *templum Pacis* complex (now the church of SS. Cosmas and Damian) and the Basilica of Maxentius.⁹¹ The second route is the Sacra Via, of which the pre-Neronian paving was exposed in 1899 from the Forum piazza up as far as the great platform of the Hadrianic temple of Venus and Rome; from there it must have curved round to the left behind the Velia towards 'Carinae' by a route now untraceable.⁹²

A new element was added to the topographical problem by the discovery in 1932, during the destruction of the eastern Velia to make room for the new road, of the cross-road shrine known as *compitum Acilium*.⁹³ That was known to be close to the *tigillum sororium* where Horatius was purified after the killing of his sister, 'in the street that leads from Carinae as one goes towards *uicus Cuprius*'.⁹⁴ Assuming that that refers to people coming from the Forum,⁹⁵ the site of the *compitum* makes it likely that 'Carinae' was on the slope of the Velia, not of the Esquiline. The passage may also imply that the *uicus Cuprius* was a major thoroughfare.

With the help of Figures 1 and 2, we can now try to map the positions and relationships of the relevant streets (**Fig. 2**). Figure 2 is based on an air photograph of the area taken early in the twentieth century,⁹⁶ before its historic topography was devastated by Mussolini's grandiose road project. The new broad streets of post-1870 *Roma capitale* are much in evidence,⁹⁷ but the underlying medieval and early-modern urban structure, including some street-lines surviving from Roman times, is still clearly visible. And though a bird's-eye view inevitably flattens out the gradients, it enables us to imagine the ancient topography in a way the modern city makes impossible.

⁹¹ Coarelli 1983: 45–9.

⁹² Palombi 1997: fig. 31; details and discussion in Ziolkowski 2004. The traditional notion that the Arch of Titus stood over the Sacra Via is wholly without foundation; the platform it stood on covered the paving of a street leading from the Sacra Via to the Palatine.

⁹³ Pisani Sartorio 1993; Lott 2004: 148–52, 188; Coarelli 2019: 342–4.

⁹⁴ Dionysius of Halicarnassus, *Roman Antiquities* 3.22.8 (n. 82 above), with Degraffi 1963: 36–7 (*Fasti Arualium*): *tigillo soror(io) ad compitum Acili(um)*.

⁹⁵ Rightly stressed by Coarelli 2001: 22: 'Se la direzione indicata fosse quella verso il Foro, si sarebbe evidentemente citato quest'ultimo, tra l'altro assai più noto. Se si è scelto il *uicus Cuprius* è perché era questo l'unico elemento suscettibile di indicare la direzione.'

⁹⁶ The print was bought in Rome many years ago with no indication of provenance; since it shows the Victor Emmanuel monument already clad in bright Brescia marble, it must post-date Giacomo Boni's pioneering aerial photography programmes (1899–1909: Fortini 2014: 57).

⁹⁷ Via Cavour running west to east, via dei Serpenti > via degli Annibaldi running north to south.

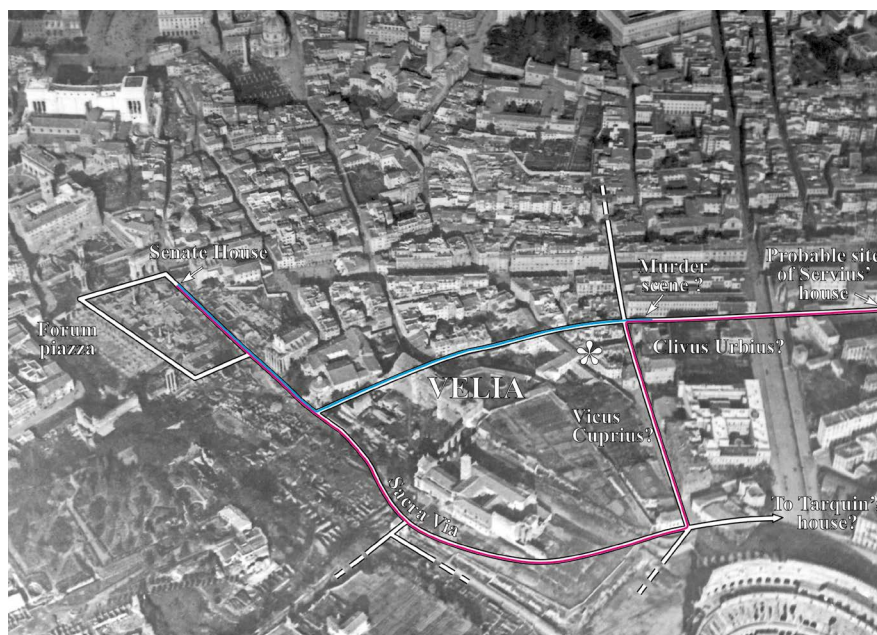


Fig. 2: Oblique air photograph of c. 1910, looking north-northwest from the Colosseum (bottom right) to the piazza di Venezia (top left). The coloured lines mark the suggested routes of Servius (blue) and Tullia (red); the asterisk marks the find-spot of the frieze attributed to the temple of Tellus (fig. 3).

The next stage of the argument involves the elusive neighbourhood called ‘Carinae’, which featured, I suggest, in the respective routes of both Servius and Tullia in Livy’s story.⁹⁸

4. Tellus and the Giants

In Livy’s time, and perhaps already in that of Accius, ‘Carinae’ was a fashionable part of the city, a place where senators lived conveniently close to the Forum.⁹⁹ It was dominated by the temple of Tellus (‘Earth’), a structure big

⁹⁸ Coarelli 2001: 18–23; 2019: 342–59.

⁹⁹ Virgil, *Aeneid* 8.361 (*lautis Carinis*); Cicero, *Ad Q. fratrem* 2.3.7 (house of Q. Cicero); Cicero, *De haruspicio responso* 49; Suetonius, *De grammaticis* 15.1 (house of Pompey); Horace, *Epistles* 1.7.48–9 (house of Marcius Philippus).

enough to house a meeting of the Senate.¹⁰⁰ Although neither Tellus nor Carinae is mentioned in Livy's narrative, his audience and his Roman readers would have known exactly where the doomed old king was going and how his daughter got to where he was killed. In particular, I think, they would realise that Tellus, like the Penates,¹⁰¹ was a witness of the crime.

The remains of the temple of Tellus were discovered in the mid-sixteenth century, and fortunately reported and described (by Pirro Ligorio and Onofrio Panvinio) before being dispersed for reuse.¹⁰² The temple evidently featured a sculptured frieze showing the battle of the gods against the Giants, of which four substantial fragments were later discovered nearby, two in 1693 and two more in 1887.¹⁰³ The find spot was close to where Tullia's carriage turned right to go up the *clivus Vrbius*,¹⁰⁴ and one of the fragmentary panels shows a Fury with her burning torch (**Fig. 3**).

This seems to be the only representation of them in Roman art,¹⁰⁵ and it is very different from the horrifying figures that pursued Orestes.¹⁰⁶ In particular, there is no sign of the snakes in the hair that define the Furies in all the poets from Aeschylus onwards.¹⁰⁷ The Furies portrayed here are not figures of madness but the implacable punishers of wrongdoing who were known in Athens as 'the solemn goddesses'.¹⁰⁸ That conception of them was well understood in Rome, as is made clear by the *pontifex* Gaius Cotta in Cicero's dialogue on the nature of the gods:¹⁰⁹

¹⁰⁰ Cicero, *Philippics* 1.31; Appian, *Civil Wars* 1.126.525–6; Dio Cassius 44.22.3 (17 March 44 BC). The temple was effectively synonymous with the Carinae: see Suetonius, *De grammaticis* 15.1 (*in Carinis ad Telluris*), ps. Acro on Horace, *Epistles* 1.7.46 (*Carinae... est locus ad Tellurem*), Servius on Virgil, *Aeneid* 8.361 (*Carinae sunt aedificia... quae erant circa templum Telluris*); medieval sources refer to the area as *in Tellure* (De Spirito 1999).

¹⁰¹ See above, n. 78.

¹⁰² Ziolkowski 1992: 156–61; Carandini and Carafa 2017: tab. 105; Coarelli 2019: 364–7.

¹⁰³ Vian 1988: 241 no. 484; Coarelli 2019: 370–5.

¹⁰⁴ Coarelli 2019: 371: 'lungo il tratto di Via del Colosseo adiacente alla Villa Rivaldi, poco prima dell'incrocio con l'attuale Via Frangipane'. See Fig. 2 (asterisk).

¹⁰⁵ Coarelli 2019: 370, figs 142–3; neither this nor any other Roman example is cited in the standard work on the iconography of the *Erinyes* (Sarian 1986).

¹⁰⁶ Aeschylus, *Choephoroi* 1048–50, *Eumenides* 46–59; see Sarian 1986: 841–2 for the Aeschylean presentation used by Athenian vase-painters and imitated by south-Italian and Etruscan artists.

¹⁰⁷ Aeschylus, *Choephoroi* 1049–50 (innovating, according to Pausanias 1.28.6); Catullus 64.193; Horace, *Odes* 2.13.35–6; Tibullus 1.3.69; Propertius 3.5.40; Virgil, *Georgics* 4.482–3, *Aeneid* 6.571, 7.329, 7.346–53, 7.447–50, 12.848.

¹⁰⁸ Homer, *Iliad* 19.259–60 (αἱ θ' ὑπὸ γαῖαν | ἀνθρώπους τίνυνται ὅτις κ' ἐπιόρκον ὁμόσση). Σεινναὶ θεαὶ (Lloyd-Jones 1990); Aeschylus, *Eumenides* 1041; Sophocles, *Oedipus at Colonus* 89–90, 458; Pausanias 1.28.6.

¹⁰⁹ Cicero, *De natura deorum* 3.46: *quae si deae sunt, quarum et Athenis fanum est et apud nos, ut ego interpretor, lucus Furinae, Furiae deae sunt, speculatrices credo et uindices facinorum et sceleris*. Cf. Plutarch, *C. Gracchus* 17.2; *De uiris illustribus* 65.5 for *lucus Furinae* as ἄλσος Ἐριννύων.



Fig. 3: Fragment of a marble frieze, found in 1887 near the Villa Rivaldi. The torch identifies the right-hand figure as a Fury (*Erinys*); the figure on the left may be one too. Roma, Musei Capitolini, Centrale Montemartini (inv. MC 1570).

© Roma, Sovrintendenza Capitolina ai Beni Culturali.

If the *Eumenides* are goddesses, since in Athens they have a temple and here the ‘Grove of Furina’ (as I interpret it), then the Furies are goddesses in their role as investigators and punishers of crime and wickedness.

It is also implied in Varro’s *Eumenides*, where the three Furies are seen punishing avarice and ambition:¹¹⁰

The third of the Punishers was Infamy, standing with all her weight [like an incubus] on the chest of the crowd, her undressed hair streaming, her clothes unwashed, her face stern.

That describes well enough the goddess portrayed on the Gigantomachy frieze from the temple of Tellus.

¹¹⁰ Varro, *Menippean Satires* 117 Astbury (*uidemus populum Furiis instinctum tribus*), with Wiseman 2009: 148. Ibid. 123 Astbury: *tertia Poenarum | Infamia stans nixa in uulgi | pectore, flutanti imtonsa coma, | sordida uestitu, ore seuro*.

The Furies in the Aeschylean tradition are nightmare figures, appropriately the daughters of Night.¹¹¹ In Hesiod's *Theogony*, however, their mother is Earth, Γῆ or Γαῖα in Greek, Tellus in Latin.¹¹² That might account for their appearance on the frieze of the Tellus temple, punishing the rebellious Giants; but since the Giants were also Earth's offspring,¹¹³ it cannot be quite that simple.

The story of the Giants as dangerous insurgents could carry a political message. In 63 BC Cicero as consul revealed an attempted coup by Catiline and his allies; controversially, on the authority of the Senate alone, he put those responsible to death without trial. Thereafter he had to justify his action against serious criticism, and one of the ways he did it can be seen in his defence of Publius Sulla the following year:¹¹⁴

Do not think, gentlemen of the jury, that that attempted attack was the work of human beings. There was never any race so barbarous, so monstrous, as to produce so cruel an enemy of our native land – even one, let alone so many! They appeared as a sort of bestiality, savage and portentous monsters clothed in human form. Look into it again and again, gentlemen, for there is nothing in this case that can be urged more forcefully. Look deep into the minds of Catiline, Autronius, Cethegus, Lentulus and the rest. What lusts you will find there, what crimes, what foulness, what audacity, what incredible madness, what stains of their misdeeds, what proofs of kin-murder, what accumulations of crime! That violence erupted suddenly out of serious, long-standing and now desperate diseases of the republic, in such a way that only when it was done with and ejected could the citizen body finally regain its strength and be healed. While those malignant elements remained within the republic, it is impossible to believe that survival was possible. Thus Furies drove them – not to commit their crime, but to pay their punishment to the republic.

In the same vein for a wider audience, in 60 BC he wrote an epic poem,¹¹⁵ in which, exploiting the generic convention of divine agency, he represented himself as summoned to the council of the gods and deputed by Jupiter to protect Rome

¹¹¹ Aeschylus, *Eumenides* 321–2, 416, 745, 821–2, 843–4, 1034; Virgil, *Aeneid* 7.331, 12.846, 12.860; Ovid, *Metamorphoses* 4.451–2.

¹¹² Hesiod, *Theogony* 184–5; cf. Homer, *Iliad* 19.259 (n. 108 above, ὑπὸ γαῖαν).

¹¹³ Hesiod, *Theogony* 185–6; Virgil, *Georgics* 1.278–83; Horace, *Odes* 3.4.73–5.

¹¹⁴ Cicero, *Pro Sulla* 76: nolite, iudices, arbitrari hominum illum impetum et conatum fuisse; neque enim ulla gens tam barbara aut tam immanis umquam fuit in qua non modo tot, sed unus tam crudelis hostis patriae sit inuentus. beluae quaedam illae ex portentis immanes ac ferae forma hominum indutae exstiterunt. perspicite etiam atque etiam iudices – nihil enim est quod in hac causa dici possit uehementius – penitus introspicite Catilinae, Autroni, Cethegi, Lentuli ceterorumque mentis; quas uos in his libidines, quae flagitia, quas turpitudines, quantas audacias, quam incredibilis furores, quas notas facinorum, quae indicia parricidiorum, quantos aceruos scelerum reperietis! ex magnis et diuturnis et iam desperatis rei publicae morbis ista repente uis erupit, ut ea confecta et eiecta conualescere aliquando et sanari ciuitas posset; neque enim est quisquam qui arbitretur illis inclusis in re publica pestibus diutius haec stare potuisse. itaque eos non ad perficiendum scelus, sed ad luendas rei publicae poenas Furiae quaedam incitauerunt.

¹¹⁵ Courtney 1993: 156–73: dated by Cicero, *Ad Atticum* 1.19.10 (March), 2.3.4 (December).

from danger.¹¹⁶ Since Cicero was regarded at the time as a major poet,¹¹⁷ it may well have been from him that Virgil took the picture of Catiline hanging from a cliff in Tartarus, menaced by the Furies.¹¹⁸

The house in which Cicero lived up to 62 BC, and his brother Quintus thereafter, was in the Carinae close to the temple of Tellus.¹¹⁹ We happen to know that Cicero had taken on responsibility for the upkeep of the temple, a task that certainly included furnishing it with works of art.¹²⁰ The fragments of the frieze belong to the temple as it was rebuilt after the great fire of AD 64, but its design evidently replicated an earlier one that can be dated to the first century BC.¹²¹ The stern Furies in the battle against the Giants may even have been Cicero's own choice of subject.

The Gigantomachy was always a myth of order against chaos, civilisation against barbarism. The most spectacular exploitation of it was the Great Altar at Pergamum, set up by Eumenes II in the 180s BC in honour of his father Attalus' victory over the Gauls.¹²² In Augustan Rome the theme was applied to internal enemies: the monstrous Giants were the assassins of Caesar, defeated at Philippi by Caesar's adopted son.¹²³ Cicero, who rejoiced at Caesar's murder,¹²⁴ would also have used the myth as a political allegory, but from just the opposite viewpoint.

Cicero was consul at a time of acute economic hardship in Italy, culminating in a 'peasants' revolt' supposedly orchestrated by Catiline (who eventually left Rome in order to lead it).¹²⁵ The political rhetoric of the time was ideologically

¹¹⁶ Ps. Sallust, *In Ciceronem* 3; Quintilian 11.1.24 (*secutus quaedam Graecorum exempla*).

¹¹⁷ Plutarch, *Cicero* 2.4 (ἔδοξε ... ποιητῆς ἄριστος εἶναι Ῥωμαίων); the derision came later (Seneca, *De ira* 3.37; Tacitus, *Dialogus* 21.6; Juvenal 10.122–6).

¹¹⁸ Virgil, *Aeneid* 8.668–9: *et te, Catilina, minaci | pendentem scopulo Furiarumque ora tremement*.

¹¹⁹ Plutarch, *Cicero* 8.3; Cicero, *Ad Q. fratrem* 2.3.7.

¹²⁰ Cicero, *De haruspicum responso* 31 (*aedes Telluris est curationis meae*), *Ad Q. fratrem* 3.1.14 (statue of Quintus).

¹²¹ Coarelli 2019: 374–5, comparing a fragment in Basel and drawing attention to Cicero's *curatio*.

¹²² For the date see Coarelli 2016: 143–58. Attalus himself exploited the Gigantomachy in his victory offering at Athens (Pausanias 1.4.5–6, 1.25.2).

¹²³ Horace, *Odes* 3.4.37–80 (on the settlement of the veterans who fought there), Ovid, *Fasti* 5.555–6 (on the temple of Mars Ultor, 'worthy of trophies of the Giants'); for the enemy at Philippi see also Ovid, *Fasti* 3.705–6 (*nefas ausi, prohibente deorum numine*), 5.575 (*scelerato sanguine*).

¹²⁴ Cicero, *Ad Atticum* 14.9.2 (*eius interfecti morte laetamur*), 12.1 (*laetitia*), 13.2 (*laetitiam autem apertissime tulimus omnes*), 14.4 (*laetitiam quam oculis cepi iusto interitu tyranni*), 22.2 (*nam aperte laetati sumus*): April–May 44 BC.

¹²⁵ Details in Wiseman 1994: 346–58: see especially Sallust, *Catiline* 32.3–34.1 (complaints of violent exploitation met with the empty assurance that 'the Senate of the Roman People has always been merciful and compassionate'); Cicero, *Pro Murena* 50 (Catiline as *dux et signifer calamitosorum*).

polarised between the poor and the rich,¹²⁶ *populares* and *optimates*,¹²⁷ reforming tribunes and reactionary consuls.¹²⁸ Defeated at first, the *populares* made a spectacular comeback in 59–58 BC (Caesar as consul, Clodius as tribune, Cicero in exile); but then their opponents regained the upper hand.

Recalled from exile and enjoying a short-lived spell of political confidence, Cicero announced that all citizens except criminals, madmen and bankrupts were natural *optimates*.¹²⁹ But they had to stand firm.¹³⁰

In such a large body of citizens there is a great multitude of men who either (a) fearing punishment and conscious of their own crimes, seek to cause new risings and revolutionary changes, or (b) because of a sort of inborn madness of mind, feed on civic discord and sedition, or (c) thanks to the chaotic state of their own finances, prefer to be burned up in a general conflagration, not just their own.

Behind such ideological stereotyping lay the dangerous reality of senatorial landowners faced with desperate rebellion by their own tenants.¹³¹ It is not hard to see how Cicero, safely restored to public life in 57 BC, might have chosen to decorate the temple for which he was responsible with the great myth of order and authority defeating ‘savage and portentous monsters’.¹³²

The gods’ agents were the Furies with their blazing torches, driving the rebel Giants into the underground dungeon where they would be tortured.¹³³ Ovid shows us the scene in book 4 of his *Metamorphoses*, when Juno visits the Underworld to engage the Furies in a project she wants to pursue.¹³⁴

¹²⁶ E.g. Sallust, *Catiline* 33.1 (*miseri egentes*); Cicero, *Pro Murena* 50 (Catiline as *miserorum defensor*), *Ad Atticum* 1.16.11 (the *miseri ac ieiuna plebecula* as the ‘bloodsucker of the treasury’), 1.19.4 (Cicero as leader of the *locupletes*).

¹²⁷ E.g. Cicero, *In Catilinam* 4.9–10 (Caesar and Crassus as *populares*), *De lege agraria* 2.6–10 (Cicero claiming to be *popularis*), *Ad Atticum* 1.20.3 (Cicero following *hanc viam optimate*); Plutarch, *Cicero* 22.1 (the execution of the conspirators as a demonstration of ἀριστοκρατικῆς τιμῆς ἐξουσίας).

¹²⁸ E.g. Cicero, *Pro Rabirio* 22 (tribunicium furorem an consularem auctoritatem?), *De lege agraria* 2.10–14 (land distribution); Dio Cassius 37.25.3–4 (debt relief etc).

¹²⁹ Cicero, *Pro Sestio* 97: omnes optimates sunt qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti.

¹³⁰ Cicero, *Pro Sestio* 99: etenim in tanto civium numero magna multitudo est eorum qui aut propter metum poenae peccatorum suorum conscii novos motus conversionesque rei publicae quaerant, aut qui propter insitum quendam animi furorem discordiis civium ac seditione pascantur, aut qui propter implicationem rei familiaris communi incendio malint quam suo deflagrare.

¹³¹ Catiline’s forces were armed mainly with hunting spears and sharpened stakes (Sallust, *Catiline* 56.3); but they fought for life and liberty against ‘the power of the few’ (ibid. 58.11).

¹³² As he described the Catilinarians (*Pro Sulla* 76, n. 114 above).

¹³³ Horace, *Odes* 3.4.73–80; Virgil, *Aeneid* 6.570–2; Pausanias 10.29.3; the same fate awaited their real-life analogues (Livy 2.23.6, ductum ... in ergastulum et carnificinam), which is why Catiline’s forces fought to the last rather than be taken alive (Sallust, *Catiline* 61.1–5).

¹³⁴ Ovid, *Metamorphoses* 4.451–4: illa sorores | Nocte uocat genitas, graue et implacabile numen; | carceris ante fores clausas adamante sedebant | deque suis atros pectebant crinibus angues. | quam simul agnorunt

She called the stern and implacable power, the sisters born of Night. In front of the prison doors, barred with adamant, they were seated, combing the black snakes from their hair; the goddesses rose as soon as they recognised her in the shadows of darkness. It is called the House of Crime.

The House of Crime, *sedes Scelerata*; the Street of Crime, *uicus Sceleratus*.¹³⁵ What links the stern Furies with the site of Tullia's horrendous act is a threefold argument: about a neighbourhood ('Carinae') not named by Livy but recognisable to his readers; about a temple (of Tellus) that overlooked the route Tullia took; and about a political allegory (the Giants) expressed not only in prose and poetry but also in the temple's sculptured frieze.

5. Accius and the *optimates*

If Cicero and his optimate allies portrayed themselves as Olympians and the *populares* as rebel Giants, it turned out that the Gigantomachy was not over. In 49 BC civil war broke out over that classic issue of Roman political ideology, the rights and powers of the People's tribunes.¹³⁶ As the *popularis* Caesar marched towards the city, the *optimates* fled abroad with Pompey, and the Roman People welcomed their champion.¹³⁷ Three years later, cautiously back in an unsympathetic Rome,¹³⁸ Cicero resumed his literary output with a dialogue on the history of Roman oratory addressed to Marcus Brutus.

Now that optimate rhetoric was effectively silenced,¹³⁹ he consoled himself by remembering the great men of the past that he had known himself or heard of from others. One of his sources was the dramatist Accius:¹⁴⁰

inter caliginis umbras, | surrexere deae. sedes Scelerata uocatur. See also *Ibis* 77–8 (*quasque ferunt torto uittatis angue capillis | carceris obscuras ante sedere sedes*), and *Allecto* at Virgil, *Aeneid* 7.454 (*'adsum dirarum ab sede sororum'*).

¹³⁵ Varro, *De lingua Latina* 5.159; Livy 1.48.7; Festus 450–11.

¹³⁶ The tribunes M. Antonius and Q. Cassius were forced out of the city by the consuls in order to prevent them from exercising their legitimate power of veto (Caesar, *Civil War* 1.2–7, 1.22.5; Cicero, *Ad Atticum* 11.7.1).

¹³⁷ Even Cicero grudgingly recognised the *populi studium* (*Ad Atticum* 10.4.8, cf. 7.3.5, 7.7.6, 8.3.4); see also Appian, *Civil Wars* 1.4.16–17 (Caesar as δημοτικώτατος); Florus 2.13.91 (Caesar honoured *non ingratis ciuibus*).

¹³⁸ Cicero, *Brutus* 2 (*alienissimo rei publicae tempore*), 330 (*in hanc rei publicae noctem*), 331 (*misera fortuna rei publicae*), 332 (*haec importuna clades ciuitatis*).

¹³⁹ Cicero, *Brutus* 324: *perterritum armis hoc studium, Brute, nostrum conticuit subito et obmutuit.* (A *suggestio falsi*: the war was overseas, and Rome itself was peaceful.)

¹⁴⁰ Cicero, *Brutus* 107: *uester etiam D. Brutus M. filius, ut ex familiari eius L. Accio poeta sum audire solitus, et dicere non inculte solebat et erat cum litteris Latinis tum etiam Graecis ut temporibus illis eruditus. quae*

As I used to hear from his good friend Lucius Accius the poet, your ancestor Decimus Brutus, son of Marcus, was accustomed to give speeches in an educated style, and by the standards of the time was well-read in literature both Latin and Greek. Accius paid that tribute to Quintus [Fabius] Maximus, son of Paullus, as well – and even before Maximus he used to say that Scipio – the one who as a private citizen led the killing of Tiberius Gracchus – was as vigorous in speaking as he was forceful in everything else.

Cicero was 64 years younger than Accius.¹⁴¹ An ambitious young orator eager to learn from the past, he must have talked to the old man at the very high point of optimate success, when Sulla's 'victory of the aristocracy' had emasculated the tribunate and effectively cancelled the popular gains made by the 'struggle of the orders' three centuries before.¹⁴²

Accius' choice of admired orators was certainly in the spirit of the times. The murder of Tiberius Gracchus was an epochal event – if not the actual origin of the ideological divide in Roman politics, at least the moment when it became toxic.¹⁴³ Scipio Nasica and his band of senators deliberately beat to death a tribune presiding over a popular assembly, and no-one was ever put on trial for it. Cicero's position is clear: elsewhere in the dialogue he states that the republic itself killed Gracchus, because of his 'turbulent' tribunate, and that Scipio freed the Roman People from his 'domination'.¹⁴⁴ His informant probably took the same view.

A few months after the murder, Accius' aristocratic friend Decimus Brutus held a triumph over the Gallaeci of northern Spain, and set about building a grand temple of Mars in the Circus Flaminius, paid for from the spoils of war and adorned with verses by Accius himself.¹⁴⁵ It was Brutus who took the lead in the military operation against Gaius Gracchus and his supporters in 121 BC. The younger Gracchus had resumed his brother's reform programme in 123 BC, but this time the reactionary opposition had been more careful; they waited till he

tribuebat idem Accius etiam Q. Maximo L. Paulli nepoti; et uero ante Maximum illum Scipionem, quo duce priuato Ti. Gracchus occisus esset, cum omnibus in rebus uehementem tum acrem aiebat in dicendo fuisse.

¹⁴¹ Accius was born in 170 BC (Jerome, *Chronica* on Olympiad 160.2), Cicero in 106 (Aulus Gellius 15.28.3).

¹⁴² Cicero, *Pro Sex. Roscio* 135–6, 141–2 (*causa nobilitatis, uictoria nobilium*, 80 BC); Appian, *Civil Wars* 1.59.266–7 (legislation of 88 BC).

¹⁴³ Cicero, *De republica* 1.31 (*diuisit populum unum in duas partes*); Velleius Paterculus 2.3.3 (*hoc initium in urbe Roma ciuilis sanguinis*); Plutarch, *Ti. Gracchus* 20.1 (ταύτην πρώτην ιστοροῦσιν ἐν Ῥώμῃ στάσιν ... αἵματι καὶ φόνῳ πολυτῶν διακριθῆναι); Appian, *Civil Wars* 1.1.4, 1.17.71–2; Wiseman 2009: 177–87.

¹⁴⁴ Cicero, *Brutus* 103 (*propter turbulentissimum tribunatum ... ab ipsa re publica est interfectus*), 212 (*qui ex dominatu Ti. Gracchi priuatus in libertatem rem publicam uindicauit*); similarly *De officiis* 1.109, *Philippics* 8.13.

¹⁴⁵ Eutropius 4.19; Degraffi 1947: 558 (triumph); Cornelius Nepos, *FRHist* 45 F11; Pliny, *Natural History* 36.26 (temple); Cicero, *Pro Archia* 27; Scholia Bobiensia 179 Stangl (Accius' verses).

was out of office, and they got authorisation from the Senate to do whatever they thought necessary (an expedient later used by Cicero in 63 BC and the optimate consuls in 49).¹⁴⁶ Gracchus fled to the grove of Furina on the Janiculum, and there took his own life.¹⁴⁷ One of the consuls that year was Q. Fabius Maximus, the third of the admirable speakers recalled by Accius in conversation with the young Cicero.

Fur(r)ina was a deity who had her own *flamen*, and her own day, *Fur(r)-inalia*, in the archaic Roman calendar.¹⁴⁸ Later evidence attests a collective of Forinae or Forrines, evidently nymphs.¹⁴⁹ Nothing is known about her (or them), but Cicero puts into the mouth of Gaius Cotta, a man from the heart of the optimate faction, the view that the grove of Furina belonged to the Furies.¹⁵⁰ Since Plutarch reports Gaius Gracchus' suicide in 'the grove of the Erinyes',¹⁵¹ it looks as if this too is evidence for the tendentious doctrine that *popularis* politicians were doomed to punishment in the underworld.

Plutarch's assertion is consistent with the conspicuously dramatic style of his narrative of Gaius Gracchus' last hours. That phenomenon was noted long ago by Karl Meiser, who used it as one of his examples of material from drama surviving in later historical narratives.¹⁵² It was objected by Wilhelm Soltau that a drama on a subject as contentious as the death of Gaius Gracchus would never have been allowed at the Roman theatre games,¹⁵³ and so Meiser's intelligent suggestion was forgotten. When I revived it in 1998 it was dismissed again, by a scholar very much on his high horse as the spokesman of orthodoxy.¹⁵⁴

¹⁴⁶ Orosius 5.12.7 (D. Brutus); Cicero, *In Catilinam* 1.4, *Philippics* 8.14; Livy, *Epitome* 61 (action *ex senatus consulto*); Caesar, *De bello civili* 1.5.3–4 (49 BC); for this very contentious procedure, 'an encouragement to the magistrates to use force against fellow-citizens without concerning themselves with the strict legality of what they did', see Lintott 1999: 89–93.

¹⁴⁷ *De uiris illustribus* 65.5–6; cf. Appian, *Civil Wars* 1.26.117 (ἐξ ἄλσος τι); Plutarch, *C. Gracchus* 17.2 (εἰς ἱερὸν ἄλσος Ἐρινυῶν).

¹⁴⁸ Varro, *De lingua Latina* 5.84, 6.19, 7.45; Festus (Paulus) 78L.

¹⁴⁹ CIL 6.422 (*genio Forinarum*), 10200 (*ad ar[am] Forinar[um]*), 36802 (νόμους Φορρίνες).

¹⁵⁰ Cicero, *De natura deorum* 3.46 (n. 109 above); cf. Sallust, *Histories* 3.48.8M (*C. Cotta, ex factione media consul*).

¹⁵¹ Plutarch, *C. Gracchus* 17.2 (n. 147 above).

¹⁵² Meiser 1887: 32–6.

¹⁵³ Soltau 1909: 53–4; so too Wright 1910: 29, n. 2.

¹⁵⁴ Wiseman 1998: 52–9; Keaveney 2003: 322 ('it might lead some of us to ask ...'), 323 ('it will come as something of a surprise to some of us...'), 325 ('so some of us at least just doubt a little...'), 329 ('some of us, at least, do require a higher standard of proof...'), 330 ('some of us might just prefer to believe...'). Connoisseurs of *ad hominem* polemic may also note Lendon 2009: 43–9.

The fact remains, however, that contemporary and controversial events were presented on the Roman stage, as the pseudo-Senecan *Octavia* is enough to show.¹⁵⁵ The orthodoxy has now shifted:¹⁵⁶

The Roman theatre of the mid- to late republic was intensely political. The *fabula praetexta*, especially, and even tragedy often served expressly partisan purposes, promoting the causes of particular members of Rome's elite (such as the Marcelli with Naevius' *Clastidium*, or Fulvius Nobilior with Ennius' *Ambracia*) or attacking populist revolutionaries (such as Tiberius Gracchus with Accius' *Atreus*).

It is quite possible that Accius or some other dramatist wrote a *praetexta* on the death of Gaius Gracchus. Of course there is no direct evidence for it; but I continue to believe that the contrasting house-doors of Gracchus and Fulvius in Plutarch's narrative are best explained by the hypothesis that his source was an author who had seen the events on stage.¹⁵⁷ That would fit with the attribution of Furina's grove to the avenging Furies, easily explicable as a dramatist's tendentious invention.

The friendship between Decimus Brutus, supposedly descended from the first consul of the republic, and Lucius Accius, the son or grandson of freed slaves, was of course based on mutual advantage.¹⁵⁸ Brutus had the authority to get Accius' plays shown at the *ludi scaenici*; Accius had the talent to make Brutus' family history part of the living experience of the Roman People. He did that with a *praetexta* on the first consul himself, Lucius Brutus, who had led the rising that expelled Tarquin.¹⁵⁹ The date of its first production is unknown, though 138 BC (D. Brutus' consulship) and 133 BC (his triumph) are obvious possibilities.

More important is the play's afterlife in the politics of the late republic. It was presented at the *ludi Apollinares* of 57 BC, when the *optimates* were using every means at their disposal to reverse the People's decision of the previous year and bring Cicero back from exile. The message was first conveyed by Aesopus' performance in Accius' *Eurysaces*, pleading the case of the banished Teucer and making it clear to the audience whom they should have in mind.¹⁶⁰ The following year, now restored, Cicero himself described the scene:¹⁶¹

¹⁵⁵ See Kragelund 2016: 286–7 (approval of the Gracchi at lines 882–6), 297–360 (time of writing).

¹⁵⁶ Boyle 2008: xxvii–iii.

¹⁵⁷ Wiseman 1998: 53–5, on Plutarch, *C. Gracchus* 14.5.

¹⁵⁸ Accius: Jerome, *Chronica* on Olympiad 160.2 (*parentibus libertinis*). Brutus: Posidonius, *FGrH* 87 F40; Cicero, *Tusculan Disputations* 4.2; Plutarch, *Brutus* 1.1.

¹⁵⁹ Fragments and discussion in Manuwald 2001: 220–37.

¹⁶⁰ Cicero, *Pro Sestio* 120–2, with Scholia Bobiensia 136–7 Stangl. The *ludi Apollinares* began on 6 July, and the bill for Cicero's recall was passed on 4 August (Cicero, *Ad Atticum* 4.1.4).

¹⁶¹ Cicero, *Pro Sestio* 123 (Loeb trans. by R. Gardner): *histrionum casum meum totiens conlacrimavit, cum ita dolenter ageret causam meam, ut uox eius illa praeclara lacrimis impediretur; neque poetae, quorum ego semper ingenia dilexi, tempore meo defuerunt; eaque populus Romanus non solum plausu sed etiam gemitu*

The actor bewailed my lot so often, as he pleaded my cause with such emotion, that that splendid voice of his was choked with tears; nor did the poets, whose talents have always been my delight, fail me in my trouble; and the Roman People showed, not only by applause but also by lamentation, how much they approved of these allusions. Ought then Aesopus or Accius to have pleaded thus for me, had the Roman People been free, or ought the chief men of the state? In the *Brutus* I was mentioned by name: 'Tullius, who stablished safe the People's freedom.' The line was encored a thousand times. Did the Roman People fail to express their judgement, that what scoundrels charged us with overthrowing had in fact been established by myself and the Senate?

In the play, of course, Tullius was Servius Tullius, who set up the original voting assembly, the *comitia centuriata*. The *optimates* approved of it because it was biased towards the rich, and now they would use it to get Cicero recalled.¹⁶² When Sulla had marched on Rome thirty years before, he had announced his intention to restrict all voting to the centuriate assembly, 'as king Tullius ordained'.¹⁶³

Long dead at the time of the play's action, Servius Tullius can have been only a peripheral figure in the *Brutus*. But the main theme, the ending of Tarquin's tyrannical reign, was equally congenial to the *optimates*, who consistently accused their *popularis* opponents of Tarquin-like tyranny.¹⁶⁴ During Caesar's consulship in 59 BC Cicero was reported to have said 'What we need is a Brutus',¹⁶⁵ a few years later, when Cato was denouncing as 'tyranny' the second consulships of Pompey and Crassus, Brutus the 'liberator' was conspicuously portrayed on the coins of Cato's nephew Marcus Brutus.¹⁶⁶ At about that time a new *Brutus* play was written, by a poet who was later one of Caesar's assassins.¹⁶⁷

suo comprobavit. utrum igitur haec Aesopus potius pro me aut Accium dicere oportuit, si populus Romanus liber esset, an principes civitatis? nominatim sum appellatus in Bruto: 'Tullius, qui libertatem civibus stabiliverat.' miliens reuocatum est. parumne uidebatur populus Romanus iudicare id a me et a senatu esse constitutum, quod perditum ciues sublatum per nos criminabantur?

¹⁶² Cicero, *De republica* 2.39 (ut suffragia non in multitudinis sed in locupletium potestate essent); Livy 1.43.10 (ut ... uis omnis penes primores civitatis esset); Dionysius of Halicarnassus, *Roman Antiquities* 4.20.3 (ἐπὶ τοὺς πλουσίους μετέθηκε τὸ τῶν ψήφων κράτος). The *comitia centuriata* met in the Campus Martius, where the vote for Cicero's return took place (Cicero, *De domo* 90).

¹⁶³ Appian, *Civil Wars* 1.59.266 (ὡς Τύλλιος βασιλεὺς ἔταξε).

¹⁶⁴ E.g. Cicero, *De amicitia* 41; Sallust, *Jugurthine War* 31.7; Plutarch, *Ti. Gracchus* 19.2–3 (Ti. Gracchus as rex or tyrannus); Appian, *Civil Wars* 1.59.267 (Sulla on the 'tyrannical' power of *popularis* tribunes); Cicero, *Ad Atticum* 2.8.1, 2.12.1, 2.13.2, 2.14.1, 2.17.1, *Ad Q. fratrem* 1.2.16 (Caesar and Pompey in 59 as reges or tyranni); Cicero, *Pro Milone* 43, 80 (Clodius as rex or tyrannus).

¹⁶⁵ Cicero, *Ad Atticum* 2.24.3 (*Brutum opus esse reperire*).

¹⁶⁶ Plutarch, *Pompey* 52.1, *Crassus* 15.2 (cf. *Brutus* 2.1 for the relationship); Crawford 1974: 455–6 (no. 433), dated to 54 BC, but that was more probably the year of Brutus' quaestorship in Cilicia.

¹⁶⁷ Cassius of Parma (Porphyrio on Horace *Epistles* 1.4.3): fragments and discussion in Manuwald 2001: 237–43.

Accius, meanwhile, retained his classic status. In July 46 BC, Cicero was exchanging Accius quotations with his correspondents, no doubt from plays just seen at the *ludi Apollinares*,¹⁶⁸ and examples taken from Accius are very numerous in the philosophical works he wrote in the next two years.¹⁶⁹

Caesar won the civil war, but in the *optimates'* prejudiced view he was necessarily a tyrant, however un-tyrannically he behaved.¹⁷⁰ Even his spectacular demonstration, at the Lupercalia in February 44 BC, that 'there is no king in Rome but Jupiter', was twisted by his opponents to prove that he really wanted the crown;¹⁷¹ and a month later, when the conspirators under Marcus Brutus killed him for it, Accius' *Brutus* and the tyranny of Tarquin provided the jubilant *optimates* with a perfect historical analogy.

The play was due to be performed at the *ludi Apollinares* of 44 BC, just four months after the murder, with Marcus Brutus himself presiding as urban praetor. That would have made a powerful statement, but Caesar's adopted son was now in Rome and the *optimates* were becoming anxious;¹⁷² so Brutus stayed away, and his representatives put on Accius' *Tereus* instead.¹⁷³ But Cicero made the most of Tarquin and Lucius Brutus as he tried to rally the *optimates* in the autumn of that year,¹⁷⁴ and predictably it was Accius who came to mind as he damned 'king' Caesar's memory in the *De officiis*.¹⁷⁵

Not just an author to be read but a classic dramatist whose plays were still performed at the *ludi scaenici*, in the forties BC Accius was a significant influence in Roman culture, and a continued inspiration to those on one side of the political divide. That is something to bear in mind when we think about Livy's formative years.

¹⁶⁸ Cicero, *Ad familiares* 7.33.1 (to Volumnius, quoting Accius' *Philoctetes*), 9.16.4–7 (to Paetus, quoting Accius' *Oenomaus*).

¹⁶⁹ Cicero, *De finibus* 2.94, 4.68, 5.32; *Tusculan Disputations* 1.68, 1.105, 2.13, 2.19, 2.23, 2.33, 3.62, 4.55, 4.77, 5.52; *De natura deorum* 1.119, 2.89, 3.41, 3.68, 3.90; *De diuinatione* 1.43–5; *De officiis* 1.97, 3.84, 3.102, 3.106; many of the unassigned quotations may be from Accius too.

¹⁷⁰ Cicero, *Ad Atticum* 7.11.1, 7.20.2, 8.2.4, 9.4.2, 9.13.4, 10.1.3, 10.4.2, 10.8.6, 10.12a.1 (January–May 49 BC), *Ad familiares* 9.16.6 (July 46 BC); for the prejudice see Wiseman 2009: 191–207.

¹⁷¹ Nicolaus of Damascus, *FCRH* 90 F130.21.73 (Toher 2017.108–11), Suetonius, *Diuus Iulius* 79.2; Dio Cassius 44.11.3; details in Wiseman 2009: 170–5.

¹⁷² Octavius in Rome: Cicero, *Ad Atticum* 14.20.5, 14.21.4, 15.2.3. Anxiety: *Ad Atticum* 15.18.2 (*pro-rus non mihi uideor esse tutus*), 15.20.2.

¹⁷³ Cicero, *Ad Atticum* 15.10 (*ludos uero non facere!*), 15.11.1 (Brutus not safe in Rome), 15.11.2 (*ut ludi absente se fierent suo nomine*), 15.12.1 (*ludos enim absens facere malebat*), 15.18.2 (*ludorum curam et administrationem*), 15.26.1, 15.28, 15.29.1, 16.5.1 (*de Tereo Acci*), 16.2.3 (*delectari mihi Tereo uidebatur*), *Philippics* 1.37.

¹⁷⁴ Cicero, *De officiis* 3.40, *Philippics* 1.13, 2.26, 2.85, 2.114, 3.8–11, 5.17.

¹⁷⁵ Cicero, *De officiis* 3.83–4 (quotation probably from the *Atreus*, as at 1.97, 3.102, 3.106).

6. The young Livy

Suetonius wrote a biography of Livy in his lost work *De uiris illustribus*, which was used by Jerome for the chronicle he compiled in AD 380. One of Jerome's entries for 59–58 BC reads: 'Birth of the orator Messalla Corvinus and of the historical writer Titus Livius of Patavium.'¹⁷⁶ Since that seems too late for Messalla, who held a senior position under Brutus and Cassius in 43–42 BC,¹⁷⁷ it has been doubted for Livy too: perhaps the consular date *Caesare et Figulo* (64 BC) was misread as *Caesare et Bibulo* (59 BC)?¹⁷⁸ But Jerome will have found the two men in different parts of Suetonius' work, and it is too much to assume that he made the same mistake twice. The date for Livy should be accepted.

When did Livy come to Rome? We know nothing of his early life, but the case of his younger contemporary Ovid, for whom we have first-hand information, should give us an idea what to expect. Ovid and his brother (a year older) were born in Paelignian Sulmo, but 'we began our education young, and thanks to our father's care we attended teachers in Rome well known in the art [of rhetoric]'.¹⁷⁹ Livy certainly had a first-rate rhetorical education,¹⁸⁰ and despite what is often said, there is no good reason to think he got it anywhere but Rome.¹⁸¹ If, like Ovid, he started his education young, he may have been there as early as 46 or 45 BC. It seemed at that point that the civil war was over, and for a youth with talent, energy and ambition, all three of which Livy clearly had in abundance, Rome was the only place to be.¹⁸²

Although Livy was a generous author who liked to see the best in the great men he wrote about,¹⁸³ he was certainly not blind to their failings. A friend of

¹⁷⁶ Jerome, *Chronica* on Olympiad 180.2: *Messalla Coruinus orator nascitur et Titus Liuius Patauinus scriptor historicus*. Livy's death at Patavium is listed under Olympiad 199.1 (AD 17–18).

¹⁷⁷ Cicero, *Ad M. Brutum* 1.12.1, 1.15.1; Velleius Paterculus 2.71.1.

¹⁷⁸ Syme 1959: 40 = 1979: 414; followed (wrongly, I think) by Luce 1965: 231–2.

¹⁷⁹ Ovid, *Tristia* 4.10.15–16: *protinus excolimur teneri curaque parentis | imus ad insignes urbis ab arte uiros*.

¹⁸⁰ Seneca, *Epistulae* 100.9 (one of the *eloquentissimi*), *De ira* 1.20.6 (*disertissimus*); Quintilian 8.1.3 (*mirae facundiae*), 10.1.101 (*supra quam enarrari potest eloquens*); Tacitus, *Agricola* 10.3 (*eloquentissimus*), *Annals* 4.34.3 (*eloquentiae praeclarus imprimis*).

¹⁸¹ Pace Syme 1959: 51 = 1979: 426 ('Livy may have come late to Rome') and Walsh 1961: 2 ('Livy almost certainly received his education in Patavium and not in Rome').

¹⁸² For the ambition and energy see for instance Livy pref. 1–5, Pliny, *Natural History* pref. 16. I see no grounds for the view of Walsh 1961: 2–3: 'He was only a schoolboy when Julius Caesar precipitated the Civil War by invading Italy; it would have been madness for responsible guardians to expose a young boy to the considerable physical and moral dangers which both the journey and the disordered life in the capital might produce.' There is no reason to think he was unprotected; compare Ovid again ('thanks to our father's care').

¹⁸³ Seneca, *Suasoriae* 6.21–2: *T. Liuius benignus ... natura candidissimus omnium magnorum ingeniorum aestimator*.

Augustus in later years, he still reported doubts about whether the birth of Julius Caesar (now deified) had really been beneficial to Rome.¹⁸⁴ A whole-hearted admirer of Cicero's oratory, he was still aware that Cicero would have been as cruel as the Triumvirs if the optimate cause had prevailed in 43 BC.¹⁸⁵ He saw his history as a public duty of education, presenting not just admirable behaviour to be imitated but also deeds to be avoided, 'foul in inception and foul in outcome', of which Tullia's 'foul and inhuman crime' was explicitly an example.¹⁸⁶

The stage too was public education, in the Roman world as in the Greek.¹⁸⁷ Livy took a serious interest in the *ludi scaenici*, recording their origins and development from the time of the kings right down to the extravagant spectacles of his own day.¹⁸⁸ During his formative years he had plenty of opportunity to see Roman politics and Roman history presented on stage in many different styles, from the mime-actors' satirical comments on current events to classic plays exploited for a topical message.¹⁸⁹ In the tense time between Caesar's murder and the deaths of the assassins, there could be nothing more topical than plays about kings.

Caesar was killed 'because he wanted to be king',¹⁹⁰ and by that the *optimates* meant he wanted to be a king like Tarquin. But not all kings were tyrants, and the Roman People may have preferred Caesar as king to renewed domination by

¹⁸⁴ Seneca, *Naturales quaestiones* 5.18.4 (*de Caesare maiore uulgo dictitatum est et a T. Liuiio positum, in incerto esse utrum illum magis nasci reipublicae profuerit an non nasci*); cf. Tacitus, *Annals* 4.34.3 for Augustus' *amicitia*.

¹⁸⁵ Quintilian 10.1.39 (*apud Liuium ... legendos Demosthenem et Ciceronem, tum ita ut quisque esset Demostheni et Ciceroni simillimus*); Seneca, *Suasoriae* 6.22 (*a uictore inimico <nihil> crudelius passus erat quam quod eiusdem fortunae compos ipse fecisset*).

¹⁸⁶ Livy pref. 10 (*inde tibi tuaeque rei publicae quod imitere capias, inde foedum ineptu foedum exitu quod uites*), 1.48.7 (*foedum inhumanumque inde traditur scelus*).

¹⁸⁷ See n. 12 above, and compare Aristophanes, *Acharnians* 649–58, *Wasps* 1010–14, *Frogs* 686–7 (comedy); *Frogs* 1008–10, 1418–19, 1500–3 (tragedy); Pausanias 1.3.3 (learning 'from choruses and tragedies'), Libanius, *Oratio* 64.112 (tragedians as *κοινοὶ διδάσκαλοι τοῖς δῆμοις*).

¹⁸⁸ Livy 1.35.9 (*ludi Romani* instituted by Tarquinius Priscus), 6.42.12–13 (origin of curule aediles' responsibility), 7.2.3–13 (origin of *ludi scaenici*, contrast with current 'insane' extravagance); 25.12.1–15, 27.23.5–7 (origin of *ludi Apollinares*); 29.10.4–11.8, 29.14.5–14, 34.54.3, 36.36.4 (origin of *ludi Megalenses*); 34.54.5–7 (senators' reserved seats a threat to *concordia* and *libertas aequa*); *Epitome* 115 (*spectacula* at Caesar's triumph in 46 BC), fr. 56 = Censorinus, *De die natali* 17.9 (17 BC, *ludos saeculares Caesar ingenti adparatu fecit*); cf. Censorinus 17.10 for Livy's reporting of *ludi saeculares* in 249 and 149 BC.

¹⁸⁹ Mime-actors: Cicero, *Ad Atticum* 14.2.1, 14.3.2 (18–19 April 44 BC); cf. *Ad familiares* 7.11.3 (53 BC). Classic plays: Suetonius, *Diuus Iulius* 84.2 (Caesar's funeral games); cf. Cicero, *Ad Atticum* 2.19.3 (59 BC), *Pro Sestio* 118–123 (57 BC).

¹⁹⁰ Cicero, *De officiis* 3.83: *qui rex populi Romani dominusque omnium gentium esse concupiuerat idque perfecerit*. For how the issue came to a head in January–March 44 BC, see Livy *Epitome* 116, Nicolaus of Damascus, *FGrH* 90 F130.69–75, Velleius Paterculus 2.68.4–5, Suetonius, *Diuus Iulius* 79, Plutarch, *Caesar* 60–62, *Brutus* 9.5–8, *Antony* 12; Dio Cassius 44.9–12.

the optimate oligarchy from which he had freed them five years before.¹⁹¹ Livy himself argued that the Roman monarchy was a valuable institution preventing the otherwise inevitable conflict of rich against poor, *plebs* against *patres*.¹⁹² In that context, the historical figure of Servius Tullius, ‘with whom just and legitimate reigns came to an end’,¹⁹³ was worthy of particular attention.

The *populares* of the late Republic claimed Servius Tullius as one of their own. He relieved the burden of debt, as the tribunes of 63 BC had tried to do; he divided up public land among the poor, like Tiberius Gracchus in 133 BC; his power was granted directly by the People against the opposition of the Senate, as Caesar’s *imperium* was in 59 and 55 BC; he was a ‘democratic king’, who would have abolished the monarchy if a conspiracy of patricians had not plotted against him.¹⁹⁴ Carefully non-partisan, Livy uses this tradition without endorsing it.¹⁹⁵ It is enough for him that Servius was a good king and Tarquin a bad one. But the fact that he knew the tendentious version shows what sort of material was being read, listened to or seen on stage,¹⁹⁶ at a time when the history of Rome was coming under more urgent scrutiny than ever before.¹⁹⁷

It is easy to imagine a play on the killing of the good king, whether by Accius or some other dramatist, finding a sympathetic audience at the *ludi scaenici* at any time after the Ides of March. Since Caesar had been *parens patriae*,¹⁹⁸ the theme of Tullia’s parricidal plot, and pursuit by the Furies, would be particularly appropri-

¹⁹¹ Caesar, *De bello civili* 1.23.3: *se ... ex provincia egressum ... ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret*.

¹⁹² Livy 2.1.4–5: *quid enim futurum fuit, si illa pastorum conuenarumque plebs ... soluta regio metu agitari coepta esset tribuniciis procellis et in aliena urbe cum patribus serere certamina?* It was only after the death of Tarquin that the patricians began to exploit and abuse the plebeians: Sallust, *Histories* 1.11M (*dein seruili imperio patres plebem exercere*), Livy 2.21.6 (*iniuriae a primoribus fieri coepere*).

¹⁹³ Livy 1.48.8: *cum illo simul iusta ac legitima regna occiderunt*.

¹⁹⁴ Dionysius of Halicarnassus, *Roman Antiquities* 4.10.2 (debts, cf. Dio Cassius 37.25.4), 4.10.3, 4.13.1 (*ager publicus*), 4.12.3 (παράλαμβάνει τότε τὴν ἀρχὴν παρὰ τοῦ δημοτικοῦ πλήθους πολλὰ χαίρειν τῇ βουλῇ φράσας); 5.75.3 (δημοτικώτατος βασιλεύς), cf. 4.10.1, 4.25.1 (δημοτικός), with 4.8.3 and 4.40.1 for the hostile version; 4.40.3–4 (would have changed τὸ σχῆμα τῆς πολιτείας εἰς δημοκρατίαν but for the conspiracy). This tradition is presupposed by Ovid, *Fasti* 6.575–8 and 773–6, Plutarch, *Moralia* 322c and 323d, Festus (Paulus) 247L.

¹⁹⁵ Livy 1.46.1 (division of land), 1.48.9 (unfulfilled *liberandae patriae consilia*).

¹⁹⁶ For ‘hearing or reading’ history see Cicero, *De finibus* 5.52 (*res gestas audire et legere*), *De senectute* 20 (*legere aut audire*), Caelius in Cicero, *Ad familiares* 8.15.1 (*aut audisti aut legisti*), Sallust, *Catiline* 53.2 (*mihi multa legenti multa audienti*), *Jugurthine War* 85.13 (*audire aut legere*).

¹⁹⁷ Varro’s *De uita populi Romani* was evidently written in 44–43 BC (Arnobius 5.8 on the consulship of Hirtius and Pansa dates the companion piece *De gente*); Sallust’s two monographs date from about 42–40 BC, and his *Histories* not long after; the histories of Q. Tubero and Asinius Pollio (*FRHist* 38 and 56) were probably begun in the 30s.

¹⁹⁸ Degraffi 1947: 182–3 (*Fasti Ostienses* on 44 BC): *Caesar pare[ns patriae occisus]*. Full details in Weinstock 1971: 200–5.

ate. So too the assassins of Caesar were condemned as parricides, and pursued to their deaths by an avenging *daimon*.¹⁹⁹

It is now generally agreed that Livy's preface, and most if not all of the first pentad, were written in the late 30s BC, before the end of the civil wars.²⁰⁰ The historian was therefore in his mid to late twenties, and his years of preparation for the great work had been among the most tormented in the whole of Roman history. He attributed the 'ancestral curse' of lust for power even to the founder himself, and pointed out that at the time of writing most people believed that Romulus killed his brother with his own hand.²⁰¹ And when he came to the death of Servius Tullius, he used what he had seen on stage to make his moral lesson as vivid as he could.

It is true that there is no direct attestation of Livy's dramatic source for Tullia and the Furies. All the evidence is circumstantial, but in its cumulative effect I think it is proof enough.

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¹⁹⁹ Valerius Maximus 1.8.8, 3.1.3, 6.4.5, 6.8.4; Tacitus, *Annals* 4.34.3 (*parricidae*); Suetonius, *Diuus Iulius* 88 (*placuit Idus Martias Parricidium nominari*); Valerius Maximus 1.7.7; Plutarch, *Brutus* 36.5–7, *Caesar* 69.2 (δαίμων).

²⁰⁰ Luce 1965; Woodman 1988: 128–35; Oakley 1997: 109–10: the 'Augustan' passages at 1.19.3 and 4.20.5–11 are later 'addenda and corrigenda' inserted between 27 and 25 BC; at 9.19.17 peace is recent and precarious.

²⁰¹ Livy 1.6.4 (*auitum malum, regni cupido*), 1.7.2 (*uolgatior fama est ... Remum ... ab irato Romulo ... interfectum*); cf. Horace, *Epodes* 7 (probably 32 BC).

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