

ECHOES OF CICERO IN LIVY'S BACCHANALIAN NARRATIVE (39.8–19)*

Some years after his consulship in 63 B.C., and perhaps as soon as just after his return from exile, Cicero was anxious to have his *res gestae* written up into a historical monograph for posterity. To achieve this goal, he approached the respected author L. Lucceius (Cic. *Fam.* 5.12), who was at that time composing an annalistic history leading up to Cicero's famous year, but who, it seems, did not agree to take on that literary project. Despite the fact that the events of Cicero's consulship were written up in at least three published accounts, both by himself and by his friend Atticus, the consul's *res gestae* do not survive in historiographical form.¹ These accounts, as well as the relevant books of Livy, are lost and the source material that has survived either has a different focus, such as Sallust's *Bellum Catilinae*, or is written for a different genre and audience, as, for instance, Plutarch's *Lives*.²

Cicero's dream of historiographical commemoration may have been partly fulfilled by Livy, however, although in an allusive context rather than through the direct praise that Cicero would have doubtless preferred. It is clear from the *History* that Livy was an avid reader of Cicero, both as an oratorical model and as a proponent of an idealized set of values for proper moral conduct.³ He seems to have genuinely admired the orator as well, as is evident from the advice he imparts to

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¹ In addition to the published orations against Catiline, four works are known to have been written by Cicero or Atticus about the events of 63 B.C. Cicero and Atticus had each written a *commentarius* in Greek (Cic. *Att.* 1.19.10, 2.1.1); Cicero's *commentarius* had been sent to Posidonius and was evidently intended for public circulation, and he seems to suggest that others had been clamouring for him to write it (*Att.* 2.1.2). Although the subject and scope of Cicero's now lost *De consiliis suis* has been debated (E. Rawson, 'Cicero's *expositio consiliorum suorum*', *LCM* 7/8 (1982), 121–4 [= *Roman Society and Culture* (Oxford, 1991), 408–15]) it is clear from the fragments that the events of his consulship were a major focus of the work. Cicero likewise composed an epic poem in three books, the *De consulatu suo*, extensive passages of which are later quoted in *Div.* 1.17–22.

² Books 102–3 of the *Periochae*, though clearly not a full account of 63, nor even of 63 alone, offer a small sample of Livy's historical focus in the lost books. From the very brief mention of Cicero's shining moments in quashing the Catilinarian conspiracy, it does not seem to have been the central focus of Book 102: *Ea coniuratio industria M. Tulli Ciceronis eruta est* (Liv. *Per.* 102). Plutarch treats the conspiracy in *Cic.* 10–22, *Crass.* 13, *Caes.* 7, *Cat. Min.* 22. Dio Cass. 37.29–39, though late, offers another fairly comprehensive account of the conspiracy.

³ In earlier scholarship Livy's literary reputation has suffered from a tendency to overstate the influence of Cicero on his style, as e.g. A.H.M. McDonald, 'The style of Livy', *JRS* 47 (1957), 155–72, at 159–60. Cf. P.G. Walsh, *Livy: His Historical Aims and Methods* (Cambridge, 1963), 20–45. A more subtle appreciation of the relationship between the two authors is found in A.J. Woodman, *Rhetoric in Classical Historiography: Four Studies* (London and Sydney, 1988), 136–40, who observes that Cicero's philosophical treatises would be a source for a historian engaged in a moralizing project; J.D. Chaplin and C.S. Kraus (edd.), *Oxford Readings in Classical Studies: Livy* (Oxford, 2009), 2–8, stress the importance of not viewing Livy's *History* as a monolithic work, but rather one that allows for multiple attitudes and a changing set of political and stylistic values over time.

his son, namely to read principally Cicero and Demosthenes (Quint. *Inst.* 10.1.29). Moreover, it is possible to detect from the brief summary of *Per.* 120 and the fuller account in fr. 50 (= Sen. *Suas.* 6.17, 22) the pathos and humour with which Livy narrated Cicero's death.⁴ Indeed, so vital was Cicero to Livy's *History* that, on one reading, this poignant death notice is thought to have been the climax of the whole work as it was originally conceived.⁵ It is not surprising, therefore, that when it came to recounting the events of the Bacchanalian conspiracy in 186 B.C., Livy readily employed themes and language from the more recent conspiracy of Catiline to bring his narrative to life, and at the same time to pay tribute to the man responsible for preserving the republic from danger.

Livy's account of the Bacchanalia falls naturally into two parts: first, the domestic 'drama' of P. Aebutius and his courtesan girlfriend Hispala Faecenia (39.8–14.2) and second, the senatorial reaction to the information provided by the couple regarding the threat posed by the Bacchic cult worshippers (39.14.3–19). The whole affair has been well studied, particularly in comparison with the inscription (*SC de Bacchanalibus*, *CIL*² 581 = *ILLRP* 511) found in southern Italy containing the text of one of the senatorial decrees concerning the cult and its suppression. These two texts, Livy's account and this inscription, are the only surviving accounts of the Bacchanalian crisis, an accident of history that has been the subject of considerable study.⁶ The episode has also received much attention from literary scholars, particularly the story of Aebutius and Hispala, which has often been thought to derive from Roman drama.⁷ Despite the critical attention, both historical and literary,

⁴ For a discussion of both the passage preserved in Seneca (*Suas.* 6.16–17) and *Per.* 120, see H. Homeyer, *Die antiken Berichte über den Tod Ciceros und ihre Quellen* (Baden-Baden, 1964), 32–4. Livy's sense of humour is detectable amid the sincere praise in the statement that, to sing Cicero's praises adequately, one would need a Cicero (Sen. *Suas.* 6.22: *et in cuius laudes exequendas Cicerone laudatore opus fuerit*).

⁵ Thus P.A. Stadter, 'The structure of Livy's history', *Historia* 21 (1972), 287–307 at 298–9 (reprinted in Chaplin and Kraus [n. 3], 91–117, at 105–6); cf. Woodman (n. 3), 136.

⁶ For comprehensive bibliography on the affair, see J.-M. Pailler, *Bacchanalia: la repression de 186 av. J-C à Rome et en Italie; vestiges, images, tradition* (Rome, 1988). Updated bibliography can be found in id., 'Les Bacchanales, dix ans après', *Pallas* 48 (1998), 67–86 and J. Briscoe, *A Commentary on Livy Books 38–40* (Oxford, 2008), 230–1. Among the principal studies of the political and religious aspects of the event are T. Frank, 'The Bacchanalian cult of 186 B.C.', *CQ* 21 (1927), 128–32; A.M. McDonald, 'Rome and the Italian confederation', *JRS* 34 (1944), 11–33; P.V. Cova, 'Livio e la repressione dei Baccanali' *Athenaeum* 52 (1974), 82–109; R.A. Bauman, 'The suppression of the Bacchanals: five questions', *Historia* 39 (1990), 334–8; E.S. Gruen, 'The Bacchanalian affair' in id., *Studies in Greek and Roman History* (Berkeley and Los Angeles, 1990), 34–78; S.A. Takács, 'Politics and religion in the Bacchanalian affair of 186 B.C.E.', *HSPH* 100 (2000), 301–10; H.I. Flower, 'Rereading the *senatus consultum de Bacchanalibus* of 186 B.C.' in V.B. Gorman and E.W. Robinson (edd.), *Oikistes: Studies in Constitutions, Colonies and Military Power in the Ancient World* (Leiden, 2003), 79–98.

⁷ See e.g. A. Scafuro, 'Livy's comic narrative of the Bacchanalia', *Helios* 16 (1989), 119–42 (= Chaplin and Kraus [n. 3], 321–52); P.G. Walsh, 'Making a drama out of a crisis', *G&R* 43 (1996), 188–203; T.P. Wiseman, 'Two plays for the Liberalia', in id., *Roman Drama and Roman History* (Exeter, 1998), 35–51; H.I. Flower, 'Fabula de Bacchanalibus: the Bacchanalian cult of the second century BC and Roman drama' in G. Manuwald (ed.), *Identität und Alterität in der frühromischen Tragödie* (Würzburg, 2000), 23–35. For historiographical studies of the episode see C.M. Rasmussen, 'Livy's Bacchanalian affair: contemporary issues and influences' (Diss., University of Southern California, 2001); V.E. Pagán, *Conspiracy Narratives in Roman History* (Austin, TX, 2004), 50–67. In particular, Scafuro and Walsh argue persuasively that the narrative of Aebutius and Hispala Faecenia in the first half of the episode (39.8–14.2) has its roots in Plautine comedy. Flower argues that the narrative is derived from elements common in Hellenistic historiography.

that this episode has attracted, it seems to have gone unnoticed that Livy modelled the actions of the consul Sp. Postumius Albinus, who spearheaded the investigation against the Bacchants, on the accounts of Cicero's actions in 63. Through the use of linguistic and thematic allusions Livy created a kind of literary shorthand through which his readers could easily recognize their recent saviour from conspiracy and interpret Postumius' actions in 186 in that light.

After 63 B.C. it would be nearly impossible not to call to mind the Catilinarian conspiracy with even the mere mention of a *coniuratio*.⁸ Cicero's successful campaign to provide an authoritative version of events, together with the literary and historical influence of Sallust's monograph on the conspiracy, offered later authors a linguistic register which they could use to describe anyone who plotted against the ruling authority.⁹ Livy adopted the language and themes of the Catilinarian conspiracy earlier in his history, perhaps most famously in his narrative of the *seditio* of M. Manlius Capitolinus (6.11–20), but elsewhere as well.¹⁰ S.P. Oakley has noted the numerous allusions to first-century politics that populate Livy's account of Manlius' agitation and has identified a clear connection to Catiline.¹¹ As Oakley remarks (483), both Manlius and Catiline were patricians and both were reacting to what they perceived as a slight to their *dignitas*. Perhaps the strongest evidence comes from Livy's use in Manlius' speech of the famous phrase *quo usque tandem*, which had opened Cicero's *First Catilinarian* and subsequently been used in the speech Sallust gives to Catiline (Sall. *Cat.* 20).¹² By using language his contemporaries would associate with the Catilinarian conspiracy, and especially

⁸ Catiline certainly became a metonymic figure representing evil as early as the Augustan period, and the conspiracy of 63 became the model upon which later events were based. Tacitus' character sketch of Sejanus (*Ann.* 4.1.3) is clearly intended to recall Sallust's sketch of Catiline. On the parallelism, see R.H. Martin and A.J. Woodman, *Tacitus Annals Book IV* (Cambridge, 1989), ad loc. (I am grateful to Rhiannon Ash for reminding me of the parallel). For other ancient evidence, see Pagán (n. 7), 8–9 with nn. 11–23; also the discussion of J. Briscoe (n. 6), 230–90, esp. 250. Discussion of Sallustian influence on Livy in general is found in E. Bolaffi, *Sallustio e la sua fortuna nei secoli* (Rome, 1949), 185–6; H. Tränkle, 'Beobachtungen und Erwägungen zum Wandel der livianischen Sprache', *WS* 81 (1968), 103–52; Walsh 1963 (n. 3), 43–5; S.P. Oakley, *A Commentary on Livy Books VI–X. Volume I: Introduction and Book VI* (Oxford, 1997), 135–6.

⁹ Pagán (n. 7), 10–14; cf. ead., 'Toward a model of conspiracy theory for ancient Rome', *New German Critique* 35 (2008), 27–49, at 29; T. Habinek, *The Politics of Latin Literature* (Princeton, 2001), 76–81.

¹⁰ See R.M. Ogilvie, *A Commentary on Livy Books 1–5* (Oxford, 1965), on 2.3–5, 2.57.4, 3.15–18, 4.12–16; cf. Oakley (n. 8), 483.

¹¹ Oakley (n. 8), 476–568. Catiline certainly remained fixed in the Roman imagination as a memorable figure and a model for *popularis* agitators. A good summary of Catiline's image in the imperial period is E.T. Sage, 'The treatment of Catiline in the Latin literature of the early Empire', *The Classical Weekly* 24.18 (1931), 137–9; cf. T. Wiedemann, 'The figure of Catiline in the *Historia Augusta*', *CQ* 29 (1979), 479–84. N.M. Horsfall, 'Sallustian politicians and Virgilian villains', *SCI* 21 (2002), 79–81 has identified distinct Sallustian echoes in Virgil's character Drances, the outspoken critic of Turnus in *Aeneid* 11.

¹² Scholars are divided on the sequence of use of this phrase by Cicero, Catiline and Sallust. R. Syme, *Sallust* (Berkeley and Los Angeles, 1964), 106 saw in Sallust's reuse of the phrase a parody of Cicero's speech; in agreement with Syme is R. Renehan, 'A traditional pattern of imitation in Sallust and his sources', *CPh* 71 (1976), 97–105 at 99. D.C. Innes, 'Quo usque tandem patiemini?', *CQ* 27 (1977), 468 counters, arguing that by this phrase Sallust is able to signal the perversion of language by Catiline and his followers. A third position is taken up by D.A. Malcolm, 'Quo usque tandem ...?', *CQ* 29 (1979), 219–20, who argues that it was Catiline's phrase first, and that Cicero's celebrated use of it was designed to mock his adversary with his own tag. No matter how the sequence is interpreted, however, Livy's quotation of the phrase

Catiline himself, Livy carefully constructed the episode of Manlius' *seditio* in a way that would resonate more clearly with his contemporary audience and also bring his historical characters to life.

The Bacchanalian conspiracy is an episode similarly singled out as a suitable place for literary amplification. In sheer length the affair occupies a substantial amount of narrative space. The whole of Book 39 narrates the period from about the middle of 187 to 183 B.C. in 56 chapters. Of these, the Bacchanalian narrative comprises eleven chapters, or almost twenty per cent of the text of the book, even though the events themselves cover less than one year. This fact suggests that Livy chose these events for special treatment, presumably as an episode relating to the larger historiographical theme of Roman moral decline and its dangers.¹³ A second indication of the attention Livy has drawn to this episode is that at the outset of his account of the conspiracy he departs from his normal formulae for introducing the consular year. These formulae tend to take the form of *X et Y consules facti* (where X and Y represent the names of individual consuls) or the standard construction of reporting the consuls' names in an ablative absolute; there are a few other common phrases, doubtless used for *variatio*.¹⁴ But when Livy announces the opening of the consular year for 186 (39.8.1), he uses an entirely different construction: *Insequens annus Sp. Postumium Albinum et Q. Marcium*

quo usque tandem, in combination with the many other Catilinarian echoes, indicates that the phrase had become a verbal slogan which characterized a would-be tyrant.

¹³ Ogilvie (n. 10), 23–9 offers a brief discussion of the notion of moral decline in Livy, esp. as expressed in the preface; for a more sophisticated analysis see Woodman (n. 3), 128–34; J.L. Moles, 'Livy's preface', *PCPhS* 39 (1993), 141–68 at 161–2; J.D. Chaplin, *Livy's Exemplary History* (Oxford 2000), 103–5.

¹⁴ On the function of the consular year in Livy's *History* in general, see P.A. Stadter, 'The structure of Livy's history', *Historia* 21 (1972), 287–307, esp. 304–5 (now reprinted in Chaplin and Kraus [n. 3], 91–117); cf. J.W. Rich, 'Structuring Roman history: the consular year and the Roman historical tradition' in Chaplin and Kraus (n. 3), 118–147, a considerably revised version of the article which originally appeared in *Histos* 1 (1997) <<http://www.dur.ac.uk/Classics/histos/1997/rich1.html>>. In the first and third decades, Livy primarily reports the election and inauguration of the new consuls simultaneously. In the fourth and fifth decades, the elections and the new year are reported separately. Overall, the most common phrase, e.g. 3.22.1, *consules creati Q. Fabius Vibulanus tertium et L. Cornelius Maluginensis*, along with other variations of *consules* + *creari*, occurs some 70 times in the work. Its prevalence can perhaps be explained by the fact that in the Early Republic it occasionally fell to a dictator or an *interrex* to hold the consular elections, in which instance the presiding magistrate is often made the subject of *creare* (3.8.1, 4.7.10, 4.18.6, 8.3.5, 8.23.17, 8.37.1, 9.7.15, 10.11.10, 10.47.5). In the later decades the normal procedure has one of the current consuls presiding, which again results in the singular *creavit* (e.g. 25.41.11, 38.35.1, 39.56.4, 40.35.1, 42.9.8). The next most common formula, with the names of the consuls in an ablative absolute, occurs about 50 times in all, more frequently in the first decade than in other decades, a natural outcome of the greater chronological scope of each of the early books. Livy also repeatedly introduces the year with some variation of *consules* + *facti* (*sunt*), (e.g. 2.21.3: *A. deinde Postumius et T. Verginius consules facti*), 24 times in all. Among less common ways of announcing the new year, there are (1) *inde consules* [+ *esse* or with no verb] (e.g. 3.32.5); (2) *consulatum* (*magistratum*) *ineunt* (e.g. 25.3.1); (3) *novi consules inde* ... (e.g. 7.12.6); (4) *consules secuti sunt* (e.g. 9.30.1). In all versions of these introductions Livy normally provides the names of each set of consuls as a pair. Another common technique, especially in the second pentad, is to identify one consul independently and then to record the second explicitly as his colleague, as e.g. at 9.33.1, *Q. Fabius, insequentis anni consul, bellum ad Sutrium excepit; collega Fabio C. Marcus Rutulus datus est* (cf. 2.43.11, 2.56.5, 7.1.2–3, 7.21.4, 7.23.1, 8.16.4, 9.33.1, 9.41.1). J. Ginsburg, *Tradition and Theme in the Annals of Tacitus* (New York, 1981), 10–30, considers Tacitus' response to the annalistic formulae found in Livy and provides a very helpful summary of Livy's most common formulae at 12–13.

Philippum consules ab exercituum bellorumque et provinciarum cura ad intestinae coniurationis vindictam avertit. Here the year itself is the grammatical subject and the consuls the object of the transitive verb *avertit*. Livy's statement here hardly allows the new consuls to take office before they are faced with the Bacchanalian crisis, thereby signalling that it will be the focal point of their consulship and consequently of Livy's narrative thereof. In fact, although he introduces new consuls elsewhere with *insequens annus* in oblique cases, only one other year (501 B.C., 2.18.1) employs this phrase in the nominative case: *insequens annus Postumium Cominium et T. Larcium consules habuit*.¹⁵ That the names of the consuls for 501 include a Postumius is almost certainly coincidental, but the year itself was deeply significant for Roman history since it marked the appointment of the first dictator. Livy pauses both to comment on the identification of the dictator and to examine the effect of this emergency appointment on the populace. He recreates an atmosphere of awe and dread as the dictator's *fascēs* – complete with axes – proceed through the streets. This episode from early Roman history therefore serves as an effective parallel for the Bacchanalian crisis and Livy's narrative of its suppression. It is admittedly doubtful that Livy's readers would recognize the precise parallel after an interval of almost forty books and three hundred years of consuls. The rarity of the phrase, however, would be striking. By using the unique phrase *insequens annus* as the syntactical subject, Livy shows that the year, the consuls, and the events are clearly meant to stand out.

It may not at first seem likely that the Bacchanalian and Catilinarian conspiracies have much in common beyond the terminology used to describe them. Indeed, from a historical standpoint the two conspiracies presented quite different threats to the state. It is clear that the crisis posed by the Bacchic cult is primarily religious, whereas Catiline's rebellion is both a political and a personal crisis: his insurrection is a response to political frustration (for himself and for an apparently substantial portion of the Italian population). Moreover, the Bacchanalian conspiracy seems to emanate from a group without a well-defined leader, while Catiline is unmistakably represented as the chief rogue and conspirator. Finally, the evidence for the threat posed by the worshippers of Bacchus derives explicitly from the knowledge of Hispala Faecenia, a woman tangentially connected to the crisis. By contrast it would surely be an exaggeration to suggest that the Catilinarian conspiracy was revealed to Cicero primarily through the evidence of Fulvia;¹⁶ Cicero makes clear that his eyes and ears are continuously attuned to Catiline's nefarious actions.

From a historiographical perspective, however, there are a number of similarities. Both events are called a *coniuratio* in the sources, both narratives have strong-minded consuls whose action prevents the danger from overthrowing the state, both provoke fear and panic in the city at large.¹⁷ As Livy presents his

¹⁵ For other cases of *insequens annus*, see 4.12.1, 4.30.12, 7.2.1, 7.9.1, 7.12.1, 8.13.1, 8.29.2, 8.38.1, 9.33.1, 9.42.1; the phrase *principio* (or *in principium*) *insequentis anni* occurs at 30.27.1, 39.33.1, 39.45.1, 40.1.1, 42.10.9, 43.12.1. One use of *insquentes consules* appears at 9.28.8.

¹⁶ Sallust, however, concentrates on Fulvia and Q. Curius as informers, perhaps as a balance to the single-handed heroic self-presentation Cicero himself offers in the speeches. For more on Sallust as a model for Livy's Bacchanalia, see below. Pagán (n. 7), 15–19 discusses the crucial role of women and characters of marginal social status in Roman conspiracy narratives; at 27–67 Pagán shows how Fulvia in Sallust and Hispala in Livy serve as conduits for information that brings the conspiracy to light.

¹⁷ *Coniuratio* and *coniurare* are used of the Catilinarian conspiracy eighteen times in Cicero's speeches *In Catilinam*, 27 times in Sallust's monograph. Livy refers to the Bacchanalian affair by

account of the consular response to the Bacchanalian crisis, the narrative repeatedly evokes Cicero and the Catilinarian conspiracy. In fact, Livy's narrative shows him to be a careful reader of Cicero and Sallust, for there are striking allusions to both authors' accounts of the conspiracy. One notable parallel with Sallust is in fact Livy's extended focus on the events surrounding the informers Aebutius and Hispala who are surely modelled on Q. Curius and his mistress Fulvia, another romantically linked set of characters whose information is vital for suppressing the conspiracy. Unlike Sallust's characters, who are implicated more directly in the conspiracy itself, Aebutius and Hispala are not morally compromised and are in general presented as patriotic and virtuous. While Sallust's language and thematic emphases are redeployed by Livy in the Bacchanalian episode, it is also the case that Livy departs from Sallust's precedent in that he gives his consul a voice. Sallust's monograph is conspicuous for the absence of Ciceronian speech: Catiline, Caesar and Cato are all given major speeches in the narrative, but Cicero the orator is largely silent.¹⁸ Livy's reworking of the Catilinarian conspiracy narrative to fit the circumstances of the events of 186 therefore adapts elements from both major sources to create a narrative that is informed by, and expects its audience to recognize, the parallels from contemporary events.

Having established that Livy consciously selected the accounts of the Catilinarian conspiracy as models for his Bacchanalian narrative, I turn now to the more 'historical' second half of Livy's Bacchanalian narrative (39.14.3–19) where Livy most closely echoes Cicero's *Catilinarian Orations* as a means of commemorating Cicero's famous deeds, at least indirectly. These echoes are apparent in a number of ways: from the episode's place within the general structure of Book 39, to the characterization of the consul Sp. Postumius Albinus, to more specific aspects of the speech Postumius delivers at the *contio* (39.15.2–16.5) revealing the conspiracy to the *populus Romanus*. Taken as a whole, Livy's narrative of the consul's reaction to the crisis is a clear allusion to Cicero's actions in 63.

Several aspects of Livy's portrayal suggest that he had Cicero in mind when composing this narrative. At key points Postumius is unnamed and referred to

these terms twelve times in 39.8–20 and on two further occasions which deal with the aftermath of the senatorial decrees later in Book 39. All together, of the more than 70 instances where Livy uses *coniuratio* or its cognates in his *History*, all but three (22.38.4, 26.25.11, 45.2.2, which indicate the swearing of a military oath) refer to plots hatched to subvert the legitimate or established authority. W.E. Spencer, 'Conspiracy narratives in Latin literature' (Diss., University of Illinois at Urbana-Champaign, 2001), 78–133 offers a statistical analysis of *coniuratio*, *coniurare* and *coniuratus* in the major Roman historians (see esp. 123–7 on Cicero and Livy). Pagán (n. 7), 10–14 traces the meaning of *coniurare* in both its positive (oath-swearing) and negative (conspiracy) senses.

¹⁸ Sallust's treatment of Cicero in the monograph has been the subject of much debate, mostly centred around Sallust's comments in 31.6 on the occasion of the *First Catilinarian*. T.R.S. Broughton, 'Was Sallust fair to Cicero?' *TAPhA* 67 (1936), 34–46 defends Sallust and offers a useful summary of earlier scholarship on Sallust's portrayal of the orator. Syme (n. 12), 105–7 adduces as a parallel Livy's practice of not reproducing speeches or documents that would have been well known to the audience; cf. K. Vretska (ed.), *Sallust De Catilinae Coniuratione* (Heidelberg, 1976), 388–9. J.T. Ramsey (ed.), *Sallust's Bellum Catilinae*² (Atlanta, 1984 [Oxford and New York, 2007]), 147–8 concurs, adding that Tacitus also refrained from paraphrasing or including materials available elsewhere. It is nevertheless remarkable that Sallust chooses to give Catiline a double emphasis (speeches at *Cat.* 20 and 58) that balances the famous speeches of Caesar and Cato, while Cicero is made to react to the words and actions of others, as at 31.6, where his much-lauded oratorical masterpiece is effaced in favour of an extended account of Catiline's fiery outburst in the senate.

by the simple term *consul*, evoking Cicero's references to himself as a singular consul in spite of the collegiality normally associated with Roman magistracies. In the *Catilinarians*, one would hardly imagine that Cicero has a colleague at all (C. Antonius Hybrida). In the four speeches, Cicero refers to the actions of the consul (singular) some twenty-one times, including his colleague on seven other occasions.¹⁹ Such emphasis is natural: after all, Cicero staked his whole career on the outcome of the crisis, and his colleague was probably more sympathetic to the rebels than to the *res publica*.²⁰

More important, however, is the fact that Postumius is allotted the only extensive speech in Book 39 that is composed in *oratio recta*. There are other instances of direct speech in the book, but none is so carefully fashioned to conform to the standard rhetorical structure of deliberative oratory.²¹ Livy has thus marked out this speech as significant for this period of his narrative; in assigning a Ciceronian-style speech to a consul facing a similar crisis, Livy invites the reader to consider Postumius in the light of Cicero and to make connections between the two. For example, one of the characteristics that mark Cicero's *Catilinarians* is the frequency with which the consul emphasizes his own individual actions in taking responsibility for suppressing the incipient insurrection. Cicero stresses his activity through the use of first person verbs and emphatic personal pronouns.²² Livy's account of the Bacchanlia operates similarly: as Livy has shaped the narrative, once he has introduced the consuls of 186 (39.8.1), the entire affair seems to be handled by Sp. Postumius alone, with almost no mention of his colleague until the affair has been revealed to the Senate and People and the investigations are decreed.²³ In fact, Livy's language in introducing the first half of the drama is worth noting (39.9.1):

¹⁹ Some prominent examples (all references are to Cicero's *Catilinarians*): 1.2: *consul videt, iussu consulis*; 1.9: *Hos ego video consul et de re publica sententiam rogo...*; 1.13: *Exire ex urbe iubet consul hostem*; 2.13: *Hic ego vehemens ille consul*; 4.2: *Ego ille sum consul*; 4.18: *Habetis consulem ex plurimis periculis et insidiis ... reservatum*; 4.24: *Habetis eum consulem qui et parere vestris decretis non dubitet et ea quae statueritis, quoad vivet, defendere et per se ipsum praestare possit*.

²⁰ C. Antonius Hybrida (Cicero's consular colleague in 63) and Catiline are routinely paired in the sources and characterized as equally disreputable: Cicero, *Comment. Pet.* 8, 9; Asc. 82–3, 93–4 Clark.

²¹ P.G. Walsh, *Livy Book XXXIX, Edited with an Introduction, Translation & Commentary* (Warminster, 1994), 12. Walsh notes that two other utterances are in *oratio recta* (that of Philip of Macedon [39.27–28] and Lycortas of Megalopolis [39.36.3–37.17]), but that these are not fully developed as oratorical showpieces to the extent that Postumius' speech is. As Briscoe (n. 6), 271–2 notes, R. Ullmann, *La Technique des discours dans Salluste, Tite-Live et Tacite* (Oslo, 1927), 164–5, offers an assessment of the speech's rhetorical structure quite different from Walsh's (123–4); Briscoe prefers Ullmann's structural breakdown over Walsh's.

²² Cicero's four speeches contain approximately 284 first person singular verbs, compared with 62 first person plural verbs. In compiling these statistics, I have counted only finite verbs; the totals would be even more striking if emphatic personal pronouns were added, since Cicero is very fond of *ego* in all its forms. Some pertinent examples of Ciceronian personal emphasis: *Cat.* 1.9: *Hos ego video consul et de re publica sententiam rogo et, quos ferro trucidari oportebat, eos nondum voce volnero*; 1.10: *Haec ego omnia vixdum etiam coetu vestro dimisso comperi*; 2.13: *Hic ego vehemens ille consul ...*; 3.26: *In animis ego vestris omnis triumphos meos, omnia ornamenta honoris, monumenta gloriae, laudis insignia condi et collocari volo*; 4.2: *Ego sum ille consul ...*; *ibid.*: *Ego multa tacui, multa pertuli, multa concessi, multa meo quodam dolore in vestro timore sanavi*.

²³ Livy mentions this outcome right from the start of the narrative (39.8.3): *Consulibus ambo- bus questio de clandestinis coniurationibus decreta est*. Later, Philipppus is again included in both Postumius' speech at the *contio* and in the report of the senatorial decree.

Huius mali labes ex Etruria Romam velut contagione morbi penetravit. Primo magnitudo urbis capacior patientiorque talium malorum eam celavit; tandem indicium hoc maxime modo ad Postumium consulem pervenit.

There are distinct echoes of Sallust in the metaphor of disease and infection (*huius mali labes ... velut contagione morbi*) with which Livy opens the narrative.²⁴ The impression Livy gives is that this *labes mali* is an independent agent and that it reached Postumius almost by design. It is possible that there was a political connection between Aebutius' family and Postumius', but Livy provides no explanation as to why Postumius especially was the consul to whom to turn. Postumius duly listens to Aebutius' information and interrogates Hispala for corroboration. When he has sufficiently investigated the matter and secured the safety of his witnesses, he brings his report to the Senate. Livy's account continues to emphasize the individual action undertaken by Postumius: *Ita cum indices ambo in potestate essent, rem ad senatum Postumius deferit, omnibus ordine expositis quae delata primo, quae deinde ab se inquisita forent* (39.14.3). Again, there is no mention of Philippus, the other consul, and the Senate's vote of thanks is likewise directed at Postumius alone (39.14.5: *Censuit autem senatus gratias consuli agendas quod eam rem et cum singulari cura et sine ullo tumultu investigasset*).

When it comes to official action, however, the Senate instructs both consuls to undertake the inquiry: both consuls then assign the various tasks to lesser magistrates. Philippus accompanies Postumius to the rostra (*consules in rostra escenderunt*), but Postumius is (apparently) the only one who speaks, at least in Livy's rendering of the *contio*: in fact, this is only an assumption based on the preceding role Postumius played, for Livy's text is vague on this point: *cum ... peregrisset consul, ita coepit* (39.15.1), thus leaving the reader to infer the consul's identity. The speech itself contains several allusions to Cicero's *Catilinarians*. Perhaps the most obvious is the section where Postumius lists in brief form the types of people associated with the conspiracy (39.15.8–9):

Quod ad multitudinem eorum attinet, si dixerō multa milia hominum esse, ilico necesse est exterreamini, nisi adiunxero qui qualesque sint. Primum igitur mulierum magna pars est, et is fons mali huiusce fuit; deinde simillimi feminis mares, stuprati et constupratores fanatici, vigiliis vino strepitibus clamoribusque nocturnis attoniti.

This list, although of only two groups, is surely an allusion to the six types of conspirators catalogued by Cicero (*Cat.* 2.18–23). The Ciceronian passage is much more detailed, but the introduction to his list shows that Livy must have had this passage in mind, at least subconsciously. Cicero begins (*Cat.* 2.17):

²⁴ Cf. Sall. *Cat.* 10.6: *Haec primo paulatim crescere, interdum vindicari; post ubi contagio quasi pestilentia invasit, civitas immutata, imperium ex iustissimo atque optumo crudele intolerandumque factum*. Livy's use of *labes* may also be an indirect echo (or a inaccurate memory) of Sallust's use of *tabes ... invadere* at *Cat.* 36.5 and *Iug.* 32.4, both in metaphors. Briscoe (n. 6), 253 comments on the confusion of *tabes* and *labes* in the manuscript tradition. Further, disease metaphors were a common device for representing political or moral disorder; A.J. Woodman, 'Mutiny and madness: Tacitus *Annals* 1.16–49', *Arethusa* 39.2 (2006), 303–29, at 312–19 presents a detailed analysis of the thematic use of *furor* in Tacitus' account of the German and Pannonian mutinies. Woodman also convincingly shows that Tacitus' narrative echoes Livy's account of the mutiny of 206 B.C. It is not difficult to extend the context from mutiny to any rebellion against the established authority, as Livy does here with the Bacchanalian affair.

Exponam enim vobis, Quirites, ex quibus generibus hominum istae copiae comparentur; deinde singulis medicinam consili atque orationis meae, si quam potero, adferam.

Cicero's phrase *ex quibus generibus hominum istae copiae comparentur* is echoed in Postumius' *multa milia hominum* and *qui qualesque sint*. In Cicero, Catiline's followers are subsequently divided up into (1) the wealthy who have large debts; (2) those who are in debt and ambitious; (3) Sulla's veterans who seek revolution; (4) those who are indolent and extravagant; (5) assassins and other murderers; (6) those who are morally corrupt. Postumius' description of the Bacchanalian conspirators most closely resembles Cicero's sixth class of Catiline's followers, those whom the orator claims are *omnes aleatores, omnes adulteri, omnes impuri impudicique ... Hi pueri tam lepidi ac delicati non solum amare et amari neque saltare et cantare sed etiam siccas vibrare et spargere venena didicerunt* (Cic. *Cat.* 2.23). The salient characteristic shared by both groups of conspirators is their lack of *virtus*, both as a marker of moral courage and of manliness. Cicero and Livy both choose to describe those who are threatening the state as corrupt and dissolute, framing the issue as a moral one rather than (in the case of the *Catilinarians*) a political or (in the case of the Bacchants) a religious one.²⁵

Throughout Cicero's four speeches in late 63, and especially in the second and third orations, the consul repeatedly stresses the need for constant vigilance against the growing threat posed by the conspirators. Cicero both exhorts his audience to keep watch and underscores the fact of his own keen watchfulness. For instance, at *Cat.* 2.26 (after his catalogue of conspirators) Cicero says:

Quae cum ita sint, Quirites, vos, quem ad modum iam antea dixi, vestra tecta vigiliis custodiisque defendite; mihi ut urbi sine vestro metu ac sine ullo tumultu satis esset praesidi consultum atque provisum est.

The emphasis here is on Cicero's personal vigilance and his sense of responsibility for seeing to the security of the state. The consul's sense of duty again finds a parallel in Livy, where the Ciceronian phrase *sine vestro metu ac sine ullo tumultu* is adopted in the Senate's vote of thanks to the consul for having conducted the investigations *et cum singulari cura et sine ullo tumultu* (39.14.5). Other examples abound in the *Catilinarians*, with near constant references to Cicero's private diligence in protecting the security of the state and its citizens. In the exordium of the fourth speech, to take just one example, Cicero urges the senators to see to the security of the *res publica*, and a little later again refers to his personal *virtus atque diligentia*, for which the Senate has voted a thanksgiving: *qua re, patres forscripti, consulite vobis, prospicite patriae, conservate vos, coniuges, liberos fortunaeque vestras, populi Romani nomen salutemque defendite* (*Cat.* 4.3); ... *mihi gratias egistis singularibus verbis et mea virtute atque diligentia perditorum hominum coniurationem patefactam esse decrevistis ...* (*Cat.* 4.5). As these brief examples indicate, Cicero's tireless effort in suppressing the conspiracy is a frequent theme in the speeches. He refers to his *diligentia* on nine occasions and to the state's need for his protection about a dozen times.²⁶

²⁵ It should be noted, however, that religion is not absent from Postumius' speech. Indeed, outside of this one section, the religious aspects of the threat are given full expression.

²⁶ Indeed, Cicero's insistence on his individual vigilance and effort was sufficiently well known that, in the aftermath of the conspiracy, his enemies mocked him with his own words (and Cicero knew it): Cic. *Att.* 1.14.5; *Fam.* 5.5.2; *Sull.* 86; *Acad. Pr.* 2.63.

Livy has Postumius echo Cicero's repeated exhortations to vigilance and swift action and combines with it a further theme which also has its origins in Cicero. Although the Bacchanalian conspiracy is not yet able to overpower the state, Postumius says, it grows daily and must be suppressed (Liv. 39.16.3–4):

Necdum omnia in quae coniuraverunt edita facinora habent. Adhuc privatis noxiis, quia nondum ad rem publicam opprimendam satis virium est, coniuratio sese impia tenet. Crescit et serpit cotidie malum. Iam maius est quam ut capere id privata fortuna possit; ad summam rem publicam spectat. Nisi praecavetis, Quirites, iam huic diurnae legitime ab consule vocatae, par nocturna contio esse poterit.

In this passage we see the consul's insistence on immediate action at this critical moment to prevent the threat from spreading beyond the private realm. The phrase *crescit et serpit cotidie malum* is particularly suggestive of the conspiracy winding its way through the city and is one that certainly recalls Cicero's imagery of ruin infecting the *res publica* in the *Catilinarians*.²⁷ Moreover, Livy again has his speaker use the third person *consul* self-referentially, just as Cicero repeatedly did in his speeches. Postumius goes on to advise the People about the nature of the investigation about to take place and ends with another exhortation to the audience to be faithful to their responsibilities in this time of crisis.

Postumius' speech comprises only a few chapters in Livy's monumental historiographical project, while it might fairly be claimed that Cicero's Catilinarian speeches represent the defining moment of his career.²⁸ It is also true that the two emergencies that generate the speeches are rather more different than similar. But the general tenor of Livy's narrative is nevertheless reflective of Cicero's shining moments: the keen instincts of the consul, his constant vigilance, his bold actions and his authoritative handling of the crisis. Scholars have concentrated on identifying the source(s) of Livy's dramatic narrative of the conspiracy or on the

²⁷ Cicero's most vivid metaphor for the spread of the Catilinarian conspiracy is that of a disease infecting the city: *Cat.* 1.10, 1.31, 2.2, 3.4. Walsh (n. 21), 125 identifies the imagery of *crescit et serpit* as that of a 'slithering and devouring snake'; Briscoe (n. 6), 277 against Walsh, asserts that the metaphor is medical, based on 40.19.9, which combines *serpere* with *persecare*, 'found only in medical contexts (cf. *TLL* x/1.1679)'. Nevertheless, the snake image is well attested for this verb, along with its more general meanings. In Cicero, *serpere* is found 26 times and only once in an explicitly medical context. Its most general meaning concerns any steady, gradual movement (*Cic. Div. Caec.* 68; *Verr.* 2.2.53; *Fin.* 5.65; *Att.* 14.15.1); at *Rep.* 2.33 the verb is the opposite of *volare*: *neque enim serpit sed volat*. In both Cicero and Livy (where the verb appears only six times) the meaning often suggests unstoppable motion, e.g. *Verr.* 2.3.177; *Mur.* 45; *Nat. D.* 1.98, 3.51; *Sen.* 52; Liv. 28.15.16, and occasionally with an additional element of secrecy (*Cic. De or.* 2.203; *Amic.* 41). The association with snakes is well founded, since both Cicero and Livy use *serpere* to describe explicitly the movement of snakes (*Cic. Fin.* 42; *Tusc.* 5.38, *Nat. D.* 2.122; Liv. 21.22.8). Livy's use of *crescit et serpit quotidie malum* parallels Cicero's use of the two together: *Rab. Post.* 15: *serpet hoc malum*; *Phil.* 1.5: *Nam cum serperet in urbe infinitum malum ...*; cf. Liv. 34.22.13: *ceterum si vos nec cura eius civitatis nec exemplum nec periculum movet ne serpat latius contagio eius mali, nos aequi bonique facimus*. The image was also adopted by Virgil, *Aen.* 2.268–9: *tempus erat quo prima quies mortalibus aegris | incipit et dono divum gratissima serpit* (a reference I owe to Nicholas Horsfall; see his *Virgil Aeneid 2: A Commentary* [Leiden, 2008], ad loc. for further discussion).

²⁸ The question of the publication and possible revision of Cicero's speeches has long occupied scholars. Cicero (*Att.* 2.1.3) seems to have considered his consular speeches – not just the *Catilinarians*, but the body of orations delivered throughout the year – as a collection, and it is likely that they were initially published in that fashion. For a summary of the evidence and previous scholarship, see now A.R. Dyck, *Cicero: Catilinarians* (Cambridge, 2008), 10–11.

religious and political implications of the senatorial decrees that sanction the violent suppression of the cult. But Livy's account of the Bacchanalia does more than simply recount the suppression of a conspiracy. Indeed, he creates in Postumius a heroic consul who single-handedly saves the state. Cicero would no doubt be pleased that even if no historian of his own period had taken up the call to write his *res gestae*, elements of that *gloria* were remembered for posterity.

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