

LIVY AND THE STORY OF HORATIUS, 1.24–26

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The value of history, Livy says, lies in offering the reader instructive moral examples, these being of two sorts: *inde tibi tuaeque rei publicae quod imitere capias, inde foedum inceptu foedum exitu quod vites* (Pref. 10). Nor does Livy leave it in doubt to which class each of the stories he recounts belongs, for the moral is most often clear: the bravery of a Mucius Scaevola deserves imitation, the lust and ambition of an Appius Claudius are execrable. Livy expresses such unequivocal judgments not so much by direct statement as through narrative: he focuses his narrative upon the moral and highlights it with every device of literary art. This is now an accepted truth in Livian criticism.¹ And yet there are occasions when, despite his stated goal, to present *documenta in inlustri posita monumento*, “instructive examples set in a perspicuous historical account,”² the historian also deals with the inescapable complexities of man’s life, in which deeds do not always lend themselves to such neat classification. Livy seems to me a man of greater moral imagination and wider human sympathies than he is usually held to be. I will discuss here one episode from his history where he dwells precisely on the absence of clarity and on the resulting complexity of moral judgment. My argument is based on a close examination of his narrative style, those habits of language which are the truest clues about a writer.

The episode is the famous one of the Horatii and Curiatii, in which a Roman saves his country but then outrages it morally by murdering his

¹See, for example, P. G. Walsh, *Livy: His Historical Aims and Methods* (Cambridge 1961) 66: “Livy’s history is dominated by ethical preconceptions . . . His idealisation of the past depicts such [i.e., moral] qualities in sharp outline.”

²The hyperbaton emphasizes *inlustri*. This common form of the figure, whereby a syntactically obtrusive word intervenes between an adjective and its noun, in Livy at least regularly emphasizes the adjective, which is left suspended for a moment in the reader’s mind. The most probative examples are those where the emphasized adjective contrasts with another word, as at Pref. 4: *ab exiguis profecta initiis eo creverit ut iam magnitudine laboret sua*; or at 38.17.13: *generosius est, in sua quidquid sede gignitur; insitum alienae terrae in id, quo alitur, natura vertente se degenerat*.

sister. I first describe the moral problem of the story, indicating the narrative devices by which Livy focuses attention on it and illuminating some of them through comparison with Dionysius of Halicarnassus and other writers. This analysis then leads to some general remarks on Livy's work, particularly its engagement of the reader.³ Afterwards in a second part, in order to prove that Livy, and no one else, is responsible for the manner in which the story is told, I review its possible sources and also the modern historical interpretations of it, which tend to deny Livy any responsibility.

I

The story is straightforward. In order to conclude a war between their cities Tullus Hostilius, king of Rome, and Mettius Fufetius, dictator of Alba Longa, agree to have two sets of triplets meet in a duel; the survivor will bring victory to his side. One of the Romans, Horatius, after losing both his brothers, succeeds in killing the three Albans. Upon his triumphant return to the city, however, angered to see his sister weeping over one of the slain Curiatii, to whom she had been betrothed, Horatius kills her. Tullus is obliged to bring him to trial. Specially appointed *duumviri* find him guilty; then on appeal the people acquit him, whereupon he expiates his crime in certain ritual acts.

An outline, of course, does not convey the riveting effect which the story has from start to finish. But it does reveal how Livy has carefully divided the action into halves, the duel abroad and the trial at home. By this division he effects a sharp contrast between Horatius' heroic deeds and the murder of his sister. In Dionysius (3.21–22) any contrast between the halves is obscured by a cloud of incidental scenes: an exchange of longish speeches between Horatius and his sister (Livy gives nineteen words to Horatius

³An indication of this is found in the sentence already quoted from the Preface, where Livy employs the second-person singular pronoun and adjective: *tibi tuaeque rei publicae*. The address is direct, almost personal. Livy nowhere else addresses the reader this way; Sallust and Tacitus never do. (Liv. 9.18.11 and Sall. *Cat.* 1.6 and 3.2 are rather impersonal; second-person potential subjunctives, like *discerneret*, are virtually impersonal too.) And, as Livy draws close to the reader, so he leaves a certain distance between himself and the Roman state. He speaks to the reader of *tua res publica* (not *nostra*—contrast Sall. *Jug.* 4.5: *civitatis nostrae*). Other historians talk freely of *nos*, i.e., "the Romans" (Caes. *Gal.* 3.28.4, Sall. *Jug.* 8.1, Curt. 6.3.8, Tac. *Hist.* 1.2, *Ann.* 13.55, etc.). Livy's use of the word is very restricted: as A. D. Leeman remarks (*Orationis Ratio* [Amsterdam 1963] 1, 296), he never uses *nostri* to mean "the Roman troops;" and in the Preface, the only place he does use the adjective, it has a strong temporal reference (*nostra . . . aetas*, 5; *vitia nostra*, 9). The historian affects a certain impartiality.

alone, and this after the murder, not before); the burial of the sister (Livy alludes to this at the very end of the story, so as not to interrupt the narrative here); the celebration of Horatius' victory (absent in Livy); and Tullus' address to the vanquished Albans (Livy places this directly after the duel, closely attaches it to the duel with the words *priusquam inde digrederentur*, and gives the content in a brief piece of indirect discourse).

Livy, moreover, draws our attention to the contrast between the halves through verbal echoes. By prominently repeating certain words he invites us to see the two episodes as in some ways parallel to each other. *Ferox*, for instance, is often applied to Horatius.⁴ He and his brothers go forth to duel *feroces* (1.25.1); when left alone against the three Albans he is still *ferox* (25.7), as he is again when facing the last of them (25.11). We might translate the word as "fierce." In the corresponding scene of the second half, where Horatius slays his sister, Livy says: *movet feroci iuveni animum comploratio sororis* (26.3). In this context the word has a different ring to it and connotes "savage." The echo leads to the important suggestion that it is the same quality which causes him to act on each occasion. In the duel itself events are picked out with words that will recur in the next half. *Increpuere arma* (25.4), an odd phrase since *increpo* is used of arms nowhere else in Latin,⁵ is found at the opening of the battle. The verb is echoed in Horatius' reproaching his sister: *increpans* (26.3). The dread felt by the army during the contest (*horror ingens spectantes perstringit*, 25.4) is matched by the dread which the law inspires in the citizens attending the trial (*lex horrendi carminis*, 26.6).⁶ With *defigit* (25.12) Horatius dispatches the last of the

⁴R. M. Ogilvie, in his indispensable *Commentary on Livy: Books 1–5* (Oxford 1965) 105–6—henceforth simply "Ogilvie"—remarks that Tullus Hostilius is distinguished for his *ferocitas* and that this is the key word of the section. He passes over the interesting fact that the word is used now for the king (22.2, 23.4, 23.10, 27.10, 31.6), now for Horatius, the leading hero of his reign (25.1, 25.7, 25.11, 26.3). Georges Dumézil thinks that the two men are identified because in origin they were one: Tullus-Horatius represents at Rome the warriors, the second of the three social classes, or "functions," into which Dumézil believes Indo-European society was divided. (On Dumézil, see below, pp. 266–67). But Nikolaus Erb, *Kriegsursachen und Kriegsschuld in der ersten Pentade des T. Livius* (Winterthur 1963) ch. 1, shows how in general Livy tailors his description of the wars waged to fit the picture of the reigning king; thus the wars are chiefly an expression of the king's character; hence the *ferocitas* of both Tullus and Horatius.

⁵Ogilvie points out the oddity, which is great enough to have persuaded H. J. Müller to read *concrepuere* instead. Here, as elsewhere, Livy strains language for effect: the unfamiliar use of a word helps to fix it in our minds and alert us to the following echo.

⁶*Horrendus* is an unusual word. Found once in tragedy (*Trag. inc.* 198 R; "contextu dubio," says *ThLL* 6.2981) and once again in Cicero (*Tusc.* 2.2; "vi potius verbi," *ThLL* *ibid.*), the word is first brought into use by Virgil and Horace. It is not found in prose before Livy. In any case, the collocation *horrendi carminis* is unparalleled in Latin.

Curiatii, with *transfigit* (26.3) his own sister.⁷ And the field on which Horatius' brothers fell (*corruerunt*, 25.5) is recalled by the spot where his sister fell (*corrueat*, 26.14).⁸

Through the composition of the story and these verbal echoes Livy draws our attention to the problem which lies in the contrast between the halves. Horatius in the first half is a typical Roman hero, courageous and patriotic. But in the second half this same patriotic feeling leads him to kill his sister. The problem then is this: what are we to think of such a man, of such patriotism? Let us look into this more closely. Not only does Livy describe Horatius' heroism in the first part, but he also shows on what principle it is founded, the willingness to sacrifice oneself for the good of the commonweal. Of all the combatants in the duel he says: *nec his nec illis periculum suum, publicum imperium servitiumque obversatur animo* (25.3). The striking asyndeton and chiasmus throw into greater relief the words *suum* and *publicum*,⁹ and this opposition lies at the heart of the episode. For the basis of Horatius' heroism is precisely his subordination of himself to the public good, which may be considered the cardinal Roman virtue. In the second half, however, the repeated word *ferox* at the beginning (26.3) and the phrase *ipsius* [i.e., *Horatii*] *parem in omni periculo animum* near the end (26.12) remind us that the same moral character

⁷*Defigo* may be a special word here, for both its meaning and its construction. In classical prose generally *defigo* in its physical sense is uncommon outside of agricultural contexts (the usual word is *transfigo*). As for its construction, Ogilvie reports that "*defigo* with the plain ablative is only found in poetry."

⁸I give two other examples of Livy's use of verbal echo. (1) In the account of Porsenna an echo suggests a parallel between Horatius Cocles and Mucius Scaevola, who are the heroes of successive stories. Livy says of the former's brave deed: *ipso miraculo audaciae obstupescit hostes* (2.10.5); and of the latter's: *prope attonitus miraculo rex* (2.12.13). (2) Coriolanus in the first episode of his career distinguished himself by his bold attack on the inhabitants of Corioli, *quos* [sc. *exercitus Romanus*] *intus clausos habebat* (2.33.6). Shortly afterwards the Roman people are beset by hunger: *fames deinde* [sc. *civitatem invasit*], *qualis clausis solet* (2.34.2). The Romans are, in a sense, "besieged" themselves. And since it is Coriolanus, now prominent, who most bitterly opposes distributing to the people what grain is available, he is seen as the people's enemy. Livy represents the people as thinking: *fame se iam sicut hostes peti* (2.35.1). The two comparisons, *qualis clausis* and *sicut hostes*, are gratuitous and deliberate. Their words, echoing the siege of Corioli, remind the reader that Coriolanus has gone from attacking Rome's enemies to attacking his fellow-citizens, from being Rome's champion to being her enemy. And, lo and behold! the implicit image comes to life in the next episode, in which Coriolanus leads a Volscian army against the city.

⁹Even without chiasmus such sharp adversative asyndeton is extremely rare in Livy. Weissenborn-Müller cite: *non iuvenem, vicesima iam stipendia merentem* (3.71.6). But of the twenty-two examples given by Ludwig Kühnast, *Die Hauptpunkte der livianischen Syntax* (Berlin 1872) 287, not one is so sharp and violent as ours; most are made up of entire clauses in which the first words are opposed, as at 5.22.2: *ex qua* [sc. *familia*] *filius ad senatum rettulisset, pater tam popularis sententiae auctor fuisset*.

which caused Horatius to enter eagerly into battle also led him to kill his sister. Though it was obvious that his loyal subordination of himself to the state merited the highest praise before, it is far from obvious now, when he murders his kin. Perhaps, from a different point of view, we could formulate the problem thus: are the qualities important to war and empire compatible with civil society, with ordinary life? In any case we can see that Livy engineers the contrast between the halves of the story for the purpose of putting such a question. Dionysius, by comparison, not only clouds but also trivializes the contrast between the two parts of the story. He says only that envious Fortune did not allow Horatius, a mere man, to continue long in good luck, but as it raised him, so it cast him down swiftly (3.21.1): not a useless moral, but a hackneyed one.

Livy now amplifies his theme by sounding it in a new quarter. He projects onto the king the same natural conflict between personal and patriotic motives that might have arisen in Horatius but did not. Tullus Hostilius, as depicted by the historian, is caught in a dilemma when Horatius appears before him, and this dilemma in turn highlights the problematic character of Horatius himself. For, while Horatius feels only the patriotic motive, the king is sensitive to both the patriotic and the personal. On the one hand, Tullus is the dispenser of justice before whom Horatius is brought: *raptus in ius ad regem* (26.5). On the other, he is a man unwilling to incur the displeasure of the citizens: *rex ne ipse tam tristis ingratusque ad vulgus iudicii ac secundum iudicium supplicii auctor esset . . .* (26.5). In this dilemma he chooses to create a new institution, the *duumviri*, whom he charges with the judicial responsibility.¹⁰ Livy in effect attributes the origin of this institution, not to any social or legal need, but to the personal moral predicament of the king. The *duumviri* embody the difficulty for him in judging Horatius. Livy quotes the law appointing them, which begins *duumviri perduellionem iudicent* (26.6), and then he adds: *hac lege duumviri creati, qui se absolvere non rebantur ea lege ne innoxium quidem posse, cum condemnassent . . .* (26.7).¹¹ He is careful to

¹⁰No other source records the king's appointment of *duumviri*. Indeed, scarcely any other source records the existence of these *duumviri* at all. The *duumviri* of his own day mentioned by Cicero (*Rab.* 12) imply the earlier ones, to be sure. And these are expressly named in Festus (p. 380 L) and the *De Viris Illustribus* (4.9). But neither Cicero (*Inv.* 2.78–79) nor Dionysius nor Valerius Maximus (6.3.6, 8.1.1) nor Florus (1.1.3.3–6) nor Dio Cassius (= Zonaras 7.6), to name only the authors of the longer accounts, mentions the *duumviri* at all. Valerius in fact describes Horatius as *a Tullo rege damnatus* (8.1.1). And the scholiast on Cic. *Mil.* 7, who was well supplied with antiquarian learning, knows no *duumviri*; instead, appeal from the king's sentence is made directly to the people. Perhaps Livy revived an obscure tradition about them for his own purposes.

¹¹It seems odd that the *duumviri* should be appointed simply to condemn a man. To the other explanations that have been offered for this, mostly of a legal nature, I add my own.

explain the motivation of the *duumviri*: they thought they had no choice, but would need to condemn even an innocent man. By telling us that they execute their commission in this wholly unreflective manner, he prevents us from taking their verdict as any kind of independent judgment on their part, and so maintains the ambiguity concerning Horatius. No character within the story, neither the king nor his surrogates, is made to declare his belief in the guilt or innocence of the accused. Finally, upon the *duumviri*'s pronouncing Horatius guilty, the king urges him to appeal: *tum Horatius auctore Tullo, clemente legis interprete, "Provoco" inquit* (26.8). Here too Livy suggests the conflict within the king, by having him keep to both the forms of law and his own sympathetic spirit.

The way in which Livy has related the king's predicament to the central moral question shows more clearly in a comparison with Dionysius. At the corresponding point in his version (3.22.5) Dionysius gives a description of the king's situation very different from Livy's straightforward one. Instead of a single pair of conflicting motives he gives us a heap of arguments, three for punishing Horatius, two for acquitting him. Some of these are intricate and legalistic: for instance, that Horatia ought not to have been punished with death, for her offense was not capital; or that nothing further should be done to Horatius, since the father, who had the right to avenge his daughter, had already acquitted him. In Livy the king's thought is less abstract, more personal. We can see this in a small but telling difference: Dionysius' Tullus simply wants to avoid condemning a national hero, Livy's wants to avoid the popular odium he would incur by doing so. Livy, by selecting clear and concrete details (or by inventing them), brings out vividly the king's dilemma in judging.

In the next scene of the drama, which takes place in court, Livy uses the appeal delivered by Horatius' father to recall to mind the same complexity of judgment: the man you are judging now, the father says, is the same who brought you victory over Alba Longa. The speech is short and effective. The only line of defense open was what the rhetoricians called *constitutio iuridicalis*, the argument that the deed was just.¹² Of this there were two forms: the pleader could either argue that the deed in itself was just or

Perhaps the king's words, *duumviri perduellionem iudicent*, meant "let them try him for *perduellio*," but were understood as "let them convict him," for *iudicare* can have either meaning. J. R. Seeley, *Livy: Book I* (Oxford 1881³), also suggests this possibility; he thinks, however, that it was Livy, not the *duumviri*, who misunderstood the words!

¹²Since the crime was *caedes manifesta* (26.12), the fact could not be denied: this would have been *constitutio coniecturalis*. And the law itself did not allow controversy: this would have been *constitutio legitima*. These distinctions between the defenses are found in *Rhet. Her.* 1.18–25.

defend the deed by reference to something extraneous.¹³ Livy has the father use both forms. The elder Horatius gives the former argument in indirect discourse: *se filiam iure caesam iudicare*; etc. (26.9). The latter argument is presented at greater length, and with it the father breaks into direct discourse: “*huncine*,” *aiebat*, “*quem modo decoratum ovantemque victoria incedentem vidistis, Quirites, eum sub furca vinctum inter verbera et cruciatus videre potestis?*” etc. (26.10). The effect of this device, the switch from indirect to direct discourse, can readily be assessed here. The second part is the more important to the father’s audience (and to the historian’s), in that it keeps before their minds the earlier instance of the son’s devotion to the state. The very form in which Livy reports the speech, with greater weight placed on the second argument, underlines the complexity of the issue.

Nor does the story have a clear resolution. The people initially had been ambivalent about Horatius upon his slaying of his sister: *atrox visum id facinus patribus plebique, sed recens meritum facto obstabat* (26.5). And at the end they are still of two minds. After the father’s speech, to be sure, they acquit Horatius, more on account of his previous valor than the justice of his cause, Livy says (26.12). But at the same time his acquittal apparently does not satisfy their sense of justice: his deed must be expiated. So a beam is erected under which Horatius is sent, *velut sub iugum* (26.13). The once victorious hero is forced to submit like a defeated enemy. Even at the end of his story, we, like the people of Rome, cannot be sure how to judge Horatius.¹⁴

Through a final device Livy brings this indecision home to us, his readers: he narrates the climactic scenes from the point of view of the spectators. This perspective of narration has often been remarked in the battle;¹⁵ it is also found in the trial scene, though it is less striking. At the beginning of the duel, Livy writes: *cum sui utrosque adhortarentur . . . pleni adhortantium vocibus in medium inter duas acies procedunt* (25.1).

¹³*Rhet. Her.* 1.24: *absoluta est* [sc. *constitutio iuridicalis*], *cum id ipsum, quod factum est, ut aliud nihil foris adsumatur, recte factum esse eam (rem) dicemus* . . . *adsumptiva pars est, cum per se defensio infirma est, adsumpta extraria re conprobatur*. Cicero also describes this defense, at *Inv.* 1.15 and then again at 2.78–79, where he calls it *relatio criminis* and gives as an example Horatius’ plea, without mentioning the father.

¹⁴Machiavelli, in his *Discourses on the First Decade of Livy*, Book 1, Chapter 24, strongly disapproves of the people’s acquitting him. No state, he observes, can afford to balance crimes with merits; law and liberty will inevitably suffer.

¹⁵In this aspect of his battle description, as scholars have noted, Livy resembles Thucydides. But there is an important difference: the example always cited from Thucydides (7.71) is an isolated one; in Livian narrative this is a regular feature. Livy’s predilection for the word *spectaculum*, which he uses 91 times altogether, three times in this very passage (25.2, 25.5, 26.10), indicates his concern for adding spectators to his narrative. See following note.

Then the whole of sections 2, 4, 5, 6, and 13 in chapter 25 refer to the spectators and their reactions. Livy twice singles out their anxiety, *cura* (25.2, 25.6). In the trial Livy reminds us of the citizen bystanders at 26.5, 9, and 12, and the elder Horatius is made to invoke them as witnesses in 26.10 and 11. By means of these sentences, reminding us of the presence and the reactions of the spectators, Livy induces us to view the story through their eyes.¹⁶ We seem to feel the same trepidation as the army, the same uncertainty about Horatius as the king and people. Livy's narrative, that is to say, contains within itself both a moral problem and an *awareness* of the problem, an awareness which is transferred from the characters in the story to the reader.

Again the contrast with Dionysius is instructive. Dionysius does portray the spectators of the battle-scene (not the trial-scene, however), and he does so at length, especially in 3.19. But his description of their state of mind, as of Tullus Hostilius', is sometimes so abstract that its effect is to distance us from the scene, not draw us into it: παντὸς ἄλλου πάθους ἐναγωνίου φωναὶ συνεχεῖς, αἱ μὲν πρὸς τὰ δρώμενά τε καὶ ὀρώμενα ὑφ' ἑκατέρων, αἱ δὲ πρὸς τὰ μέλλοντά τε καὶ ὑποπτευόμενα. καὶ ἦν πλείω τὰ εἰκαζόμενα τῶν γινομένων (3.19.1). Such remarks are so general that they could be applied to almost any suspenseful situation. Sometimes Dionysius' description of feelings is just pedantically obvious: πάντες ἀνεβόησαν, Ἕλβανοὶ μὲν ὡς νικῶντες ἤδη, Ῥωμαῖοι δ' ὡς κρατούμενοι τοὺς γὰρ δὴ σφετέρους δύο τοῖς τρισὶν Ἕλβανοῖς εὐκατεργάστους ὑπελάμβανον γενήσεσθαι (3.19.5). Livy is briefer, more subtle, and more persuasive; unlike Dionysius, he succeeds in making us feel that we too are present at both scenes as silent judges of Horatius.

Through all of these narrative devices—symmetrical composition of plot, verbal echo, word placement, creation of subordinate scenes and characters, handling of speeches (direct and indirect), choice of vocabulary, and perspective of narration—Livy brings out the ambiguities of Horatius' career.

This analysis suggests some more general thoughts about Livy as a historian. The catalogue of his deficiencies is familiar: ignorance of geography and warfare, confusion on legal and constitutional matters,

¹⁶For one among many other instances we may turn to the story of Manlius Torquatus, for which Livy's direct source was Claudius Quadrigarius. Claudius (fr. 10b Peter) makes no mention whatever of the bystanders. Livy, by contrast, mentions them frequently: *duo in medio armati spectaculi . . . more . . . nequaquam visu ac specie aestimantibus pares*, etc. (7.10.6). *Aestimantibus* is otiose but subtly alludes to the spectators. (It is not accidental that the use of the participle in the dative to designate the standpoint of judgment only becomes frequent with Livy: cf. Hofmann-Szantyr, *Lateinische Syntax und Stilistik* 96). I hope to publish soon a separate essay on Livy's use of spectators.

willingness to sacrifice accuracy to clarity, etc. His greatness as a historian evidently does not lie in searching critical investigation of the past.¹⁷ It lies rather in his own imaginative reconstruction of the past and his representation, or rather evocation, of it to the reader. His book therefore, especially in its earlier parts, is a document not so much of Roman history as of his own view of that history (and no doubt, to some extent, the view of his contemporaries). Livy's main engagement is not so much with the records of the Roman past as with the mind of his reader. It is to affect the reader that he draws on those resources of narrative art which I have described. By such means, and without necessarily changing the overall form of the story, Livy is able subtly to direct the reader's attention to what is important. He also makes the story more vivid to the reader by providing spectators to his history. Taking their point of view, the reader is drawn into the story. He participates both in the events and in the feelings about the events. And when, as usual, the story has a moral point, he is thereby invited to take a certain moral stance as well and to share the admiration for a Mucius Scaevola, the scorn for an Appius Claudius, the bewilderment at a Horatius.

Amidst these stories we must not lose sight of Livy himself, the narrator of them. The vision of the national past impressed so subtly and yet so forcefully upon the reader is Livy's own. And the greatness of his history is finally the greatness of the vision, which is not merely chauvinistic, but has many noble aspects, not all exemplified in our passage. It is marked, for instance, by generosity: Livy's sympathy and understanding are not confined to the Romans, but extend even to enemies. Thus Hannibal near the end of his career is made to seem good, perhaps even tragic;¹⁸ besieged foreigners are regularly portrayed with tenderness;¹⁹ and Livy often momentarily makes us take the point of view of the enemy by calling the Romans *hostes*.²⁰ Though he frequently flaunts his patriotism, Livy can also maintain a kind of impartiality. This aspect of his work is apparent if we compare our passage with other Roman versions of the story. Florus, for example, writes of the duel: *tribus . . . illinc volneratis, hinc duobus occisis* (1.1.3.4). And Festus speaks of *Horatius noster* (p. 380 L). That *hinc* and that *noster* betray the author's point of view; each one lets us know he stands "here," on the side of the Romans. Florus, furthermore, passes

¹⁷But see now T. J. Luce, *Livy: the Composition of His History* (Princeton 1977), for a strong defense of Livy.

¹⁸See E. Burck, "The Third Decade," in *Livy*, ed. T. A. Dorey (London and Toronto 1971) 33.

¹⁹See Walsh (above, note 1) 193.

²⁰To the examples adduced by Walsh, add 7.10.9.

explicit judgment when, after saying *ille mox parricidio* [sc. *victoriam*] *foedavit*, he finally declares: *abstulit virtus parricidium, et facinus infra gloriam fuit*. It is precisely this kind of formulation that is lacking in Livy. Usually, of course, his moral feelings and judgments are clear to the reader. But judging well and knowing when not to judge may be equal testimonials to the moral faculty. It seems to me a final and not insignificant measure of Livy's greatness that on occasion, when the material warrants it, he is capable of suspending judgment altogether. This is what he does in the story of Horatius. Refusing either to condemn or to approve, he lays before his readers a moral problem which they must resolve themselves.

There can be found in Livy other examples of moral complexity or deliberate unresolvedness.²¹ (1) During the Second Punic War, L. Pinarius, prefect of the garrison at Henna, fearing an attack on his men, massacres all the inhabitants while they are attending an assembly unarmed (24.37.1–39.7). Livy concludes his account: *ita Henna aut malo aut necessario facinore retenta*. (2) When L. Marcius Philippus and A. Atilius report their dealings with Perseus, some senators approve the results as useful, while others are more struck by the un-Roman underhandedness through which they are achieved (42.47). Again, as in our passage, Livy chooses to embody the different views in the persons of the story rather than enunciate them himself.²² (3) The consul Manlius Torquatus has his own son put to death for disobeying orders and fighting a duel outside the ranks, though he was victorious. The soldier-spectators feel the awfulness of the sentence, while Livy observes its salutary effect upon discipline (8.7.1–8.2). Like the young Manlius, the reader is *ignarus . . . laus an poena merita esset*. Yet none of these stories is so rich in unresolvedness as ours, and we may wonder whether special circumstances led Livy to write it in the way he did. In answer I offer the following speculation. Much of recent Roman history had been made by generals returning to the city after military victories abroad. The fall of the Republic is traced in the careers of Marius, Sulla, Pompey, Caesar, and Octavian: all won distinguished victories for the state, all upon their return inspired fear for the future in many of their fellow-citizens.²³ Perhaps then it was as his thoughts dwelt on such figures that Livy composed the remarkable story of Horatius.

²¹Professor T. J. Luce of Princeton University has pointed these out to me and has in other ways improved this essay by his kind and valuable criticism.

²²Ivo Bruns called attention to this technique in *Die Persönlichkeit in der Geschichtsschreibung der Alten* (Berlin 1898), and Witte (see below, note 36) 274–80, elaborated. Perhaps the most famous example is found in Tacitus, when, after the death of Augustus, antithetic views of that emperor are put into the mouths of anonymous speakers (*Ann.* 1.9–10).

²³Montesquieu, for one, blamed the fall of the Republic on such men: “ces guerriers si fiers, si audacieux, si terribles au dehors, ne pouvaient pas être bien modérés au dedans”

II

The analysis of the Horatius episode rests on the assumption that Livy himself is responsible for the story's form. Yet someone may well object: "Livy could not have intended the episode of Horatius to be a tale of moral ambiguity; he had little to do with shaping the story, which was simply handed down to him; the elements that create moral complexity were present all along in the traditional version." This is a serious objection and seems well taken, for indeed the story does appear to be very strongly determined, containing perhaps as much that is "given" as any other in the early books. The objection is answered in part by the previous section, in which we saw that key features of the narrative are characteristic of Livy and so probably originate with him. But it will be useful also to investigate the sources of the story and consider to what extent they may have determined the story's form.

One important determinant of the traditional version was aetiology. The desire to establish the origins of things was so strong in the Romans that, when they did not know the origin of some name or custom, they often created a story that would embody an aetiology of it; such aetiologies therefore played a large role in shaping the stories told about early Rome.²⁴ As presented by Livy this brief tale includes aetiologies for four topographic names, two legal institutions, and (probably) one law, all presumably known to the Romans of the day. These are: the tombs of the Horatii and Curiatii, the two Roman together, the three Alban closer to Rome and separated from one another; the *pila Horatia*, whether a column or a set of spears; the *tigillum sororium*, under which Horatius passed in expiation; the sepulchre of Horatia outside the Porta Capena; the institution of the *duumviri perduellionis*; the Roman citizen's right of *provocatio*, or appeal to the people; and the law forbidding the mourning of a public enemy. I myself think the genesis of the story lies almost wholly in these aetiologies. But other determinants have been proposed. Scholars have located the origins in the political disputes of the second century, in pre-historic Indo-European myth, and even in early Roman poetry. In assessing these historical interpretations we meet one error common to all:

(*Considerations on the Causes of the Greatness of the Romans and Their Decline*, ch. 10).

²⁴Ogilvie's commentary collects many examples of this process. For topographic aetiologies see his notes on the *figus Ruminalis* (1.4.5) and the *fossa Cluilia* (1.23.3)—he scouts both of Livy's explanations. For "episodes constructed to illustrate the provisions of Roman law" consult his General Index under "strategems." (The entries under these heads have been mistakenly transposed.)

a failure to recognize Livy's hand in his own work. A study of the sources, however, will vindicate the historian's responsibility for his version. Indeed, the very abundance of determinants, far from restricting or preventing any judgment on Livy himself, gives us instead a measure of his ability to rise above his given material and to make of it what he wanted.

We meet one difficulty right away. Source criticism in the traditional sense, tracing the written accounts on which our author drew directly, is impossible here, as Münzer recognized sixty-five years ago.²⁵ Though we have many scattered notices of the story, they are nearly all late and tell us nothing about the tradition before Livy. Dionysius, despite his full account, is silent about his sources. We may take as a sign of the difficulty the fact that even Ogilvie, who usually advances strong claims for Livy's sources, here makes a very mild one: Valerius Antias "suggests himself as a possible source" for Tullus' reign (p. 106); the justification is that one of the fetials is named M. Valerius. Although then we cannot hope to identify Livy's direct sources, we can nevertheless identify the original elements out of which the story was constructed. And that some of the constructing had been done long before Livy's time (centuries before, I should say) is implied by two pieces of evidence: Ennius had related the story on a large scale (*Annals* 127–135 V);²⁶ and Livy himself testifies: *nec ferme res antiqua alia est nobilior* (24.1).

What can we know about the genesis of this story? Let us start with aetiologies, which are still so prominent in Livy's account, not only for their number but also for their position. Each half of the story is closed by a notice, phrased in the present tense, of those monuments still existing which are explained by the story: first the tombs of the five fallen warriors, then the *tigillum sororium* and Horatia's tomb. (The *pila Horatia* is worked into the elder Horatius' discourse, just before the reader needs to be reminded of it.)²⁷ Accordingly Münzer and Ogilvie, among others, have suggested that the various aetiologies, topographic and legal, are primarily responsible for the form of the story. They were assembled into a coherent version, one bit affecting the other until a smooth narrative was produced. Without a doubt the *gens Horatia* played some part in preserving and shaping the tale.

This theory, which I think correct, assumes nothing about the truth of the aetiologies: they may be right or wrong. It would be an error to insist

²⁵*RE* s.v. "Horatius (2)," 8 (1913) 2323.

²⁶Of course not all of Vahlen's nine verses need to be taken as referring to the tale of Horatius: other editors attribute many of them to other passages.

²⁷It is curious that Livy "announces" none of the three legal aetiologies. He could have stated, for instance, as Cicero did (*Mil.* 7), that this was the first capital case tried by the people. Perhaps he was uncertain of the legal implications and so left the matter alone.

that the story is as it is because the aetiologies truly record the series of events. This is the mistake made by van den Bruwaene, for instance, who believes that the reality of the events is vouched for by the monuments: “le fait est attesté, car il y avait des vestiges: les tombeaux, le *tigillum sororium*, la *pila Horatia*.”²⁸ I would say, “il y avait des vestiges, et voilà—un ‘fait!’” It is probable that the desire for aetiologies produced the story and the desire for a coherent story gave the aetiologies their present shape; so the monuments attached to them may prove nothing about what actually happened. The weak connection between monuments and actual events perhaps accounts for certain features of the preserved story. It is uncertain, says Livy (and no one else), which were the Albans, which the Romans—surely names on monuments would have settled this. Uncertainty also surrounds the *pila Horatia*: *pila* is either singular and means “column” or is plural and means “spears.”²⁹ Furthermore, the aetiology of *tigillum sororium* is certainly wrong: the beam is to be connected with the rites of Juno Sororia, the goddess of female puberty—whose parallel on the men’s side by an astonishing coincidence bears the name of Janus Curiatius!³⁰

Münzer and Ogilvie are right then, against van den Bruwaene, in thinking that the monuments gave rise to some of the story—and this not because the aetiologies were true, but because they were unknown. I do not believe the genesis of the story is fully recoverable, and in any case I am more interested in how Livy treated the material which had reached him, but let me sketch a reconstruction. I do not offer this with any confidence that it is correct, but rather as one example of how the monuments may have determined the story. (I make the extreme assumption that none of the aetiologies is true.) This is the reconstruction: the course of a duel was provided by an imaginative contemplation of five probably anonymous tombs;³¹ the *pila Horatia*, located near the Forum, associated the hero’s name with a legal proceeding; the tomb of Horatia and the *tigillum sororium* gave material for such a proceeding; the misunderstood adjectives *sororium* and *Curiatius* created an expiation for Horatius’ crime and a name for his opponents. Some such sequence of steps, taken over a

²⁸M. van den Bruwaene, “Approximations sur Tullus Hostilius,” *Latomus* 11 (1952) 153.

²⁹Singular in Liv. 1.26.10, Schol. *ad* Cic. *Mil.* 7, Dion. Hal. 3.22.9; plural at Liv. 1.26.11, Prop. 3.3.7.

³⁰See Ogilvie 117, who gives full details and bibliography.

³¹There was likely some reason for believing the one group of tombs Roman, the other Alban. For, otherwise, why would the Romans be closer to Alba and vice-versa? I suspect that in the words *nocte praeteritis hostium castris* (23.4) Livy or some predecessor has invented a maneuver to explain this feature of the monuments.

period of time, not by any single writer but by popular tradition, produced, I believe, the outlines of the Horatius story.³²

Legal aetiologies also undoubtedly had a role in the formation of the story: Horatius' trial is the first instance both of the employment of *duumviri perduellionis* and of the exercise of *provocatio ad populum*; also a law forbidding the mourning of a public enemy may be glanced at in Horatius' words *sic eat quaecumque Romana lugebit hostem* (26.4).³³ The legal aspect of the story has been most recently and most elaborately investigated by R. A. Bauman.³⁴ For Bauman, Livy's version contains within it clues to the gradual development of the story before Livy. According to the genesis he proposes, nearly every detail, as related by Livy, is a trace of tendentious accounts put forth in the second century by one or another political faction. If his reconstruction is right, then Livy had nothing to do with the story's form, and my interpretation is wrong. In fact, however, it has grave flaws, most of which rest on a general misunderstanding of Livy. Because the misunderstanding is instructive and because, so far as I know, Bauman's book has not been reviewed at length, I discuss it in some detail.³⁵

At the beginning of the trial Horatius' father asserts *se filiam iure caesam iudicare* (26.9). On the basis of the present tense of the infinitive Bauman (p. 27) discerns a "striking contrast" between Livy's version of the story and others in which the *paterfamilias* had made a prior adjudication. Leaving aside his unwarranted division of the extant accounts into two groups (cf. note 35), we see that Bauman has overlooked a fundamental trait of Livian

³²I might mention here the suggestion of András Alföldi, *Early Rome and the Latins* (Ann Arbor 1965) 102–4, that the fight between the Horatii and Curiatii is symbolic of Roman claims to sovereignty over the Latins. If true, this would explain the fact of the Roman victory in the story, but none of the details. By providing another motive for the creation of the story, it would supplement my account. Though Alföldi is concerned mainly with early Roman history and I with Livy, we agree on the probable fictiveness of this episode.

³³Following Mommsen, Ogilvie 115 cites Ulp. *Dig.* 3.2.11.3: *non solent . . . lugeri . . . hostes vel perduellionis damnati*; also Marc. *Dig.* 11.7.35 and Suet. *Tib.* 61.2. Quint. 3.6.76 may refer to the same law.

³⁴*The Duumviri in the Roman Criminal Law and in the Horatius Legend*, *Historia Einzelschriften* 12 (Wiesbaden 1969). The first essay, on the nature and function of the *duumviri* in historical times, has little bearing on the second and need not concern us here.

³⁵I indicate two other serious flaws which do not rest on this misunderstanding. (1) On p. 23 Bauman founds a crucial series of arguments upon a mistaken inference from the use of *denique* in Ulp. *Dig.* 1.13.1 pr. In juristic Latin the word does not always mean "next" but can mean "in point of fact" or "for instance;" see Hand, *Tursellinus* 2.274–75; *ThLL* 5.1.533–34. (2) The passages cited on p. 26, note 33, far from confirming, give the lie to Bauman's theory, most improbable in any case, that there existed a *parricidium* version of the story, in which quaestors tried Horatius, beside the *perduellio* version with *duumviri* which we find in Livy.

narrative. Livy aims at making his narrative dramatic; unlike Dionysius, he strives for concentration and avoids diffusing the power of his story with too many details and separate scenes. One way of his achieving this has often been noticed: he regularly “telescopes” into one event several that he found in his sources, either fusing several scenes into one more complex or alluding to an earlier in a later scene.³⁶ He may well have done that here, eliminating an entire earlier scene in his source, replacing it with this brief phrase, and so consolidating the narrative. The present infinitive then can hardly bear all the weight of argument that Bauman places on it.

In the same scene Bauman points to other details which were, in his view, determined by the tradition before Livy. First, he claims that the people’s acceptance of *deprecatio*, the father’s final plea, amounts to a deliberate rejection of the notion *iure caesam*; this would reflect Gracchan concerns of 110 or 109 B.C., when, after the *quaestio Mamiliiana* allowed Opimius’ slaying of C. Gracchus to be re-examined, Opimius offered in plea not the rightness of his deed but his other good services to the state (pp. 30–31). But Livy’s phrase was *absolveruntque admiratione magis virtutis quam iure causae* (26.12), in which one motive, though stronger than the other, does not eliminate it. More importantly, the connection between Horatius and Opimius is simply too far-fetched to be believed. And this is true of other alleged connections, such as between the plea of *maiestatem auxi* and Saturninus’ career (pp. 31–32) or between the murder outside the *pomerium* and an event of 193 B.C. (pp. 33–34). Furthermore, Bauman never relates the second-century political influences which he reconstructs to any historical writer upon whom Livy might have drawn.

The underlying error here is his failure to allow for the historian’s own elaboration of the story. Neglecting altogether Livy’s dramatic narrative and the purposes he might have had in telling a story, Bauman unhesitatingly assumes that Livy is but the faithful recorder of whatever was handed on to him, a kind of preserving fluid which embalms even precise verbal formulations derived from a series of differing versions. Bauman states his view as follows: “[Livy’s] account bears all the marks of a conceptual chain made up of successive accretions, each of which was shaped by the contemporary political climate. In transmitting this chain to us Livy has in effect presented us with a string of beads, each of which bears a clear chronological imprint and tells an unmistakable story” (p. 27). Such a view is untenable. Had there existed only one written version on which all changes were made? Would not rival authors have written separate

³⁶See all of K. Witte’s justly renowned article, “Über die Form der Darstellung in Livius’ Geschichtswerk,” *RhM* 65 (1910) 270–305, 359–419; also P. G. Walsh, “The Literary Techniques of Livy,” *RhM* 97 (1954) 105.

versions? And, above all, even if such a single version had existed, would Livy have taken it over completely unaltered? We may be certain that he would not. The renowned comparison between a fragment of Claudius Quadrigarius (10b Peter = Gell. 9.13.7–19) and Livy 7.9.6–14 demonstrates how many small, purposeful changes Livy might make in the material before him.³⁷ Lacking any sense of such transformation, Bauman's understanding of Livy is mistaken and misleading, and it is for this reason chiefly that his reconstruction of Horatius' trial fails.

Georges Dumézil, though his view of the Horatius story is in a sense opposite to Bauman's, shares the same fundamental weakness. In his book *Horace et les Curiaces* (Paris 1942) he explains Livy's tale as the Roman reflection of an ancient Indo-European initiation myth. He claims that nearly every detail either represents the original myth or can easily be explained as a Roman divergence from it. Bauman could see actual Roman political strife as the only aetiology of the story, or at least its second half; Dumézil is blind to all Roman aetiologies, not only political but legal and topographic as well. Despite this he is at one with Bauman in his misunderstanding of Livy, and so in his misuse of him: he too treats Livy as a mere transparent preserver of tradition.

His method is comparative. He first recounts an exploit from the life of the Celtic hero Cuchulain. The young Cuchulain, setting out from his city, comes upon three monstrous brothers who have killed many of his own people; one by one, in single combat he kills all three; but upon his return, the women of the city, fearing that in his state of fury he is a threat to the city, show themselves to him naked, whereupon Cuchulain is seized and three times dipped into vats of water that cool his fury. Dumézil explicates this story as a warrior's initiation, comprising his first great deeds, his battle-fury, and his necessary restoration to society. He then compares this with the story of Horatius and discovers many parallels. He concludes that the story of Horatius originated in the same way, as a myth of initiation.

The method itself is problematic, for the parallels are not always persuasive. To be sure, some general resemblances between Cuchulain and Horatius can be caught even from a summary. But Horatia is not "une femme impudique" like those who greet Cuchulain. Horatius displays *ferocitas*, not *furor*. And the two heroes can hardly be considered parallel, as Dumézil argues (p. 103), on the grounds that each one's opponents had

³⁷Wolfgang Schibel in his recent book, *Sprachbehandlung und Darstellungsweise in römischer Prosa: Claudius Quadrigarius, Livius, Aulus Gellius* (Amsterdam 1971), which itself digests nine other comparisons of the two historians, nevertheless leaves still more to be said. I touch upon one or two of these points below; the rest I save for some other time.

killed many from the other side: this is no more than an obvious detail which motivates enmity.³⁸

Dumézil's interpretation is open to still other objections. He neglects other explanations of how the story took shape, even those which lie close to hand. He makes no mention of the numerous legal and topographical aetiologies which the story itself gives. This neglect leads to absurdities. Thus, on pp. 103–4 he attempts to account for the Roman version of the combat by elaborate and incredible hypotheses. It does not occur to him that the position of the five tombs outside Rome, to which Livy calls our attention, might be responsible. But he neglects more than the specifically Roman explanations which Livy's text offers; he altogether neglects Livy himself. Like Bauman, Dumézil treats the historian as if he were a recorder who neither added to the story nor subtracted from it, who had no interests of his own, no purpose but to hand on the tradition. Only through ignoring both the Roman background and the individual historian who gave shape to the material can Dumézil look back to an alleged Indo-European myth for his interpretation of the Horatius legend.

Though I doubt the reconstructed myth in its detailed form, I can see one contribution which Dumézil may make to understanding the legend of Horatius: I am willing to believe that the basic plot of such a story may have served as the kernel around which the fuller Roman version was formed. Even given the monuments, given the institutions which lacked that origin in concrete events which the Romans desired, other plots could have been imagined which would have suggested an origin. Perhaps then a story like Cuchulain's did play some part in the formation of the Horatius legend. Nevertheless, this can be true only in so restricted a sense that it does not affect our understanding of Livy's account.³⁹

³⁸A Greek story which is strikingly similar to Horatius' can offer no support for Dumézil's hypothesis of an origin in Indo-European myth. Told by pseudo-Plutarch (*Parallela minora* 16) and repeated in Stobaeus (*Flor.* 39.32), it is a pure fabrication made for the sake of the parallel with the Roman story. The authorities cited are spurious. See K. Ziegler, *RE* s.v. "Plutarchos," 21, 1 (1951) 867–70, on the whole essay. H. Peytraud, "A propos des Horaces et des Curiaces," *Revue universitaire* 48, pt. 2 (1939) 32–35, discusses the two Greek passages briefly and uncritically.

³⁹Dumézil returned to Horatius and Tullus in *Aspects de la fonction guerrière chez les Indo-Européens* (Paris 1956). This is not the place for a general discussion of his stimulating but highly controversial theories, which, if right, must have the most serious consequences for early Roman history and religion. See the work of Dumézil's supporter, C. Scott Littleton, *The New Comparative Mythology: An Anthropological Assessment of the Theories of Georges Dumézil*, rev. ed. (Berkeley 1973). I remain skeptical of the thesis in *Horace et les Curiaces* at least, as was H. J. Rose in his sober review, *JRS* 37 (1947) 183–86.

Let us consider briefly one last explanation for the genesis of the Horatius story. Wilhelm Soltau⁴⁰ claimed that there existed from early times certain obscure family traditions about both Horatius' heroic deeds and his murder of his sister, the latter tied to certain monuments, the former elaborated with the help of Herodotus 1.82; then Ennius in the *Annals* gave the duel a poetic coloring; and finally the same poet, on the model of Aeschylus' *Eumenides*, wrote a *praetexta* about Horatius, at the end of which a reconciliation was achieved, as the crime of shedding kindred blood was justified in the name of higher duty. The arguments with which Soltau supports this view are weak, however: the evidence, for instance, on Ennius and his alleged source Naevius is nil; and Livy resembles Homer, Herodotus, and Aeschylus distantly, if at all.⁴¹ Soltau's purely literary origin for the story is not persuasive.

Yet it is useful to recognize what urged him to put forward so improbable a hypothesis. He defends it on the grounds that "sie eine Lösung gibt für das Rätsel, wie ein hochdramatischer Vorgang in die dunkle Vorzeit Roms hineinverlegt werden konnte" (p. 107). It is a puzzle, but other solutions lie closer to hand. First, Soltau underrates the extent to which aetiologies could have generated the story. While not wholly ignoring them, as did Dumézil, he yet omits several of the topographic monuments and all of the legal precedents from his account. He ought to have followed Livy more closely, who carefully relates events and aetiologies. Second, he too, like the others, gives Livy himself no share in creating the story that has come down to us; again the historian is taken for a mere preserver of earlier material. Most readers no doubt agree with Soltau in finding the story highly dramatic. Yet, if this is a sign of literary art, why must it be Ennius' and not Livy's? To take a modern parallel: German or French history in the pages of Leopold von Ranke is remarkably dramatic, but the historian himself is responsible, not some playwright predecessor.⁴² Comparison of Livy with other writers shows that he too generally strives to cast his stories in dramatic form.⁴³ So he is likely to be the one who gave to the traditional story of Horatius its gripping character as well as those features of narrative by which its meaning is indicated.

⁴⁰*Die Anfänge der römischen Geschichtschreibung* (Leipzig 1909) 105–8, a slightly expanded version of his note in *BPhW* 25 (1908) 1269–72.

⁴¹Ogilvie 112 does note some reminiscences of the Homeric duel, which, though convincing, affect only the tiniest portion of the story; they merely lend some touches of epic coloring.

⁴²On this feature of Ranke's work see Peter Gay, *Style in History* (New York 1974) 59–67.

⁴³See, for example, Witte (above, note 36) *passim*. Dionysius twice (3.18.1, 3.19.3) explicitly compares the events he is describing to a tragedy, whence Soltau infers that his source was a tragedy. Yet how undramatic, in every sense, is Dionysius' account! Münzer was right to reject a tragic source for it.