

## REVIEW

AUTHORITY AND CONSTITUTION:  
A POSTMODERN LIVY

Ayelet Haimson Lushkov, *Magistracy and the Historiography of the Roman Republic. Politics in Prose*. Cambridge: Cambridge University Press, 2015. Pp. xi + 201. Hardback, \$99.00. ISBN 978-1-107-04090-8.

Considering the long, if diverging, scholarly tradition on Livy, with whose work this book is mostly concerned, adding anything new and profitable on the subject is indeed quite a challenging task. The best representative of an approach predating the methods and aspirations of modern historiography would be Machiavelli, who chose to address the Roman author very much as a contemporary interlocutor, thereby gaining inspiration for his own reflection and writings: whether the stories about the early days of Rome were historically valid was of no concern whatsoever to him. Rather, it was their evident function within a powerful educational tradition that justified the esteem in which they were held. Yet, not even Goethe, who would rather err with Livy than recognise the truth with Niebuhr, could prevent the end of such ‘presentistic’ approaches. Around 1800 the advent of modern historiography finally dismissed most of the tales about the Regal Era and the Early Republic as mere fables. Livy was now being thoroughly historicised, the composition of his text analysed, and (particularly) his sources sought. Such literary analysis was among the favourite preoccupations of emerging academic philology. Still, for all the efforts that were made, only hypothetical solutions would be brought forth concerning the first decade of *Ab Urbe condita*, the prime reason being that the sources referred to by Livy are all long-since lost—very much unlike the third and fourth decades, for which Polybius provides some meaningful comparison. This approach resulted in Livy increasingly being rejected as an uncritical and derivative author. German philologists in turn discovered the artist in Livy and the ideal of Roman virtues. Livy, so it was acknowledged, may not have been a very good historian, but could nevertheless be considered an artist in matters of language and composition—*Die Erzählungskunst des Titus Livius* (‘The Narrative Art of Livy’) by Erich Burck from 1934 being one typical representative of that approach. At the same time, the so-called *Wertbegriffeforschung* thrived in Germany and seized not only Livy’s work, but Roman historiography altogether. The goal was to see through the factually unauthentic stories in or-

der to uncover an underlying ancient Roman spirit (*Geist*) and demonstrate its historical efficacy.<sup>1</sup>

Today's dominant scholarly approach to Livy has been developed particularly in Britain and the USA, with much work concentrating on the first decade. *Ab Urbe condita* still appears as an almost autonomous piece of art, while no attention is paid to problems regarding sources, historiographic development, or the factual authenticity of the events reported. *Ipsa facto*, history generally is not taken as a question of scholarship striving for accuracy and objectivity—criteria that would mostly make Livy come across badly—but rather as a highly complex product of negotiations between author and readership by which essential elements like *memoria*, *exempla*, competing traditions, or 'historical lessons' are constantly discussed.<sup>2</sup> This Livy appears 'as a Roman Daedalus constructing a monument from the rubble of the ages and leaving broken edges visible as reminders that any coherent account of the past is, at best, contrived from ruins'.<sup>3</sup> Now, this interpretation obviously transfers the (post-)modern understanding of history in the wake of the linguistic turn and scholarship on *memoria* to the reading of Livy's work. To understand history in itself as a text is merely one of several possible approaches, and one that is itself very much subject to the questions and problems of the respective present. Historians generally feel more uneasy with such interpretations than literary scholars do. Be that as it may, one observation seems

<sup>1</sup> On this school of thought, which would leave a long-lasting imprint on German-speaking scholarship, cf. the critical survey by S. Rebenich, 'Römische Wertbegriffe: Wissenschaftsgeschichtliche Anmerkungen aus althistorischer Sicht', in A. Haltenhoff et al., edd., *Römische Werte als Gegenstand der Altertumswissenschaft* (Munich and Leipzig, 2005) 23–46.

<sup>2</sup> Cf. e.g. C. S. Kraus, 'The Path between Truculence and Servility: Prose Literature from Augustus to Hadrian', in O. Taplin, ed., *Literature in the Greek & Roman Worlds. A New Perspective* (Oxford, 2000) 438–67, 462: 'Livy's construction of early Rome and the first centuries of the Republic is both sentimental and postmodern. He accepts that it is impossible to tell what really happened, about such matters ranging from the number of battles fought in third century BCE wars to the real story behind Scipio Africanus' charismatic appeal. It is possible to use good historical methods, including arguments from analogy and from probability, and he painstakingly teaches his reader how to deploy those sifting tools to reach a likely version of the past. But what he is most interested in is not what actually happened, but how the past is remembered, and how that memory functions in and can help change the present and the future. Through a process of careful analysis, vivid reconstruction, rhetorical technique, and allusion to the topographical and literary monuments of Rome, he enlists his reader in a process of recovering what the Roman people saw as their past, and in using that past critically as an exemplary guide for the future. While his own persona is patient, diffident, and often misleadingly uncertain, his history is dynamic and demanding.'

<sup>3</sup> M. Jaeger, *Livy's Written Rome* (Ann Arbor, 1997) 8; on this book see U. Walter, *Gymnasium* 107 (2000): 338–40.

irrefutable: the historical work of Livy today presents itself in a variety of forms. Every generalisation drawn from the analysis of individual books, let alone isolated passages, proves fragile.<sup>4</sup>

Ayelet Haimson Lushkov also takes Livy to be a complex author who ‘encourages the reader to reflect simultaneously on a welter of political concerns’ (2). His narrative offers a ‘distinctively dialectical view of Roman politics’ (3) and his *exempla* are believed to be as much object as product of sophisticated negotiations: ‘The element of nuance, the multiplicity of perspectives, and the incessant competition among participants, authors, and the *exempla* themselves is the very thing that the historiography of politics explores, articulates, and finally exemplifies.’ Lushkov is mostly concerned with Livy’s presentation of magistracy and the construction of magisterial authority within historiographical narratives with passages by other authors (Cicero, Sallust, Valerius Maximus) serving as complementary elements. Close readings of selected passages are meant to demonstrate ‘that these anecdotes construct a distinctive image of political culture and political ideas’, since ‘magistracy offers a uniquely rich instance of the exemplary habits that suffuse Livy’s work’ (ibid.). Both postmodern Livy and the stern analysis of magistracy, competences, conflicts, and inner-Roman trials of strength, in which recent scholarship on ancient history has so successfully engaged,<sup>5</sup> flow together in a magical sentence binding all strands together (4):

In articulating an approach to politics and political thought that is inherently dialectical, the *exempla* show the republic, at least in its textual manifestation, to be an imperfect compromise, which often struggles to reconcile rival principles, authorities, and opinions, and in doing so exposes these elements for consideration and invites reflection on their merits. The intersection of narrative, exemplarity, and magistracy thus ultimately yields a unified theory of literature and politics, interrogat-

<sup>4</sup> Cf. D. S. Levene ‘Roman Historiography in the Late Republic’, in J. Marincola, ed., *A Companion to Greek and Roman Historiography* (Malden and Oxford, 2007) 275–89, esp. 283–6.

<sup>5</sup> See e.g. W. Kunkel and R. Wittmann, *Staatsordnung und Staatspraxis der römischen Republik. Zweiter Abschnitt: Die Magistratur* (Handbuch der Altertumswissenschaft 10.2.2; Munich, 1995); H. Beck et al., edd., *Consuls and Res Publica. Holding High Office in the Roman Republic* (Cambridge, 2011); F. K. Drogula, *Commanders & Command in the Roman Republic and Early Empire* (Chapel Hill, 2015); T. Lanfranchi, *Les tribuns de la plèbe et la formation de la république romaine 494–287 avant J.-C.* (BEFRA 368; Rome, in press); C. Lundgreen, *Regelkonflikte in der römischen Republik. Geltung und Gewichtung von Normen in politischen Entscheidungsprozessen. Historia Einzelschriften 221* (Stuttgart, 2011). On the paradigms of constitutional history, political analysis, and analysis of political culture, see K.-J. Hölkeskamp, *Reconstructing the Roman Republic. An Ancient Political Culture and Modern Research*, trans. H. Heitmann-Gordon, revised, updated, and augmented by the author (Princeton, 2010).

ing not only public office, but also the rhetorical mannerism that shaped its textual presentation.

In the Roman Republic, the scope of the political sphere is indeed best represented by the magistrates and here especially by the consuls. For they alone had the capability for political action in a strict sense, while neither *populus* nor Senate could act without them.

It was their *imperium*, their *potestas* within the realm of the city (*domi*), and the range of their responsibilities that singled them out among the pillars of the political order, while the other institutions were by and large restricted to standardised practices and rituals. It is certainly no coincidence that the consular year provided the pattern for the annalistic report (6). Haimson Lushkov's discovery thus comes as no surprise: Rome's conduct—be it right or wrong, common or exemplary—becomes manifest first and foremost through the deeds of magistrates, especially consuls and tribunes of the plebs. From an analysis of selected episodes, she intends to reconstruct a more precise image of the 'Roman landscape of authority' (22). She finds 'a remarkable amount of consistency in terms of how processes and principles are represented' (25), yet will not take these as harmonised literary products. Rather, historiography is assumed to have taken its share in a 'cultural discourse about republican politics' (*ibid.*)—which is as true as it is well known. Such discourse and its major elements (power relations, modes of knowledge, and methods of communication) are what this book is mostly about. However, its 'evidentiary value for the history of republican constitutionalism' (*ibid.*), the 'intersection of politics and literature' (177), and the 'consistent pattern, which must be as much textual as it was historical' (28) are assumed, rather than proven. The works by Lundgreen and Drogula (see note 5) have more to reveal on this front.

Haimson Lushkov is more concerned with literary *exempla* and how these are formed, negotiated, and examined from various angles ('exemplarity as a fluent discourse', 176). In Chapter 1 ('Magisterial authority and the politics of affection', 30–60), she discusses the familiar cases from the Early Republic, in which magisterial authority and family ties collided (esp. Brutus and his sons, the *imperia Manliana*, as well as conflict between the tribune C. Flaminius and his father, as reported in Cic. *Inv.* 2.52 and Val. Max. 5.4.5). Through detailed observations, she manages to prove both the 'close interaction of public and private' (59) and the 'priority of state over individual and family' (58), which is ever so often postulated throughout the sources. Chapter 2 ('Authority in crisis: the Caudine Forks', 61–95) deals with consular conduct in the wake of the events at Caudium. Haimson Lushkov emphasises the way in which Livy employs mirroring, contrasting, and reference to construct a

‘careful and intricate narrative of consular behavior’.<sup>6</sup> Under the Republic, the ideal consul was supposed to know whenever he was supposed to lead or to seek council and assistance. Chapter 3 (‘Elections and the generation of *exempla*’, 96–127) deals with elections in a situation of military stress like that of the Hannibalic War, especially referring to the example of Fabius Maximus Cunctator. Ancient historians in this context usually discuss the noticeable stretching (and indeed at times suspension) of rules concerning careers and elections. Haimson Lushkov also speaks of tensions between republican procedure and expedient manipulations from above, but she identifies these, somewhat schematically, as ‘tension between civic and military’ (123). In any case, she intends to demonstrate how ‘electoral narratives generate not only magistrates but also *exempla*—of valor, depravity, or status—and thereby also discursively construct components of the magisterial persona’ (107).

As complex as Haimson Lushkov would present Livy’s images of magistracy—‘deeply relational, that is, that they are both context-dependent and are constructed by dialogue and negotiation ... and that magistracy thereby lends itself especially well to meta-exemplarity and self-reflection’ (27)—as vaguely does Livy the author appear to virtually drift into his own isolated sphere. Neither his position within Roman historiography, nor the thematic and literary tradition to which he would very much become the closer, let alone the contemporary context or the expectation of his audience, seem to have been of any importance for this unattached artist and creator of *exempla*.

For these very reasons, I find Chapter 4 (‘Elections as narratives of magistracy’, 128–69) the most convincing part of this book. Here the author deals with annalistic remarks on remarkable magisterial elections, during which normal procedure is disrupted. Conflicts could arise because the political order of the Republic comprised competing rules and norms the hierarchy between which was in no way fixed. This demanded situational arrangements time and again.<sup>7</sup> Most remarkably, the rule of law and the *mos maiorum* on the one side and the people’s *voluntas* on the other side repeatedly got in each other’s way. Often short and plain, but occasionally also in the form of longer speeches, these episodes illustrate how firmly exemplary thinking is rooted in the deeper structures of Roman political thought. Thus, Livy 39.39 (Q. Fulvius Flaccus), Cic. *Mur.*, Livy 25.2.6–7 (Scipio Africanus), 32.7.8–12 (T.

<sup>6</sup> The interpretation of Livy’s uncertainties regarding some individual agents and magistracies (94–5) seems unconvincing. They hardly threatened ‘to destabilize the artistic integrity of Livy’s narrative and to cast serious doubt over the *laus Cursoris* which follows shortly after the discrepancy notice’, but rather emphasised his authority as a scrupulous historian working under difficult circumstances. Cf. also the episode concerning the *spolia opima* won by Cornelius Cossus (Livy 4.17–20), although Livy had to proceed much more subtly in this case.

<sup>7</sup> On this topic, Lundgreen (see note 5, esp. 53–136) is now essential reading.

Quinctius Flaminius) as well as the episodes involving Rullianus in Livy 10 receive some illuminating consideration. The story on the contested authority of the aedile Cn. Flavius (Livy 9.46; cf. Calpurnius Piso fr. 27 Peter) is called upon in the ‘Epilogue’ (170–7) in order to unfold the major elements of Haimson Lushkov’s argument. The textually evoked persona of this magistrate is taken to have been almost distinctive for its amorphous qualities in a number of ways (175).

This well-produced<sup>8</sup> and mostly jargon-free volume certainly provides a profitable read for philologists and specialists on Livy. Historians, though, will struggle with the extensive vagueness of its topic<sup>9</sup> and would rather consult it via the index locorum.

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<sup>8</sup> Typos are rare: the Bacchanalian affair occurred in 186, not 168 (22); in H. Beck and U. Walter, edd., *Die Frühen Römischen Historiker*, Claudius Quadrigarius has the number 14, not 142 (39).

<sup>9</sup> Cf. 176: ‘This composite image illustrates the myriad ways of negotiating a relationship between a set of political qualities and historical contexts and a timeless abstraction of “magistracy” as an institution, an exemplary bricolage relying as much on the failed experiments and political compromises as on any single heroized instance.’