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RECONSIDERING THE *AFFECTATORES REGNI**

1. INTRODUCTION

In the beginning, Rome was ruled by kings.[1] Their expulsion heralded the foundation of the Republic, a political system strong enough to withstand both internal and external threats to the state. Among these internal threats was the possibility of an elite man trying to set himself up as a king. Modern scholarship agrees that there were three such attempts to recreate a monarchy in the early Republic: Spurius Cassius in 485, Spurius Maelius in 439 and Marcus Manlius Capitolinus in 385/4. The *affectatores regni* purposefully courted the plebs in order to gain supreme power. But Roman virtue was too strong; all three men were caught, tried (either publicly or privately) and executed. Their possessions were seized and consecrated to the gods; their families shunned their memory. These attempts to establish tyranny revealed both the fragility and the power of the Republic.

This is a familiar story to us, but perhaps not to the Romans. Looking more closely at the ancient depictions of these men, I argue, we see a more complex picture. The category of *affectator* is a modern one; there are not three, but many men who attempt to gain too much power at Rome. Overstepping the limits of acceptable competition is not restricted to 'popular' politicians, but can happen to men of all political leanings. Moreover, such men are not 'tyrants': the Greek loan word comes with specific connotations that are missing from the tales of the *affectatores* (although the technical vocabulary is found in the tale of the Tarquins and among nobility such as Appius Claudius or Coriolanus). Rather, this broader spectrum of transgressors provided increased rhetorical weight to histories and as *exempla*, while simultaneously reinforcing the Republican system and Republican solidarity by presenting the traditional system of government as continuously under threat, from its earliest days until the present or the recent past.

In what follows, I first argue that modern scholarship has invented a triad of malefactors that is foreign to the Roman tradition. Cassius, Maelius and Manlius are three examples within a broader trend of men who push their ambition beyond acceptable

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[1] The following works will be referred to by abbreviation: Coudry and Späth = M. Coudry and T. Späth (edd.), *L'invention des grandes hommes de la Rome antique / Die Konstruktion der großen Männer Altroms* (Paris, 2001); B–W = H. Beck and U. Walter, *Die frühen römischen Historiker* (Darmstadt, 2001); Ch. = M. Chassignet (ed.), *L'annalistique romaine* (Paris, 1996–2004); *RRC* = M. Crawford, *Roman Republican Coinage* (Cambridge, 1974); P = H. Peter, *Historicorum romanorum fragmenta* (Leipzig, 1883); *FGrHist* = F. Jacoby, *Die Fragmente der griechischen Historiker* (Leiden, 1957–); *FRHist* = T.J. Cornell et al., *The Fragments of the Roman Historians*, vol. 2 (Oxford, 2013).

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limits and approach *regnum*. I then analyse other key figures in this trend, concluding with the test case of Coriolanus. These figures have not been associated with *affectatio regni* in modern scholarship, but they were accused of regal behaviour by Roman historians. I suggest that to further our understanding of *regnum*, we must broaden our understanding beyond the split of optimate and popular ideology to include a spectrum of legitimate and illegitimate behaviour. *Regnum* as it appears in first-century B.C.E. literature is defined by a lack of moderation; those accused of it fall by taking their virtuous behaviour too far, thereby threatening the balance of the Roman state. As a result, the idea of 'aiming at' kingship is a negative reinterpretation of an individual's behaviour; this sets it in contrast to Greek *tyrannis*, which is an individual's ultimate goal.

2. THE *AFFECTATORES* – A MODERN MYTH

In this section, I argue that the *affectatores regni* are a modern category first put forward by Theodor Mommsen in 1871.[2] Mommsen was less interested in *regnum* than in the reliability of the surviving Roman historians' accounts of the early Republic, particularly the narrative of the tribunate and its constitutional significance. As a result, he did not make much of an argument for grouping the three together; he acknowledged that they are treated differently by the sources, with Maelius being by far the most influential in the Sullan period and later, and also almost certainly fabricated, while Manlius and Cassius were more historical and had greater significance at an earlier period in history.[3] Despite these differences, though, Mommsen postulated that the later annalists aimed to develop a 'merkwürdige pseudo-historische Trilogie antidemagogischer Tendenz', making a positive message for the first century out of the negative events of the past.[4] This 'trilogy' has since become canonical.[5]

I will begin with a brief review of the scholarly argument for the late development, or at least substantial reworking, of these legends; I find this argument convincing on the whole, and I will return to some of its main points throughout this paper. Many of the parallels between the popular legislation of the late second and first centuries on the one hand, and the actions of Cassius, Maelius and Manlius on the other, have been made so frequently that they have gained a certain truth value in modern scholarship. As a result, some of my points here may seem obvious or redundant; as part of my argument is to challenge the idea of a triad of *affectatores*, however, I think that it is important to review the implications that have been drawn from these tales, as well as the historical resonance of the stories individually.

The similarity of these tales to events of the Gracchan period has frequently been noted. The stories deal with 'popular' legislation, whether land redistribution

[2] See Th. Mommsen, 'Sp. Cassius, M. Manlius, Sp. Maelius, die drei Demagogen des 3. und 4. Jahrhunderts der römischen Republik', *Hermes* 5 (1871), 228–80.

[3] Mommsen (n. 2), esp. 269.

[4] Mommsen (n. 2), 219.

[5] It is worth noting that *regnum affectare* is not used for Cassius, Maelius and Manlius in the first century. Livy uses this phrase three times (1.35.3, 1.46.2 and 2.7.6); these passages concern the two Tarquin kings and Publicola. He most frequently uses *regnum cupire*, *(re)petere* or *sperare*. Cicero prefers *regnum appetere* in general, and consistently uses this phrase when he cites Cassius', Maelius' and Manlius' attempts at *regnum* (*Dom*. 101; *Phil.* 2.114). R. Seager, '*Populares* in Livy and the Livian tradition', *CQ* 27 (1977), 377–90, at 378, notes that both Maelius and Manlius are more commonly accused of *seditio* than *regnum.*

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(Cassius), handouts of grain (Maelius) or alleviation of debt (Manlius). These three categories allow for numerous parallels with the real or proposed legislation of both Gracchi, Livius Drusus, Clodius and even Caesar.[6] The deaths of Cassius, Maelius and Manlius, likewise, are reminiscent of the violent struggles of late Republican Rome.[7] This led to the creation of the *affectatores regni* as *exempla*, whose purpose was to protect the optimate killers of Gracchi by providing them with a legendary precedent. Cicero, a firm believer in the *senatus consultum ultimum* (*SCV*) and the elimination of possible threats to the Republic (such as Catiline), is often marked as an instrumental promulgator of such stories. Emilio Gabba argued that Dionysius of Halicarnassus (or his source) remodelled the agrarian legislation of Spurius Cassius to match the Gracchi; Robin Seager, in contrast, stressed the first-century parallels for these tales.[8]

While Gracchan parallels are obviously attractive, they should not be pushed too far. Tiberius Gracchus was killed by the *pontifex maximus*, with no legal authority; Gaius Gracchus was killed under the *SCV*, which has a senatorial framework. In contrast, Cassius' death is attributed to either his father or the vote of the people; Manlius, too, is legally tried. Maelius' story comes closest to the Gracchi, a point that I will return to later. Similarly, it is important to recognize that while these stories are similar, they are not identical. All three are accused of *regnum* and killed, but the process of accusation and the manner of death are not the same. Cassius is supported by his family; Manlius is abandoned by his; Maelius does not seem to have one. All three lose their property and their house, although they are not alone in this. All three try to help the plebs, but in various ways. The differences between these men are significant, too; they help explain the continuing existence of three separate stories, as well as pointing out various avenues of potential transgression.

Modern scholarship has also argued that this series was deliberately constructed. The characters are stereotypical and show a marked progression from less to more dangerous. Cicero is the first known author to connect the three, and several scholars, following Paul Martin, have argued that he, in fact, was the first to construct the three as a

[6] A. Lintott, *Violence in Republican Rome* (Oxford, 1968), 177 suggests that the main threat of such men lay in 'acquiring a vast *clientela*'; see e.g. id., 'The tradition of violence in the annals of the Roman Republic', *Historia* 19 (1970), 12–29, at 16–18, for the idea that certain variants came into being after the advent of the Gracchi (here dealing with Maelius). P. Panitschek, 'Sp. Cassius, Sp. Maelius, M. Manlius als *exempla maiorum*', *Philologus* 133 (1989), 231–45 draws first-century rather than Gracchan parallels; A. Valvo, 'Le vicende del 44–43 a.C. nella tradizione di Livio e di Dionigi su Spurio Melio', *CISA* 3 (1975), 157–83 argues for an accumulation of contemporary elements in the narratives that culminate in the complex narratives of Dionysius and Livy. K. Mustakallio, *Death and Disgrace: Capital Penalties with Post Mortem Sanctions in Early Roman Historiography* (Helsinki, 1994), 32 traces the connection with the Gracchi back to B.G. Niebuhr, *Römische Geschichte*, vol. 2 (Berlin, 1836), 190–4. *Contra*: G. Forsythe, *The Historian L. Capurnius Piso Frugi and the Roman Annalistic Tradition* (Lanham, 1994), 296; the tradition predates the Gracchi because both Cassius and Maelius appeared in Piso. But Forsythe allows for later changes to these stories.

[7] See F. Pina Polo, 'The tyrant must die: preventative tyrannicide in Roman political thought', in F.M. Símon, F. Pina Polo and J. Remesal Rodríguez (edd.), *Repúblicas y ciudadanos: modelos de participación cívica en el mundo antiguo* (Barcelona, 2006), 71–101; cf. M. Sordi, 'Cultura e politica nella storiografia romana', *CRDAC* 10 (1978/9), 155–66, at 158, and Forsythe (n. 6), 302 for similar statements. *Contra*: B. Liou-Gille, 'Les *leges sacratae*: esquisse historique', *Euphrosyne* 25 (1997), 61–84 and J. Linderski, 'The pontiff and the tribune: the death of Tiberius Gracchus', *Athenaeum* 90 (2002), 339–66.

[8] E. Gabba, 'Studi su Dionigi di Alicarnasso III: la proposta di legge agraria di Sp. Cassio', *Athenaeum* 42 (1964), 29–4; Seager (n. 5).

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'triptyque'.[9] In contrast, Lintott argued that Cicero would have learned these stories as a young man; they then must have been in circulation prior to Cicero's own use of them.[10] Given that Cicero refers to these figures primarily in offhand references, Lintott's argument for their prior existence in some form must be correct; however, this need not contradict Martin's idea of the ascending tricolon of malefactors.

Closer examination of the appearance of these figures in the late Republic and early Empire indicates that the triad of Spurius Cassius, Spurius Maelius and Manlius Capitolinus is in fact illusory.[11] Cicero, despite the arguments discussed above, refers to all three legends only four times in the eighteen cases one of them is mentioned, and the three never appear alone.[12] Even taking individual works, rather than references, into account, Cicero only mentions all three men two times out of nine. And he cites Cassius and Maelius twice as often as Manlius (seven, eight and four times respectively). This ratio suggests that Cicero did not, in fact, group Cassius, Maelius and Manlius

[9] P.M. Martin, 'Distorsions dues à la ideologie tripartite dans le récit des trois "adfectationes regni" de la tradition romaine', *ÉIE* 7 (1988), 15–30, at 21, for the term; he applies it to their appearance in Livy. See also e.g. M. Chassignet, 'La "construction" des aspirants à la tyrannie: Spurius Cassius, Spurius Maelius et Manlius Capitolinus', in Coudry and Späth (n. 1), 83–96, at 87, suggesting that Cicero is the first to arrange the 'triptyque'; H. Flower, *The Art of Forgetting: Disgrace and Oblivion in Roman Political Culture* (Chapel Hill, 2006), 45–6 argues that this is not consistent with the historical characters of Cassius and Maelius. The notion of a trio is disputed by M.B. Roller, 'Demolished houses, monumentality, and memory in Roman culture', *ClAnt* 29 (2010), 117–80, at 119 n. 5, rightly. P.M. Martin, 'Des tentatives de tyrannies à Rome aux Vè–IVè siècles?', in W. Eder (ed.), *Staat und Staatlichkeit in der frühen römischen Republik* (Stuttgart, 1990), 49–72, at 51, illustrates a number of similarities between the three tales and argues for a series of progressions. These latter categories (social rank, decrease in viability of accusation, increase in plebeian opposition and Dumézilian trifunctionality) cannot be sustained, all but the last for narrative reasons.

[10] Lintott (n. 6 [1970]), 14.

[11] C. Smith, '*Adfectatio regni* in the Roman Republic', in S. Lewis (ed.), *Ancient Tyranny* (Edinburgh, 2006), 49–64 in some ways seems to recognize this (for example, at p. 55, 'there were in fact a number of individuals who from different directions threatened to exceed the limits of constitutional power'; a list is provided at p. 63 n. 21), but none the less consistently attributes the formation of the triad to Cicero or a predecessor (e.g. at p. 55, 'by the time of Cicero, the three individuals we have considered could be regarded as a trio'; at p. 60, 'we owe in part to Cicero the isolation of three figures, Cassius, Maelius and Manlius, as *adfectores* [*sic*] *regni*'). Similarly, R. Marino, 'Sulla percezione del *regnum* a Roma in età repubblicana', in M. Caccamo Caltabiano, C. Raccuia and E. Santagati (edd.), *Tyrannis, Basileia, Imperium: forme, prassi e simboli del potere politico nel mondo greco e romano* (Messina, 2010), 375–84, at 377, includes Publicola among the *affectatores*, but does not argue the point.

[12] Given the extremely limited nature of the Ciceronian material about these stories, I use the word 'refer' very loosely: any instance when Cicero mentions one of the two main characters (the *affectator* or his eventual vanquisher) is a 'reference'. Cases in which all three appear are marked in bold type: *Amic*. 28 (Tarquin, Cassius and Maelius) and 36 (Cassius, Maelius and Coriolanus); *Sen*. 56 (Maelius); *Att*. 2.24.3 and 13.40.1 (Ahala, and by implication Maelius); *Dom*. 86 (Kaeso Quinctius, Camillus and Ahala) and **101 (together with M. Vaccus)**; *Mil.* 8 (Ahala, Nasica, Opimius, Marius, Orestes and Cicero), 72 (Maelius) and 83 (Ahala, Nasica, Opimius, Marius and Cicero); *Phil*. 2.26 (the Bruti and Ahala), 2.27 (Ahala), **2.87 and 2.114 (both together with Tarquin)**; *Cat*. 1.3 (Ahala, Nasica and Cicero; however, he *illa nimis antiqua praeter[it]*, which may hide a reference to Cassius); *Rep.* 1.6 (Ahala, Camillus, Nasica, Opimius, Metellus, Marius and, strongly implied, Cicero), **2.49 (together with someone, usually considered Tiberius Gracchus)**; *Sest.* 143 (Ahala, Camillus and a host of others). I have not counted the reference to Cassius in *Rep.* 2.60, as the dialogue quite possibly included the stories of Maelius and Manlius individually as well (even if not necessarily in the historical portion). If not, however, this only makes Cassius as common as Maelius; my larger point remains unchanged. Likewise, the mentions of Camillus and others in *Cael*. 39 and *Pis.* 24, although related to the defeat of the Gauls, should not constitute a reference to the story of Manlius; *Balb*. 53 mentions Cassius only in relation to the *foedus Cassianum*.

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together. Rather, these three were part of a larger pool of negative examples all of which were characterized by a different (although still negative) value. I will return to this notion below.

Similarly, our admittedly scanty fragments of the Republican historians never mention more than one *affectator* at a time.[13] Outside Cicero, they are rarely linked; I will discuss the evidence of narrative historians below. Finally, these are not the only men who attempt to set up a kingship in Rome, even in the early Republic.[14] They are also not the only men whose homes are destroyed, seen by some as the appropriate penalty for *regnum*; this idea has been recently contested by Harriet Flower in any case.[15] The houses of Vitruvius Vaccus and M. Fulvius Flaccus, for example, were demolished as well.[16] This implies that in the Republic, at least, the *affectatores* were viewed as individual malefactors, rather than a group.

This argument holds true for later authors as well. An assortment of these characters appears in Valerius Maximus, Quintilian, Gellius, and Servius' commentary on the *Aeneid*.[17] Only in Valerius do Cassius, Maelius and Manlius appear together. They are set under the heading of 'severity', indicating that Valerius did not necessarily think of them as regal *exempla*. Additionally, the three are accompanied by the Gracchi. The inclusion of the Gracchi echoes Cicero's examples and usage, and implies that Valerius also did not think of these three men as a trio. Similarly, the fact that they appear under the heading of severity, rather than treason, indicates that these stories were not seen solely as example of *regnum*.

The one place where all three appear together is in the historians. Dionysius of Halicarnassus, whose accounts I discuss in more detail below, retells the story of Cassius, Maelius and Manlius; the latter account is particularly fragmentary, but that of Cassius survives complete and Maelius' is quite full.[18] Dionysius does not draw parallels between any of these men, or indeed between them and the other regal figures of Rome such as Appius Claudius, Kaeso Quinctius or Coriolanus. Dionysius, then, does not seem interested in Cassius, Maelius and Manlius as a triad.

Diodorus Siculus has a slightly greater claim to making the three into a trio. His account of early Roman history is sparse and idiosyncratic in terms of what it includes; he does, however, include Cassius, Maelius and Manlius, and omits Coriolanus, Kaeso

[13] Piso fr. 37 P = 40 B–W = 40 Ch. = *FRHist* 9F39 = 47 Forsythe (n. 6) = Plin. *HN* 34.30, Cassius; Quadrigarius fr. 7 P = 7 B–W = 7 Ch. = *FRHist* 24F3 = Gell. *NA* 17.2.13, Manlius. They also appear once in the fragments of the pontifical annals, but as this reference comes from Cicero (*Dom*. 86), I do not count it twice.

[14] See Smith (n. 11), 61 n. 21, although his collection seems to me too broad: Coriolanus, Volero Publilius, Gaius Lentorius, Licinius and Sextius (of the Licinian-Sextian rogations), Lars Porsenna, Appius Herdonius, Vitruvius Vaccus and Kaeso Quinctius; at p. 56, he includes the Fabii and Appius Claudius the *decemvir*. This collection omits one group that I would emphasize: the sons of Brutus.

[15] Cf. S. Oakley, *A Commentary on Livy, Books VI–X*, vol. 1 (Oxford, 1997), 566; Roller (n. 9); A. Vigourt, 'L'intention criminelle et son châtiment: les condamnations des aspirats à la tyrannie', in Coudry and Späth (n. 1), 271–87, at 278–81; Flower (n. 9) considers the destruction of tyrants' houses a Greek idea that was inserted into Roman tradition fairly late, but allows (e.g. at pp. 50 and 77) that such demolitions were aimed at establishing a pattern for Roman tyrants.

[16] Cic. *Dom.* 101; Livy 8.19.4; other historical examples include Saturninus and Cicero himself.

[17] Val. Max. 6.3.1; Cassius is referred to by himself in 6.3.2. Quint. *Inst.* 3.7.20, 5.9.13 (both mention only Maelius and Manlius) and 5.13.24 (Ahala and Nasica); Gell. *NA* 17.2.14 and 17.21.24 (Manlius); Serv. *Aen*. 8.652 (Manlius).

[18] Dion. Hal. *Ant. Rom.* 8.68.1–80.3 (Cassius); 12.1.1–4.6 (Maelius); 13.8.1–4; and 14.4.1 (Manlius).

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and, to a certain extent, Appius.[19] The stories of the canonical trio are summarized in similar sentences, Cassius and Maelius at the end of the year's events and Manlius at the beginning. The phrasing, except for the verb ἀνῃρέθη and the use of τυραννίς to describe their goal, is different for all three cases, and they are not explicitly linked to one another. All the same, they are still included in Diodorus' history, while other (arguably more famous) episodes are not.[20] There are a few different ways to interpret this evidence. First, it is possible that Diodorus had some knowledge of Cassius, Maelius and Manlius as a linked triad from a source or sources. This source would presumably predate Cicero and may be a minor part of the tradition. While accounting for the evidence, this solution is in many ways an unsatisfactory one. It seems to contradict the fuller accounts of Dionysius and the Roman authors in general, and it is not required by Diodorus' narrative, since he does not explicitly link the three stories.

Another option is to take the opposite extreme, which is equally unsatisfactory. This would make Diodorus' evidence purely coincidental, possibly to be accounted for by the fragmentary state of his narrative in some of the relevant books. This position can be defended, because Diodorus is without question missing key episodes of the Roman tradition: the fall of the Tarquins, for example, does not appear in his history (although the rape of Lucretia does), and Coriolanus is absent as well.[21] The account of the decemvirate is very brief, and Appius Claudius remains unnamed in the story of Verginia.[22] The inclusion of Cassius, Maelius and Manlius, though, suggests that Diodorus finds these stories interesting or important.

The most likely option is the middle path: these three tales were sufficiently well known and interesting enough to justify inclusion, but not to elaborate on at any great length. This is particularly true given Diodorus' limited interest in Roman affairs. Cassius, Maelius and Manlius are not the only episodes to appear as, essentially, a footnote to his greater interest in Greek history; various Roman wars also find their way into Diodorus' narrative to cap off a year, and it is possible that he saw something more meaningful in these episodes that we cannot fully appreciate. These three attempts at tyranny, for example, sometimes echo similar events in Greece[23] and may have been a way to draw Roman affairs in to the larger Mediterranean narrative.

In sum, there is evidence that Diodorus found these tales similar; like Livy and Dionysius, however, he did not work them up into a trio. This is at least in part due to the lack of detail in his account of Roman affairs, but not wholly. It would have been very easy for Diodorus to say 'Maelius, like Cassius, aimed at tyranny' or 'Manlius was the third to aim at tyranny'. He does not do so. Finally, just as we see in the case of Cicero, Cassius, Maelius and Manlius are not the only men who Diodorus claims sought tyranny at Rome; in addition to other would-be tyrants in Greece and Carthage, we find that Tiberius Gracchus met his death ἐπιθέμενος τυραννίδι.[24] This is the exact phrase Diodorus uses to describe the activities of Cassius and Maelius.

This leaves Livy. He refers to Cassius, Maelius and Manlius alone on two occasions, both in the tale of Manlius. First, after Manlius is imprisoned, his supporters complain

[19] Diod. Sic. 11.37.7 (Cassius); 12.37.1 (Maelius); 14.116.6; and 15.35.3 (Manlius).
[20] I would like to thank the reviewer for drawing these to my attention.
[21] For the rape of Lucretia, see Diod. Sic. 10.22.1; Coriolanus is discussed further below.
[22] Diod. Sic. 12.24.1.
[23] E.g. 11.37.6, immediately preceding Cassius, marks the end of the Persian wars and the defeat of tyranny in Greece.
[24] Diod. Sic. 34/35.33.7.

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that he is being treated like Cassius and Maelius;[25] likewise, in a speech after his release, Manlius refers to the *exitum Cassi Maelique*.[26] These speeches, one direct and one indirect, do present the three as similar cases. But as Manlius is also compared to Maelius alone in nearby passages,[27] it seems unlikely that this connection of Manlius, Maelius and Cassius is meant to be consistent. Moreover, that both cases where the three appear together and on their own are speeches is problematic. Although Livy (and his audience) knows that Manlius will also be killed, Manlius' aim is to differentiate himself from these predecessors. Likewise, the other two figures who most frequently accompany these three men cannot be used as parallels – Tarquinius Superbus because he was not put to death, and Tiberius Gracchus because he has not been born yet.

Most importantly, the fact that Livy here connects these three figures cannot justify the modern conception of a linked trio of *affectatores*. Throughout his work, Livy has his characters relate contemporary affairs to events of the past. In the speeches against the misdeeds of both Cassius and Maelius, Livy draws on the broader range of figures that I have shown Cicero uses: Cassius is compared to Coriolanus by Verginius,[28] and Maelius to the young Bruti, Collatinus and the *decemviri* as well as Cassius and Tarquin.[29] Thus, although it is true that Livy connects Manlius to Cassius and Maelius explicitly, he also connects these three to a variety of other transgressive figures of the early Republic. Like Cicero, Livy does not single them out as linked criminals.

Thus far I have argued that Cassius, Maelius and Manlius were not conceptualized as a linked trio of malefactors in antiquity. Rather, they numbered among a larger group of negative *exempla*. This is not to say that the three do not share significant similarities. It is not improbable that the stories became more similar to each other and to the Gracchi in the late second century B.C.E. A similar pattern in the development of the Fabian legend has recently been postulated by James Richardson.[30] Indeed, as I will discuss below, our earliest evidence for these stories offers the greatest variation. An increasing tendency towards homogenization would underline their didactic message. By the first century, it is undeniable that it was possible to present the stories as a trio. It is none the less remarkable that only Livy does.

Instead, the canonization of Cassius, Maelius and Manlius as a triad of aspirants to the throne originated, as I have said, in Mommsen's argument about the annalistic expansion of early Republican history.[31] While I do suggest here that Mommsen was wrong about the links between Cassius, Maelius and Manlius, his overall argument for their exemplary nature can to a certain degree still stand. But there is more to be said about these figures than that they are *exempla*.

First, the range of figures who appear together with these three is immense. As I have noted briefly, such stories can be presented in both a positive and a negative fashion, emphasizing the villain or the hero of the tale. Even from a negative perspective, they are tied to Tarquin, Tiberius Gracchus, Vitruvius Vacchus and Coriolanus. When

[25] Livy 6.17.2.
[26] Livy 6.18.9, 'death of Cassius and Maelius'.
[27] Livy 6.18.4 and 6.19.2.
[28] Livy 2.41.6–7.
[29] Livy 4.21.3–4.
[30] J.H. Richardson, *The Fabii and the Gauls: Studies in Historical Thought and Historiography in Republican Rome* (Stuttgart, 2012).
[31] See Mommsen (n. 2), and pp. 225–6 above.

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we examine the figures from a positive perspective, the range of comparanda increases immensely. This point leads into the second: although these tales seem to be relatively simple, the survival of multiple variants indicates that they were multifaceted. Finally, the flourishing of such variants is temporally limited; the relative paucity of these figures' use in the late Republic despite their apparent relevance to current events is striking.[32] Returning to Cicero, these figures are more common in his rhetoric after his return from exile. They are much less frequently used after the early Principate. This suggests that interest in them was due to current events; with the establishment of a new political system, the overreaching of elites in the early Republic was less relevant, or taught fewer lessons. But these stories did not cease to be told.

The links between the three stories are, as I have argued, loose. The group of *affectatores* is thus not a useful model for examining elite transgression; because it constructs an artificial category, it obscures some important connections between these stories and others. Most importantly, analyses have followed Mommsen's categorization of Cassius, Maelius and Manlius as forerunners of men like Clodius: 'tyrants', 'demagogues' and *populares* are their usual descriptors. Closer examination of these figures in the sources, though, suggests that such labels are overly simplistic at best, and in the case of 'tyrants' simply wrong.

3. *AFFECTATIO REGNI* AND TYRANNY

In what follows, I examine the cases of Cassius and Maelius in detail, with reference to some of the other transgressive figures that are connected to them. This is not a résumé of all versions of these stories,[33] but rather an analysis of Livy's account of them in relation to the accounts of his two closest contemporaries, Cicero and Dionysius. I have chosen to focus on Cassius and Maelius as the most frequently occurring negative *exempla* of this type in Ciceronian usage.

As a reminder, in the traditional modern account of these men, they act in a fairly consistent way: they 'purchase' popular support (usually through their actions, rather than the actual distribution of coin), a dangerous act when set against the background of the Roman conflict of the orders.[34] Unlike Manlius, whom Livy presents as trying to gain political importance from the start, Cassius and Maelius are not presented as trying to seek out power initially. Instead, they are presented as trying to help the poorer elements of Roman society, through land and grain distributions respectively. The rise in strife between richer and poorer citizens in Rome after the Third Punic War (and the contemporaneous 'popular' politicians) may have emphasized the danger inherent in

[32] See e.g. F. Bücher, *Verargumentierte Geschichte: Exempla Romana im politischen Diskurs der späten römischen Republik* (Stuttgart, 2006), 174–80; Maelius is called 'too old' to be very relevant at pp. 239–40.

[33] For this, I refer readers to the relevant chapters of Mustakallio (n. 6), who provides a very thorough summary of the ancient sources. Because her main interest is in executions, she does not include all of the characters who are linked to Cassius, Maelius and Manlius by Cicero, Livy and Dionysius, nor all of the characters identified as tyrannical by Smith (n. 11), nor those whom I would consider transgressive. But the majority of all three categories overlap; most of the stories referenced here appear in both Smith and Mustakallio.

[34] The historicity of this conflict, which has been questioned, is not relevant to the discussion at hand; the key point is that the authors writing about these events believed that they were historical, or historical enough to merit inclusion in a work of history.

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these stories. It is by charity that Cassius and Maelius prove to be a danger to the stability of the elite; with the strength of the plebs behind them, they can potentially overthrow the patrician (or simply elite) control of Rome. In this, they provide a semi-historical precedent for men like the Gracchi, Clodius and Caesar; their deaths, likewise, are used to glorify and excuse Nasica, Milo and Brutus.

A brief recapitulation of the standard features of a tyrant is also in order, since Cassius, Maelius and Manlius are sometimes said to be attempting tyranny. The Greek tyrant was for the most part adopted by Romans as a model, and can be assumed to provide the necessary characteristics for a *tyrannus* at Rome. Such a tyrant can offer a poor model of rulership in many different ways, although not all tyrants will display all of these negative features:[35] *saevitia*, *crudelitas*, *libido*, *vis*, *avaritia* and *superbia*; related forms of abuse include *immoderatio* and *luxuria*, although the tyrant could also display *clementia*.[36] Such terms are absent in the Roman accounts of Cassius and Maelius,[37] suggesting that, for Livy and Cicero at least, these men were not tyrannical, although they were criminal.[38] Instead, their crimes were aiding the plebs, thus gaining a large body of followers. Although the Greek tyrant was marked out by his mass of bodyguards, in first-century Rome this was standard for men of high station.[39] Indeed, we know that not only Clodius, but also Cicero and Milo had large groups of protectors. Nor were bodyguards the only way to parade prestige. Cicero himself argues that Murena cannot be indicted for bribery simply for being popular, because it is consonant with Roman tradition.[40] Thus, the idea that it was their body of adherents that made Cassius, Maelius and Manlius similar to tyrants seems unlikely.[41] A visible reminder of a politician's political support and influence would have been commonplace in Rome.

After this brief review, I turn to a more detailed analysis of Cassius and Maelius. I will argue that these two, and characters like them, are negative *exempla* because they inappropriately extend their virtuous activities. As a result, their actions threaten the status quo and the traditional relationships between Senate and people, among individual senators, and between the senatorial elite and men of high status who were not a part of that elite.

[35] Still fundamental is J.R. Dunkle, 'The Greek tyrant and Roman political invective of the late Republic', *TAPhA* 98 (1967), 151–71. See also I. Gildenhard, *Creative Eloquence: The Construction of Reality in Cicero's Speeches* (Oxford, 2011), 86–9, with further bibliography.

[36] Such descriptions are used in the early books of Livy, although not for the *affectatores*; compare e.g. Kaeso Quinctius (*atrox*, 3.11.9; having *superbia*, 3.11.12); and the tyrannical Appius Claudius (*superbus*, 3.36.2; *rex*, 3.36.5; having *libidines*, 3.48.1; explicit comparisons with Tarquin, 3.44.1 and 4).

[37] These two are in fact rarely described as characters in Livy; the closest is Cassius, who is described as *vilior civibus* than his fellow consul (3.41.7). This is not a tyrannical characteristic. Manlius, who is described more fully, is called *vehemens et impotens* at 6.11.6, and is primarily marked by his *invidia* (e.g. 6.11.3).

[38] This point was in part anticipated by Mustakallio (n. 6), 73, who points out that *superbia* is a characteristic of tyrants such as the *decemviri* or Kaeso Quinctius, rather than the *affectatores*; her argument, however, is that this is a distinction between 'aspiring tyrants' and 'aspiring monarchs' in the Roman tradition.

[39] See Lintott (n. 6 [1968]), 74: 'in general great men must have surrounded themselves with clients ... not merely to enhance their reputation, but to ensure their physical protection'.

[40] See *Mur.* 67–9.

[41] Cf. Lintott (n. 6 [1968]), 177.

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4. SPURIUS CASSIUS VECELLINUS

Spurius Cassius Vecellinus is among the most popular *exempla* in Roman literature, although most of the attention paid to his tale focusses on the historicity of his agrarian legislation.[42] This question is secondary to my concerns here, and although the legislation is among the issues leading to Cassius' downfall, the validity of such legislation in the fourth, second or first century is immaterial. Indeed, I argue that Cassius' transgression was not the promulgation of pro-plebeian legislation, but rather his extension of this privilege to men outside of Rome. Such an extension pushes his actions outside of the normal sphere of activities of the Roman elite; in other words, Cassius errs not through being a demagogue nor by being a tyrant, but by unjustly equating Romans and non-Romans.

In Livy's narrative, when a large amount of land was taken from the Hernici, the consul Cassius tries to redistribute it among the plebs and Latin allies.[43] Included in the grant is a bit of *ager publicus* which is held independently and illegally. Although many of the plebeians are understandably enthusiastic about this proposal, the senators are not. The consul Verginius resists Cassius' proposal and gains adherents of his own by accusing Cassius of *regnum*.[44] But what exactly is *regnum* in this instance? Some have suggested that Cassius' legislation was truly an attempt to gather a large body of clients, which finds parallels in (to cite only the most famous example) the Clodian mobs.[45] But Livy's story in fact suggests otherwise. Verginius subsequently *agrees* to the distribution of land to Romans, so long as the allies are not involved.[46] Verginius' change of heart undermines his earlier claims that the land distributions will bring about monarchy. The distribution of land is uncoupled from the charge of *regnum*.

The suggestion of *regnum* arises again when Cassius, at risk of losing plebeian support, offers further land grants as well as a distribution of money as an inducement (or, less charitably, a bribe) to those who would vote for his proposal. But this is a mistake; the plebeians *en masse* reject his actions as *haud secus quam praesentem mercedem regni* ('no different from the effective purchase of a kingship'), and his cause is utterly lost.[47] Livy gives two possibilities for his execution: either he was tried at home or he was brought before the people by the quaestors. Cicero's brief narrative adds nothing to Livy and includes only the latter version of Cassius' death.[48]

The story in Dionysius is rather different. The Greek author depicts Cassius as unreasonable and power-hungry – far more similar, in fact, to a Greek-style tyrant than the character who appears in Livy.[49] Cassius' true character is made clear when he demands

[42] See e.g. the sources provided in Roller (n. 9), 149 n. 76; also fundamental is Gabba (n. 8).

[43] See Livy 3.1.1–8 for a similar but unobjectionable piece of agrarian legislation.

[44] Livy 2.41.2–5. Compare Dion. Hal. *Ant. Rom.* 8.68.1–80.1, where the tension was increased by the fact that not only the Latins, but also the Hernici were being included in the distribution. The similarities to the popular legislation of the late second and early first centuries B.C.E. are obvious and much discussed; see e.g. Gabba (n. 8), Valvo (n. 6) and Panitschek (n. 6). Chassignet (n. 9), 85–6 provides a clear exposition of the differences between Livy's and Dionysius' accounts.

[45] E.g. Forsythe (n. 6), 304; Lintott (n. 6 [1968]), 54; implied by Chassignet (n. 9) and Martin (n. 9), who stress the importance of the plebeian cause in these stories. R.M. Ogilvie, *A Commentary on Livy, Books 1–5* (Oxford, 1965), 338 in contrast suggests that it is the dedication of his statue to Ceres.

[46] Livy 2.41.7.

[47] Livy 2.41.9. Possibly some sense of Cassius' urgent need to win goodwill is to be read in *praesentem*.

[48] *Rep.* 2.60.

[49] Gabba (n. 8), 40 warns that Dionysius' account 'ha soltanto accumulato una maggior messe di falsificazioni' than Livy's. Tyrannical colouring is the most obvious of these.

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a triumph for ending the war with the Hernici, even though they surrendered as opposed to being conquered in battle. Dionysius explicitly calls this action χάριτι μᾶλλον ἁρπάζων τὸ τίμιον ἢ τῷ δικαίῳ λαμβάνων ('grabbing the honour as a favour rather than receiving it as a right'), since Cassius has not fulfilled the normal requirements for earning a triumph.[50] The Senate disapproves of such arrogance, which leads to friction between Cassius and his fellow consul; this tension is only resolved through mob violence. Eventually, Cassius is put on trial for *perduellio* and executed; according to Dionysius' primary version, he is *supported* by his family, in contrast to the Roman authors.[51] Like Livy, though, Dionysius offers an alternative version in which Cassius' father tries and executes him privately.

What is most important and most striking about Dionysius' first version is that here Cassius is far more similar to the proud aristocratic characters such as Coriolanus (a negative example in Cicero) or Kaeso Quinctius (a positive example). This points to his underlying ambiguity. Cassius in Livy has no tyrannical characteristics, although he is accused multiple times of fostering the desire for *regnum*. Cassius in Dionysius, on the other hand, fits the model of a Greek tyrant. He is arrogant and resorts to violence to achieve his aims. But while Dionysius clearly meant this to be understood in a negative fashion, similar behaviour from other aristocrats is excused in Roman writers. For Livy and Cicero, unlike Dionysius, Cassius' errors do not lie in his arrogance or character, but in his actions.

R.M. Ogilvie long ago noticed that Cassius, at least as he appears in Livy, is not a wholly negative figure. Instead, Cassius is shown as a man with foresight who runs afoul of his fellow aristocrats and loses support.[52] The tradition in this case is complex, because the Cassii later minted coins with this illustrious ancestor on them, indicating that Cassius was not a relative to be ashamed of.[53] This agrees with Dionysius' first account, in which Cassius is supported by his family despite the accusations made against him. Still, Ogilvie did not question the received wisdom that Cassius was also a tyrant whose elimination, at least in some histories, was called for. Annie Vigourt explains that Cassius' actions are criminal because they divide citizens to the benefit of outsiders.[54]

Cassius' story is not a simple retrojection of the Gracchan land distribution; his transgression is not that he puts forward populist legislation. His opponent does the same and goes unpunished. Rather, Cassius' crime lies in extending that populism to the Latin (and possibly Hernican) allies. It is acceptable for a consul to help Romans, especially by distributing conquered land. It is not acceptable for a consul to take *ager publicus* and offer it to the Hernici. This reverses the aims of conquest by sharing the fruits of victory with the losers.

The mistake for which Cassius ultimately loses his life is not an attempt to establish tyranny. Instead, it is an example of overstepping: by going outside the expected

[50] Dion. Hal. *Ant. Rom.* 8.69.1.
[51] Dion. Hal. *Ant. Rom.* 8.78.4.
[52] Ogilvie (n. 45), 338; this is explored further by A. Vigourt, 'Les *adfectores regni* et les normes sociales', in Coudry and Späth (n. 1), 333–40.
[53] Ogilvie (n. 45), 343; the coins minted by the Cassii refer to Ceres. See *RRC* 321 (L. Cassius Caecianus, 102 B.C.E.) and 386 (L. Cassius Q. f., *c.* 78, with the cautions in Crawford's commentary [1.403]).
[54] Vigourt (n. 52), 335. A. Vasaly, 'The Quinctii in Livy's first pentad: the rhetoric of anti-rhetoric', *CW* 92 (1999), 513–30, at 523, suggests that Livy sees the patricians' failure to achieve *moderatio* in Book 3 as a catalyst for necessary (but destabilizing) reforms.

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purview of Roman elite activity, Cassius rouses alarm in his contemporaries. We could call him an example of hyperachievement.[55] Cassius does what a man in his position is supposed to do, but outside of the sphere he is expected to do it in.

5. SPURIUS MAELIUS

In this section, I examine the tale of Spurius Maelius. Maelius' story became particularly significant in the 50s: the future assassin Brutus put the image of Ahala, Maelius' killer, on his coinage,[56] and Ciceronian rhetoric abounds in references to both Maelius and Ahala. But this was a relatively late development. Although Maelius is the most frequently used of Cicero's *exempla* (and often appears even on his own), his appearances are largely limited to the rhetoric after his exile.

Maelius' story is best known from Livy and Dionysius of Halicarnassus. Although the Dionysian account survives only in fragments, a large portion of the narrative remains clear; we even read two different versions of Maelius' end. These two authors give quite different versions of the story, although as in the case of Cassius the basic plot is similar: Maelius is a young Roman equestrian who buys grain and sells it at a low price to the plebs during one of Rome's many grain crises. His large following attracts the attention of the *praefectus annonae* Lucius Minucius, who alerts the Senate to Maelius' potentially troublesome behaviour. Heeding Minucius' warning, the Senate arranges for Maelius to be removed, either through juridical channels or by assassination. In the end, he is killed at the hands of the patrician Servilius Ahala. This story was quite popular in the late second and first centuries, since it provided a legendary precedent to the murders of various pro-plebeian 'tyrants', such as the Gracchi and Julius Caesar;[57] Ahala himself was particularly dear to Cicero, who often mentions him as an *exemplum*.

According to Livy, the threat posed by Maelius is so great that the Romans need to call up special help: a dictator, the aged Cinncinnatus, who chooses as his *magister equitum* Servilius Ahala. Maelius is not a particularly sympathetic character: although he is far more competent at the grain dole than is Minucius,[58] he flees from the lictors of the *magister equitum*. In a speech before the people, who are angry about what they perceive as the unjust death of their champion, Cincinnatus says that it was in fact just to kill him as a fugitive from justice, *etiam si regni crimen insons fuerit* ('even if he had been innocent of the charge of monarchy').[59] In this story, the charge of *regnum* is a secondary cause of Maelius' actual death,[60] and it is important to keep in mind that this is the only version of the tale that we are given.

[55] Compare Oakley (n. 15), 477 on Manlius: 'a great man, but in his greatness lay the seeds of his own destruction'.

[56] See *RRC* 433/2, 54 B.C.E.

[57] Both Brutus and Cassius had connections to the Servilii; Brutus cited Ahala in his coinage (see reference in previous note). Crawford (*RRC* 1.455) notes that these issues were 'part of a pattern of consistent opposition to Pompey's real or supposed intentions of achieving sole rule', which underlines the degree to which these legends were used for political ends in the late Republic.

[58] Livy 4.12.9–13.2.

[59] Livy 4.15.1.

[60] Roller (n. 9), 128 n. 23 suggests that Maelius' primary crime was 'usurping magisterial functions'.

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Dionysius' first story is almost exactly the same as Livy's, except that Maelius dies fighting.[61] But from his account we also learn of the existence of another version. This second version, which Dionysius finds less likely, is quite different as regards the final part of the story.[62] At the same time, he ascribes it to two rather earlier Roman authors, Cincius Alimentus and Calpurnius Piso; if we understand the first version as a first-century B.C.E. tale, this second tale is the second-century (or earlier) version.[63] According to Dionysius, in Alimentus and Piso, Maelius is assassinated by Ahala, who is a *privatus*.[64] This story is alluded to in Cicero as well, although Cicero generally prefers the version in which Ahala is acting with the full approval of the Roman state.[65]

The fact that there were two versions of this tale, at least in Dionysius' day, is important for our understanding of all three of our sources. This is particularly true in the case of Cicero, who like Dionysius seems to know two mutually exclusive versions. Unlike Dionysius, however, Cicero's use of the Maelius tale has immediate polemical aims: usually, Cicero compares himself to Ahala, aligning his legal and magisterial role as consul and saviour of the state from Catiline with Ahala's legal tenure of office and legitimate murder of Maelius.[66] In these cases, only the magisterial version is used.

In the *Pro Milone*, however, Cicero changes his tune: here the parallel with Ahala lies not with himself, but with Milo and his murder of Clodius, both of which, Cicero argues, were just acts. Because Milo was a private citizen, the implication must be that Ahala too was a private citizen, as the implication in the Ahala–Cicero parallel is that Ahala is a magistrate. Although this change is never explicitly stated, it does not need to be; the fact that Ahala can be understood as a *privatus* and as a *magister equitum* is clear from the context of Cicero's different statements. If this flexibility in Ahala's status could have been called into question, it is unlikely that Cicero would have used the *exemplum* as he did.

The main exception to this use of Ahala lies in the preface to the *De re publica*, where Ahala is, atypically, listed alongside Camillus, Opimius, Nasica and others as an example of a state benefactor who met with misfortune.[67] This narrative does not appear in the historians and seems unique to Cicero; it also reinforces the narrative that Cicero supports about Maelius throughout the 50s. In Cicero's representation, Maelius is a criminal whose death is justified by any means; Ahala, his murderer, can be depicted either as a private citizen (thereby connecting him with the historical *exemplum* of Tiberius Gracchus and Scipio Nasica) or as an appointed magistrate

[61] Dion. Hal. *Ant. Rom.* 12.2.7–8.

[62] Dion. Hal. *Ant. Rom.* 12.4.2.

[63] The possible differences between Cincius Alimentus' version and Piso's version are discussed by Forsythe (n. 6), 302–4, stressing the relevance of the story to Piso's time. Forsythe's discussion is purely speculative, and his conclusions do not affect my argument. A useful précis is offered by E. Bispham and T.J. Cornell in their commentary on Alimentus (*FRHist* 2F4; III.51–3).

[64] Dion. Hal. *Ant. Rom.* 12.4.2–4; Piso fr. 24 P = 26 B–W = 26 Ch. = *FRHist* 9F26 = 31 Forsythe (n. 6); Alimentus fr. 6 P = *FGrHist* 810F4 = 8 B–W = 8 Ch. = *FRHist* 2F4, noting problems of source attribution.

[65] Implied in Cic. *Mil.* 8, 72 and 83.

[66] E.g. *Sest.* 143; *Cat.* 1.3. Cicero's account of Maelius provides the closest parallel among the historical tyrants and would-be tyrants to the demagogic behaviour of Cicero's enemies.

[67] For Cicero's use of Opimius as a 'personal *exemplum*' after exile, see H. van der Blom, *Cicero's Role Models: The Political Strategy of a Newcomer* (Oxford, 2010), 208–13; she does not discuss the legendary *exempla*. Bücher (n. 32), 315–16 argues that legendary figures, including Ahala, made up the *exempla* of established *gentes* (in this case the Servilii); this does not mean that they could not also be used by *novi* (see e.g. van der Blom [above], 153–7).

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(thus connecting him more closely with Cicero himself). The second version is elaborated upon even further in the *De re publica*, as the assertion that Ahala was punished for saving the state connects him more closely with Cicero himself. This affirmation of long-standing precedent and heroic connections can be read as a way for Cicero to reassert his status after returning from exile and being thrust out of public affairs following Luca.

Two quite different traditions about Maelius, then, were current in the 50s. One made Ahala a legitimate actor, while the other depicted him as a *privatus* whose actions were technically illegal. Cicero uses either tradition at will, depending on his political aims; however, he is more interested in the magisterial version. Dionysius, too, knows multiple variants of this story. Livy, on the other hand, relates only the legitimizing variant. Because options appear in both Cicero and Dionysius, it is clear that Livy has made a choice in this regard; he, too, could have offered multiple possibilities. Moreover, the connection between Brutus and Ahala, and therefore between Maelius and the Ides of March, makes Livy's choice to relay only one version of the tale politicized.

The questions of Livy's political allegiances, opinions and audience are fraught, and would take far more space to address than I have here. But it seems plausible that Livy puts forward a version of the Maelius story that would be most acceptable to his audience, or at least unquestioned by them. Why the version in which Ahala is the *magister equitum* is the most unquestioned or acceptable is less clear. It was, we know, used by Cicero in his self-presentation in the 50s; we do not know whether this version, rather than the *privatus* version, was also used by Brutus. It is perhaps unlikely. Furthermore, it is not entirely certain that, in Livy's day, Ahala would immediately bring Caesar to mind. Among the more striking details of Livy's account is Cincinnatus' speech, in which he claims that Maelius has been justly slain (*iure caesum*).[68] This phrase appears a handful of times in Latin, but most frequently in reference to Tiberius Gracchus; Cicero cites it twice as a famous response of Scipio.[69] He also, though, redeploys it against Caesar.[70] Both options, then, were available, and it is perhaps best to see this usage as reminiscent of arguments in favour of regicide in general rather than echoing a particular historical case.

Although Ahala was related to both Brutus and Cassius and his imagery appeared on Brutus' coins, Livy's presentation may be more nuanced than it seems. Although the choice to present Ahala as a magistrate seems to legitimize the actions of the tyrannicides, the fact that they acted as *privati* may have drawn attention to the differences between the current situation and the legendary past. Livy may, then, have decided to put forward a version that could be read either way by parties anywhere on the political spectrum. As we see in Cicero, the *exemplum* of Ahala can be used to support a number of different positions about the legality of political murder.

6. THE BROADER POOL

So far, my conclusions may seem to be largely negative. I have argued that the *affectatores regni* are a modern framework that has been wrongly applied to ancient material;

[68] Livy 4.15.1.
[69] *Mil.* 8.6; *De or.* 2.106; see also *Off.* 2.43 (where it is used of both Gracchi).
[70] *Phil.* 13.2.2; *Att.* 15.13.2.

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the triad of usurpers fits modern structuralist conceptions of mythological and legendary material, but not ancient usage of these three men. But this negative argument has a positive side as well: I also suggested that the appearance of other similar figures helps broaden our understanding of the Roman concept of *regnum*. It is to some of these similar figures that I would like to turn now.

If we look at characters like Appius Claudius the *decemvir* (whose tyranny goes unquestioned in modern scholarship, but who is not accused of seeking *regnum*)[71] or Kaeso Quinctius and men like Cassius or Maelius, any similarity is initially difficult to see. The first group comprises men whose patrician pride makes them neglect and even trample on the rights of plebeians; they fit the stereotypes of the cruel and thoughtless tyrant that Romans inherited from the Greeks. The second group, in contrast, is dangerous because of their generosity towards plebeians.[72] They too are kingly, because they wish for *regnum*; but how can the two pictures of rule be reconciled? Katrina Mustakallio has argued that they cannot; rather, the 'tyrants' and the 'monarchs' represent two completely separate political spheres. The 'tyrants' consistently support the Senate and the status quo; the 'monarchs', on the other hand, challenge the Senate by gaining influence among the people.[73] This interpretation is no different from the familiar idea that the *affectatores* prefigured the *populares* of the late Republic; Mustakallio passes over her own important realization that these 'monarchs' and 'tyrants' are frequently compared on equal terms by the sources.

The major point of intersection between these Greek-style tyrants and the proplebeian tyrants, as I see it, lies in their willingness to transgress the boundaries of appropriate elite behaviour. Take Appius Claudius: it is appropriate for a patrician to set himself above the plebeians, but not to the degree that he does.[74] Similarly, Kaeso Quinctius is set among the transgressors by Cicero; he too goes beyond what is permissible for an elite man.[75] The transgressions of men like Maelius have been analysed in depth by previous scholarship, and to a lesser degree above; as a brief recapitulation, they (appropriately) take steps to help the plebeians, or more accurately the poor, in a time of need, but (inappropriately) take their aid beyond the normal boundaries. Maelius gives away grain for free, rather than at a reduced price, and he does this when he is not the officially nominated magistrate for the task. In other words, he takes this job away from Minucius, the legitimate magistrate, and performs these functions himself. Manlius collects a group of veteran clients, an appropriate task for the patricians; however, he transgresses by collecting so many clients that he becomes a threat to the Senate. Moreover, by charging his fellow leaders with embezzlement, he sows dissension between rich and poor.

These men, in other words, all go beyond the measure of what an elite Roman is supposed to do, although they overstep on different sides of the political–ideological spectrum. Some are more conservative and exhibit behaviour that is fitting for a tyrant; others are more populist and model behaviour that has been called, in the past, *affectatio regni* (but includes others besides the traditional three). The larger category for these

[71] See e.g. Vasaly (n. 54), 525–6.
[72] For this distinction, see Mustakallio (n. 6), 73.
[73] Mustakallio (n. 6), 72–80.
[74] Appius Claudius has been extensively discussed, as has his tyrannical depiction in Livy (3.33.1–54.5 in general; 36.1–38.4 and 44.1–50.14 in particular). Mustakallio (n. 6), 67–9 offers a good summary, with citations; her conclusions should be read with caution.
[75] Livy 3.11–13 describes Kaeso as a youthful tyrant, although Kaeso makes reappearances elsewhere; see the analysis of Vasaly (n. 54), 517–18.

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transgressors is one that could be called *hyperachievers*; they act appropriately at first, but go beyond that into behaviour that becomes a negative *exemplum*. In the remainder of this section, I will test this preliminary conclusion against one of Cicero's less frequently used *exempla*: Coriolanus.

Coriolanus' story is known primarily from Livy and Dionysius.[76] A military hero and symbol of aristocratic pride, Coriolanus was forced out of Rome by the populace during the Conflict of the Orders. He ended up taking refuge among the Volsci, whom he had recently subdued. They welcomed his arrival, hoping that he would help them defeat the Romans in turn. Coriolanus did indeed set out to fight Rome and won many battles against his native land, but later was convinced by his mother to abandon his campaign against the city. He was not, however, allowed to return to Rome.

As in the other stories I have examined, Livy and Dionysius provide two broadly similar accounts with significant differences. Again the primary difference lies in the manner of Coriolanus' death. According to Dionysius, Coriolanus immediately after abandoning his siege of Rome encounters resistance among the Volsci. While his own soldiers respect his decision, the other army, which had stayed at home with their leader Tullus, is less pleased. They bring him to trial, and at the trial he is stoned to death before he can defend himself.[77] After his death, he is mourned by at least part of the populace.

Livy offers two accounts of Coriolanus' death, although he hints at numerous others. In one, Coriolanus lives to be an old man; in the other, he dies young. The main point for Livy is that Coriolanus dies of natural causes: *invidia rei oppressum perisse tradunt* ('they say that he died, overcome by bitterness over the affair'). This may elide a version similar to Dionysius'.[78] The stress on *invidia* is important since, as we have seen, peer resentment leads to accusations of *regnum.* Similarly, Cicero knows different traditions about Coriolanus' death, including one in which he commits suicide;[79] however, the context of this comment, in which it is pointed to as an instance of rhetorical exaggeration, makes it unclear whether we should believe that this variant existed outside Cicero. But the malleability of these traditions is important in itself.

Like most of the characters already discussed, Coriolanus is an ambiguous figure. Marie-Laure Freyberger has separated his deeds and character into three different Coriolani, 'superposés de façon un peu artificielle'.[80] Although it seems to me unlikely that Coriolanus' character has been so rigidly and purposefully categorized, Freyberger's divisions are useful in that they show both Coriolanus' good side and his bad side: he is an outstanding soldier (Coriolanus 1), but he is also proud and ambitious (Coriolanus 2), while the exile (Coriolanus 3) is a mixture of the first two. It is this third Coriolanus that makes him ambiguous, for 'ses vertus deviennent des vices'.[81]

[76] Dion. Hal. *Ant. Rom.* 8.2.1–59.1; Liv. 2.35–40. Plut. *Cor.* is again very similar.
[77] Dion. Hal. *Ant. Rom.* 8.59.1.
[78] Livy 2.40.10.
[79] Cic. *Brut.* 42–4; cf. *Amic*. 42.
[80] M.-L. Freyberger, 'Coriolan, ou la construction littéraire d'un grand homme chez les historiens grecs de Rome', in Coudry and Späth (n. 1), 27–46, at 28; she analyses the Dionysian account only.
[81] Freyberger (n. 80), 35; T.J. Cornell, 'Coriolanus: myth, history and performance', in D. Braund and C. Gill (edd.), *Myth, History and Culture in Republican Rome* (Exeter, 2003), 73–97, at 73, considers him an 'archetype who embodies many of the virtues and faults inherent in the Roman character' (a statement which, while very general, again highlights that Coriolanus has both positive and negative sides).

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This is an important characteristic of the hyperachievers; it is by extending their virtues too far that they run into trouble.

Tim Cornell seems to have isolated the main thrust of this story in saying that 'Coriolanus is a prototype for those Roman aristocrats who placed their personal dignity and status above everything else, and when rebuffed by their ungrateful fellow-citizens took extreme measures to gain revenge and what they saw as their rightful position'.[82] As examples of this Roman aristocratic 'type', he offers Sulla, Cinna, Marius, Catiline and Caesar – all of whom, not coincidentally, also aimed at an extra-legal dominance.[83] These men and Coriolanus have characteristics that are similar to Cassius, Maelius and Manlius. Remarkably, they do not all fall into the same category in Ciceronian rhetoric; although Maelius, Manlius, Coriolanus and Cinna are always bad, Marius sets a positive example, and Cassius, Sulla and Caesar are more nuanced. Yet, according to Cornell, Coriolanus is a largely positive figure, despite his faults. His death is mourned by those on both sides;[84] he is an almost-ideal citizen, eloquent, brave and noble. But he swings too far to the other side of that ideal. Coriolanus' eloquence is used to reject his fellow Romans; his bravery, too, can be harnessed against Rome. These extremes are threatening and mark him out as a bad example.

If we consider that these characters present a mix of virtues and vices, rather than an unmitigated negative depiction, their rhetorical utility becomes clearer. Rather than making a polarizing statement about tyranny, recourse to a hyperachiever emphasizes the importance of moderation, balance and *concordia*. These were concerns for Livy and Cicero (at least in the 50s, when the latter's use of such figures is more pronounced). Moreover, instead of only being useful in situations where high levels of political power were at stake, hyperachievers can be used as *exempla* in all aspects of social behaviour. This can be seen in some of the Ciceronian uses, as well as in the work of Valerius Maximus cited above.[85]

Ingo Gildenhard has argued that Cicero does not fully engage with tyranny until the 40s, and that his main reference point is Sulla.[86] This strengthens my argument for Cicero's use of hyperachievers, since I suggest that their significance is not solely tyrannical. The same cannot be said of the historians Livy and Dionysius, whose work requires an earlier engagement with tyranny because of the Tarquins. Livy, however, depicts Tarquin as a full-blown Greek-style tyrant; the depiction goes further than even the tyrannical hyperachievers. Only Appius Claudius of those I have discussed seems to aim at tyranny. Dionysius uses more of the language of tyranny to describe these characters than does either Livy or Cicero. This is perhaps to be explained, at least in part, by language: for a Greek, these men approach *tyrannis*, and are therefore expected to behave in a manner befitting a tyrant. None the less, in his work, too, most hyperachievers err in Roman, rather than tyrannical, ways.

These stories are ambiguous; as I demonstrated above, Cassius' story can be viewed in both a positive and a negative light, and Coriolanus has both positive and negative aspects to his character. This polyvalence means that they can be employed in various

[82] Cornell (n. 81), 77.

[83] See also E. Noè, 'Ricerche su Dionigi d'Alicarnasso: la prima stasis a Roma e l'episodio di Coriolano', in E. Gabba (ed.), *Ricerche di storiografia greca di età romana* (Pisa, 1979), 21–116, at 114, who sees in Dionysius' Coriolanus an aspiring tyrant.

[84] Cornell (n. 81), 78.

[85] E.g. Cic. *Amic.* 28: Maelius is a hated man whom friends should refuse to help; Val. Max. 6.3.2 on severity.

[86] Gildenhard (n. 35), 223–5.

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contexts and helps maintain their significance over the course of the Republic. In our surviving versions, these tales all take place during the Conflict of the Orders; in this period, a stress on moderation and *concordia* makes narrative sense as well as adding didactic value.

7. CONCLUSION

Much has been made of Cicero's alleged invention (or even use) of the *affectator* paradigm. In this model, Cicero arranges the trio of Sp. Cassius, Sp. Maelius and M. Manlius Capitolinus into a crescendo of attempts to establish tyranny in the city of Rome. The three *affectatores* (a term that is not used before Quintilian) can be neatly characterized by a number of metrics, all relevant to the social reformists of the second and early first centuries B.C.E. and suggesting a late development of this particular historiographical trope. But the fact that Cicero references Maelius and Cassius far more frequently than Manlius supports my contention that he did not, in fact, invent the triad of *affectatores*. These figures were not connected as an independent trio by ancient writers; rather, the individual characters could be coupled with a variety of different figures to make the required point.

The link between Cassius, Maelius, Manlius and the other hyperachievers is that their seemingly good deeds are, in fact, bad; they transgress through too much rather than too little virtue, or in some way misdirect their good behaviours. This does connect them with the historical example of the Gracchi, who (again according to Cicero) misused their talents to the detriment of Rome.[87]

The hyperachievers offer an important moral lesson about the boundaries of acceptable conduct. Roman elite activity could potentially approach a danger zone of tyrannical, demagogic or divine behaviour. This threat was kept in check by self-monitoring among the most powerful men in the city, to the degree that it was checked at all. Attempts to excel, even when the initial impulse was positive, could be perceived as overstepping the boundaries of acceptable behaviour and had to be quashed. The hyperachievers, as examples, teach the need to maintain an even keel.

These stories became increasingly important in the 50s. This is to some degree a reflection of Cicero's comparison of himself with Ahala, coupled with our heavy dependence on Ciceronian works for this period. But Cicero, too, may have been responding to an increasing interest in such transgressive behaviour at that time. If so, it is interesting – although it cannot be conclusively proved – that the rising interest is coincident with the pact between Caesar, Pompey and Crassus, and the failure on the part of contemporary elites to exercise their restraining function until this pact was a fait accompli.

York University JACLYN NEEL
jneel@yorku.ca

[87] Cic. *De or*. 1.38.

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