Valerius Maximus on *Moderatio*:

A Commentary on *Facta et Dicta Memorabilia* 4.1

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Abstract

This thesis is a commentary on the first chapter of Book 4 of Valerius Maximus’ *Facta et dicta memorabilia*. Written during the reign of Tiberius, Valerius’ work is the only extant Latin collection of *exempla*, thematically arranged anecdotes illustrating virtues, vices, and other forms of noteworthy behaviour central to Roman ethical thought. In chapter 4.1 of his extensive collection, Valerius confronts his readers with a series of different examples of *moderatio*, moderation in regard to authority and self-importance. As this chapter so far has attracted fairly little scholarly attention, the thesis represents the first ever commentary on Valerius’ discussion of this virtue, which played such an important role in the ethical discourse of the developing early Roman Principate and especially in the ideology of the reign of Tiberius. The thesis is divided into two major parts: an introduction, structured into several sub-chapters, and the actual commentary on the text itself.

The introduction begins with a brief overview of Valerius’ biographical background and the socio-cultural circumstances of his literary activity during the reign of Tiberius. This is followed by an examination of the nature of and motivation behind the *Facta et dicta memorabilia*, with the discussion focussing specifically on the practical purpose of an *exempla* collection. Turning to chapter 4.1, the next section seeks to locate Valerius’ discussion of *moderatio* within the wider context of his work and to assess the chapter’s internal structure. The introduction concludes with an attempt to define the virtue of *moderatio* as understood by Valerius and to scrutinise its social and political ramifications during the early Principate.

The commentary section, following Valerius’ subdivision of chapter 4.1 into fifteen Roman and nine external exemplars of *moderatio*, ranges over historical, philological, philosophical, and literary matters, all arising from a close reading of the text itself and reflecting the multifaceted nature of V’s work. The commentary primarily is concerned with the clarification of the (myth-)historical realia of the individual
exemplary anecdotes collated by V. in chapter 4.1, but it also aims to assess the degree to which Valerius modifies the often well-known anecdotes for his own literary and moral purposes. Where possible, the effect which the exempla would have had on Valerius' readership in Tiberian Rome is discussed as well.

As this thesis demonstrates, Valerius’ exempla moderationis offer the critical reader an insight into Roman codes of conduct and comment on the consequences of the excessive display of power. As a result, they are a vital source for a better understanding of the reciprocal relationship between the powerful and their subjects in early imperial times.
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Finally, I wish to thank my family for their unwavering support and encouragement over the last few years. Without their backing, this project would have been so much harder to complete. I am deeply grateful to my wife, Rebecca, for her ongoing love and companionship during this exciting academic journey and to my son, Alexander, for his cheerful patience while I was busy finishing my work. I dedicate this thesis to the memory of my father, Dr. Dieter Westphal, whose passion for learning was truly inspirational.

Heiko Westphal
Perth, Western Australia
August 2018
Contents

Abbreviations .............................................. 11

Introduction .............................................. 13

Preface ..................................................... 13

Valerius Maximus: Biography and Context .......... 16

The Purpose of a Collection of Exempla .......... 23

Chapter 4.1 and Its Place within the Facta et Dicta Memorabilia .......... 37

Valerius Maximus on Moderatio .................... 41

Commentary ............................................. 57

Bibliography ............................................ 251
Abbreviations

Abbreviations of Latin authors and works generally follow those used in the fourth edition of the *Oxford Classical Dictionary*. Greek authors and works are abbreviated in accordance with the ninth edition of Liddell and Scott’s *A Greek-English Lexicon*. Names of journals and other periodicals are abbreviated as in *L’Année philologique*. For the text of the *Facta et dicta memorabilia*, this commentary relies on Briscoe’s Teubner edition (1998). Any deviations from Briscoe’s text are indicated in the commentary. Abbreviations of older editions and works of textual criticism follow those used in Briscoe’s *apparatus criticus*.

The oldest manuscripts of the *Facta et dicta memorabilia* are abbreviated as follows:

- **A**: Bern, Bürgerbibliothek 366 (9th cent.)
- **L**: Florence, Laur. Ashburnham 1899 (9th cent.)
- **G**: Brussels, Bibliothèque Royale 5336 (11th cent.)

Further abbreviations are listed below:

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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td><strong>AE</strong></td>
<td>R. Cagnat et al. (eds.), <em>L’Année épigraphique</em> (Paris, 1888-).</td>
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<td><strong>ANRW</strong></td>
<td>H. Temporini and W. Haase (eds.), <em>Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung</em> (Berlin, 1972-).</td>
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<tr>
<td><strong>BMC</strong></td>
<td><em>British Museum Catalogue of Coins of the Roman Empire</em> (London, 1923-).</td>
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<td><strong>CIL</strong></td>
<td><em>Corpus Inscriptionum Latinarum</em> (Berlin, 1863-).</td>
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<tr>
<td><strong>FGrHist</strong></td>
<td>F. Jacoby et al. (eds.), <em>Die Fragmente der griechischen Historiker</em> (Berlin, 1923-).</td>
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<td>Abbreviation</td>
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<tr>
<td>SEG</td>
<td><em>Supplementum Epigraphicum Graecum</em> (Leiden, 1923-).</td>
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<tr>
<td>TLL</td>
<td><em>Thesaurus Linguae Latinae</em> (Leipzig, 1900-).</td>
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Introduction

Preface

This commentary discusses the first chapter of book 4 of Valerius Maximus’ *Facta et dicta memorabilia*. Written during the reign of Tiberius (14-37 CE), V.’s work is the only extant Latin collection of *exempla*, thematically arranged anecdotes illustrating virtues, vices, and other forms of noteworthy behaviour central to Roman ethical thought. In chapter 4.1 of his extensive collection, V. confronts his readers with a series of different examples of *moderatio*, moderation in regard to authority and self-importance. Despite the fact that this virtue played an important role in the ethical discourse of the early Roman Principate, and especially in the ideology of the reign of Tiberius, V.’s discussion of *moderatio* so far has attracted fairly little scholarly attention. The present study thus represents the first ever commentary produced on this particular part of V.’s work. This circumstance is not to be underestimated, as chapter 4.1 of the *Facta et dicta memorabilia* provides the most comprehensive discussion of the virtue of *moderatio* in any extant ancient source. The exemplary material collected by V. therefore can provide the modern reader with important information as to what exactly was perceived as *moderatio* and in what kinds of situations this virtue could manifest itself. For the purpose of making V.’s discussion of the virtue of *moderatio* more accessible to a modern audience, the medium of a commentary has been chosen, as this format offers the chance to examine V.’s text in the greatest possible detail and to observe V.’s development of thought by relating the part to the whole.

One of the greatest challenges any modern commentator faces, however, is to determine what his imagined readership would like to find addressed in the commentary on a specific ancient work. Thus, as Ash has correctly pointed out, ‘[a] commentator’s criteria for selecting and presenting information should ideally reflect

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1 The only other modern commentaries ever produced on any parts of V.’s work are Wardle 1998 (on book 1); Themann-Steinke 2008 (on book 2); Murray 2016 (on V.’s discussion of the vices in book 9).
what will most enhance the imagined readership's experience of reading a particular text. In the case of chapter 4.1 of V's *Facta et dicta memorabilia*, readers are most likely to encounter issues with (a) the historical content of the anecdotes, (b) textual problems, and (c) the positioning of *moderatio* within the broader intellectual context of the early Roman Principate. Given the exemplary nature of the *Facta et dicta memorabilia* as well as its remarkably diverse range of historical anecdotes, it does not seem unreasonable to assume that a significant part of V's modern readers might not be familiar with the historical and cultural details of all of the individual *exempla*. After all, it is one of V's characteristics that he tends to refer to historical events only in brief, sometimes also confusing details, which means that the actual historical circumstances of his exemplary anecdotes may not always be clear to the modern reader. It is for this reason that the present commentary is, above all else, concerned with the clarification of the (myth-)historical realia of the exemplary anecdotes collated by V. in chapter 4.1. In other words, to make V's discussion of the virtue of *moderatio* more accessible to modern readers, this commentary seeks to offer explanations with regard to the historical backgrounds of the characters referred to by V. as well as to the particular circumstances of the exemplary deeds and sayings described. Textual uncertainties are addressed, and, where suitable, the details provided by V. are compared and contrasted with those available in other traditions, so that changes and omissions on V's part become clear. Furthermore, as it is often impossible to discuss V's presentation of his subject matter without simultaneously analysing his literary rationale, it seems expedient on occasion also to address issues which directly concern V's literary treatment of his material. This

3 In the case of chapter 4.1, the *exempla* discussed by V. range from the first beginning of the Roman Republic (P. Valerius Publicola: cf. Val. Max. 4.1.1) to its very end (M. Calpurnius Bibulus: cf. 4.1.15) and cover an area stretching from the city of Rome to the Seleucid Empire under Antiochus III (cf. 4.1.ext.9).
4 Particularly tricky cases are those *exempla* in which V. fails to provide enough detail to identify beyond any doubt the historical circumstances of the exemplary action, such as, e.g., in 4.1.5 or in 4.1.ext.5.
5 See, e.g., the commentary on the *exemplum* of the Seven Sages (4.1.ext.7), where several diverging literary traditions are considered.
6 Cf. Ash 2002: 274 (‘Some passages in any given ancient historical text will naturally lend themselves better to a “historical” approach (even for one writing a “literary” commentary), while other passages
includes matters such as his choice of words, the arrangement and focus of his narrative, his personal statements, and many other literary means employed by V. to steer his readers towards the desired conclusions. In several instances, this integrated approach, with its combined focus on historical and literary issues, allows for valuable conjectures regarding V.'s stance on the socio-ethical environment of his time and the effect which his exempla would have had on his readership in Tiberian Rome. In sum, through its close engagement with various aspects of V.'s text – the historical detail of his material, his handling of his literary models, and certain aspects of his style –, this commentary helps prepare the ground for future thematic studies into V. and his exempla.

The commentary as a whole is divided into two major parts: an introduction, structured into four sub-chapters, and the actual analysis of the text itself. The introduction begins with a brief overview of V.'s biographical background and the context of his literary activity during the reign of Tiberius. This is followed by an examination of the nature of and motivation behind the *Facta et dicta memorabilia*, with the discussion focussing specifically on the practical purpose of an exempla collection. Turning to chapter 4.1, the next section seeks to locate V.'s discussion of moderatio within the wider context of his work and to assess the chapter's internal structure. The introduction concludes with an attempt to define the virtue of moderatio as understood by V. and to scrutinise its social and political ramifications during the early Principate. The commentary section, following V.'s subdivision of chapter 4.1 into fifteen Roman and nine external exemplars of moderatio, ranges over historical, philological, philosophical, and literary matters, all arising from a close reading of the text itself and reflecting the multifaceted nature of V.'s work.

As users of this commentary will realise, V.'s exempla moderationis offer the reader an insight into Roman codes of conduct and comment on the consequences of the excessive display of power. As a result, they are a vital source for a better understanding of the reciprocal relationship between the powerful and their subjects in early imperial
times. V's work furthermore is a monument to antiquarian erudition and, as such, presents a glimpse into the historical vision of a writer of the early Julio-Claudian period.

Valerius Maximus: Biography and Context

Despite a number of ambitious attempts by modern scholars to shine light on Valerius Maximus' biographical background and to narrow down the potential time-frame of his writing, still very little is known about the author and his creative period. His name is attested in early manuscripts of his work, unfortunately, however, without praenomen. The praenomina Publius or Marcus, found in some manuscripts, appear to be interpolations, as they feature neither in the better manuscript nor in the epitomes.\(^7\) Also lacking historical validity is the vita first published in the 1494 Venice edition.\(^8\) Any biographical information about V. therefore needs to be gathered from the Facta et dicta memorabilia itself.

V. wrote during the reign of Tiberius, to whom his work is dedicated (1.\textit{praef.}; 2.\textit{praef.}; 5.5.3; 8.15.\textit{praef.}).\(^9\) He appears to have been married with children (cf. 5.5.\textit{praef.}: \textit{cara est uxor, dulces liberi}), and he also mentions a brother, with whom he shared the glory of his family's ancestral funeral masks (5.5.\textit{praef.}: \textit{parem ex maiorum imaginibus gloriam traxi}). Given the widely accepted custom that only curule aediles or higher ranking magistrates were honoured with \textit{imagines}, it seems possible that V. hailed from a

\(^7\) See RE 8A, 90; Skidmore 1996: 114.

\(^8\) For the text of the vita and a brief discussion, see Skidmore 1996: 113-14. As Murray 2016: 16 has most recently reiterated, almost all of the details presented in the vita can also be extracted from Valerius' work. See also RE 8A, 90; von Albrecht 2009: 852 n.1.

\(^9\) Although V. never actually refers to Tiberius by his proper name, there can be no doubt that the Caesar or princeps of whom he speaks is to be identified as Tiberius. Thus, in 2.9.6, V. describes the princeps as a descendant of Claudius Nero and Livius Salinator, clearly alluding to Tiberius' illustrious ancestry (cf. Suet. \textit{Tib.} 3.1; see also Themann-Steinke 2008: 511-2), and, in 5.5.3, he names Drusus as the princeps' brother (see also Bellemore 1989: 67). In a number of different exempla, Augustus is referred to as dead and deified (1.\textit{praef.}; 1.7.1; 1.7.2; 3.8.8; 4.3.3; 7.7.3; 7.7.4; 9.15.2), while ‘[t]here is no indisputable reference to events from Caligula's or later reigns and Tiberius is never spoken of as dead', as Wardle 1998: 2 has correctly pointed out. See also Carter 1975: 30.
politically ambitious family. Skidmore has argued that V. might have have been a member of the patrician Valerii Messallae, who had replaced their common cognomen 'Maximus' with 'Messalla' during the late third century BCE but had reintroduced it again in the triumviral or early imperial period. If this supposition is accepted, however, it appears rather odd that V. does not make any obvious attempt to further his family's reputation by explicitly highlighting his ancestors' accomplishments, as others, such as his contemporary Velleius Paterculus (cf. Vell. Pat. 2.16.2; 2.69.5; 2.76.1; 2.104.3), did. This absence of direct references to illustrious relatives has led Maslakov and Weileder to the conclusion that V. did not belong to the Roman nobility, which, as they claim, would have indulged in its passion for family history. About V.'s personal involvement in Roman politics nothing is known either, a circumstance which might indicate a non-senatorial status. His language and rhetorical style, nonetheless, seem to suggest a good education. The reference to his small means (4.4.11: parvulos census nostros) and the gratitude shown for his friend Sextus Pompeius' benevolentia (4.7. ext.2), on the other

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10 Thus also Skidmore 1996: 115 ('of senatorial, quite possibly patrician, extraction'); Themann-Steinke 2008: 16. See, however, Weileder 1998: 26 n. 123, who argues that 5.5. praef. is not autobiographical: '[I]ch fasse diese Passage als Ethopöie auf, d.h., Valerius versetzt sich in die Situation seiner Leser aus der gebildeten Schicht'. Similarly, Shackleton Bailey 2000, vol. 1: 1 claims that the 'reference in 5.5.praef. to imagines (family masks) belongs to an imaginary figure, not the author himself'. For discussion of the modern concept of ius imaginis, see Flower 1996: 53-9; Sehlmeyer 1999: 272-4.

11 Skidmore 1996: 115-16 claims that the tradition of reviving old family cognomina was particularly strong among the Valerii Messallae, giving M. Valerius Messalla Corvinus (cos. 31 BCE), Potitus Valerius Messalla (cos. suff. 29 BCE), and L. Valerius Messalla Volesus (cos. 5 CE) as examples, all of whom derived their names from famous fifth- or fourth-century Valerii. He also stresses the fact that the name of M. Aurelius Cotta Maximus Messalinus (cf. CIL 14, 2298) would have been Valerius Maximus before his adoption into the Aurelii Cottae, if he was the son of the aforementioned Corvinus and identical with both the Cotta Maximus in Ovid (Pont. 2.8.2; 3.2.1; 3.5.6) and the Cotta Messalinus in Tacitus (Ann. 2.32.1; 4.20.4; 5.3.2; 12.22.2), as Skidmore assumes. On this matter, see also Syme 1978: 117.


hand, could be seen as evidence that V. had to rely on the financial support of others to get by.\textsuperscript{15}

V's friend and benefactor Sextus Pompeius (cf. 2.6.8; 4.7.ext.2) generally has been identified with the consul of 14 CE.\textsuperscript{16} He is described as an eloquent and well-educated man, who, in light of the fact that also acted as a patron to Ovid, must have had a particular interest in literature.\textsuperscript{17} V. states that his studies flourished under Pompeius' 'leadership' (4.7.ext.2: \textit{qui studia nostra ductu et auspiciis suis lucidiora et alacriora reddidit}), which Themann-Steinke has seen as a reference to Pompeius' consulship.\textsuperscript{18} She stresses the fact that V. uses the expression \textit{ductu et auspiciis} three more times (cf. 3.2.ext.5; 3.7.1; 6.5.1), always indicating a magisterial function. However, while it is correct that the phrase \textit{ductu et auspicio} generally denotes a holder of supreme command, this does not necessarily imply that V. was alluding to Pompeius' consulate.\textsuperscript{19} It seems just as likely that V. was referring to his friend's proconsulate instead, an office which entailed the same \textit{imperium} and \textit{auspicia} as the consulate.\textsuperscript{20} This impression is further strengthened when one takes into account that Pompeius' journey to Asia via the Aegean island of Ceos, on which he was accompanied by V. (cf. 2.6.8), has been widely interpreted as the taking up of office as proconsular governor in the province, most likely in the mid-20s CE, given the common interval of about ten years between consulate

\textsuperscript{15} See also \textit{RE} 8A, 93; Carter 1975: 30-1; Skidmore 1996: 114-15, 117; Wardle 1998: 1; Shackleton Bailey 2000, vol. 1: 1; Weiéder 2008: 27; Themann-Steinke 2008: 16-17; von Albrecht 2009: 852. There is, however, no reason to assume that V's dependency was the result of absolute financial desperation, as suggested by some scholars (cf., e.g., \textit{RE} 8A, 90 (‘in dürftigen Verhältnissen’); Shackleton Bailey 2000, vol. 1: 1 (‘a dweller in some Roman Grub Street’)).

\textsuperscript{16} See, e.g., \textit{RE} 8A, 90; Briscoe 1993: 399-400; Skidmore 1996: 114; Shackleton Bailey 2000, vol. 1: 1. Cf., however, Bellemore 1989: 76, who, following Carter 1975: 31-2, claims that V. would have been ‘one of the most ungrateful clientes of all times,’ since ‘he fails to mention any of the honores won by this supposed consul’ and ‘neglects the fact that Sextus Pompeius was a distant relative of Augustus’. Similarly sceptical is Wardle 1998: 1.

\textsuperscript{17} For Sextus Pompeius as a patron of Ovid, see Ov. \textit{Pont}. 4.1; 4.4, 4.5; 4.15; Syme 1978: 156-7.

\textsuperscript{18} Themann-Steinke 2008: 27.


\textsuperscript{20} Mommsen, \textit{StR} 1, 91-2 explains: ‘Den jedesmaligen Trägern der vollen Beamtenverwaltung oder des Imperium kommen \textit{auspicia maxima} zu. Es sind dies selbstverständlich der König, der Zwischenkönig, der Consul, der Prätor, der Dictator und jeder Beamte consularischer und prätorischer Gewalt, ohne Unterschied ob er als Magistrat oder \textit{pro magistrature} fungiert, ob er zu den verfassungsmäßigen Jahresbeamten gehört oder als Kriegstribun oder sonst wie \textit{consulari imperio} bestellt ist.’ See also Lintott 1999: 95-6.
and proconsulate in early Tiberius times. Admittedly, V. never actually mentions the reason for their journey into the East. However, his exempla 2.6.8 and 4.7.ext.2 both portray Pompeius as 'a man of exceptional eminence', justifying the assumption that he would have been a legitimate candidate for the respectable position of proconsul in Asia. So, if V's assertion that his studies flourished under Pompeius' leadership is to be believed, it could well have been during his friend's proconsulship in Asia. It is unclear when or how Pompeius died, but the reference to his death in 4.7.ext.2 suggests a terminus post quem in the mid to late 20s CE, if these years are accepted as the time-frame for his proconsulship.

Another passage which has often been employed in the attempt to ascertain the date of composition of the Facta et dicta memorabilia is 6.1.praef., where V. addresses personified Chastity and praises her constant watch over 'the marriage bed of Julia' (sanctissimumque Iuliae genialem torum adsidua statione celebras). Some have believed this remark to be a reference to Augustus' daughter, whom Tiberius was forced to marry in 11 BCE. This interpretation appears odd, however, given the fact that Julia the Elder was exiled in 2 BCE on the grounds of adultery (cf. Vell. Pat. 2.100.2-5; Sen. Ben. 6.32.1-2;
Plin. *HN* 7.149; Tac. *Ann.* 3.24.2; Suet. *Aug.* 65.1; Dio Cass. 55.10.12. It seems more likely that the passage was intended as a reference to Augustus' widow Livia, who, in accordance with the late *princeps’* will, had been adopted into the Julian family as Iulia Augusta (cf. Tac. *Ann.* 1.8.1; Suet. *Aug.* 101.2; Dio Cass. 56.46.1) and who was widely praised as a paragon of Roman chastity. Since she appears still to be alive in this passage, as can be assumed from the present tense and the *adsidua statione*, book 6 may have been written before 29 CE, the year of her death. Wardle, however, has argued in favour of the reading *Iuliae gentis genialem torum* ('the marriage bed of the Julian family'), first suggested by Pighius, which would not restrict the reference to Livia but include other Julio-Claudian examples of chastity, such as Agrippina (prior to her disgrace in the late 20s CE) or Livilla (before 31 CE).

Also of importance is V.’s passionate attack against the unnamed usurper in 9.11.*ext*.4. While the traditional view has identified the conspirator as L. Aelius Seianus, Tiberius' highly influential praetorian prefect who was executed in 31 CE, Bellemore and Themann-Steinke have interpreted this passage as an invective against M. Scribonius Libo Drusus, the alleged conspirator of 16 CE. Although it is impossible to gain absolute certainty, the internal evidence seems to support the traditional view. Thus V. twice condemns the betrayal of friendship (9.11.*ext*.4: *amicitia fide extinta*; ibid.: *violatis amicitiae foederibus*). As Wardle has pointed out, the Senate had honoured the friendship between Tiberius and Seianus in 28 CE with the erection of an altar flanked by statues of both men (cf. Tac. *Ann.* 4.72.2), a circumstance which could be seen as an

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26 See also Briscoe 1993: 400, who convincingly argues: 'Valerius cannot have praised Pudicitia for something she had so conspicuously failed to do.'
27 On Livia’s name following her adoption, see also Barrett 2002: 307–8. V.’s use of *Iulia* rather than *Iulia Augusta* might be explained with his reference to the *Augusti penates* in the same passage (cf. 6.1*praef.*: *Augustos penates sanctissimumque Iulieae genialem torum*). For Livia’s reputation as a woman of virtue and chastity, see Dennison 2010: 180–7.
29 Wardle 1998: 2–3. Langlands 2006: 40 avoids addressing the issue by reading *sanctissimumque Iulieae genialem torum*, while translating ‘and the most sacred Julian marriage bed’.
argument in favour of a later dating. The observation that the conspirator was erased 
*omni cum stirpe sua* (Val. Max. 9.11.ext.4) also seems to point at Seianus, whose children 
were put to death (cf. Tac. *Ann.* 5.9.1-2; Dio Cass. 58.11.5; see also *Fasti Ostienses* for 
31 CE (=EJ 42)), with no such fate known for Libo’s family.31 In addition to that, Dio’s 
vivid description of Seianus’ violent death (58.11.5) seems to echo V.’s *populi Romani 
viribus obtiritus* (9.11.ext.4). Libo, by contrast, committed suicide, with Tiberius 
afterwards declaring that he would have vetoed any potential death penalty (cf. Tac. *Ann.* 
2.31.1-3). It is, therefore, unlikely that V. would have chosen his wording in reference to 
the latter event. Since the evidence in favour of the traditional view (identifying Seianus 
as the usurper attacked by V. in 9.11.ext.4) clearly outbalances the arguments brought 
forward in support of the interpretation suggested by Bellemore and Themann-Steinke, 
it seems safe to assume that the passage was written some time after Seianus’ downfall in 
31 CE.32

All other contributions to the debate concerning the date of the *Facta et dicta 
memorabilia* must be considered as too suppositious to be of great use. Bellemore’s claim, 
for example, that V. was reluctant to elaborate further on the degraded life of Hortensius 
Corbio (3.5.4-3.6.praef.) because he wanted to avoid any reference to Corbio’s alleged 
brother, Hortensius Hortalus, is far from convincing.33 In 16 CE, Hortalus had appeared 
before Tiberius and the Senate to demand financial support for his family, claiming that 
he had been forced by Augustus to produce children. Tiberius first rejected the

31 See Briscoe 1993: 401-2.
32 Cf. also Weleder 1998: 61-2, who sees similarities between Cicero’s treatment of Catilina and V’s 
attack on Seianus. Bellemore’s hypothesis (1989: 79) that, stating *sidera suum vigorem obtinuerunt* 
(9.11.ext.4), V. might have been referring to Libo’s tendency to consult astrologers (cf. Tac. *Ann.* 
2.27.2), does not convince. A reference to Tiberius’ deified ancestors (cf. Val. Max. 1. praef.; 3.2.19), as 
suggested by Wardle 1998: 4, appears to be a more reasonable explanation. Also controversial is the 
argument presented by Themann-Steinke 2008: 19-20 (elaborating on Bellemore 1989: 77-9) that the 
word *parricidium* can only allude to Libo here, given the facts that the preceding anecdotes all depict 
the killing of close relatives and that he was actually related to Tiberius (cf. Tac. *Ann.* 2.27, who 
mentions that Libo’s great-aunt was Scribonia, the second wife of Augustus). However, not only can 
*parricidium* also refer to the ruler in his position as patriae paren (cf. Val. Max. 6.4.5), as Themann-
Steinke herself admits (19-20), but even V’s contemporary Seneca the Elder calls the companions of 
Seianus *parricides* (cf. Contr. 9.4.21).
audacious plea but then gave in under the pressure of the Senate (cf. Tac. Ann. 2.37.1-38.5; Suet. Tib. 47). Bellemore sees V's hesitation to expand on Corbio as an argument for a publication shortly after this embarrassing episode. However, V's obvious unease could also simply be explained with his unwillingness to examine Corbio's sexual practices in detail, as Briscoe has rightly pointed out. Themann-Steinke stresses the fact that V. speaks of a dangerous path (3.6.praef.: periculosum iter) that he is heading down, which she interprets as further evidence for Bellemore's hypothesis. Again, however, there might be a different explanation for V's caution. Focussing on individuals who degenerated despite their illustrious origins, V. progresses chronologically from the Scipiones (3.5.1) to Hortensius Corbio, the grandson of the famed orator (3.5.4). Had he decided to continue his account with examples from the triumviral and early imperial periods, it is not unlikely that V's exempla soon would also have compromised relatives of members of the imperial household. He therefore may prudently have chosen to avoid such a sensitive subject by moving on to a new topic (cf. 3.6.praef.: itaque me ipse revocabo, ne si reliqua eiusdem generis naufragia consectari perseveravero, aliqua inutili relatione impiaceret). All evidence considered, V. appears to have written much of his Facta et dicta memorabilia during the late 20s CE. As argued above, exemplum 2.6.8, most likely referring to Pompeius' proconsulate in Asia, hints at a date after the mid-20s CE, the remark about his death in 4.7.ext.2 to a date a few years later. If 6.1.praef. is to be understood as a reference to Livia, this would suggest a terminus ante quem of 29 CE for book 6, and the invective against Seianus in 9.11.ext.4 cannot have been written before 31 CE. All this seems to indicate that V. lived and worked at approximately the same time.

34 Briscoe 1993: 402; see also Wardle 1998: 5.
36 Worth some consideration is also Gowers' suggestion (2010: 446-9) to read V's 'abrupt switch of direction' as a deliberate attempt to 'restage' an Augustan damnatio memoriae of Sextus Pompeius, the son of Pompey the Great.
37 The violent riots during the theatre plays mentioned in 2.4.1 may, as Jory 1981: 152 has pointed out, recall the clashes in 23 CE, after which Tiberius banned all pantomime artists from Italy (cf. Tac. Ann. 4.14.3). Bellemore 1989: 75 and Themann-Steinke 2008: 22-3, however, believe this passage to be a reference to the violence of 15 CE (cf. Tac. Ann. 1.77.1). The additional four pieces of potential evidence listed by Wardle 1998: 5 are too speculative to be discussed here.

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as the Tiberian historian Velleius Paterculus, the publication of whose work can be dated to 30 CE.\textsuperscript{38}

The Purpose of a Collection of Exempla

What good is a collection of retold anecdotes that portray allegedly ‘memorable’ deeds and sayings by a number of well-known individuals? Every modern reader of the \textit{Facta et dicta memorabilia} will almost certainly at some point come to ponder over this very question. V’s work is the only extant systematic collection of Latin \textit{exempla}, concise narrative accounts of past deeds and sayings by illustrious figures of Roman public life, but also by representatives of foreign nations.\textsuperscript{39} The \textit{exempla} are mostly, but not always, taken from the works of renowned authors, such as Cicero or Livy, and arranged thematically, according to the virtues, vices, and specific forms of behaviour they are thought to illustrate.\textsuperscript{40} However, what purpose could this extensive collection, consisting of some thousand anecdotes and stretching over nine books, have served?

External evidence which could provide the modern reader with clues as to how V’s work was used, or at least intended to be used, is scarce. Although traces exist of compilations with similar titles and subject matters, such as, for instance, the \textit{exempla}\textsuperscript{38} Contra Bellemore 1989: 80 (‘more of an Augustan author than a Tiberian one’) and Combès 2003, vol. 1: 10, who (developing on Carter 1975: 33) argues that the \textit{Facta et dicta memorabilia} was mainly written during the reign of Augustus and published before V’s journey to the province of Asia with Sextus Pompeius. On the date of Velleius Paterculus’ work, see Sumner 1970: 284-8; Woodman 1975: 276.

\textsuperscript{39} For an ancient definition of the (rhetorical) term \textit{exemplum}, see Rhet. Her. 4.62: \textit{exemplum est alicuius facti aut dicti praeteriti cum certi auctoris nomine propositio}. A concise modern definition of the ancient \textit{exemplum} has been provided by M.B. Roller 2015: 81 (‘a narrative of or reference to an action that has been performed by a social actor before the eyes of members of his or her community, that has been judged by that audience of spectators to be notably “good” or “bad” in terms of one or more of the values or beliefs that the audience and actor share, and that has subsequently been monumentalized as a noteworthy “deed” (or misdeed) carrying normative force’). On the cultural significance of \textit{exempla} in the Roman context, see, most comprehensively, M.B. Roller 2018. See further Hökseskamp 1996 and 2003; M.B. Roller 2004 and 2009; Lushkov 2015: 9-17.

\textsuperscript{40} On V’s sources, which seem to include at least Livy, Cicero, Varro, and Pompeius Trogus, see Maslakov 1984: 457-84; Bloomer 1992: 59-146; Wardle 1998: 15-18; Murray 2016: 36 n.89. The organisation \textit{per species} is something V. has in common with many of the later \textit{florilegia}.
collections attributed to Cornelius Nepos (cf. Gell. 6.18.11) and Iulius Hyginus (cf. Gell. 10.18.7), almost nothing can be said about their structure or purpose.\footnote{On Nepos’ \textit{Exempla}, see Rawson 1985: 152-3 (‘The were presumably a collection of anecdotes from perhaps both Greek and Roman history exemplifying virtues and vices (like that later compiled by Valerius Maximus)’); Geiger 1985: 72-77; Stem 2012: 83-95 (‘A connection between Nepos’ \textit{Exempla} and Valerius’ work seems inescapable, but our lack of evidence causes it to be indistinct.’ (84)); \textit{FRHist} 1, 396-8; on Hyginus’ \textit{Exempla}, see \textit{FRHist} 1, 480-1 (‘Valerius Maximus’ \textit{Facta et dicta memorabilia} may give us an extant example of the genre.’ (480)). Skidmore 1996: 31-50 provides an overview of similar compilations of sayings and anecdotes. See also Morgan 2007: 122-59.} Pliny the Elder names V. amongst his sources for books 7 and 33 of the \textit{Naturalis Historia}, while Aulus Gellius relies on his authority in the twelfth book of his \textit{Noctes Atticae} (12.7); neither of them, however, further specifies the genre or intention of V’s work.\footnote{The fact that both Pliny and Gellius were able to refer to V’s work does, however, suggest that the \textit{Facta et dicta memorabilia} was fairly well known in the first and second centuries CE.} The two epitomes from the fourth and fifth centuries, which abridge the text, claiming to make its material more easily available to jurists and orators, represent a different genre themselves and can hardly be seen as conclusive evidence of V’s literary intentions during the early Principate.\footnote{Thus also Wardle 1998: 12. The texts of the two epitomes (by the otherwise unknown Iulius Paris and Ianuarius Nepotianus) can be found in volume 2 of Briscoe’s Teubner edition of V’s work.} Through the Middle Ages and the Renaissance, the \textit{Facta et dicta memorabilia} was widely read for educational purposes, with the intent to turn students into both good orators and good men.\footnote{See Crab 2014: 9-11.} Again, however, it would be dangerous to automatically assume that the humanists’ understanding of the value of V’s \textit{exempla} was exactly the same as that of V’s readership during the 20s and 30s CE. The only conclusive evidence that could enable us to better understand V’s literary motivation, the purpose of his work, and his potential readership must, therefore, come from within the work itself.

The most obvious platform for V. to explain his literary rationale is, of course, the introduction to his work. There, in the attempt to outline both content and method of work, V. describes his undertaking as follows: ‘I have determined to select from famous authors and arrange the deeds and sayings worthy of memorial of the Roman City and external nations’ (Val. Max. 1.\textit{praef.}: \textit{urbis Romae exterarumque gentium facta simul ac dicta memoratu digna … ab inlustribus electa auctoribus digere constitui}; transl. Shackleton Bailey). As Guerrini has pointed out, this introductory phrase appears to
imitate a passage in the fourth chapter of Sallust’s *De coniuratione Catilinae*. In that passage, the Sallust declares his intention to discuss only selected episodes of Roman history, as long as they are worthy of memorial: *statui res gestas populi Romani carptim ut quaeque memoria digna videantur perscribere* (Cat. 4.2). While, at first glance, the two passages seem to indicate a similarity in material and methodology, closer analysis suggests that V’s project differs significantly from that of Sallust. Not only does V include external material (*exterarum gentium facta ac dicta*) in his work, thus widening the scope of his undertaking considerably, but, even more importantly, where the historian Sallust describes his literary method as *perscribere*, which is perhaps best understood as ‘to write a full and detailed account’ (often with a certain forward movement), V. defines his methodology as ‘selecting’, as the participle *electa* suggests, and ‘arranging’, *digerere*. While Sallust’s effort appears to revolve around a detailed and logically sequenced discussion of *res gestae*, or ‘things as they were done’, V’s focus lies predominantly on a concise and systematic presentation of a large corpus of heterogeneous deeds and sayings.

The impression that V. does not consider himself to be a writer of historiography is further enhanced by another passage in his *praefatio*. There, V. explains:

‘I have not been seized by a desire to encompass everything. For who could cover the deeds of every age in a modest number of volumes? Or who in his right mind could hope to pass on the sequence of domestic and foreign history, recorded in fine style by our predecessors, with either more scrupulous accuracy or more distinguished eloquence?’ (transl. Wardle)

(Val. Max. 1.praef.: *nec mihi cuncta complectendi cupiditas: quis enim omnis aevi gesta modico voluminum numero comprehenderit, aut quis compos mentis domesticae peregrinaeque*

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46 For *perscribere*, cf. TLL 10.1.1670.76 (*notione originaria fere i. q. plene vel accurate scribere*); OLD s.v. 1a (*to write out in full*); for *eligere*, cf. TLL 5.2.377.3 (*i. q. aliquem vel aliquid ex pluribus exquirere*); OLD s.v. 2 (*to select*); for *digerere*, cf. TLL 5.1.1119.45 (*i. q. scribendo ordinar*); OLD s.v. 4b (*to arrange*). See also Bloomer 1992: 108 (*Perscribere, which can hardly apply to his collection book, he ... replaced with *digerere*.*). As V. himself makes clear, his selection is ruled by the question of whether a deed or saying is ‘worthy of memorial’ (*cf. facta simul ac dicta memoratu digna*), i.e. whether it is in some form significant to the wider community (cf. Liv. 9.46.8: *haud memorabilem rem per se, nisi documentum sit adversus superbiam nobilium plebeiæ libertatis, referam*).
In the first part of this passage, V. states the practical impossibility of compiling the deeds and achievements of all mankind in just a few volumes, thereby, most likely, mocking Cornelius Nepos, whom Catullus had famously praised for writing a history of the world in only three books (cf. Cat. 1.5-7: *iam tum cum ausus es unus Italorum | omne aevum tribus explicare cartis | doctis Iuppiter et laboriosis*). In any case, faced with the decision whether to write an all-encompassing opus or whether to provide a representative selection of exempla in a ‘modest number of volumes’ (*modico voluminum numero*), V. clearly prefers the second option. It is, therefore, hardly surprising that, in the second part of the passage under discussion, V. also distances himself from all those authors before him who had decided to document the *historiae series*, the ‘sequence of history’, with accuracy (*cura*) and literary zeal (*facundia*). The most obvious candidates to whom V. might be referring here are Livy, whose style is characterised by Quintilian as *lactea ubertas*, ‘milky richness’ (*Inst. or. 13.1.32*), as well as the Augustan universal historians, Dionysius of Halicarnassus and Diodorus Siculus. However, if it is not historiography that V. intends to write, what else is the motivation behind his literary activity?

In his *praefatio*, V. himself explains that he seeks to make it easier for his readers to get quick access to *documenta* (cf. 1.*praef.: ut documenta sumere volentibus longae inquisitionis labor absit*), a term which denotes exemplary material, generally, however, with a didactic perspective. This didactic potential of exemplary *documenta* taken from

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47 See also Bloomer 1992: 16, who contemplates the possibility that V. is referring to his contemporary Velleius Paterculus, the author of ‘a universal history in two books’. This, however, would presuppose that V. was aware of Velleius’ literary undertaking.

48 Thus also Bloomer 1992: 16. While Livy, Dionysius, and Diodorus seem to be the most likely candidates, V. may, of course, also have been referring to other historians from the Augustan and Tiberian periods, such as, e.g., the antiquarian and annalist Fenestella or the the annalist Aufidius Bassus.

49 See *TLL 5.1.1804.20–1*, where the term *documentum* is interpreted as *‘exemplum quod docet’*. Cf. Liv. 25.33.6: *exemplaque haec vere pro documentis habenda*. The didactic potential of *documenta* is apparent throughout the *Facta et dicta memorabilia* (cf. 2.7.11: *rebelles itaque manus a corporibus suis distractae inque cruentato solo sparsae ceteris ne idem committere auderent documento fuerunt*; 8.1.absol.3: *documentum daretur neque secundarum rerum proventu insolenter abuti neque adversis*.
history is, for instance, also highlighted in the *praefatio* of Livy’s *Ab urbe condita*, where the historian states that it is particularly beneficial and fruitful to contemplate the ‘exemplary lessons’ provided by history (cf. Liv. *praef*.10: *hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in industriis posita monumento intueri*). It seems safe to assume, therefore, that V’s collection of *exempla* appears to have been composed with the underlying intention of providing its readers with quickly accessible didactic material. This is necessary because, as V. complains, in the works of other authors, the deeds and sayings he has collected are far too widely scattered to be learned from effectively (cf. 1.*praef*.: *quae apud alios latius diffusa sunt quam ut breviter cognosci*). V. thus not only highlights the fact that his work has a didactic purpose, he also makes it clear that it is his intention to provide otherwise widely scattered material in a pragmatic and easily accessible form.

In light of these findings, it does not seem unreasonable to claim that the *Facta et dicta memorabilia*, and perhaps the *exempla* ‘genre’ as a whole, may best be classified as one specific representative of the extremely broad and highly elusive literary category of Roman ‘scholarship’. At this point, however, a word of warning is in order. As Kaster has correctly pointed out, ‘the works we take to constitute Roman scholarship we take that way because, however contested the entity’s essential traits may be, we have “scholarship” as a cultural category ready at hand to provide the label.’ The Romans, on the other hand, had no such label. Scholarship thus ‘could appear just about anywhere, [and] in many guises.’ V., in his address to his late friend and patron Sextus Pompeius, labels his own work *studia*, a term which is occasionally used in reference to works which could, according to the modern understanding of the term, represent ‘scholarship’.

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50 On exemplarity in Livy, see esp. Chaplin 2000.
51 For *quam ut breviter cognosci*, cf. also the translations provided by Wardle (‘to be mastered in a short time’) and Shackleton Bailey (‘to be briefly discovered’).
52 Kaster 2010: 492.
53 Kaster 2010: 492.
54 Val. Max. 4.7.*ext*.2: *qui studia nostra ductu et auspiciis suis lucidiora et alacriora reddidit*. On *studia* as one of several terms signifying the modern ‘scholarship’, cf. Kaster 2010: 492.
question which arises, however, is how this vast and extremely diverse literary category may best be defined. Kaster suggests classifying as scholarship all ‘writings meant to preserve or elucidate cultural memory in a non-narrative, non-mimetic form, with a commitment to the truth.’\textsuperscript{55} As he himself admits, however, this definition is, in his own words, ‘rough around the edges.’\textsuperscript{56} And indeed, in particular the second part of Kaster’s definition (‘in a non-narrative … form, … with a commitment to the truth’) appears to be problematic when ancient scholarship is examined from a modern perspective. In order to define ‘scholarship’ in the Valerian sense, it might, therefore, be worth re-establishing its particular characteristics.

One of the most important aspects of V’s work is, as has already been mentioned, his methodology of selecting and arranging. That preparing excerpts from the works of other authors was essential in the work of an ancient scholar can, for example, be gleaned from the letters of Pliny the Younger. Pliny reports that his uncle, the author of the encyclopedic \textit{Naturalis Historia}, ‘read nothing that he did not excerpt from, and he even used to say there was no book so bad that he could not profit from some part of it’ (\textit{Ep.} 3.5.10: \textit{nihil enim legit quod non excerperet; dicere enim solebat nullum esse librum tam malum ut non aliqua parte prodesset}; transl. Howley). The larger the archives of excerpts grew, the better the filing system needed to be, as a longer passage from Aulus Gellius’ miscellaneous collection \textit{Noctes Atticae} suggests:

\begin{quote}
‘For whenever I had taken in hand any Greek or Latin book, or had heard anything worth remembering, I used to jot down whatever took my fancy, of any and every kind, without any definite plan or order; and such notes I would lay away as an aid to my memory, like a kind of literary storehouse, so that when the need arose of a word or a subject which I chanced for the moment to have forgotten, and the books from which I had taken it were not at hand, I could readily find and produce it.’ (transl. Rolfe)
\end{quote}

(Gell. \textit{praef.2}: \textit{nam proinde ut librum quemque in manus ceperam seu Graecum seu Latinum vel quid memoratu dignum audieram, ita quae libitum erat, cuius generis cumque erant, indistincte atque promise annotabam caque mihi ad subsidium memoriae quasi quoddam litterarum penus recondembam, ut quando usus venisset aut rei aut verbi, cuitus me repens forte

\textsuperscript{55} Kaster 2010: 492.
\textsuperscript{56} Kaster 2010: 493.
Gellius speaks of the *litterarum penus*, the 'literary storehouse', which, if kept in order, was accessible to him whenever necessary. However, if an individual was not able to do his own research, or if the material in question was too complex or confusing (one might remember V.'s claim that his *exempla* were 'too widely scattered to be learned from effectively'), he could fall back on the notes of others. Personal excerpts, once they were arranged and edited, could be passed on to friends or acquaintances, both for easier access and a better understanding of the matter in question. Thus Seneca, in his *Epistulae Morales*, promises Lucilius: 'I shall indeed arrange for you, in careful order and narrow compass, the notes which you request.' (*Ep.* 39.1: *commentarios, quos desideras, diligenter ordinatos et in angustum coactos ego vero componam*; transl. Gummere). It appears to be within this context of providing easily accessible material for educational purposes that V.'s 'scholarship' can best be understood.

It may also be pointed out that the transition from scholarship to teaching and back was often fluid, with many 'scholars' running their own educational facilities. Thus,
in his *De grammaticis et rhetoribus*, Suetonius lists a number of cases where teachers composed scholarly texts or scholars opened their own private schools. One such scholar is, perhaps not coincidentally, C. Iulius Hyginus, a freedman of Augustus and himself the author of a now lost collection of *exempla*. According to Suetonius, Hyginus was in charge of the Palatine library but still had numerous pupils (*Gram. et rhet. 6: praefuit Palatinae bibliothecae, nec eo secius plurimos docuit*). While this does not necessarily mean that V. himself needs to be imagined as a teacher, his proclaimed intention to make the *facta ac dicta* collected by him more readily available and, at the same time, to provide *documenta*, material with didactic potential, appears to be very much in line with the cultural and educational environment of the late Republic and the early Principate.

The question which poses itself then is what was the didactic value of V.s *Facta et dicta memorabilia*. Who would have profited from V.s collection and in what situation? An answer might be found when one considers in which particular contexts *exempla* were employed. As a rhetorical tool, *exempla* were considered useful to clarify and support one’s own statements, to counter the claims of others, to arouse emotions, or simply to get the attention of one’s audience. Thus the *Rhetorica ad Herennium* explains that an *exemplum*

‘renders a thought more brilliant when used for no other purpose than beauty, clearer when throwing more light upon what was somewhat obscure, more plausible when giving the thought greater verisimilitude, and more vivid, when expressing everything so lucidly that the matter can, as one might almost say, be touched by the hand.’ (transl. Caplan)

(Rhet. *Her*. 4.62: *rem ornatiorem facit, cum nullius rei nisi dignitatis causa sumitur; apertiorem, cum id quod sit obscurius magis dilucidum reddit; probabiliorem, cum magis veri similem facit; ante oculos ponit, cum exprimit omnia perspicue, ut res prope dicam manu temptari possit*)59

Given the fact that *exempla* played such an important role in the life of orators, and thus in the lives of politicians, lawyers, and many other public figures, it does not come as a

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59 Cf. also Cic. *Orat.* 34.120: *commemoratio autem antiquitatis exemplorumque prolatio summa cum delectatione et auctoritatem orationi affert et fideum; Inv. rhet. 1.49: *rem auctoritate aut casu alcius hominis aut negoti confirmat aut infirmat*. On historical *exempla* in Roman oratory, see also Bücher 2006: 152-5; van der Blom 2010: 65-72; .
surprise that several modern scholars have argued that exempla collections, such as the *Facta et dicta memorabilia*, were primarily designed to serve as a repertory for rhetoricians. Not only, it has been suggested, would V's work have provided orators and declaimers with the material necessary to bolster their speeches, but the way in which he introduces and evaluates his exempla would also have served as a template of how to deal with exemplary anecdotes. Indeed, the temptation to place a collection like that composed by V. in the context of rhetorical education in Rome is great. Once a young, upper-class Roman had completed his elementary studies under the auspices of a grammaticus, he normally went on to study the art of public speaking with the help of a rhetor. As part of his rhetorical education, he had to go through a series of progymnasmata, training exercises, which were intended to improve and strengthen specific rhetorical skills. Thus, fairly early in the course, students were asked to retell, expand, or alter the narratives of fables, whose moralising messages would then be compared to actual historical situations. In other progymnasmata, the students had to amplify short anecdotes and sayings, turning the original material into short essays. More advanced exercises challenged the learners to praise or rebuke historical and mythological individuals for the actions or to perform speeches in character, so that the style of the speech was appropriate to the historical individual's status, time of life, and particular circumstances. Overall, there were about a dozen different tasks, for many of
which the material compiled by V. would have been a useful supplement.\textsuperscript{65} All of these \textit{progymnasmata}, however, ultimately culminated in the two declamatory exercises, the \textit{suasoriae} and \textit{controversiae}.\textsuperscript{66} In \textit{suasoriae}, the students had to deliberate, in character, how to proceed in very specific cases of moral conflict.\textsuperscript{67} In \textit{controversiae}, mock legal cases, students were required to argue for either the side of the accuser or that of the accused.\textsuperscript{68} \textit{Suasoriae} would have proved a challenge to inexperienced orators as they involved the proper assessment of morally ambiguous situations, while \textit{controversiae} required an extremely broad background knowledge of precedents and legal constellations. In both cases, the \textit{Facta et dicta memorabilia} would have been of extraordinary value, providing its readers not only with individual moral precedents, against which most situations could be assessed, but also preserving specific knowledge, for instance on laws, wills, and similar topics.\textsuperscript{69}

However, if \textit{exempla} could play such an important part in the proper assessment of morally ambiguous situations and in the deliberating of pros and cons, of good and bad, it does not seem impossible that the \textit{Facta et dicta memorabilia} was also aimed at

\begin{footnotesize}
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\item \textsuperscript{65} See also Bonner 1977: 261-2 (‘The briefly-told stories in Valerius Maximus, with their strong moral flavour, would also have made a very useful source-book, and the collection may well have been compiled for rhetorical purposes.’).
\item \textsuperscript{66} Cf. Mendelson 1994: 92 (‘Declamation … was the point in the Roman language curriculum where the theory and technique practiced in years of training with the \textit{grammaticus} and \textit{rhetor} were translated into a functional knowledge of how to create original discourse appropriate to specific situations’). On declamation in rhetorical education at Rome, see also Kaster 2001. Declamation, however, was not restricted to the rhetorical schools. By the end of the Roman Republic, it had become such a common pastime that Octavian is reported to have engaged in it daily (see Suet. \textit{Gram. et rhet.} 25.3). On declamation ‘beyond education’, see Hömke 2007. On declamation generally, see Bonner 1949.
\item \textsuperscript{67} See Bonner 1977: 270-2. As its name suggests, the ultimate goal of a \textit{suasoria} was to persuade: cf. Quint. \textit{Inst. or.} 3.8.6.
\item \textsuperscript{68} See Bonner 1977: 272-3.
\item \textsuperscript{69} On the necessity for the orator to familiarise himself with legal precedents, customs, and institutions, see, e.g., Cic. \textit{De or.} 1.201; Quint. \textit{Inst. or.} 12.2.7; 12.3.1; on \textit{exempla} as a way of learning about customs and traditions, see Plin. \textit{Ep.} 8.14.6; Walter 2004: 47 (‘Das vom angehenden Redner und Senator zu erwerbende historische Wissen war ebenso in \textit{exempla} codiert wie das praktische Handlungswissen’). The use of \textit{exempla} in Roman declamation is explored by van der Poel 2009. That \textit{exempla} were learnt for the specific purpose of using them in declamatory speeches is suggested by the elder Seneca (\textit{Contr.} 7.5.12: \textit{gravis scholasticos morbus invasit: exempla cum didicerunt, volunt illa ad aliquod controversiae thema redigere}). Cf also. Wardle 1998: 12, who notes the ‘remarkable continuity of \textit{exempla} between V. and Seneca.’
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the moral education of its readers, as more recent modern scholarship has argued.\textsuperscript{70} According to Quintilian, who remembers a definition by Cato, a great orator had to be a good man, a \textit{vir bonus dicendi peritus} (\textit{Inst. or.} 12.1.1).\textsuperscript{71} It could, therefore, almost be expected that V's morally defined material was also intended to convey approved values. As two well-known passages in the works of Terence and Horace demonstrate, \textit{exempla} were considered as highly effective tools in the promotion of proper behaviour and the discouraging of inappropriate actions. Thus Terence's Demea in the \textit{Adelphoe} describes moral education as a process of pointing out, through comparison with examples, what to do (\textit{hoc facito}) and what to avoid (\textit{hoc fugito}).\textsuperscript{72} Similarly, in his \textit{Satires}, Horace remembers that his father used to remind him to 'avoid vices by recognising them through examples' (1.4.106: \textit{ut fugerem exemplis vitiorum quaeque notando}).\textsuperscript{73} Quintilian, too, notes the fascination that the Roman world in particular had with educational \textit{exempla}. In his \textit{Institutio Oratoria}, he observes that 'as strong as the Greeks are in precepts, the Romans are in \textit{exempla}, but the latter are more important' (12.2.30: \textit{quantum enim Graeci praeceptis valent, tantum Romani, quod est maius, exemplis}).\textsuperscript{74} One of the most substantial discussions of the educational values of \textit{exempla}, however, can be found in the works of the younger Seneca. In the twenty-fifth of his \textit{Epistulae Morales}, for instance, Seneca admonishes his friend Lucilius to constantly visualise the presence of famous men around him, as if they were his mentors. Seneca demands:

\textsuperscript{70} See, e.g., Skidmore 1996: 53-82 (Skidmore's suggestion, however, that V's \textit{exempla} were to be read at the symposia held by Rome's elite does not convince); Wardle 1998: 14-15; Gowing 2005: 56; Langlands 2008 and 2011; Murray 2016: 51.
\textsuperscript{71} Cf. also Quint. \textit{Inst. or.} 12.1.3: \textit{ne futurum quidem oratorem nisi virum bonum.}
\textsuperscript{72} Ter. \textit{Ad.} 412-19: Demea: \textit{Syre, praeceptorum plenust istorum ille.} Syrus: \textit{Phyi!} | \textit{Domi habuit unde discret.} De.: \textit{Fit sedulo: nil praetermitto; consuefacio; denique inspicere, tamquam in speculum, in vitas omnium iubeo atque ex alis sumere exemplum sibi: 'hoc facito.'} Sy.: \textit{Recte sane.} De.: \textit{'Hoc fugito.'} Sy.: \textit{Callide.} | De.: \textit{'Hoc laudist.'} Sy.: \textit{Istaec res est.} De.: \textit{'Hoc vitio datur.'} | Sy.: \textit{Probissime.}
\textsuperscript{73} On the Roman father's use of \textit{exempla}, cf. also Sen. \textit{Contr.} 10.2.16: \textit{Silo Gavius ait: solebas mihi, pater, insignium virorum exempla narrare, quaedam etiam domestica; aiebas: avom fortem virum habuisti, vide ut sis fortior.}
\textsuperscript{74} A similar remark about the instructional efficiency of \textit{exempla} (in contrast to mere \textit{praecepta}) can also be found at Sen. \textit{Ep.} 6.5: \textit{longum iter est per praecepta, breve et efficax per exempla.}
'Meanwhile guard yourself with the authority of someone – either let it be Cato or Scipio or Laelius or another by whose intervention even dissolute men would suppress their vices, while you make yourself one with whom you would not dare to sin.' (transl. Kroner)

(Ep. 25.6: interim aliquorum te auctoritate custodi – aut Cato ille sit aut Scipio aut Laelius aut alius cuius interventu perditi quoque homines vitia supprimerent, dum te efficis eum cum quo peccare non audeas)\textsuperscript{75}

What these passages serve to demonstrate is that, besides (or rather in addition to) their strong rhetorical function, \textit{exempla} were also always considered as means to increase self-awareness and to prompt moral self-improvement.\textsuperscript{76} However, how and to what extent could a collection of \textit{exempla}, such as V's \textit{Facta et dicta memorabilia}, have served the purpose of moral enhancement? That V's \textit{exempla} were to be understood as prescriptive and absolute templates of morally sound or unsound behaviour is unlikely. After all, who would find himself in exactly the same situations as V's illustrious exemplars?\textsuperscript{77} Instead, as recent scholarship has pointed out, V. appears to be aiming at a more general understanding of morality. Thus, as a result of the systematic structure of V's work, subsuming a number of different \textit{exempla} of the same type under the same category, the \textit{Facta et dicta memorabilia} allows for the exploration of a moral category in various forms and manifestations, without restricting virtue to just one type of action or to one particular context.\textsuperscript{78} This means that, rather than giving clear instructions, or \textit{praecepta}, V. asks his readership to explore his ethical categories in all their moral complexity and to question and refine conceptual boundaries. By providing his readers with a number of very specific instances in which a particular virtue is active, he


\textsuperscript{76} See also M.B. Roller 2018: 13-17.

\textsuperscript{77} See also Langlands 2011: 104 (‘This neatly poses the perennial question of how readers of exemplary tales can go about applying morals derived from the extraordinary and particular deeds of heroes to their own ordinary lives’).

\textsuperscript{78} See Honstetter 1977: 83-101 (‘moralische Kasuistik’); Langlands 2011: 122 (‘A reader and user of \textit{exempla} must be clear, as Valerius emphasizes, that a moral choice or act which is appropriate for one particular person in one particular context may well not be the same one that is appropriate for another person in another context’); cf. also Morgan 2007: 188 (‘What is good for one person may not be good for another, and what is good for one person at one time may not be good at another time. This is precisely what we find in popular sayings and stories.’).
challenges them to critically assess and compare these *exempla* for themselves, in order to develop a more systematic understanding of the patterns and processes which form the framework of this virtue.\(^7^9\) V's didactic method is thus defined by a highly pragmatic, inductive approach, illustrating the essence of a virtue through its various manifestations, but leaving it up to the readers to infer advice on how to improve their own moral conduct from the *exempla*.\(^8^0\) Furthermore, by confronting his readers with a number of different 'moral dilemmas', that is situations in which an individual is required to come to the correct decision, V. also highlights the challenge of making the right judgement in times of moral crisis. In doing so, V. raises his readers' awareness of the fact that the ethically correct action or response may take different forms, depending on the individual's personal circumstances.\(^8^1\)

It may need to be pointed out at this point that V.'s concept of morality does not seem to be based on a pursuit of higher philosophical principles, such as, for instance, the Stoic *eudaimonia* or the Epicurean *hedone*.\(^8^2\) Instead, his objective appears to be far more pragmatic. V. seeks to equip his readers with a set of approved cultural and ethical values which will help them live (ideally even prosper) in Tiberian Rome (cf. 2. praef.: *opus est enim cognoscì huìusce vitæ, quam sub optîmo principe felicem agìmus, quaenam fuerint elementa, ut eorum quoque respectus aliquid praesentibus moribus prosìt*).\(^8^3\)

\begin{itemize}
  \item \textsuperscript{79} Thus also Langlands 2008: 185 ('solicits active engagement with contradictory material on which the ethical agent must impose his judgement after careful deliberation and consideration of how heroes of the exemplary past have made their decisions about how to act').
  \item \textsuperscript{80} See Langlands 2008: 122 ('By enacting the process of moral decision-making again and again in various different ways and different circumstances, a multiplicity of *exempla* … teach a moral agent how to go about applying abstract virtues to their own specific cases').
  \item \textsuperscript{81} See Langlands 2008: 163; cf. Morgan 2007: 189 ('A good life is a life in which at every point, the individual's self-assessment is accurate, his choices appropriate and successful. At every point, goodness may mean something different, and at every point, the individual has the potential to be good anew').
  \item \textsuperscript{82} Morgan 2007: 333–4 has identified the absence of an 'ultimate aim', such as *eudaimonia* or *hedone*, as one of the characteristics of what she labels 'popular morality' (as opposed to 'high philosophy'). That V. does not consider himself as a philosopher proper becomes clear from 8.14. praef. This does not mean, however, that his work is totally unaffected by the values and ideas of Hellenistic philosophy, as Lawrence 2015: 135-55 has demonstrated. Cf. Römer 1990, who argues (not entirely convincingly, as Wardle 1998: 6-8 has been able to prove) that most of V.'s material is organised according to the Stoic cardinal virtues.
  \item \textsuperscript{83} See also Honstetter 1977: 50-1 ('Anspruch, praktische Lebensweisheit zu allen möglichen Bereichen des menschlichen Daseins zu vermitteln'). Cf. Val. Max. 6.2. praef.: *humanae vitæ partes persequi*.
\end{itemize}
Engagement with the past, V. seems convinced, will enable his readers to analyse and, if necessary, respond to the circumstances of the present. \(^{84}\) At the same time, V's work seems to create a sense of moral continuity. As V. declares in his praefatio, the virtues and vices he aims to illustrate and promote with the help of his historical exempla are the same virtues and vices which are encouraged or punished under the supervision of the princeps (1.praef.: te ..., Caesar, invoco, cuius caelesti providentia virtutes, de quibus dicturus sum, benignissime foventur, vitia severissime vindicantur). Rather than to change the moral landscape, and with it the ancestral traditions and institutions that helped build Rome, so V. suggests, the princeps does all he can to ensure that the mores maiorum are preserved. In other words, the (imperial) present appears like a continuation of the (republican) past, with the small addition of the princeps as supreme moral guardian (cf. 1.praef.: certissima salus patriae). \(^{85}\) As its name suggests, the Facta et dicta memorabilia must therefore also be understood as an attempt to preserve Rome's

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\(^{84}\) Thus also Gowing 2005: 56-7; cf. Honstetter 1977: 82 ('an einen Leser gerichtet, der ganz persönlich als römischer Bürger in der neuen Zeit aufgerufen ist, aus seiner Lektüre Lehren für sein Handeln zu ziehen'); Mueller 2002: 2 ('harnesses the republican history of Rome to the moral concerns of his own day'). The need for a return to the values of the past is highlighted by V. on several occasions (see, e.g., 4.3.7: nunc quo ventum est? a servis impetrari vix potest ne eam supellectilem fastidiant qua tunc consul uti non erubuit; 4.4.7: anguste se habitare nunc putat cuius domus tantum patet quantum Cincinnati rura patuerunt; 4.4.11: exsurgamus potius animis pecuniaeque aspectu debilitatos spiritus pristini temporis memoria recreemus).

\(^{85}\) See also Jacquemin 1998: 110 ('confiance en un prince garant de l'ordre du monde'); Shackleton Bailey 2000, vol. 1: 3 ('Like his Emperors, Valerius is, or poses as, a proponent of traditional religion and mores; politically he is conservative (pro-senatorial) as concerns the republican past but a eulogist of the new imperial order and its architects, the Caesars: Julius, Augustus, and not least Tiberius. '); Gowing 2005: 57 ('The Republican past here is not distinct from an imperial present, but rather constitutive of it. '); cf. Maslakov 1984: 446 ('an impression is given that the Caesares should not be understood as unique contemporary phenomena, but as truly outstanding individuals that can only be properly appraised when closely compared to their predecessors – the imperii lumina of antiquity'). A deliberate attempt by V. to align the present with the past is also assumed by Lucarelli 2007: 14-17 and passim. V. thus seems to pursue an agenda similar to the programme of statues in the Forum Augustum, which not only sought to promote the mores maiorum (cf. Suet. Aug. 31.5) but also presented the Principate as a continuation of Rome's glorious past (on the Forum of Augustus and its statuary, see Spannagel 1999; Geiger 2008). See also Bloomer 1992: 258 ('The marshaling of history owes much to Augustus in whose forum the stone procession of grand republican figures marched into the present.'); Weileder 1998: 317 ('Das Geschichtsbild des Valerius ist stark geprägt von der Sicht der römischen Geschichte, wie sie Augustus ... auf seinem Forum präsentierte.'). On V.'s characterisation of Tiberius and the imperial family, see also Wardle 2000 and 2002. On V.'s treatment of the Roman Republic, see further David 1998; Wiegand 2013: 159-80.
cultural memory in order to make it accessible to both present and future generations, thereby ensuring continuity as well as stability.  

Chapter 4.1 and Its Place within the Facta et Dicta Memorabilia

V’s chapter on *moderatio* is the opening chapter of the fourth book of the *Facta et dicta memorabilia* and represents the first in a series of five chapters which may all be subsumed under the umbrella term of ‘self-restraint’, that is the gaining of rational control over one’s passions and desires. Each of these five chapters is introduced by a short preface in which V. identifies the particular temptation or passion which the virtue under examination seeks to subdue. Thus, immediately following his chapter on *moderatio*, a virtue which he claims is able to control rash and excessive behaviour (cf. Val. Max. 4.1. *praef.*: *mentes nostras impotentiae et temeritatis incursu transversas ferri non patitur*), V. discusses the examples of individuals who, in his eyes, demonstrated the ‘extraordinary mental transition from hate to favour’ (cf. 4.2. *praef.*: *egregium humani animi ab odio ad gratiam deflexum*), the control of lust and greed (cf. 4.3. *praef.*: 4.3. *praef.*: *libidinis et avaritiae … impetus … submoti*), the renunciation of material possessions (cf. 4.4. *praef.*: *omnia nimirum habet qui nihil concupiscit*), and the willingness to neglect their private opportunities in the interest of the wider public (cf. 4.5. *praef.*: *privatas facultates neglegerent, publicas quam amplissimas esse cuperent*). V’s attention then turns to the topic of selfless loyalty, first between spouses (cf. 4.6. *praef.*:  

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86 See also Gowing 2005: 49-53. Bloomer’s claim (1992: 12-13 and passim), however, that the *Facta et dicta memorabilia* was intended mainly to give provincials interested in a career at Rome a crash course in ‘Romanness’ seems to limit the work’s readership unnecessarily. Cf. Welch 2013, who argues that V. is aiming ‘to recuperate for all Romans some of the values and tools that that had been previously held by the elite alone’ (82); similarly Krasser 2011.

87 V’s focus on the appetites and desires which are repressed corresponds with North’s claim (1966: 265) that the various manifestations of self-restraint are best identified through the particular desires and impulses these manifestations attempt to control.

inter coniuges stabilitatae fidei opera) and then between friends (cf. 4.7.praef.: amicitiae vinculum potens). Book 4 concludes with a chapter on generosity (liberalitas), which, according to V., springs from proper judgement and honest goodwill (cf. 4.8.praef.: cuius duo sunt maxime probabiles fontes, verum iudicium et honesta benivolentia) and is thus directly connected to the similarly magnanimous virtues of humanitas and clementia at the beginning of book 5 (cf. 5.1.praef.: liberalitatis quas aptiores comites quam humanitatem et clementiam dederim). While, here, V. appears to show little regard for the book as a self-contained structural unit, more or less ignoring the physical division between books 4 and 5, the situation is slightly different at the beginning of book 4, where, having concluded his discussion of constantia as a segment in the broader treatment of the topics of determination, fortitude, and resilience, he explicitly announces his transition to a new area of interest (cf. 4.1.praef.: transgrediar ad ...).

As Bloomer has observed, however, it is at the chapter level in particular that V. intends his material to be considered and understood as a coherent unit. With regard to chapter 4.1, this internal coherence is easily discernible. In his introduction, V. not only clearly identifies moderatio as the virtue under examination (cf. 4.1.praef.: saluberrimam partem animi, moderationem), he also offers his readers a brief explanation of its benefits, thus giving the chapter some form of theoretical framework. The actual exempla chosen to illustrate the virtue of moderatio are separated (at a ratio of

89 The titles of the chapters in book 4 are generally given as De moderatione (4.1), Qui ex inimicitii iuncti sunt amicitia aut necessitudine (4.2), De abstinencia et continentia (4.3), De paupertate (4.4), De verecundia (4.5), De amore coniugali (4.6), De amicitia (4.7), and De liberalitate (4.8). However, given the spurious nature of these titles (cf. Wardle 1998: 6 n.22), it seems more expedient to work with the explanations provided by V. in his introductions to the different chapters.

90 That book 3 forms a coherent unit is also suggested by Honstetter 1977: 31-4; Römer 1990: 101-2; Combès 2003, vol. 1: 28-30. Chapters 3.4-6 are thereby considered as a digression by Honstetter and Römer. Römer's claim (repeated by Combès 2003, vol. 1: 30-1) that book 3 represents the Stoic cardinal virtue of fortitudo, while book 4 is dedicated to temperantia, has been shown to have serious flaws (cf. Wardle 1998: 6-8). Even less convincing is Thurn's suggestion (2001) to read the Facta et dicta memorabilia as a progression from birth to death and to consider V.'s chapter on moderatio as a response to the impulsiveness displayed during one's adulescentia (cf. 88: 'die moderatio ist das Heilmittel gegen die Heißblütigkeit der Jugend'). On V.'s tendency to disregard the book as a structural unit, see also Wardle 1998: 9.

91 Bloomer 1992: 26 ('For the chapter is the unit that Valerius has in particular organized to be understood together.'); see also Wardle 1998: 10.
approximately 2:1) into Roman and non-Roman, with the transition between the two parts indicated at the beginning of the final Roman exemplum (cf. 4.1.15: *ad externa iam mihi exempla transire conanti*). The anecdotes are not compiled at random but show obvious signs of deliberate arrangement. The Roman exempla are ordered largely in chronological sequence, starting with the first year of the Roman Republic (4.1.1: P. Valerius Publicola, *consul suffectus* in 509 BCE) and finishing with its final stages (4.1.15: M. Calpurnius Bibulus, proconsul in 51 BCE). The decision to focus solely on the Roman Republic and to exclude any material dealing with the time of the Roman kings (before 509 BCE) or the period of the Civil Wars (after 50 BCE) may be seen as deliberate, since, in the Roman context, the virtue of *moderatio*, as presented by V., almost exclusively serves to protect the core values of the *libera res publica*. The only blatant deviation from the chronological pattern is the example of Cincinnatus (4.1.4), which follows that of Censorinus and thus highlights V.’s second principle of organisation, namely that of similar subject matter. Both Cincinnatus and Censorinus display their *moderatio* by opposing a re-election to their respective offices and are therefore juxtaposed. While, in this instance, the similar content appears to be of greater significance to V. than a strict adherence to the historical chronology, he generally is quite successful at choosing and arranging his Roman material in a way which allows for a co-existence of both organisational principles. The method of grouping individual exempla according to a common theme also provides the welcome opportunity to link the last Roman to the first two non-Roman examples, in that all three examine the reluctance to exact what is considered inappropriate punishment.

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93 Cf. Gowing 2005: 55, who observes that V.’s ‘moral universe … is fashioned as much by exclusion as it is by inclusion.’ While the Principate is to be understood as a continuation of the *res publica* (with the addition of the *princeps* as moral guardian), the omission of the Caesars, and in particular Tiberius, may have been a deliberate decision (cf. Woodman 1977: 213, who, following a suggestion by Goodyear, suggests that ‘this silence perhaps attests Tiberius’ *moderatio* better than any mention might have done.’).

94 V.’s approach suggests that he was trying to arrange already excerpted material according to a logical pattern rather than to fill predetermined categories with exemplary material.
The external examples of *moderatio* appear to be ordered mainly according to their increasing geographical distance from Rome. While the first non-Roman *exemplum* is set in Tarentum, located on Italian soil and (at least in V's days) connected to Rome via the Via Appia, the final example concerns the enormous extent of the boundaries of the Seleucid Empire under Antiochus III Megas, which, at the height of the king's reign, stretched as far as modern-day Pakistan. Throughout the external part of the chapter, V's focus thus seems to shift from Magna Graecia via Attica and Arcadia to the northern Aegean (Lesbos) and then on to Asia Minor (Miletus) and the Seleucid Empire. There are, however, a few exceptions to this general geographical pattern. The two *exempla* illustrating Plato's *moderatio* (4.1.ext.2), for instance, seem to interrupt the natural progression from Archytas of Tarentum (4.1.ext.1) to Dion of Syracuse, whose exile in Greece, in turn, forms the geographical link to Attica, represented by the Athenian Thrasybulus (4.1.ext.4). However, through his personal connection with Archytas and his friendship with Dion, both relationships forged during his travels to Magna Graecia, Plato functions as the ideal link between the men, suggesting a deliberate arrangement of the material. What is more, the fact that Archytas and Plato both refuse to punish in anger once more shows V's preference to group examples with a similar subject-matter. For the same reason, the example of the Spartan Theopompus (4.1.ext.8), which shatters the geographical progression from Mytilene (4.1.ext.6) via Miletus (4.1.ext.7) to Syia (4.1.ext.9), appears deliberately to have been placed before the Antiochus *exemplum*, as both anecdotes share a similar theme (the reduction of power in order to make the reign more secure and long-lasting).

Most of the external *exempla* appear to correspond thematically to one or more of the Roman examples of *moderatio*. Thus, as has already been mentioned, the *exempla* of Archytas and Plato both discuss the exemplars' unwillingness to exact (inappropriate) punishment, linking them directly to M. Calpurnius Bibulus in 4.1.15. The Dion example (4.1.ext.3) shows the protagonist humbly accepting another man's superiority, an idea which also forms the core of 4.1.9 (C. Claudius Nero). *Exempla* 4.1.ext.5
(Stasippus) and 4.1.ext.6 (Pittacus) illustrate the exemplars’ moderation towards political enemies, echoing a theme also discussed in 4.1.7 and 4.1.8. Overall, there are numerous parallels between the Roman and non-Roman examples of *moderatio*, a circumstance which suggests that V’s external *exempla* are not intended to show totally different, non-Roman forms of *moderatio* but rather to highlight the universal nature of this extraordinarily versatile virtue.95

**Valerius Maximus on *Moderatio***

Towards the end of the second book of his *Historiae*, published in 30 CE, the Roman historian Velleius Paterculus praises the unique moderation, the *singularis moderatio*, of the emperor Tiberius.96 He explains that, amongst many other deeds that displayed his *moderatio*, Tiberius showed himself satisfied with only three triumphs, even though he actually deserved seven: *Quis non inter reliqua, quibus singularis moderatio Ti. Caesaris elucet atque eminet, hoc quoque miretur quod, cum sine ulla dubitatione septem triumphos meruerit, tribus contentus fuit?* (Vell. Pat. 2.122.1).97 A few generations later, Tacitus and Suetonius also mention Tiberius’ self-restraint, in particular in his dealings with the senate and the people of Rome. However, they seem to agree that his public display of *moderatio* was in fact not honest, but simply the result of skilful dissimulation. Hence Tacitus speaks of ‘arrogant moderation’ (Tac. *Ann*. 1.8.5: *adroganti moderatone*), which

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95 Cf. Lawrence 2006, who argues that V. ‘goes out of his way to promote the universality of certain behaviours and ideas’ (256).


97 This may also have been the idea behind the *moderatio* coinage from Tiberius’ reign (cf., e.g. *BMC* Tiberius no. 90). Technically speaking, Tiberius celebrated only two proper (i.e. curule) triumphs, one for his successful campaign in Germania (7 BCE) and another for his crushing of the Pannonian-Dalmatian rebellion (12 CE). However, for previous military achievements in Pannonia and the Balkans, Tiberius had been granted an *ovatio* (9 BCE), to which Velleius appears to be referring here (see also Vell. Pat. 2.96.3: *ovans triumphavit*). As Woodman 1977: 213 points out, it was not an uncommon practice to accentuate a successful military leader’s moderation by stressing the fact that he had celebrated fewer triumphs than he would have been entitled to (see, e.g., Ov. *Met*. 15.757; *RGDA* 4; cf. also *Eleg. Maec*. 1.31).
must be considered as an oxymoron, as the *Thesaurus Linguae Latinae* has correctly pointed out (*TLL* 8.1207.33-4), and Suetonius starkly asserts that Tiberius’ moderation was feigned, as the phrase *moderationis simulatione* shows (Suet. *Tib.* 57.1).98 In order to prevent false conclusions at this point, it needs to be stated that *moderatio* was by no means solely an imperial virtue.99 In the late Republic and during the triumviral periods, the term was used predominantly of the self-control of individuals in high political offices or of people with a great deal of power and freedom of action. Thus Cicero repeatedly praises the *moderatio* of highly influential political figures, such as, for example, Lepidus in the *Philippicae* (Cic. *Phil.* 5.38: *quanta vero is moderatione usus sit*), while Livy acknowledges the *moderatio consulum in imperiis exercendis*, the consuls’ self-restraint in their use of consular power (Liv. 3.41.6).100 In 20 CE, the *senatus consultum de Cn. Patre Pisone* mentions *moderatio* not only as a characteristic of Tiberius, but also of other members of his family (see, e.g., *SCPP* 26; 132-3; 167).

What all these examples are able to demonstrate is that the (primarily elite) Roman audience appears to have had a well-established sense of when, how, and by whom *moderatio* was to be displayed and which particular actions and decisions would

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98 The meaning of Tacitus’ phrase *remisit Caesar adroganti moderatione* (Tac. *Ann.* 1.8.5) remains contested. For two opposing views, see Nicolet 1988: 848 n.47 and Velaza 1996. Although Tacitus admits that Tiberius initially had a reputation for *moderatio* (cf. Tac. *Ann.* 3.56.1: *fama moderationis parta*), he immediately makes it obvious that this *moderatio* was nothing more than pretence (see, e.g., Tac. *Ann.* 1.7). Similarly, Suetonius explains: *saeva ac lenta natura ne in puero quidem latuit, […] sed aliquanto magis in principe eluxit, etiam inter initia cum adhuc favorem hominum moderationis simulatione captaret* (Suet. *Tib.* 57.1). As Cowan 2009: 481 suggests, both *Tacitus’* and Suetonius’ scathing accounts of Tiberius’ *moderatio* may have been ‘influenced by the prominent reappearance of *moderatio* under Trajan’, to whom it was ascribed by Pliny in a formal *gratiarum actio* (see, e.g., Plin. *Pan.* 56.3: *quam multa dixi de moderatione, et quanto plura adhuc restant*).

99 ‘Imperial virtues’ can be defined as ‘certain qualities and characteristics of the ruler [which] are personified and celebrated as manifestations of his beneficent governance of his subjects’ (Rogers 1943: 3; see also the discussions in Wallace-Hadrill 1981 and Noreña 2011: 37-100). Tiberius adopted *moderatio* as his ‘own peculiar and distinctive virtue’ (Rogers 1943: 88), publicly advertising it on his coinage (on which see Sutherland 1938; Downey 1975: 95-105; Levick 1975).

100 As Cowan 2009: 480 correctly observes, the term ‘*moderatio* was prominently used by Cicero to suggest the avoidance of extremes, restraint and the power to control and manage the government.’ With regards to Livy’s use of the word, Rodriguez Monreal 1997: 65 remarks that *moderatio* ‘es siempre un término de connotación política. El uso que Livio hace de *moderatio* parece remitirnos a los tratados políticos de Cicerón y a las virtudes del gobernante de la República ideal.’ See also Hellegouarc’h 1972: 264-5.
have revealed a person's *moderatio*. Somewhat surprisingly, though, the exact implications of *moderatio*, that is the ways in which this virtue actually was manifested in historical action, its varieties and limits, and who was expected to display it, have still not been sufficiently explored. However, one ancient source which can provide vital information on the nature and the effects of *moderatio* in a very concentrated form is V's *Facta et dicta memorabilia*. Thus, with respect to the broad area of self-control, V's collection offers separate chapters on *moderatio*, *abstinentia* and *continentia*, *paupertas*, *verecundia*, or *clementia*.\(^{101}\) As it can be assumed that V. chose, reworked, and categorised his often well-known examples of virtuous behaviour on the basis of the general ethical understanding and the socio-political expectations of his time, it seems reasonable to say that the *Facta et dicta memorabilia* represents a unique and very detailed insight into the value system of the early Principate. The aim of this chapter is, therefore, to attempt a definition of *moderatio* as understood by V. and to scrutinise its socio-political ramifications during the early Principate.\(^{102}\) Instead of discussing rather abstract philosophical models, V's *exempla* offer the critical reader an insight into Roman codes of conduct and comment on the consequences of the excessive display of power. As a result, they are an important source for a better understanding of the reciprocal relationship between the powerful and those on whom their power impacted in early imperial times.

An appropriate way to commence this study is by examining the various patterns and processes which, in V's eyes, defined *moderatio*. As North has pointed out in her study into the Greek concept of *σωφροσύνη*, the distinctive differences between the

\(^{101}\) See Val. Max. 4.1: *De moderatione*; 4.3: *De abstinentia et continentia*; 4.4: *De paupertate*; 4.5: *De verecundia*; 5.1: *De humanitate et clementia*. It needs to be noted, though, that the chapter headings (*De moderatione*, *De abstinentia et continentia*, etc.) found in the manuscripts and editions are almost certainly not original. There are many cases in which these titles, often by simply excerpting or paraphrasing terms and expressions found in the transitions to the next chapters, interrupt the syntactic or semantic connection between two sentences (see *RE* 8A, 97-8; Honstetter 1977: 22-5). The most striking examples of these discontinuities can be found at the beginnings of chapters 4.2, 4.5, and 6.6, where the titles interfere significantly with the course of the text.

\(^{102}\) Some of the studies that have contributed to this analysis of the concept of *moderatio* are: Rogers 1943: 60-88; Burck 1951: 167-74; Hellegouarch 1972: 264-5; Dieter 1967; Viparelli Santangelo 1976; Milterni Della Morte 1980; Christes 1993; Scheidle 1993; Christes 1994; Rodríguez Monreal 1997; Nakagawa 2002; Perruccio 2005.
various Roman manifestations of self-restraint are best identified through the particular desires and impulses these manifestations attempt to control. Thus it comes as no surprise that, in the preface to his chapter on *moderatio*, V. chooses a negative approach in order to define the specific characteristics of this particular aspect of self-control. He explains that it is the virtue of *moderatio*, in his words ‘the most beneficial part of the soul’, the *saluberrima pars animi*, which enables the individual to resist sudden rushes of intemperate and impulsive desires: *mentes nostras impotentiae et tementatis incursu transversas ferri non patitur* (4.1.praef.). The two terms he uses in this context are *impotentia*, generally indicating excessive and uncontrolled behaviour, often with the tendency to use violence, and *temeritas*, which translates as rashness and describes hasty and inconsiderate actions. In book 9, the only book of the collection dealing predominantly with negative values, V. offers his readers an even better insight into his understanding of these two serious faults. With respect to the vice of *impotentia*, which he couples with *superbia* (9.5), V. lists examples that highlight the arrogant conduct and insolent abuse of power by men in high offices. His great contempt for such behaviour

103 North 1966: 265 explains: ‘The most notable characteristic of the group as a whole is their emphasis on the negative aspects of sophrosyne, the repression of appetites and desires. Either in etymology (*sobrius, castus*) or in meaning (*temperans, moderans, continens*) these terms imply restriction or denial.’ See also Rademaker 2005: 13.

104 V. appears to have found his inspiration in Cicero (Cic. Rep. 1.60), who lets his Scipio claim that the capacity for rational judgement (*consilium*) is the best part of the soul (*animi pars optima*), as it leaves no room for uncontrolled passions (*nullum esse libidinibus, nullum irac, nullum temeritati locum*). Cicero’s comment follows immediately after a discussion of Archytas’ famous moderation, an episode which is also listed by V. among his *exempla moderationis* (see Val. Max. 4.1.ext.1). V.’s use of *saluber* furthermore implies that *moderatio* possesses at least some of the same healing properties that Cicero ascribes to philosophy in general (see Cic. Tusc. 3.6). As Nussbaum 2009: 14 explains: ‘Philosophy heals human diseases, diseases produced by false beliefs. Its arguments are to the soul as the doctor’s remedies are to the body.’ With regards to the salubrious properties of *σωφροσύνη*, the Greek virtue for which, according to Cicero, *moderatio* is one of the few adequate Latin translations (see Cic. Tusc. 3.16), Scheidle 1993: 176 remarks: ‘Die *σωφροσύνη* bezeichnet, wie man ihrer Etymologie (*σαο-φρονειν*) entnehmen kann, ein “Gesund-Denken” […]’. Cf. also Cic. Tusc. 4.30-1; Cic. Off. 1.101; Plut. Mor. 451f-452a; 465b; 779f.

105 The full scope of vices related to *impotentia* becomes apparent in Cicero’s rant against Antonius in the *Philippicae*: *impotentem, iracundum, contumeliosum, superbum, semper poscentem, semper ebrium* (Cic. Phil. 5.24; see also 5.42: *homo impotentissimus*). As for *temeritas*, Cicero explains: *omnis autem actio vacare debet tementitate aut neglegentia, nec vero agere quiquam cuius non possit causam probabilem reddere* (Cic. Off. 1.101; see also Cic. Inv. rhet. 1.4-5; Cic. Tusc. 3.17)
becomes evident in 9.5.1, where he speaks (albeit hypothetically) of the tyrannical mind, the *tyrannicus spiritus*, of some magistrates.\(^{106}\) In the chapter on *temeritas* (9.8), V. demonstrates how rash and impetuous decisions by some influential individuals can, in fact, endanger the safety and well-being of the whole state. Therefore, returning to V's definition of *moderatio*, it can be stated that the virtuous control of such detestable vices was of great importance for everyone in Rome. Furthermore, on the basis of V's definition, it appears justified to claim that *moderatio* involved two essential aspects, the first of which controlled the extent of the authority used by an individual, while the second prevented the individual from hurrying into overly quick, and therefore unreasonable, decisions. The *exempla* presented by V. support this claim, as the following discussion will show.

As for the first aspect of *moderatio*, that is the control of the extent of authority used, one of the most illuminating examples is that of P. Valerius Publicola (4.1.1), one of the legendary first Roman consuls after the expulsion of the last king.\(^{107}\) Suspected by the people of *adfectatio regni*, striving for absolute rule, Publicola introduced a number of measures to control the power of the magistrates and to display his personal respect for the *maiestas populi*. He removed the axes from the *fasces* and ordered the lowering of the latter as a sign of reverence before the assembly of the people. He introduced the monthly alternation of the *fasces* between the consuls, submitted a long list of laws to strengthen the rights of the *populus Romanus*, and he even demolished his own house, since it resembled the residence of a king in the eyes of the people. With patent admiration, V. states that Publicola 'gradually dismantled his own powers': *imperium suum paulatim destruxit*.\(^{108}\) In a more simplified form, the type of *moderatio* displayed here involves the following processes: due to his high degree of independence and freedom of action, an individual is considered, or considers himself, responsible for an

\(^{106}\) Cf. the discussion in Murray 2016: 175-6.

\(^{107}\) V's Publicola episode appears to be modelled on Cicero (Cic. *Rep.* 2.53) and Livy (Liv. 2.7-8). For further accounts, see also Dion. Hal. 5.19.1-3; Plut. *Publ.* 10.

\(^{108}\) Cf. also Liv. 2.8.1: *latae deinde leges, non solum quae regni suspicione consulem absolverent, sed quae adeo in contrarium verterent ut popularem etiam facerent.*
existing state of excess. Triggered by criticism or as the result of personal conviction, the individual’s *moderatio* becomes active and initiates a reducing action. Thus, in the case of Publicola, the newly elected consul holds himself responsible for the *invidiosum magistratus fastigium*, the ‘invidious eminence of the magistracy’ inherited from the kings, which he, partly due to external pressure, as the adjective *invidiosum* suggests, but mainly *ultro*, that is of his own accord, reduces to a tolerable level: *invidiosum magistratus fastigium moderatione ad tolerabilem habitum deduxit*.109

There is, however, a second variant of this aspect of *moderatio*, whose characteristic processes can best be examined in V’s characterisation of Scipio Africanus the Elder (4.1.6). V. reports that, in order to reward Scipio for his extraordinary commitment to the state, the Senate offered to erect statues of him in several important public places in Rome, such as the *comitium*, the *rostra*, the senate house, and even the temple of Jupiter. Furthermore, it was decided to award Scipio with a consulship for life and a perpetual dictatorship. V. explains that Scipio, driven by his *moderatio*, rejected all of these honours and offices offered.110 It quickly becomes obvious that this *recusatio* differs to some extent from the first form of *moderatio*, as displayed by Publicola. Here, the mere intention to create a state of excess is presented to the individual by an external party. Acting solely on his own initiative, the individual displays his *moderatio* by refusing to accept the intended creation of excess. Often the rejection is also accompanied by a strong note of caution, generally in form of a speech, advising the proposing party of their irresponsibility.111

Other examples (although considerably fewer in number) illustrate the second crucial aspect of *moderatio*, which prevented the individual from hurrying into overly

109 As Langlands 2006: 18 points out, ‘[f]ear of disgrace or diminution in the eyes of the community was clearly an important force for the regulation of behaviour in ancient Rome.’ For a compelling analysis of the social functions of *invidia*, see Kaster 2005: 84-103. Scheidle 1993: 121-2 draws attention to Octavian’s public relinquishing of his triumviral powers after the end of the civil war (see RGDA 34: *postquam bella civilia est extinxeram, per consensum universorum potitus rerum omnium, rem publicam ex mea potestate in senatus populi Romani arbitrium transtuli*), claiming: ‘Es ist daher durchaus möglich, daß [...] für die Exempla betreffend *moderatio in imperiis exercendis* das geschichtliche Beispiel Octavians Modell gestanden hat.’

110 See also Liv. 38.56.12-13.

111 See, e.g., Val. Max. 4.1.3: *quam potuit gravissima oratione corripuit*. 
quick and impulsive decisions. In contrast to a reduction of power or refusal of honours, this form of public self-restraint was defined by a reasonable delay in the acceptance of offices or honours. In 4.1.2, for instance, the desperate Roman people recall M. Furius Camillus from exile, as his outstanding military leadership appears to be their last hope in their resistance against the approaching Gauls. However, V. points out that Camillus did not take command of the army before his dictatorship had been legally confirmed: *non prius Veios ad accipiendum exercitum iret quam de dictatura sua omnia sollemni iure acta comperisset.*\(^{112}\) V. refers to Camillus’ hesitation as *cunctatio*, a term which has also often been discussed in connection with emperors’ apparent reluctance to accept public honours or to assume power.\(^{113}\) In another *exemplum* (4.1.13), V. discusses the *moderatio* of Q. Caecilius Metellus Numidicus, who had also been sent into exile. Upon receiving a letter from the Senate and the people of Rome, granting him unconditional return, Numidicus showed no reaction until the games he was watching had concluded. V. explains that Numidicus ‘did not display any sign of happiness to those sitting next to him, but kept his immense joy to himself’: *non laetitiam suam proxime sedentibus ulla ex parte patefecit, sed summum gaudium intra se continuit.* As becomes clear from these examples, this second aspect of *moderatio* does not attempt to reduce the scope of an office or honour granted, but refuses to allow a hasty and impulsive reaction.

One form of *moderatio* which involves both major aspects can be found in 4.1.5, the example of Fabius Maximus. Aware of the fact that his family has held the consulship numerous times, he publicly opposes his son’s candidature, asking the people to give the *gens Fabia* a break, a *vacatio*, from the highest office. Although the actual process of

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\(^{112}\) In order for the dictatorship to be in compliance with the constitution, the dictator had to be appointed by an authorised magistrate, generally a consul (cf. Plut. *Marc*. 24.7: ὁ γὰρ δικτάτωρ οὐκ ἔστιν ὑπὸ τοῦ πλῆθους οὐδὲ τῆς βουλῆς αἱρέτος, ἀλλὰ τῶν ὑπάτων τῆς ἀρχῆς προελθὼς εἰς τὸν ἱερόν ὑπὸ τοῦ ὑπάτου δοκεῖ λέγει δικτάτορα; *Liv*. 4.31.4: *religio obstaret ne non posset nisi ab consule dici dictator*). Since Camillus had, so far, only been nominated by the people, as V. explains (Val. *Max*. 4.1.2: *praesidium eius cives … petissent*), his dictatorship needed to be officially confirmed, before he could officially return from exile and take on the role of commander-in-chief (see *Liv*. 5.46.11: *nec nisi dictator dictus auspicia in exercitu habere*; Plut. *Cam*. 24.3: ὁ δὲ οὖν ἐφορὸς πρώτος ἡ τοὺς ἐν τῷ Καπιτωλίῳ πολίτες ἐπισκόπευσαθία κατὰ τὸν νόμον; see also Plut. *Cam*. 25.3-4). The religious aspect (see *Liv*. 5.46.11) was probably crucial, as the dictator needed valid auspices.

\(^{113}\) Still one of the best analyses of this political ritual is provided by Béranger 1948; 1953: 137-69. See also Wallace-Hadrill 1982: 36-7; Huttner 2004: 11-16.
refusing to accept a public office could be compared with Scipio’s *recusatio* in 4.1.6, here the restraint is only limited and does not rule out the acceptance of future offices, hence this *exemplum* of *moderatio* illustrates in effect the second aspect of the virtue.

Although almost all of V’s *exempla* of public moderation reveal at least one of the two aspects just presented, it is necessary to state that there is another, rather curious form of *moderatio*, which deserves particular attention. Here, the reducing initiative is not taken by the individual himself, but has already resulted from an external force. Thus, in 4.1.3, the tyrant Dion of Syracuse sees himself being driven from his country by his brother-in-law. Intending to meet the leading citizens of his city of refuge, Megara, he is kept waiting like any other ordinary citizen. Convinced that he would have treated others in almost the same way, had he still been in power, Dion humbly accepts his fate, stating *patienter hoc ferendum est*, ‘one must endure this patiently.’

In a similar case, King Antiochus, after his empire had been severely diminished, is said to have thanked the Romans, because, finally, he reigned over a kingdom of moderate dimensions: *modicis regni terminis uteretur* (4.1.9). Moderatio, in this context, becomes evident in the individual’s retrospective acknowledgement of the fact that a previous condition was indeed too extreme as well as his acceptance of a reduced, reasonable scope. It may be argued that this display of belated *moderatio*, the virtuous acceptance of an often shamefully weakened position, was a way of saving public face. However, this would only have been possible if the individual had had the actual opportunity publicly to reshape his humiliation as *moderatio*.

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114 Dion’s *moderatio* appears to be directly linked to his *patientia*. Kaster (2002: 138) explains that ‘[i]n social relations *patientia* almost always is implicated in establishing hierarchy and expressing differentials of power […]’. As a consequence, it may entail ‘inactivity in the face of *iniuria* and *contumelia*’ (144). Another virtue most likely involved here (although V. does not explicitly mention it) is *verecundia*, defined by Kaster 2005: 15 as ‘the art of knowing your proper place in every social transaction and basing your behaviour on that knowledge […]’

115 See also Cic. Deiot. 36: *dicere est solitus beneigne sibi a populo Romano esse factum, quod nimis magna procuratione liberatus modicis regni terminis uteretur*.

116 Cf. Plut. Mor. 469d: *μανικὸν γάρ ἔστι τοῖς ἀπολλυμένως ἀναίνεσθαι μὴ χαίρειν δὲ τοῖς σωζομένως.*

117 Although the *exempla* illustrating this rather unusual manifestation of *moderatio* are all external, i.e. non-Roman, *exempla*, there is no clear evidence that V. distinguished between a particular Roman and a non-Roman form of *moderatio*. Similarly, Lawrence 2006: 256 observes that ‘[w]ithin the chapters internals and externals are firmly united around a series of themes that are equally relevant
One question which has, so far, been left widely unanswered is who or what defined the ‘tolerable level’, the *tolerabilis habitus* (4.1.1), which was so vigorously defended by *moderatio*. Given that both the individual and the judging public would have had to be aware of this invisible line, it can be assumed that it was largely based on culturally and socially negotiated values.\(^{118}\) Vs *exempla* clearly support this assumption. Thus, in 4.1.14, the younger Cato rejects the privilege of running for *praetor* out of the regular order, claiming that this would be unfair to others: *iniquum esse adfirmans*. The importance of justice, *aequitas*, is also highlighted in other anecdotes. In 4.1.10, for example, the younger Scipio Africanus does not use his position of *censor* to take action against a Roman *eques* who he is certain has committed perjury. Scipio explains that it would not be right to be prosecutor, witness, and judge in one person: *ne ego in tua persona et accusatoris et testis et iudicis partes egisse videar*.\(^{119}\) It is, however, not only *aequitas* that defines the limit between the proper and the improper use of power. Another much valued ideal in the *Facta et dicta memorabilia* is the *libertas populi Romani*, the liberty of the Roman people. Hence Publicola diminished the power of the magistrates to give more freedom to the citizens: *quo civitatis condicio liberior* (4.1.1).\(^{120}\)

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\(^{118}\) Scheidle 1993: 58 convincingly argues: ‘ἀξίον, δόξα, μέτρον, καλὸν sind für den ethischen Handlungs-spielraum des σώφρων feste Bezugsgrößen, an denen er sein Verhalten standig ausrichten muß. Die Wahrung der δόξα setzt dabei immer einen Sinn für Maß und Ziel voraus (μετριάζειν) und hält die Erinnerung an das γνῶθι σαυτόν stets wach, andernfalls fordert man entweder die ‘Tyche’ heraus, oder man kann vor dem kritischen Urteil seiner Umwelt nicht länger bestehen und verspielt dadurch die adprobatio seiner Mitmenschen.’ Cf. Cic. *Off.* 1.102: *nam qui appetitus longius evagantur et tamquam exsultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine dubio finem et modum transeunt*; see also Plut. *Mor.* 4.44c.

\(^{119}\) See also Val. Max. 4.1.11: *unius testimonio aliquem cadere pessimi esset exempli*. Thome 1999: 163 rightly observes that *aequitas* was an essential quality of high-ranking magistrates: ‘Zum anderen ist sie [i.e. *aequitas*] Eigenschaft der leitenden Magistrate, damit zugleich Äquivalent und zunehmend Ersatz für fides, das ursprüngliche Regulativ für die absolute Gewalt der Magistrate […].’

\(^{120}\) See also Val. Max. 4.1.15: *dicendo potestatem huius vindictae non suam sed senatus esse debere; 4.1.7: quo liberius senatus sententiam ferret*. The *libertas populi Romani* relied on the principle that ‘[t]he Populus Romanus was the ultimate source of power, the supreme legislature, and the final court of appeal’ (Wirszubski 1960: 18). This idea still played a vital role in the imperial propaganda of the early Principate (see, e.g., Suet. *Tib.* 29: *dixi et nunc et saepe alias, p. c., bonum et salutarem principem [… senatus servire debere et universis civibus saepe et plerumque etiam singulis*). However, as there was no real controlling entity above the *princeps* other than the gods (on whose role in the *Facta et dicta memorabilia*, see Mueller 2002), the people were even more dependent on the emperor’s
Overall, V. notes (or alludes to) a number of essential values which were respected and protected by the Roman concept of moderate from the already mentioned ideals of aequitas and libertas to the maiestas populi Romani, the utilitas publica, and many more. Against the backdrop of this nexus of values and ideals, the individual was required to constantly analyse his current conduct and to take action if this conduct did not comply with the socially accepted norm. Thus moderate was not a static idea, but depended largely on the context, as well as on the individual’s correct assessment of this context.

As three of V’s exempla show, the results of this rational assessment were not always the same. In 4.1.ext.1, V. tells the story of Archytas of Tarentum, who, upon returning from a journey, finds his estate in ruins, because of the negligence of the caretaker. Archytas, however, decides to pardon the man and let him go unpunished, as his burning anger would have led to unreasonably hard punishment: maluit enim impunitum dimittere quam propter iram iusto gravius punire. In the immediately following exemplum 4.1.ext.2, V. presents a similar case, only with a different outcome. Here, Plato decides to have a friend punish his negligent slave, fearing that he himself might, because of his anger, not be able to find the right measure of punishment: veritus ne ipse vindictae modum discipere non posset, Speusippo amico castigationis arbitrium mandavit. As a comparison of both anecdotes shows, moderate could take different

121 The need for constant self-assessment and applied self-restraint also underlies Cicero’s explanation of the qualities of the ideal statesman: est igitur proprium munus magistratus intelligere se gerere personam civitatis debereque eius dignitatem et decus sustinire, servare leges, iura describere, ea fidei suae commissa meminisse (Cic. Off. 1.124).

122 The story of Archytas, a scholar of the Pythagorean doctrine (see Val. Max. 4.1.ext.1: se Pythagorae praeceptis Metaponti penitus immergit), was a well-known exemplum used to illustrate the control of anger (see also Cic. Rep. 1.59; Cic. Tusc. 4.78; Plut. Mor. 10d). The refusal to punish negligent servants in anger was a feature of Pythagorean philosophy (see Iambl. VP 31.197: λέγεται δὲ καὶ τάδε περὶ τῶν Πυθαγορείων, ὡς οὔτε οἰκέτην ἐκόλασεν οὐθεὶς αὐτῶν ὕπα ὁργῆς ἔχομενος οὔτε τῶν ἐλευθέρων ἐνουθέτητο τινα, ἀλλὰ ἀνέμενεν ἕκαστος τὴν τῆς διανοίας ἀποκατάστασιν). The impossibility of an angry man being able to find the right measure of punishment is also pointed out by Cicero: prohibenda autem maxime est ira puniendo: nuncquam enim iratus qui accedat ad poenam mediocritatem illam tenebit quae est inter nimium et parum (Cic. Off. 1.89; see also Sen. Clem 2.4.3). For further accounts of Plato’s moderation towards his slave, see Sen. Dial. 5.12.6; Plut. Mor. 10d; 1108a; Diog. Laert. 3.38. Other variants of the anecdote are discussed in Swift Riginos 1976: 155-6. Compare Plato’s comment in Diogenes Laertius (Diog. Laert. 3.39: μεμαστίγωσο ἂν εἶπεν ἐπὶ μή ὀργαζομαι) with that made by Archytas in Val. Max. 4.1.ext.1 (sumpissem inquit a te supplicium, nisi tibi iratus essem).
forms, according to the respective rational judgement of the individual. However, the
fact that V. calls the moderatio of Archytas nimis liberalis, ‘too generous’, demonstrates
that moderatio itself depended on the principles of moderation. Thus the amount by
which an excessive state needed to be reduced always had to be adjusted according to the
necessity of the circumstances. Since, in V’s eyes, the careless slave deserved to be
punished, the pardon granted by Archytas did, in fact, create a new state of excess. In
other words, Archytas’ overly generous moderatio was unreasonable. In exemplum
4.1 extortion, on the other hand, V. recounts the story of Thrasybulus, who, after the rule of
the Thirty Tyrants, restored democracy in Athens. Believing that it was the only way to
return to the old condition of the state and in order to prevent any acts of revenge
against the oligarchs, Thrasybulus proclaimed a full pardon, an oblivio or ἀμνηστία, for
anyone involved. In contrast to the unreasonable pardon granted by Archytas, which did
not display the necessary amount of severitas or disciplina, the amnesty granted by
Thrasybulus was triggered by a reasonable assessment of the situation and the honest
intention to do the best thing for the community.

Another matter which has not yet been addressed is that of the socio-political
ramifications of moderatio, as far as they can be deduced from the Facta et dicta
memorabilia. The best way to approach this highly complex issue appears to be by
analysing the intentions and expectations that would have been involved in the display of
moderation by holders of public authority. Since, as has already been argued, moderatio
was an essential constituent of the reciprocal relationship between the powerful and

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124 Cf. Sen. Clem. 2.7.1, where Seneca explains that the wise man should not grant pardon where
punishment is deserved: venia est poenae meritae remissio; [...] ei ignoscitur qui puniri debuit; sapiens
autem nihil facit quod non debet, nihil praetermissit quod debet; itaque poenam quam exigere debet
non donat. At the same time, however, it is absolutely essential that the punishment is in proportion
to the crime (see, e.g., Cato Agr. 5.1: si quis quid deliquerit, pro noxa bona modo vindicet; Cic. Off.
1.89: cavendum est etiam non maius poena quam culpa sit).

125 This oblivio or ἀμνηστία granted by Thrasybulus as a means to mitigate the hostilities after a civil
conflict reminds one of the clementia which Caesar displayed towards the supporters of Pompey as
his nova ratio vincendi (see, e.g., Cic. Att. 9.7c; cf. also Suet. Iul. 75.1: moderationem vero
clementiamque cum in administratone tum in victoria belli civilis admirabilem exhibuit). In neither
case may the moderation or leniency shown be interpreted in a philanthropic or humanitarian sense,
as it is motivated solely by utilitarian reasons (see Scheidle 1993: 202).
those on whom their power impacted, it appears necessary to consider *moderatio* from both perspectives.

The *exempla* presented by V. clearly indicate in which contexts the Roman public would have expected the display of *moderatio*. These situations were generally defined by the circumstance that the eminence and authority of an individual posed a major threat to somebody else’s liberty, status, or integrity. To the Roman mind, *moderatio* in the context of the *res publica* thus became tangible in the refusal of excessive honours and illegal extensions of political mandates, the restriction of magisterial power and authority, the protection of the liberty of the Roman people, the respect for the *maiestas* of all essential bodies of the state, the protection of the *mores maiorum*, the enforcement of justice and avoidance of unreasonable punishment, and the full or partial restraint of personal desires in the interest of the common good.\(^{126}\) As all of these situations presuppose a great deal of freedom of action, that is the possibility to decide whether or not to go through with a particular action, *moderatio* was generally expected from emperors and magistrates, judges and witnesses, as well as *patres familias*. By contrast, people without sufficient legal power of decision or freedom of action, such as women, children, and slaves, had, if no hierarchically inferior person was around, almost certainly no opportunity to display *moderatio*.\(^{127}\) Interestingly, however, *moderatio* could be displayed on behalf of family members or other people for whom the individual was directly responsible and who, in case of any excessive behaviour, would have brought shame or *invidia* upon the individual.\(^{128}\) Overall, it seems justified to say that, in the

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126 Cf. also the analysis in Nakagawa 2002: 220-3.
127 That *moderatio* could only be displayed by a person in a hierarchically superior position is also argued by Christes 1993: passim, who provides an interesting analysis of the distinction between the terms *moderatio* and *modestia*. For an explanation of Tacitus’ problematic claim that Agricola displayed ‘*moderatio*’ towards Domitian (Tac. Agr. 42.3), see Christes 1993: 524-6. One of the very few cases where *moderatio* is attributed to a woman can be found in the *senatus consultum de Cn. Pisone patre: laudare magnopere Iuliae Aug(ustae) Drusiq(ue) Caesaris moderationem* (SCPP 132-3). As a member of the imperial family, however, Julia Augusta possessed greatest authority, which, in turn, would have enabled her to display *moderatio*. For a discussion of Livia’s role as head of Roman womanhood, see Purcell 1986.
128 See, e.g., Val. Max. 4.1.5. Kaster 2005: 38 confirms that shame can be ‘prompted not by your own acts but by the behavior of one or more others with whom you are somehow linked.’ It may also be within this context that Tiberius’ rejection of honours for family members is to be understood (see, e.g., Tac.
public eye, the possession of power brought with it the responsibility to display moderation in the use of this power, even more so when this power had been invested in the individual by public consent. Once the reasonable limit was overstepped, or was about to be overstepped, *moderatio* was necessary and expected. However, as V's examples have shown, this expectation did not demand a thoughtless, arbitrary reduction of rights and power, but a rational restraint at the appropriate moment.

As a consequence of the display of *moderatio*, the individual could expect praise and respect, as V. repeatedly states. In his preface to chapter 4.1, for example, he claims that *moderatio* is 'free from any biting criticism, but particularly rich in earning of praise': *reprehensionis morsu sit vacua et laudis quaestu sit opulentissima.*\(^{129}\) However, if *moderatio* led to public glory, it must be assumed that it was also displayed with the specific purpose of improving one's own reputation. Thus it is imaginable that the individual displayed *moderatio* only to ensure a personal gain. Solely pursuing personal interest would have turned the original idea of *moderatio* as the putting of personal interests behind those of others on its head.\(^{130}\) It is possible that Tacitus and Suetonius suspected Tiberius of such a form of pseudo-*moderatio*, which might have triggered their harsh criticism of the *princeps* conduct. Tacitus, for example, complains that Tiberius, in order to secure for himself the mandate to assume the *statio paterna*, pretended to do everything with the approval of the senate, although, in fact, he already behaved like a *princeps*. Thus he sharply remarks that Tiberius never showed self-restraint, unless when speaking in the senate house: *nusquam cunctabundus nisi cum in senatu loqueretur* (Tac. *Ann.* 1.7.5).\(^{131}\)

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129 As Hellegouarc’h 1972: 367-8 correctly points out, praise was not only a direct result of virtuous behaviour, but it could also encourage it: 'c’est la *virtus* qui donne la *laus* et le désir de *laus* qui conduit à la *virtus*.' Cf. Rhet. *Her.* 3.4.7: *neque enim solum laudis causa rectum sequi convenit, sed si laus consequitur, duplicatur recti appetendi voluntas.*

130 Annex 2008: 208 explains: 'I could, of course, do an action which is such that a virtuous person would do it, but do it only because I have an eye on my own flourishing. But then I would not be virtuous, because a virtue is not a disposition that can be exercised in the absence of the right kind of motivation.'

131 See also Suet. *Tib.* 24: *principatum, quamvis neque occupare confestim neque agere dubitasset, et statione militum, hoc est vi et specie dominationis assumpta, diu tamen recusavit.* V's stance on Tiberius' *moderatio* is difficult to determine, as the *princeps* – perhaps rather surprisingly – does not
On the other hand, it was also possible that *moderatio* was triggered by an external impulse, such as criticism or the perception of public *invidia*, as, for example, in the case of Publicola.\(^{132}\) In order not to be suspected of *hubris*, *licentia*, or other forms of arrogant and shameful abuse of power, the individual would have felt the obligation to display *moderatio*.\(^{133}\) However, the final decision of how to deal with the public pressure always remained with the individual. Thus the external impulse could never in itself bring about *moderatio*, but it had the power to initiate the process of self-evaluation and may, to a certain degree, have influenced the extent of the resulting moderation. In any case, the individual needed to be aware of the fact that his behaviour had social consequences.

In order to determine the ethical value of *moderatio*, it is, therefore, necessary to scrutinise the actual reasons for which *moderatio* was displayed. Three scenarios seem feasible. In the first, the individual controls his actions because he believes that this is the right thing to do, not because he expects something in return. Although this must be considered as the most ethical form of *moderatio*, it is also the least probable. In the second scenario, the individual reduces his display of authority in order to achieve a particular positive outcome for the community, the guiding principle is the *utilitas publica*. Finally, the third form of *moderatio* is the most self-interested one, as the individual only displays *moderatio* to achieve a better outcome for himself, for example to silence critics or to improve his own standing in the public.

On the basis of this classification of *moderatio*, it may be assumed that a similar public rating of the honesty or ethical value of *moderatio* existed, with the individual’s intention as one decisive factor. It could be suspected that the less egocentric the motives

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\(^{132}\) See Val. Max. 4.1.1: *invidiosum magistratus fastigium moderatione ad tolerabilem habitum deduxit*; Cic. Rep. 2.53: *suspicionem populi sensit moveri*.

\(^{133}\) Cf. Kaster 2005: 98: ‘Following someone about and proclaiming that person’s malfeasance or abuse was obviously intended to achieve your purpose not only by encouraging your abuser to reflect on the error of his ways but especially by making him feel the *invidia* of others – by bringing to bear against him the gaze of witnesses who would see him for the highhanded or abusive person that he was and all but compel him, by the force of those gazes, to see himself in the same terms.’
behind the decision to display *moderatio* were (or were perceived to be), the higher the level of approval. It could also be asked whether the unsolicited display of *moderatio* had a higher approval rating than that *moderatio* which only resulted from previous criticism. In any case, it appears as if the degree by which an excessive situation was reduced was of less importance for the social value of a particular act of *moderatio* than might be expected.

In conclusion, this chapter has shed some light on the essential properties of the Roman concept of *moderatio*, as far as these can be deduced from V's *Facta et dicta memorabilia*. Displayed generally by men in hierarchically superior positions and with high degrees of freedom of action, *moderatio* could manifest itself in two aspects, as it included the restraint of power and the control of self-importance, but also the avoidance of rash and unreasonable decisions. In cases where an external force had already led to a reduction of an allegedly excessive state, a belated form of *moderatio* was possible, displayed through the individual's humble acceptance of the new, reduced circumstances. The thin line between what was considered acceptable and what excessive was defined by a number of deeply-rooted socio-political values and ideals, against the backdrop of which the individual had to justify his actions and decisions. Although the final decision whether and to what extent *moderatio* was displayed always remained with the individual, public criticism or the perceived feeling of *invidia* could trigger the individual's evaluation of his conduct in a particular situation. If *moderatio*

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134 In *exemplum* 4.1.8, for instance, V. tells the story of Scipio Asiacicus, who, unable to pay a fine imposed on him, was about to be thrown into prison. Rather unexpectedly and against the will of his colleagues, the plebeian tribune Tiberius Gracchus, one of Scipio's worst enemies, intervened on Scipio's behalf, as he believed it would have been unworthy of the Roman people to take a man to the same prison to which he had brought numerous captured enemies. V. explains that, as a result of this particularly unselfish act, Tiberius Gracchus received his 'deserved praise': *libenter tunc opinionem suam populus Romanus a Graccho deceptam cognovit, moderationemque eius debita laude prosecutus est*. This 'deserved praise' of a selfless display of *moderatio* stands in stark contrast to Tacitus' harsh criticism of Tiberius' allegedly feigned and hypocritical self-restraint, displayed by the princeps only to achieve the best outcome for himself (cf., e.g., Tac. *Ann.* 1.7.5: *nusquam cunctabundus nisi cum in senatu loqueretur*).

135 In fact, the mere preservation of a reasonable status quo (see, e.g., 4.1.10: *satis [...] bonae et magnae sunt*) appears to have been just as commendable as an active attempt to reduce the scope of an untenable state of excess.
was displayed for ethical or utilitarian reasons, the individual could have expected the public's approval and praise, as he had proven his right to possess such high degree of authority. However, if *moderatio* was displayed with the sole purpose of improving one's own standing, the original idea of *moderatio* as putting personal interests behind those of the community was turned on its head, leading to a form of despicable pseudo-*moderatio*. Overall, it can be stated that the concept of *moderatio* played an essential part in the relationship between the powerful and those on whom their power impacted, as it demonstrated the individual's willingness to renounce arrogance and the abuse of authority, which, in turn, would have led to a consolidation of his power.
Commentary

4.1. praef.

transgrediar ad saluberrimam partem animi, moderationem: Having discussed a variety of examples illustrating the virtue of constantia (Val. Max. 3.8), V. signals his transition to a new topic and, less explicitly, a new book (for transgredi ad as a transitional formula in V., see also 2.2.6; 2.9.praef.; 4.2.praef.; 4.5.3; 5.3.4; 5.6.8; 6.5.5; 7.2.6; 8.7.ext.2; 8.15.ext.1; 9.2.ext.1). Instead of offering a general programmatic preface to book 4, he immediately begins with a definition of moderatio, the virtue represented by the following exempla. The theoretical division of the soul into individually functioning parts was a common idea in antiquity (cf., e.g., Pl. Phdr. 246a-254e). V. seems to have found his immediate inspiration in Cicero (Cic. Rep. 1.60), who lets his Scipio claim that the capacity for rational judgement (consilium) is the best part of the soul (animi pars optima), as it leaves no room for uncontrolled passions (nullum esse libidinibus, nullum irae, nullum tementitati locum). The passage in Cicero immediately follows a discussion of Archytas’ exemplary moderation, which is also the topic of Val. Max. 4.1.ext.1. V’s use of saluber (‘conducive to a healthy condition’, cf. OLD s.v. 1a) furthermore implies that moderatio possesses at least some of the same healing properties which Cicero ascribes to philosophy in general (see, e.g., Cic. Tusc. 3.6; cf. Nussbaum 2009: 14 ‘(Philosophy heals human diseases, diseases produced by false beliefs. Its arguments are to the soul as the doctor’s remedies are to the body.’)).

quae mentes nostras impotentiae et tementitatis incursu transversas ferri non patitur: The double passive highlights the threat which uncontrolled passions pose to the unprepared mind. Without moderation the individual is drawn, almost as if in a frenzy, towards intemperate and irrational decisions (cf. Val. Max. 5.1.3: quid agis ... demens, aut quo te prava cupiditas transversum rapit?). In an attempt to define the positive effects
of moderatio, V. focusses on the dangers from which moderatio is able to shield the mind. The term impotentia (cf. TLL 7.1.672.60-673.14; OLD s.v. 2) generally signifies a lack of restraint (see, e.g., Cic. Tusc. 4.34: quam tum cupiditatem, tum libidinem dicimus, inpotentiam quandam a temperantia et moderatione plurimum dissidentem), often with regard to political ambition and thirst for power (cf., e.g., Cic. Fam. 10.1; Tac. Ann. 4.57). Temeritas (cf. OLD s.v. 1a), on the other hand, usually refers to inconsiderate rushing into decisions or, in other words, the putting of emotion before reason (cf. Cic. Off. 1.101: ita fit, ut ratio praesit, appetitus obtemperet. omnis autem actio vacare debet temeritate et neglegentia nec vero agere quicquam, cuius non possit causam probabilem reddere). The fact that V. also uses the term incurrus, a word often found in a military context (cf. TLL 7.1.1092.54-74; OLD s.v. 1a), stresses the suddenness and intensity of these ‘attacks’. According to V., personified moderatio herself takes action against sudden and unreasonable temptations (see also below: effectus suos ... recognoscat). However, despite its representation as an independent entity, moderation relies heavily on the rational mind. Cf. Cicero’s definition of temperantia at Inv. rhet. 2.164: temperantia est rationis in libidinem atque alios non rectos impetus animi firma et moderata dominatio.

quo evenit ut reprehensionis morsu sit vacua et laudis quaedecit sit opulentissima: V. repeatedly resorts to the phrase quo evenit ut to indicate a concluding observation or statement (see, e.g., 3.3.ext.7; 6.8.7; 8.9.ext.1; 9.6.ext.2). It was common practice in Roman public life to criticise an opponent’s morals, including their lack of moderation (cf. Rhet. Her. 3.5: modestiae partibus utemur si nimias libidines honoris, pecuniae, similium rerum vituperabimus). The term morsus can denote the ‘biting’ remark itself (cf. Hor. Epist. 1.14.38) or the painful feeling of being humiliated (cf. Liv. 6.34.8; Ov. Pont. 1.3.43). The elative opulentissima forms the antithesis to vacua in the first part of the parallelism. V.’s use of quaeestus (cf. OLD s.v. 3b) appears to be slightly ironic in this context, as this term could also refer to personal gain (cf. Val. Max. 5.2.10; 7.8.6), an idea to which the concept of self-restraint was vigorously opposed. Here, however, it implies
growing respect due to the display of *moderatio*. A similarly antithetical construction can
be found in the following *exemplum* (cf. Val. Max. 4.1.1: *Nonne quantum domo inferior
tantum gloria superior evasit?*).

**itaque effectus suos in claris viris recognoscat:** The term *effectus* brings to mind the
healing power of a medical remedy (cf. Cels. 3.6.8: *salubris effectus*; Plin. *HN* 12.77:
*singulari effectu contrahendis vulnerum cicatricibus*), an allusion which might have been
intended by V., given the alleged salubriousness of moderation (see above: *saluberrimam
partem animi*). The way in which *moderatio* is again personalised and presented as an
individually acting entity that can consider her own works (see also above: *non patitur*)
renders her almost goddess-like (cf. Val. Max. 6.1. *praef.*: *unde te virorum pariter ac
feminarum praecipuum firmamentum, Pudicitia, invocem?*). From a Roman perspective,
not every public figure was *per se* a *vir clarus*, even though the term was often used
synonymously with *nobilis*. Instead, it was the display of virtue at the right time (through
significant decisions and actions) which transformed an ordinary statesman or military
leader into a role model (cf. Hellegouarc’h 1972: 228). The individual’s virtue became
attached to his name, and his story, often taken out of its historical context, was passed
on from generation to generation, carrying with it its exemplary character (cf., e.g., Cic.
*Sest.* 142-3). For a general model of Roman exemplarity, see M.B. Roller 2018: 4-8.

4.1.1

**atque ut ab incunabulis summi honoris incipiam:** As his declaration to begin from the
‘cradle’ of the highest office (*ab incunabulis summi honoris*) indicates, V. commences his
exemplary survey of the virtue of *moderatio* at the very beginning of the Roman
Republic. From an annalistic point of view, V.’s representation of P. Valerius Publicola as
the first consul (see also Val. Max. 2.4.5: *primus consul*; 4.4.1) is not entirely correct,
since Publicola is said only to have become *consul suffectus* alongside L. Iunius Brutus after L. Tarquinius Collatinus was forced to abdicate in 509 BCE (cf. Cic. *Rep.* 2.53; *Off.* 3.40; Liv. 2.2.9-11; Dion. Hal. 5.12; Plut. *Publ.* 7.4). V's inaccuracy, however, may be seen as deliberate, intended to highlight Publicola's importance in the transition from monarchy to *res publica*. By describing the consulate as the *summus honor*, V seeks not only to highlight the significance of the office itself but also to idealise the political institutions of the Roman Republic. After all, at the time when V was composing his work, the consuls had to increasingly abide by the decisions made by the *princeps* (Millar 1992: 300-13; Lendon 1997: 183-84). V's narrative thus almost seems to suggest a continuation of the traditional *res publica libera*.

**P. Valerius, qui populi maiestatem venerando Publicolae nomen adsecutus est:**

P. Valerius Publicola (RE 8A, 180-8) was one of the legendary figures of the early Roman Republic. Suspected by the people of *adfectatio regni* after the death of his consular colleague Brutus (509 BCE), Publicola is said to have introduced a number of measures to control the power of the magistrates and to display his personal respect for the *maiestas populi*. According to tradition, he removed the axes from the *fasces* and ordered the lowering of the latter as a sign of reverence before the assembly of the people, introduced the monthly alternation of the *fasces* between the consuls, submitted a long list of laws (above all the *lex Valeria de provocazione*) to strengthen the rights of the *populus Romanus*, and he even demolished his own house, since it resembled the residence of a king in the eyes of the people (on these measures, see also commentary below). In the *Facta et dicta memorabilia*, Publicola generally acts as a champion of the people and a defender of the newly won *libera res publica* (cf. 1.8.5; 2.4.5; 4.4.1; 8.9.1). The Roman concept of *maiestas populi Romani* is difficult to define in modern terms (cf., e.g., Drexler 1956; Gundel 1963). Three aspects which are named repeatedly in connection with the *maiestas p. R.* are the *potestas*, *amplitudo/magnitudo*, and *dignitas* of the people (cf., e.g., *Rhet. Her.* 2.12.17; 4.25.35; Cic. *Inv. rhet.* 2.53; *Part. or.* 105; Quint. *Inst. or.*
7.3.35). In honouring these aspects, the appointed magistrate Publicola would have acknowledged the people's constitutional superiority. V. may have found the popular etymology in Livy (cf. Liv. 3.18.6: populi colendi; 2.8.1) or Dionysius (cf. Dion. Hal. 5.19.5: δημοκηδής). Ogilvie 1965: 253 remains sceptical of the explanation, 'since the cognomen would be unique'. However, as the first person to be honoured with this name, Publicola could have passed it on to other members of his family (cf., e.g., the adoption of Pompeius' honorary cognomen Magnus by his sons, mentioned at Plut. Pomp. 13.4-5). This hypothesis might also be supported by the fact that 'the name was confined to the Valerii and their relations', as Ogilvie himself acknowledges. In any case, it seems safe to assume that the mention of the name Publicola would immediately have raised the image of the 'friend of the people' within Roman minds.

cum exactis regibus imperii eorum vim universam omniaque insignia sub titulo consulatus in se translatca cerneret: In 509 BCE, L. Tarquinius Superbus, the last of the legendary kings of Rome, is said to have been forced to go into exile, leading to the establishment of the Roman Republic (cf. Liv. 1.57-60). The idea that the consuls of the early Republic inherited the regium imperium (V. here appears to be paraphrasing Liv. 2.1.8: omnia iura, omnia insignia) is not unique (cf. Cic. Leg. 3.8: regio imperio duo suntio; Cic. Rep. 2.56: potestatem ... genere ipso ac iure regiam; Polyb. 6.11.11-12). In fact, the consular power was similar to that of the kings in that it was not restricted to certain aspects of public or private life (see Zetzel 1995: 213; Beck 2011: 79-80). However, with the introduction of the principles of annuality and collegiality, as well as with the limitations on cumulation, continuation, and iteration of offices, the threat of abuse of consular power was reduced (cf. Sall. Cat. 6.7; see also Ogilvie 1965: 235 (‘The consuls governed Rome not by the absolute authority which the kings had enjoyed but by power vested in them by the will of the people.’)). The insignia V. refers to are most likely the toga praetexta (perhaps as a ‘reduced version’ of the toga purpurea), the sella curulis, and the lictores carrying the fasces (cf. Liv. 1.8.1-3). However, as Ogilvie 1965: 235 has rightly
pointed out, ‘the consuls retained the *insignia imperii* but not the *regia ornamenta.* The fact that V. portrays Publicola almost as another king, only with a different title (*sub titulo consulatus*; cf. Liv. 3.9.3: *nomine enim tantum minus invidiosum*), thus not only explains the people’s initial distrust (*invidiosum magistratus fastigium*) but also serves to emphasise Publicola’s self-restraint. From a modern historian’s point of view, it remains uncertain which name was applied to the first chief magistrates of the Roman Republic (see Smith 2011: 19-40). V. simply follows the terminology of his sources (cf., e.g., Liv. 1.60: *duo consules … creati sunt, L. Iunius Brutus et L. Tarquinius Collatinus*). However, his narration seems to imply that, initially, only the name of the office had changed, while the *imperium* and the *insignia* of the one magistrate mentioned remained that of the king. In this way, V. presents Publicola as the man who, through his individual moderation, brought about the constitutional changes which shaped the early Roman Republic. V. furthermore highlights the fact that Publicola was given his extensive power and authority without having requested it.

**invidiosum magistratus fastigium moderatione ad tolerabilem habitum deduxit:**

After the abuse of power by the last king and his family, the people regarded the new chief magistrate with suspicion (cf. Liv. 2.7.8: *se superstitem gloriae suae ad crimen atque invidiam superesse*; Dion. Hal. 5.19.1: ὢποπτος γένεται). In V’s narrative, the distrust towards Publicola appears almost understandable, given the fact that he is said to have been entrusted with all the king’s power and *insignia* (see above: *imperii eorum vim universam omniaque insignia*). In the eyes of the people, the perceived loftiness (*fastigium*) of the chief magistracy finds its match in the elevated location of Publicola’s house on the Velia (see commentary below: *excelsiore loco posita*; cf. Dion. Hal. 5.19.1: ἐν ἐπιφθόνῳ τόπῳ τόπω). The fact that it was necessary to reduce ‘the invidious eminence of the magistracy to a tolerable level’ (transl. Shackleton Bailey) implies that, in the eyes of the people, the excessive cumulation and display of power by the kings had reached an intolerable level. This trend is countered by Publicola’s personal *moderatio*, a term which
here includes both the mental predisposition and the particular actions undertaken. The criticism expressed in this passage could also be read as an implicit reference to Caesar, whose accumulation of power had far exceeded an acceptable limit in the eyes of many and who was rumoured to be striving for the kingship (cf., e.g., App. B.Civ. 2.108-14).

**fascēs securibus vacuefaciendo et in contione populo submittendo:** V. begins an extensive list of actions which, in his eyes, highlight Publicola's exemplary *moderatio*. The *fascēs*, consisting of a bundle of rods holding an axe at the centre, were originally the *insignia* of the Roman kings (cf. Liv. 1.8.2: *insignibus imperii*; Dion. Hal. 3.61: *σύμβολα τῆς ἡγεμονίας*). Taken apart, rods and axes could be used for flogging or executions. Therefore, 'they not only served as ceremonial symbols of office but also carried the potential of violent repression' (Marshall 1984: 130). As symbols of *imperium*, the *fascēs* were eventually adopted by the republican magistrates *cum imperio*. However, when carried within the city boundaries (*pomerium*), the axes had to be removed from the bundles, a procedure which was generally first attributed to Publicola, often in connection with his alleged introduction of the *ius provocationis* (cf. Cic. Rep. 2.55; Liv. 2.7.7; Dion. Hal. 5.19.3; Plut. Publ. 10.5; Dio Cass. 3.13.2; Staveley 1963: 465; see also commentary below). Like the removal of the axes within the *pomerium*, the dipping of the *fascēs* before the assembly of the people as a sign of respect was traditionally connected with Publicola (cf. Cic. Rep. 2.53; Liv. 2.7.7; Quint. Inst. or. 3.7.18; Plut. Publ. 10.5; Dio Cass. 3.13.2).

**numerum quoque eorum dimidia ex parte minuit:** According to tradition, the Roman kings had twelve *fascēs* (cf. Cic. Rep. 2.31; Dion. Hal. 2.29, 3.61-62; Liv. 1.8.2). With the establishment of the Roman Republic and the reduplication of the office of chief magistrate, the *insignia imperii* would have been doubled as well. However, in order not to allow the new republican magistrates a higher total number of *fascēs* than the kings
had possessed, the *fasces* were limited to twelve and carried in monthly rotation (cf. Cic. *Rep.* 2.55; Liv. 2.1.8; Dion. Hal. 5.2.1).

**ultro Sp. Lucretio collega adsumpto:** According to V., Sp. Lucretius Tricipitinus, the father of Lucretia (cf. Cic. *Rep.* 2.46; *Leg.* 2.10; Liv. 1.57-59), was chosen as colleague by Publicola, in order to share Publicola's so far mostly autocratic power and to protect the interests of the *res publica*. The wording (*adsumpto* in combination with *ultro*) suggests a high degree of intentionality. The fact that Publicola's previous colleague, L. Iunius Brutus, had died in battle (cf. Liv. 2.6-8; *MRR* 1, 2) is not mentioned at all. The choosing of a colleague therefore does not seem to be a constitutional necessity (i.e. to re-establish collegiality), but appears to be a natural result of Publicola's personal moderation. The choice itself is also symbolic, given Lucretius' loss of his daughter due to the abuse of power by the Tarquins. According to tradition, however, Lucretius died within days and was replaced with M. Horatius Pulvillus (cf. Liv. 2.8.4; Dion. Hal. 5.19.2). V.'s readers may have been aware of the parallels between Publicola's *moderatio* and that of Augustus (cf. *RGDA* 6.2: *conlegam et ipse ultro quinquiens a senatu depoposci et accepi*; Suet. *Aug.* 27.5: *semel atque iterum per singula lustra collegam sibi cooptavit*).

**ad quem, quia maior natu erat, priorem fasces transferri iussit:** While V. and Cicero (Cic. *Rep.* 2.55) name Publicola as the originator of the monthly alternation of the *fasces*, other sources attribute the introduction of this practice to Brutus (cf. Liv. 2.1.8; Dion. Hal. 5.2.1). Usually, the older of the two consuls was granted the first turn of carrying the *fasces* (cf. Plut. *Publ.* 12.4; Gell. 2.15.8). As Marshall 1984: 131 has pointed out, the alternation 'was not just historic pageantry since the monthly holding of the *fasces* demonstrated consular priority in the tenure of real executive power such as the presidency of the *comitia centuriata*'. By transferring the right to carry the *fasces* to Lucretius, Publicola actively abstained from certain privileges, displaying his moderation and respect for the *res publica*. In the context of the early Principate, the mention of this
episode might have alluded to Augustus' return to the alternation of the *fasces* in 28 BCE (cf. Dio Cass. 53.1.1; see also Staveley 1963: 467).

**legem etiam comitiis centuriatis tulit**: Publicola was traditionally accredited with an array of new laws, almost all of which intended to strengthen the rights of the people (cf. Liv. 2.8.1: *latae deinde leges, non solum quae regni suspicione consulem absolverent, sed quae adeo in contrarium verterent ut popularem etiam facerent*; for an overview see *MRR* 1, 2). The law that V. refers to in this passage is the *lex Valeria de provocacione*. It sought to protect Roman citizens against a magistrate's abuse of his *imperium* by prohibiting their corporal punishment or execution after they had called upon the people for help (cf. Cic. *Rep*. 2.53; Dion. Hal. 5.19.4; Plut. *Publ*. 11.2). In essence, the *lex Valeria* thus acted as a symbol of the *libera res publica* (cf. Cic. *De or*. 2.199: *patronam … civitatis ac vindicem libertatis*; Liv. 3.45.8; see also J. Martin 1970: 95; Arena 2012: 50 (‘The right of *provocation* … was accordingly presented as the guardian and bulwark of Roman *libertas*.’)). However, while modern scholars agree that a possibility to appeal against a magistrate's rulings to fellow citizens must have existed during the early years of the Roman Republic (potentially as a form of plebeian self-help), it remains unclear what legal status this privilege really possessed, given the reported passing of similar *leges Valeriae* in 449 and 300 BCE (cf. Bleicken 1959; J. Martin 1970; Lintott 1972; Develin 1978; Humbert 1988). Nevertheless, there is no doubt that Publicola's traditional affiliation with the *ius provocationis* would have amplified his reputation as a friend of the people. While the accomplishments described in the first two sentences are connected by a simple *quoque*, the *etiam* seems to suggest an increase in significance (cf. KSt 2, 53). In V's eyes, Publicola's alleged introduction of the *ius provocationis* is of greater importance than his removal of the axes from the *fasces* and his implementation of the monthly alternation. The same increased appreciation can be felt in Cicero (cf. Cic. *Rep*. 2.53: *in quo fuit Publicola maxime*). Cicero furthermore reports that the *lex Valeria de provocacione* was the first law ever to be passed by the *comitia centuriata*, the
legislative assembly of the Roman people (cf. Cic. Rep. 2.53: *legem ad populum tulit eam quae centuriatis comitiis prima lata est*; see also Zetzel 1995: 209; 211). However, even without this additional information, Publicola’s respect for the *populus Romanus* and the constitutional processes of the *res publica* is obvious.

**ne quis magistratus civem Romanum adversus provocationem verberare aut necare vellet:** The whole section bears a very close resemblance to Cicero’s explanation of the *lex Valeria* in Cic. Rep. 2.53: *ne quis magistratus civem Romanum adversus provocationem necaret aut verberaret*. As Zetzel 1995: 209 has rightly observed, the wording represents ‘the language of law, with *ne quis* … introducing a prohibition’. The addition of *vellet* may have been influenced by Dionysius’ use of *θέλῃ* (cf. Dion. Hal. 5.19.4: ἐάν τις ἄρχων Ῥωμαίων τινὰ ἀποκτείνειν ἢ μαστιγοῦν ... θέλῃ). Every free Roman citizen possessed the right to appeal to the people against a magistrate’s abuse of his *imperium* (cf. Dig. 1.2.2.16: *lege lata factum est, ut ab eis (=consulibus) provocatio esset, neve possent in caput civis Romani animadvertere iniussu populi*). As Lintott 1972: 231 has pointed out, the plea *civis Romanus sum* (Cic. Verr. 2.5.147; 2.5.162) or *civis Romanus natus sum* (Cic. Fam. 10.32.3) was used in the late Republic and during the Principate, ‘in order to get recognition of Roman citizenship and thus of the right to enjoy the protection of Roman *provocatio* laws’. The exact process of the *provocatio* remains unclear, but may originally have involved an actual call for help (*provocare ad populum*; cf. Lintott 1972: 232-3).

With the introduction of the *lex Valeria*, this informal custom of calling on the people would have been granted a legally binding character. While Dionysius claims that the *ius provocationis* also applied to financial penalties (cf. Dion. Hal. 5.19.4: ἀποκτείνειν ἢ μαστιγοῦν ἢ ξημοῦν εἰς χρήματα), V., following Cicero and Livy, only mentions flogging and executions (i.e. the two forms of magisterial *coercitio* directly represented by the *fasces*, the use of which Publicola had already restricted).
ita, quo civitatis condicio liberior esset, imperium suum paulatim destruxit: The anaphoric use of the adverb ita signals a first summarising statement. V. makes it absolutely clear that, in limiting magisterial imperium, Publicola showed little regard for his own authority, instead focussing entirely on the protection of the liberty of the young res publica (cf. Val. Max. 1.8.5: Romanis nuper partam libertatem retinere cupientibus; see also Liv. 2.15.3: non in regno populum Romanum esse sed in libertate). As Wirszubski 1960: 5 explains, 'the Romans dated their own freedom from the abolition of monarchy and identified it with the constitution of the commonwealth.' By introducing additional measures to control the power of the magistrates and by strengthening general civil rights, Publicola thus ensured the continuation and enhancement of the libera res publica. V.'s choice of destruxit furthermore foreshadows the demolition of Publicola's house on the Velia. Cicero draws a less dramatic picture: haud mediocris hic … vir fuit, qui modica libertate populo data facilius tenuit auctoritatem principum (Rep. 2.55.2).

quid quod aedes suas diruit, quia excelsiore loco positae instar arcis habebant?: The contracted rhetorical question quid quod (cf. KSt 2, 277) is, like nonne below, aimed directly at the reader. Rounding off his discussion of Publicola's moderatio, V. concludes with a mention of the fact that Publicola tore down his family home to avoid potential distrust. While Cicero and Livy report that Publicola was still in the process of building his house when he decided to move its location to a less prominent position (cf. Cic. Rep. 2.53; Liv. 2.7), V., following Dionysius (Dion. Hal. 5.19.1-2), further emphasises Publicola's willingness to make sacrifices by claiming that Publicola demolished his already established family home (cf. also Plut. Publ. 10.2-4). In his chapter on severitas (Val. Max. 6.3.1b-c), V. lists cases in which individuals who had threatened the libera res publica were punished by the people with the destruction of their houses. Publicola's action can, therefore, be seen as severitas exercised against himself. The Velia, on which Publicola's house is said to have stood (cf. Cic. Rep. 2.53: in excelsiore loco Veliae), was the ridge that stretched in a north-eastern direction from the
Mons Palatinus to the Mons Oppius, commanding the south-eastern end of the Forum Romanum (cf. Dion. Hal. 5.19.1: λόφον ὑπερκείμενον τῆς ἀγορᾶς ύψηλὸν ἐπιεικῶς καὶ περίτομον). Its original height was presumably diminished during the construction of the Domus Aurea of Nero (see Platner/Ashby 1929: 550; Richardson Jr. 1992: 289). Through its elevated position at the south-eastern end of the Forum Romanum, the domus Valerii would have challenged the momentousness of the Roman arx, which was located opposite on the Mons Capitolinus at the north-western end. The fact that the legendary third king of Rome, Tullus Hostilius, was said to have had his house in exactly the same spot (cf. Cic. Rep. 2.53: eo ipso, ubi rex Tullus habitaverat), might have furthered the impression that Publicola was striving for absolute power. Publicola’s extraordinary decision thus seeks to underline the fact that the allegations of cupiditas regni made against him were without substance. On the exemplary nature of Publicola’s decision to tear down his house, see also Beck 2009; cf. Roller 2010 and 2018: 233-64.

nonne quantum domo inferior tantum gloria superior evasit?: As in the previous sentence, V. addresses his readership directly, this time expecting an affirmative response (cf. KSt 2, 515). As a result, his concluding observations gain additional impact. According to V., personal moderation, as in this case symbolised impressively by the destruction of Publicola’s house, leads to an increase in individual glory. As Ogilvie 1965: 251 has observed, gloria often represents the counterpart to invidia (cf., e.g., Sall. Iug. 10.2: gloria invidiam vicisti; Nep. Thras. 4.1; Liv. 6.16.5; Plin. HN 7.138; Tac. Agr. 8.3). A variation of this antithesis can also be observed here (cf. above: invidiosum magistratus fastigium). Through his display of moderation, Publicola is successful in turning invidia into gloria. The verb evadere (TLL 5.2.987.68-72; OLD s.v. 3) underlines the change in the public’s perception of Publicola (cf. Val. Max. 6.9.3: quantum prius luxuriae fuerat exemplum, tantum postea modestiae et sanctitatis specimen evasit). While, before, he was suspected of cupiditas regni, Publicola now emerges as a model of personal moderation and full of glory in the eyes of the people.
vix iuvat abire a Publicola, sed venire ad Furium Camillum libet: V. clearly indicates his transition from Publicola to M. Furius Camillus. According to Roman tradition, Camillus \( (RE 7, 324-48; BNP 5, 615-16) \) was one of the most influential statesmen and generals of his time. Having led the Romans to victory over Veii (396 BCE), he is said to have been forced to go into exile, before being recalled and made dictator when the Gauls besieged Rome (390 BCE). In Roman historiographical sources, Camillus is generally praised for freeing and rebuilding the city \( (cf. \text{Liv. 7.1.10: secundum a Romulo conditorem urbis Romanae}) \), subduing the neighbouring Etruscan cities, and attempting to mediate during the rising conflicts between patricians and plebeians. Hardly surprising, in V.’s work, he generally appears as a military and moral safeguard of Roman power \( (cf., e.g., \text{5.3.2: virium Romanarum et incrementum laetissimum et tutela certissima}) \). V. would almost certainly have been familiar with the statue of Camillus which stood in the Forum of Augustus \( (cf. \text{Geiger 2008: 140-1}) \). On Camillus and his exemplary role in Roman literature, see also Walter 2000; Bruun 2000; Coudry 2001; Gaertner 2008; Gowing 2009; Chaplin 2015 (including a discussion of the general’s reputation for self-restraint).

cuius tam moderatus ex magna ignominia ad summum imperium transitus fuit: The extensive hyperbaton \( (\text{moderatus ... transitus}) \) syntactically resembles Camillus’ restrained transition from an exile into a Roman dictator. The ancient sources report that, some time after his successful campaign against Veii, Camillus was summoned before the people and fined a large sum of money. The exact reasons for this are difficult to determine with certainty. While some sources claim that Camillus was punished for celebrating his triumph on a chariot drawn by four white horses \( (cf. \text{Diod. Sic. 14.117.6; Liv. 5.23.5-6; Dio Cass. 52.13.3}) \), a version which Ogilvie 1965: 699 dismisses as ‘an invention by some enemy of Caesar’s’, others state that Camillus was charged with the
unfair distribution, or even embezzlement, of the spoils of the war (cf. Liv. 5.32.8-9; Plut. Cam. 11-12). V. appears to have followed the latter version of the story, as his account in exemplum 5.3.2a (tamquam peculator Veientanae praedae) suggests. In light of the Gallic threat in 390 BCE (cf. below: capta urbe a Gallis), the Romans saw no option but to turn to Camillus once more, offering him the dictatorship, to which V. here refers as summum imperium. Once appointed for a fixed period of time, i.e. generally not more than six months (cf. Cic. Leg. 3.9; Dion. Hal. 5.70.2; Liv. 3.29.7; 9.34.12; 23.23.2; Plut. Cam. 31.3; Dio Cass. 36.34.1), a dictator possessed the most powerful imperium in the state. His decisions could not be vetoed, either through intercessio or through provocatio ad populum (cf. Cic. Leg. 3.9; Dig. 1.2.2.18; see also Lintott 1999: 110-112; Mousourakis 2003: 99). The dictatorial imperium was, therefore, considered as similar to that of the kings (cf. Cic. Rep. 2.56: novumque id genus imperii visum est et proximum similitudini regiae; Plut. Cam. 18.5: μονάρχους, οὓς Δικτάτορας καλοῦσιν). As Guerrini (1981: 18 n.20) has correctly pointed out, Camillus’ subsequent hesitation (cunctatio) to accept such powers appears to be a direct result of his self-control (tam moderatus ... ut). V’s readers may have been reminded of Tiberius famous reluctance to accept the role of princeps (cf., e.g., Vell. Pat. 2.104.2: ut potius aequalem civem quam eminentem liceret agere principe).

cum praesidium eius cives, capta urbe a Gallis, Ardeae exsulants petissent: After the victory over the Roman army in the Battle of the Allia (390 BC), the Gauls, led by Brennus, met little resistance on their march towards Rome. While the last remaining Roman citizens retreated to the Mons Capitolinus, the Gauls ransacked the city and began the siege of the citadel (cf. Liv. 5.37-42; Plut. Cam. 18-22). Dionysius claims that Camillus, who had decided to go into exile in Ardea, the capital of the Rutuli, was proclaimed dictator by the Roman army, which had taken refuge in the city of Veii (Dion. Hal. 13.6.1; see also the discussion in Gowing 2009: 342). Other sources seem to be more aware of the constitutional difficulties created by such a decision made solely by
the army (cf., e.g., Liv. 5.46.7: *consensu omnium placuit ab Ardea Camillum acciri, sed antea consulto senatu qui Romae esset;* Plut. Cam. 24.2-26.1). V’s use of *cives ... petissent* attempts to avoid these issues by adapting Livy’s *revocatus ... iussu populi* (Liv. 5.46.10). However, the reasons for Camillus’ recall seem to differ slightly between Livy and V. While, for Livy, the Roman army is still strong, but lacks a suitable leader (cf. Liv. 5.46.5: *corpori valido caput deerat*), V’s account highlights the Romans’ vulnerability and their need of protection (*praesidium*).

*ut ... non prius Veios ad accipiendum exercitum iret quam de dictatura sua omnia sollemni iure acta comperisset:* This passage, presented as a direct result of Camillus’ self-restraint (cf. *tam moderatus ... ut*), appears to be a modified version of Livy’s account (cf. Liv. 5.46.11: *non prius profectum ab Ardea quam compererit legem latam*). While Livy focusses on the place where Camillus had spent his time in exile, V. mentions the direction in which he was about to travel to take supreme command of the Roman troops. As a result of this slight narrative alteration, not Camillus’ personal advantage, that is to be able to return from exile, but his sense of responsibility for Rome and its citizens is highlighted. The fact that he remained in Ardea until being officially granted full authority further emphasises Camillus’ *moderatio*. While the Gauls were laying siege to the city of Rome, the rest of the Roman army was camped at Veii (cf. Diod. 14.115.2; 14.116.1; Liv. 5.38.5; 5.38.9; 5.39.4; 5.45.4-8; Plut. Cam. 18.7). Therefore, the newly appointed dictator Camillus, until then living in exile in Ardea, was forced to cross the Tiber in order to take command of his troops. V’s choice of words (cf. *accipere*) is intended to support the notion that Camillus did not himself seize absolute military power, but was entrusted with the dictatorship by the people. In order for the dictatorship to be in compliance with the constitution, the dictator had to be appointed by an authorised magistrate, generally a consul (cf. Plut. Marc. 24.7: ὁ γὰρ δικτάτωρ οὐκ ἔστων ὑπὸ τοῦ πλῆθους οὐδὲ τῆς βουλῆς αἴρετος, ἀλλὰ τῶν ὑπάτων τις ἢ τῶν στρατηγῶν προελθὼν εἰς τὸν δήμον ὅν αὐτῷ δοκεῖ λέγει δικτάτορα; Liv. 4.31.4: *religio*
obstaret ne non posset nisi ab consule dici dictator; see also RE 5, 375-9). Since Camillus, so far, had only been nominated by the people, as V. explains (cf. praesidium eius cives ... petissent), his dictatorship needed to be officially confirmed, before he could officially return from exile and take on the role of commander-in-chief (cf. Liv. 5.46.11: nec nisi dictator dictus auspicia in exercitu habere; Plut. Cam. 24.3: ὁ δὲ οὐκ ἔφη πρότερον ἢ τοὺς ἐν τῷ Καπιτωλίῳ πολίτας ἐπιψηφίσασθαι κατὰ τὸν νόμον; see also Plut. Cam. 25.3-4; the religious aspect (cf. Liv. 5.46.11) was probably crucial, as the dictator needed valid auspices). Tradition has it that the young messenger Pontius Cominius was sent from Veii to find a way into the besieged city of Rome and to ask the remaining magistrates for confirmation of Camillus’ dictatorship (cf. Liv. 5.46.7-10; Plut. Cam. 24.2-25.4; Dio Cass. 24.8; Zonar. 7.23; see, however, also Diod. 14.116.3-4). For the use of sollemnis in reference to the appropriate procedures of law, cf. OLD s.v. 1c.

magnificus Camilli Veientanus triumphus: In order to put Camillus’ moderation into perspective (cf. below: sed ista cunctatio longe admirabilior), V. begins to enumerate the general’s other achievements. In 396 BCE, after more than a decade of unsuccessful attempts to capture the Etruscan city of Veii, a select group of soldiers, led by Camillus, was able to gain access to the citadel through a tunnel and to open the gates for the Roman army, thus forcing the Veientines to surrender (cf. Diod. 14.93.2; Liv. 5.19-21; Plut. Cam. 5.3-6). Camillus’ triumph after the victory over Veii is described by some sources as excessive and pretentious (cf. Liv. 5.23.4: triumphus ... omnem consuetum honorandi diei illius modum aliquantum excessit; Plut. Cam. 7.1-2), triggering first traces of animosity towards Camillus and, perhaps, contributing to his conviction and exile (see above: ex magna ignominia). V., however, appears to use triumphus as a synonym for victoria, as the following parallel passage egregia Gallica victoria suggests, thus paving the way for his concluding statement: multo ... multoque se ipsum quam hostem superare operosius est.
egregia Gallica victoria: The list of Camillus’ outstanding achievements continues. Having formally been recalled from exile and made dictator, Camillus concentrated the remaining Roman forces and marched towards Rome to confront the Gauls, who were laying siege to the citadel. Upon arrival, he declared void the previously negotiated payment of a ransom and ordered the Gauls to prepare for combat. The battles were short and the Gauls, almost annihilated, were forced to retreat (cf. Liv. 5.49.1-7; Plut. Cam. 29.1-30.2). The returning dictator was hailed as Romulus ac parens patriae conditorque alter urbis (Liv. 5.49.7; see also Plut. Cam. 1.1).

sed ista cunctatio longe admirabilior: After two parallel, asyndetic statements of more or less equal semantic value (cf. magnificus Camilli Veientanus triumphus, egregia Gallica victoria), V. indicates through sed that his third and last observation is going to form a contrast to both. As emphasised by the following comparative longe admirabilior, the conjunction sed here creates the notion of a climax, shifting the focus to the most important element of the narrative (for a similar case, cf. Cic. Verr. 2.4.118: ibi sunt aedes sacrae complures, sed duae, quae longe ceteris antecellant). According to V., Camillus’ true virtue was not so much determined by the fulfilment of his role as fatalis dux in the wars against the Etruscans (cf. Liv. 5.19.2) or by his victories against the Gauls and the rebuilding of the city (cf. Liv. 5.49.7: Romulus ac parens patriae conditorque alter urbis), as may have been assumed, but instead became palpable in the hesitation, engendered by his moderatio, when asked to accept the dictatorship. The imagery created seems, as has already been suggested, reminiscent of Tiberius’ ostentatious reluctance (cunctatio) to take on the imperial position after the death of Augustus (cf. Tac. Ann. 1.11-13; Suet. Tib. 24). According to V’s contemporary Velleius Paterculus, Tiberius finally accepted the role of princeps when he realised that everything would perish without his protection (cf. Vell. Pat. 2.124.2: tandem magis ratione quam honore victus est, cum quidquid tuendum non suscepisset, periturum videret), an anecdote which V. may be alluding to here. While such public display of hesitation gave the impression of pretentiousness and
dissimulation to later imperial authors, such as Tiberius' critics Tacitus and Suetonius, the temporary (*cunctatio*) or complete (*recusatio*; cf. Val. Max. 4.1.6) refusal of offices appears to have been seen as an essential component of a politician's *moderatio* during late republican and early imperial times (cf. Cic. *Off.* 1.68: *nec vero imperia expetenda, ac potius aut non accipienda interdum aut deponenda nonnumquam*; see also Rogers 1943: 60-88).

**multo enim multoque se ipsum quam hostem superare operosius est:** To emphasise his claim that Camillus' *cunctatio* (and therefore also his *moderatio*) was more praiseworthy than his military victories, V. resorts to a *sententia*, cleverly positioned at the end of the *exemplum* to create a rhetorical climax and to sum up the moral essence of the anecdote. The ethical concept that self-mastery is far more difficult to achieve than victory and dominance over others was a popular topic in antiquity and can be found not only in the form of *sententiae* (cf. Democritus fr. 214 DK; Pl. *Grg.* 491d; R. 430e-431a; Cic. *Marcell.* 12; Cic. *Parad.* 5.33; Liv. 30.14.6-7; Sen. *Ep.* 71.37; 90.34; 113.29-31; Sen. *QNat.* 3.*praef.*10; Sen. *Ben.* 5.7.5; Plut. *Mor.* 233d). The fact that V. makes use of the adjective *operosius* seems to document his perception that, in the attempt to overcome one's irrational passions, active effort and mental perseverance are essential. When successful, however, the display of active self-control leads to admiration and praise (cf. *longe admirabilior*). For the construction *operosum/-ius* + infinitive, cf. Colum. 7.9.13; Sen. *Ep.* 14.7.119.

**nec adversa praepropera festinatione fugientem nec secunda effuso gaudio adprehendentem:** The implications of the moral concept of *se ipsum … superare*, to which both participles refer, are specified further by V. (for the restrictive meaning of negated participles, see MBS 716; 813). V. appears to have been influenced by Cicero's explanations of the Stoic doctrine on the control of the emotions (cf. Cic. *Off.* 1.5: *fortis vero dolorem summum malum iudicans aut temperans voluptatem summum bonum statuens esse certe nullo modo potest*; 1.101: *nam qui appetitus longius evangantur et*
tamquam exsultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine
dubio finem et modum transeunt; see also Cic. Tusc. 4.12: natura enim omnes ea quae
bona videntur sequuntur fugiuntque contraria). For an exemplary military commander,
such as Camillus, the ideal of se ipsum superare did not only imply the display of
endurance and bravery on the battlefield (or, in other words, the acceptance of pain), but
also the individual's rational self-control in the pursuit of pleasures. Despite being given
a valid excuse by the pleading army to return immediately from exile, Camillus
remained in Ardea to await his official appointment as dictator.

4.1.3

par Furio moderatione Marcius Rutilus Censorinus: V's transition from Camillus to
Censorinus is brief but efficient. The adjective par suggests parity in terms of virtue
between both men, thereby inviting the reader to find similarities between the two
exempla and to deduce meaning from them (on this process, see esp. Morgan 2007: 179-
90; Langlands 2008; 2011). By explicitly categorising the two anecdotes as examples of
moderatio (in both cases with respect to constitutional propriety), V. seeks to provide his
narrative with additional internal coherence.

C. Marcius Rutilus Censorinus (RE 14, 1589-90; BNP 8, 314) was consul in 310
BCE and successfully recovered Allifae from the Samnites (MRR 1, 161-2; cf. Liv. 9.38.1;
Diod. Sic. 20.35.1-5). Despite his military achievements, however, he appears to have
been remembered predominantly for the fact that he was entrusted the censorship twice
in his life, in 294 and 265 BCE (see MRR 1, 179 and 202), an unprecedented honour
which also earned him his cognomen (documented in the Fasti Capitolini for 265 BCE).
His apparent hesitation to accept the office a second time (and the alleged introduction
of a lex de censura non iteranda: cf. Elster 2003: 144-6) made him a paragon of restraint
and respect for the *mores maiorum* (see commentary below). Censorinus is not mentioned anywhere else in the *Facta et dicta memorabilia*.

**iterum enim censor creatus:** Censorinus is the only Roman in the history of the censorship (during the Roman Republic) known to have been entrusted with the office twice (see Suolahti 1963: 77, 268). Although the iteration of the censorship appears not to have been constitutionally impossible at this point of time (thus also Suolahti 1963: 77), it surely was considered as contrary to custom (cf. below: *eam potestatem …, cuίus maiores … tempus coartandum iudicassent*) and therefore also as inappropriate. V. is thus setting the scene for Censorinus’ exemplary reaction. On the image of the censorship in the *Facta et dicta memorabilia* generally, see Humm 1998.

**ad contionem populum vocatum quam potuit gravissima oratione corripuit:** The term *contio* was generally used to refer to meetings called by a magistrate for the purpose of information or deliberation (cf. *TLL* 4.730.1-733.29; *OLD* s.v. 1; see also Bücher 2006: 29-34). In this instance, however, the people appear to have been convened solely to receive moral instruction. The scene thus created by V. is almost ironic in that Censorinus, although on principle opposed to the idea of serving as censor for a second time, is depicted as dutifully exercising his *regimen morum* with all the gravitas of his office (cf. *gravissima oratione corripuit*; for *corripere*, cf. *TLL* 4.1045.9-1046.40; *OLD* s.v. 6), thereby ultimately vindicating his re-election. At the same time, the people play an important role in being primary witnesses of Censorinus’ exemplary conduct (cf. M.B. Roller 2004: 5).

The necessity to call a *contio* in order to rebuke the people for making him censor for a second time might suggest that Censorinus was elected *in absentia* and therefore unable to respond immediately to any efforts to re-elect him. On the other hand, it does not seem impossible either that the anecdote of Censorinus’ alleged address to the people was the result of an attempt to frame the historical fact of the introduction of the
**lex de censura non iteranda**, a law allegedly sponsored by Censorinus to prevent future individuals from holding the censorship more than once (cf. Plut. Cor. 1.1; on the lex, see also the discussion in Elster 2003: 144-6), with a more appealing and instructional narrative. After all, a similar anecdote appears to have been circulating about Q. Fabius Maximus Rullianus, Censorinus’ colleague in the consulship of 310 BCE, who became censor in 304 BCE (cf. Auct. vir. ill. 32.2: *iterum censor fieri noluit dicens non esse ex usu rei publicae eosdem censores saepius fieri*). V’s representation of Censorinus’ hesitation to accept an office entrusted to him by the people is also likely to contain traces of stories about Tiberius’ reluctance to accept honours offered to him by the people (cf., e.g., Vell. Pat. 2.124.2: *una tamen veluti luctatio civilitatis fuit, pugnantis cum Caesare senatus populaire Romani, ut stationi paternae succederet*). However, the idea of the *recusatio imperii* can be seen in the late Republic and Augustan age as well, e.g. in Pompey’s reluctance to accept the Pirate command of 67 BCE (*lex Gabinia*) or Augustus’ hesitation in 27 BCE (cf. Béranger 1948; Vervaet 2010).

**quod eam potestatem bis sibi detulisset, cuius maiores, quia nimis magna videretur,**

**tempus coartandum iudicassent:** V’s summary of Censorinus’ speech revolves around the argument that the *censoria potestas* had to be considered ‘too great’ a power (cf. *nimis magna*) to be entrusted to the same person for more than a single term. For the same reason, so the claim, the *maiores* already had thought it necessary to limit the timeframe in which the censors had to complete their tasks (for *tempus coartare*, cf. *TLL* 3.1391.52-61; OLD s.v. *coartare* 3). The passage is likely to be referring to the *lex Aemilia* of 434 BCE, which, according to Livy, sought to restrict the *censoria potestas* by limiting the censors’ regular tenure of office to eighteen months (cf. Liv. 4.24.3: *censuram minuere parat* (scil. Mamercus Aemilius) *seu nimiam potestatem ratus seu non tam magnitudine honoris quam diuturnitate offensus*; 4.24.4: *maximam … custodiam esse si … temporis modus imponeretur*) in order to defend the liberty of the people (cf. Liv. 4.24.4: *libertati populi Romani consulturum*).
While, in terms of actual potestas, the censors appear to have ranked below the consuls and praetors (cf. RS 1, ll. 2 and 8; 7, ll. 14-5; see also Drogula 2015: 65), their perceived pre-eminence (cf. Plut. Cat. Mai. 16.1: κορυφή δὲ τίς ἐστι τιμῆς ἀπάσης ἢ ἀρχὴ καὶ τρόπον τινὰ τῆς πολιτείας ἐπιτελείωσις) derived from the fact that they could exercise their regimen morum (for an idealised description of the censors’ duties, see Cic. Leg. 3.37) almost freely and without being answerable to anyone in the state except themselves (cf. Val. Max. 7.2.6: vacuum omnis iudicii metu eum honorem reddendo qui exigere deberet rationem, non reddere). That unbridled censoria potestas thus could have serious consequences, to a point where it became potentially dangerous for the entire community, is also suggested by Cicero in his speech Pro Cluentio. In particular, Cicero takes issue with the circumstance that the censors’ exercise of their authority often appeared to be based on personal opinions and predilections rather than on rational and responsible assessments of actual facts (cf. Cluent. 121). He therefore goes as far as to claim that, if given too much liberty, the censoria potestas could easily degenerate into a potestas regia, the incontestable power of an autocrat (cf. Cluent. 123: ne in unum quemque nostrum censoribus in posterum potestatem regiam permittatis). In rhetorically charged fashion, he suggests that the abuse of the censoria nota might even have an effect as detrimental as the Sullan proscriptions (cf. Cluent. 123: ne subscriptio censoria non minus calamitatis civibus quam illa acerbissima proscriptio posit adferre). Censorinus’ remark in the present exemplum is thus to be understood as a warning, directed at the people, that they should not irresponsibly allow the same person to hold an office with such all-embracing powers as the censorship for more than a single term (a similar warning is attributed to M. Fabius Buteo at Liv. 23.23.2: nec censoriam vim uni permissam et eidem iterum). Despite his concerns, Censorinus remained in office but proposed a law to make it impossible for censors to be re-elected (cf. Plut. Cor. 1.1).

As in Cicero (cf. Cluent. 123: censorium stilum cuius mucronem multis remediis maiores nostri rettuderunt), the actions of the maiores are praised (like an exemplum within the exemplum; on exempla as effective tools to support moral exhortation, see
also Sen. *Ep. 6.5: longum iter est per praecepta, breve et efficax per exempla* as a model of responsibility and restraint in the conferring of public offices. It is not impossible that V’s reference to the *mores maiorum* was also inspired by Augustus’ claim to have refused any honours which contravened ancestral custom (cf. *RGDA 6.1: nullum magistratum contra morem maiorum delatum recepi*). The *princeps* appears to have turned down the official title of censor on several occasions, even if he continued to exercise his *regimen morum* through other means (cf. *RGDA 6.1*, with Cooley 2009: 130-1; Suet. *Aug. 27.5*, with Wardle 2014: 214; Dio Cass. 54.2.1).

*uterque recte, et Censorinus et populus, alter enim ut moderate honores crederent praecipit, alter se moderato credidit:* V. concludes the *exemplum* with a personal observation. In the attempt to give both parties involved proper credit for their actions, he creates a moral conundrum (which may, to a certain degree, also shine a light on his understanding of the intricacies of offering, rejecting, and accepting honours during the early Principate). Thus he claims that it was the right decision by the people to award a man of Censorinus’ moral integrity a second censorship, while, at the same time, acknowledging that, as a result of this very integrity, it was impossible for Censorinus not to rebuke the people for their choice. Censorinus is characterised as a strict teacher of moderation in the awarding of public offices (for *praecipere* in the context of ethical advice, see *TLL* 10.2.443.8-21; *OLD* s.v. 6). The people’s decision to entrust Censorinus with a second censorship is therefore vindicated by the fact that he is showing himself to be a suitable (i.e. morally conscious) candidate. On *moderatus* in reference to citizens and statesmen, cf. *TLL* 8.1218.30-52; *OLD* s.v. 3a. For the phrase *se credere alicui* (‘to entrust oneself to someone’), cf. *TLL* 4.1132.42-65; *OLD* s.v. *credere* 1d.
4.1.4

age, **L. Quinctius Cincinnatus qualem consulem gessit**: V. seeks to involve his readers more personally by addressing them directly (for *age*, cf. *TLL* 1.1404.63-1405.16). His next exemplar, L. Quinctius Cincinnatus (*RE* 24, 1020-3; *BNP* 12, 339), is reported to have become *consul suffectus* in December 460 BCE, replacing P. Valerius Publicola, who had died in office (cf. Liv. 3.19.2: *Decembri mense ... L. Quinctius Cincinnatus ... consul creatur, qui magistratum statim occiperet*; see also *MRR* 1, 37). In the ancient sources, Cincinnatus is usually celebrated for his modesty and sense of duty, virtues associated particularly with early Rome. This is perhaps best highlighted by the famous anecdote that sees him being called up from his field and named dictator to save the state from the rampaging *Aequi*, only to have him return to his plough after a triumphant victory (see, e.g., Cic. *Fin.* 2.12; Sen. 56; Liv. 3.26.7-29.4; Dion. Hal. 10.24.1-25.3; Plin. *HN* 18.20-1). In the *Facta et dicta memorabilia*, Cincinnatus not only serves as a paragon of *moderatio* but also of military discipline (2.7.7) and frugality (4.4.7). On Cincinnatus and his role as an exemplar, see also Jacotot 2010: 71-85; Dunsch 2011: 219-47.

cum honorem eius patres conscripti continuare vellent: V.'s rather condensed version of events appears to be based on the more detailed account found in Livy, who relates the episode as part of his narrative of the Struggle of the Orders and, more specifically, the conflict about the *lex Terentilia*, which sought to codify the consular *imperium* (cf. Liv. 3.9.5). Livy reports that, in order to prevent the law from being enacted, the patricians first resorted to violence (cf. Liv. 3.11.7-8), before trying to delay the process further by appeasing the plebs in all ways possible (cf. Liv. 3.14.5). With little opposition from the patricians, the plebs easily succeeded at re-electing the tribunes of 461 BCE for the following year (cf. Liv. 3.14.6). When the same tribunes were again chosen for 459 BCE (cf. Liv. 3.21.3; see also below: *quod populus eosdem tribunos in proximum annum creare conabatur*), the patrician senators voiced their concern (cf. Liv. 3.21.2: *magistratus*
continuari ... iudicare senatum contra rem publicam esse), before, seeing that their complaints fell on deaf ears, they declared that they would, in turn, re-appoint Cincinnatus, the consul suffectus of 460 BCE and an opponent of the proposed law, to the consulship (cf. Liv. 3.21.3: patres ... ipsi L. Quinctium consulem reficiebant).

For V., the historical context of the Struggle of the Orders appears to be of little significance. In his eyes, it is the Senate's willingness (cf. vellent) to grant an individual the liberty to retain the highest office of the state beyond the regular term (cf. honorem eius ... continuare; for the negative connotation of continuare, which also becomes apparent in the next exemplum, cf. Cic. Rep. 1.68: cui ... dantur imperia et ea continuantur, ..., postremo, a quibus producti sunt, existunt eorum ipsorum tyranni), thereby undermining one of the most essential means of protection against the danger inherent in the continuation of office, i.e. the danger of tyranny, which gives cause for concern (cf. Liv. 3.21.2, where the Senate itself observes that a continuation of office would be contra rem publicam). It is likely that this feeling would have been shared by many of his readers.

**non solum propter illius egregia opera:** V. seeks to make it clear that, judged solely in terms of his qualifications, Cincinnatus would have been an excellent candidate for the consulship. While still going on to concede in the following that the Senate's decision to allow Cincinnatus to continue in office had been made predominantly in reaction to the re-election of the tribunes, V. wishes to emphasise that the Senate's choice had not been made randomly, but rather on the basis of Cincinnatus' previous achievements. In his attempt to heap praise on his exemplar, V. does not seem to mind that most of Cincinnatus' greatest feats (cf. egregia opera), such as his triumph over the Aequi, were actually achieved after he had served as consul suffectus in 460 BCE. This may be explained with the fact that, by the time of V.'s writing, Cincinnatus had already become such a legendary figure that the actual timeline of his accomplishments had become insignificant, as individual anecdotes had been removed from their historical context...
and monumentalised in the form of *exempla* (cf. M.B. Roller 2018: 4-8). This process may be further highlighted by the fact that V. appears to see no need to mention any of Cincinnatus’ achievements, probably assuming his readers to be familiar with the most impressive stories. As a result, V. is able to refer to Cincinnatus’ excellent reputation rather than individual deeds.

*sed etiam quod populus eosdem tribunos in proximum annum creare conabatur:* This is also the reason given by Livy, who, in contrast to V. (cf. *conabatur*), speaks of the tribunes’ re-election for 459 BCE as a *fait accompli* (cf. Liv. 3.21.3: *tribuni reclamantibus consilibus refecti*). Livy explains that the Senate wished to yield in no respect to the plebs and therefore proposed that Cincinnatus continue in office (cf. Liv. 3.21.3: *patres quoque, ne quid cederent plebi, et ipsi L. Quinctium consulem reficiebant*). V.’s phrase *eosdem tribunos in proximum annum creare*, a deliberate parallel to *honorem continuare* above, is intended to highlight the recklessness of both sides of the political divide.

*quorum neutrum iure fieri poterat:* There can be no doubt that V. seeks to ensure that his readers understand the extraordinary political implications of the actions envisaged by both parties. However, while Livy, examining the situation from the perspective of the Senate, explains that a continuation of office by consuls and tribunes was not in the interest of the community (cf. Liv. 3.21.2: *magistratus continuari et eosdem tribunos refici iudicare senatum contra rem publicam esse*), V. goes a step further, indicating that such a procedure was outright illegal. It is not impossible that he simply misunderstood Livy’s reference to an expression of opinion by the Senate (cf. Liv. 21.3.2: *in reliquum magistratus continuari et eosdem tribunos refici iudicare senatum contra rem publicam esse*) as clear evidence of actual legislation in the matter. He may, of course, also have been thinking of the Genucian plebiscite of 342 BCE, which is reported to have made it illegal for the same person to hold the same office twice within ten years (cf. Liv. 7.42.2: *ne quis eundem magistratum intra decem annos caperet*; similarly Cic. Leg. 3.9: *eundem*
magistratum, ni interfuerint decem anni, ne quis capito; on the issues of iteration and continuation, see also the discussion in Brennan 2000: 647-52). In any case, V's claim that an actual law existed as early as 460 **BCE** appears to be wrong.

**utrumque discussit senatus simul studium inhibendo et tribunos verecundiae suae exemplum sequi cogendo:** V. highlights the exemplary nature of Cincinnatus' response (cf. also Liv. 3.21.3: *nulla toto anno vehementior actio consulis fuit*). By refusing to accept the proposed continuation of his consulate, so V. claims, Cincinnatus thwarted both parties' efforts (cf. *utrumque discussit*). Keen to defend the cause of *concordia* (cf. Vasaly 2015: 85), he not only foiled the indecorous plans of the Senate but simultaneously (cf. *simul ... et ...*) put pressure on the tribunes to follow his example and also decline another term in office. A similar scene is painted by Livy, who states that, instead of following the poor precedent set by the tribunes (cf. Liv. 3.21.6: *ne imiter tribunos*), Cincinnatus castigated the senators for their lack of responsibility (cf. Liv. 3.21.4-6), before challenging the tribunes to follow his example of moderation (cf. Liv. 3.21.7: *te vero ... adhortor ut et ipse populum Romanum hac licentia arceas*; see also the discussion in Jacotot 2010: 74-5). V. labels Cincinnatus' motive *verecundia*, which here perhaps may best be understood in the sense of moral and (given V's reference to *ius* above) legal propriety or, in more specific terms, the unwillingness to be seen as an offender against the *mores maiorum* and the laws derived from them (cf. Kaster 2005: 17-20). That the tribunes actually did follow Cincinnatus' example, as suggested by V., cannot be verified with certainty. Nonetheless, the positive impact a good role model could have on the entire community is also highlighted by Augustus (cf. RGDA 8.5: *ipse multarum rerum exempla imitanda posteris tradidi*).

**atque unus causa fuit ut amplissimus ordo populusque tutus esset ab iniusti facti reprehensione:** V's suggestion that Cincinnatus was the only Roman (cf. *unus*) responsible enough to ensure that both the plebs and the Senate remained free from the
blemishes of their planned unjust actions is not only meant to emphasise Cincinnatus’ status as an exemplar, it may also be a play on Cincinnatus’ reputation as the Roman people’s last resort after the failure of Minucius’ campaign against the Aequi in 458 BCE (cf. Liv. 3.26.8: *spes unica imperii populi Romani*). In contrast to Livy, who, in having Cincinnatus observe that his refusal to continue in office would gain him personal renown and remove any antipathy towards him (cf. Liv. 3.21.7: *gloriam … auctam, invidiam … levatam*), seems to focus more on the consequences Cincinnatus’ *moderatio* had on the exemplar himself, V. appears to be concerned exclusively about the positive effect the consul’s action had on the community. Through his actions, V. points out, Cincinnatus made sure that the state returned to its traditional order, protected (for *tutus*, cf. OLD s.v. 1b, c) not only from the despotism and lawlessness inherent in a magistrate’s continuation in office but also from the rebuke that followed (for *reprehensio*, cf. OLD s.v. 1b; the danger of a loss of reputation would have been significantly greater for the Senate, here labelled *amplissimus ordo*). It is not unlikely that V’s readership would have seen parallels between Cincinnatus’ attempt to restore order and constitutional propriety with Augustus’ claim to have restored the *res publica*.

4.1.5

*Fabius vero Maximus cum a se quinquiens et a patre, avo, proavo, maioribusque suis saepe numero consulatum gestum animadverteret*: V’s transition to the next *exemplum* is minimalistic (for the affirmative illocutionary particle *vero*, see Kroon 1995: 281-332) and fails to identify the new exemplar unambiguously. That the events related by V. cannot be found in any other ancient source does not help resolve the uncertainty (cf. Maslakov 1984: 447 n.20). During the fourth and third centuries BCE, two Fabii Maximi had achieved the unusual feat of holding the consulship five times throughout their lives, namely Q. Fabius Maximus Rullianus (*RE* 6, 1800-14; *BNP* 5, 293; cf. Val. 84
Max. 5.7.1: *quinque consulatibus summa cum gloria peractis*, the hero of the Samnite Wars, and Q. Fabius Maximus Verrucosus (*RE* 6, 1814-30; *BNP* 5, 294-5; cf. Val. Max. 5.2.3: *quinque consulatibus salutariter rei publicae administratis*), usually nicknamed Cunctator in recognition of his successful strategy of attrition in the war against Hannibal. From a chronological perspective, both of these Fabii would have been suitable candidates to fill the gap in V.'s timeline between the *exempla* illustrating the *moderatio* of Cincinnatus (4.1.4) and that of Scipio Africanus (4.1.6). However, neither man's career is fully consistent with the details presented here. Thus, notwithstanding V.'s claims, Rullianus' grandfather, N. Fabius Ambustus, had never actually become consul (although he twice had served as *tribunus militum consulari potestate*), and Verrucosus had not yet held the consulship for a fifth time when his son was elected consul for 213 BCE. What complicates matters even further is that V. does not always seem to discriminate between these two distinguished members of the Fabian clan, often using the same name undiscerningly to describe both Rullianus (cf. Val. Max. 2.2.9, 8.1.85), and Verrucosus (cf. Val. Max. 1.1.5, 3.8.2, 4.8.1, 5.2.3) – and, on one occasion, even conflating separate actions of the two (cf. Val. Max. 2.2.4).

Arguably the more significant moral exemplar of the two Fabii Maximi, not least in the ethical discourse of early imperial Rome, would have been Verrucosus, honorary statues of whom adorned the Capitol Hill (see Plut. *Fab*. 22.6, with Sehlmeyer 1999: 125-6) as well as the Forum Augustum (see Geiger 2008: 145-6) and whose biography was later recorded by Plutarch (on Verrucosus generally, see also Beck 2000: 79-91; on his significance as exemplar, see Beck 2005: 269-301; M.B. Roller 2011: 182-210 and 2018: 163-96). Verrucosus' father, Q. Fabius Maximus Gurges, indeed appears to have held the consulship *saepe numero*, that is several times (in 292, 276, and 265 BCE, although the Gurges who became consul in 265 BCE may actually have been a son of the other Gurges), and his grandfather (Q. Fabius Maximus Rullianus, consul in 322, 310, 308, 297, and 295 BCE) and great-grandfather (M. Fabius Ambustus, consul in 360, 356, 354 BCE) had also been elected to this office more than once, all evidence which seems to
correspond with V’s account. Another noteworthy family achievement to which Verrucosus (but, of course, also Rullianus) would have been able to refer was the fact that, between 485 and 479 BCE, the consulship had continuously been in the hands of the Fabian gens.

In any case, Fabius’ moderatio, apparent in his staunch resistance to his own son’s election to the consulship (see commentary below), is characterised as a deliberate response by Fabius to the realisation (for animadvertere, see TLL 2.76.24-53; OLD s.v. 3c) that his family’s continuous re-election to the highest office had created a situation which was not dissimilar to the uninterrupted transition of power in a hereditary monarchy (cf. below: ne maximum imperium in una familia continuaretur) and therefore challenged the constitutional principles of the res publica.

**comitiis, quibus filius eius summo consensu consul creabatur:** The comitia to which V. refers here would have been the comitia centuriata, the voting assembly responsible for the election of the consuls (on the comitia centuriata generally, see Taylor 1966: 85-106; for the ablative temporis specifying the time of assemblies, see MBS 534-5). The exact identity of the son is, like that of his father, difficult to determine. Rullianus’ son, Q. Fabius Maximus Gurges, held his first consulship in 292 BCE, three years after Rullianus’ fifth and last term in office. Q. Fabius Maximus, the son of Verrucosus, was consul in 213 BCE, immediately after his father’s third and fourth consulates in 215 and 214 BCE. He appears to have been elected in absentia under the presidency of his father (cf. Liv. 24.43.4-5), but V. makes no mention of these details. The phrase summo consensu not only serves to highlight Fabius’ popularity, it also emphasises the fact that there was little opposition to Fabius’ election, rendering his father’s reaction even more extraordinary. For a similar scenario, cf. Augustus claim at RGDA 5.1: dictaturam ... mihi delatatam et a populo et a senatu ... non recepi.
Fabiae genti darent: According to V., Fabius showed his exemplary moderation by trying to prevent his own son's election to the consulship. As V. points out, Fabius did not merely protest but did everything he possibly could (cf. *quam potuit constanter cum populo egit*; for the phrase *agere cum populo*, cf. *TLL* 1, 1393, 5-27 and esp. Gell. 13.16.3: *cum populo agere est rogare quid populum, quod suffragiis suis aut iubeat aut vetet*; for Fabius' excellent rhetorical skills, see Plut. *Fab*. 1.4-5) to ensure that his family got at least a temporary break from the most powerful office of the state (for *vacatio* in the sense of 'release from a duty', cf. *OLD* s.v. 1a). The nature of Fabius' *moderatio* is unusual in that it does not immediately seem to have affected the career or authority of the exemplar himself but rather that of a person for whom he, in his role as *paterfamilias*, felt responsible. Thus Fabius appears to have been concerned that another consulate held by one of the members of his family would have been perceived as excessive and would, therefore, have reflected poorly on the entire family, a realisation which is likely to have convinced him to intervene on his son's behalf. On the plural *darent*, to be understood as a *constructio ad sensum*, cf. Val. Max. 2.10.8: *populus … revocarunt*. Fabius' request for a *vacatio* from the highest office shows some similarities to the Second Settlement of Augustus and Tiberius' initial *recusatio imperii*.

*non quod virtutibus filii diffideret, erat enim inluster*: In order to clarify that Fabius' resistance against his son's election to the consulship was not a sign of distrust or lack of confidence (for *diffidere*, cf. *TLL* 5.1.1101.67-1102.18; *OLD* s.v. 1b), but rather an expression of exemplary *moderatio*, V. explains that the younger Fabius Maximus was a distinguished citizen (for the unusual form *inluster*, first attested in V., cf. *TLL* 7.1.394.72-5), a statement which is confirmed by Cicero (cf. *Sen*. 12: *clari viri*; *Fam*. 4.6.1: *clarum virum*). However, even if, as in the previous two *exempla*, the candidate himself had proven to be an excellent choice for the office, the particular circumstances of the
The idea of the highest office of the state (and with it its maximum imperium) continuously being in the hands of the same family would have been highly contentious, as such a form of dynastic succession had many of the hallmarks of a hereditary monarchy and was thus opposed to the concept of the libera res publica (cf. Borghini 1989: 57-63, who draws attention to the Romans’ attitude towards the Tarquins at Liv. 2.2.3-4: nescire Tarquinios privatos vivere; non placere nomen, periculosum libertati esse). V. suggests that, although technically not illegal, the election of Fabius’ son to the consulship did not correspond with Fabius’ understanding of the mores maiorum and was, therefore, unacceptable (if not shameful) in the eyes of the paterfamilias. The passage appears provocative in that its inherent criticism could also have been read as directed against the succession arrangements made by Augustus (cf. Maslakov 1984: 447). At the same time, however, V.’s readership would, without doubt, have been aware that Tiberius had made a great show of his reluctance to accept the honours offered to him (cf., e.g., Vell. Pat. 2.124.2: una tamen veluti luctatio civitatis fuit, pugnantis cum Caesare senatus populique Romani, ut stationi paternae succederet), a reaction which certainly was meant to dispel any concerns about his potential dynastic ambitions.

V. concludes the exemplum with a rhetorical question which confronts the reader with the claim that Fabius’ moderatio was particularly remarkable as it proved that Fabius was able keep his paternal emotions, allegedly the strongest emotions of all, in check (cf. etiam patrios affectus qui potentissimi habentur superavit). As a result of his moderatio, so V. suggests, Fabius was willing to put his personal interests as paterfamilias behind the interests of the wider community, as he
was aware that a retention of the highest office within the same family did not correspond well with the values and principles of the *res publica*, even if this meant that his own son missed out on the consulship (cf. Lucarelli 2007: 56, 71). Given the fact that the adjectives *efficax* (cf. *TLL* 5.2.160.33-161.10; *OLD* s.v. 1b) and *valens* (cf. *OLD* s.v. 2a) are often used to describe the potency of medical remedies, the virtue of *moderatio* here appears to be having a therapeutic effect, in that it is successfully counteracts strong emotions. This notion was almost certainly intended by V., as the healing properties of virtue ethics were widely acknowledged in Antiquity (on this topic, see Nussbaum 1994).

It is not impossible that, in his praise of Fabius’ exemplary control of his paternal affections, V. was inspired by a tradition which highlighted the extraordinary emotional restraint shown by Fabius Maximus Verrucosus after the death of his son (cf. Cic. *Sen.* 12: *nihil admirabilius quam quo modo ille mortem filii tulit, clari viri et consularis*; Plut. *Fab.* 24.4: τοῦ δὲ Φαβίου τὸν υἱὸν ἀποθανεῖν συνέβη, καὶ τὴν μὲν συμφορὰν ὡς ἀνήρ τε φρόνιμος καὶ πατήρ χρηστὸς ἤνεγκε μετριώτατα). For further evidence of Fabius’ control over his emotions, see also Plut. *Fab.* 1.4: διεσήμανε καὶ τοῖς πολλοῖς ἀπάθειαν μὲν οὖσαν τὴν δοκούσαν ἀπραγίαν, εὔβουλιάν δὲ τὴν εὐλάβειαν, τὸ δὲ πρὸς μηδὲν ὀξὺ μηδ᾽ εὐκίνητον ἐν πᾶσι μόνιμον καὶ βέβαιον; cf. August. *De civ.* D. 1.6. The *amor patris* appears to have been a recurring topic in declamatory speeches (cf. Sen. *Contr.* 1.8.11), and V. dedicates several chapters of his work solely to the relationship between parents and their children (cf. Val. Max. 5.4-10).

4.1.6(a)

**non defuit maioribus grata mens ad praemia superiori Africano exsolvenda:** V.’s introduction to the new *exemplum* is deceiving in creating the impression that the *maiores*, rather than the elder Scipio Africanus (*RE* 4, 1462-70; *BNP* 3, 821-2), are the true protagonists of the following anecdote. This notion is further strengthened by the
fact that the only two finite verbs relating directly to Africanus (gessit; egerat) appear right at the end of the whole exemplum, with the ancestors continuing to be the active party throughout most of V.'s narrative. The result is a scenario which places particular emphasis on the extraordinary honours with which both the people and the Senate wished to give due reward (for praemia exsolvere, see TLL 5.2.1878.83-1879.7; cf. OLD s.v. exsolvere 5a; OLD s.v. praemium 2) to one of Rome's greatest and most successful generals. That these efforts are ultimately foiled by Scipio's own refusal only serves to highlight the general's exemplary moderation. For what exactly the Roman people wanted to demonstrate their gratitude to Scipio (on the concept of gratia, see Hellegouarc'h 1972: 202-8) needs to be conjectured, as V. does not name any specific accomplishments, but there can be little doubt that the mere mention of the name Africanus would immediately have reminded V.'s readers of Scipio's most celebrated military feat, the victory over Carthage, which had brought an end to the Second Punic War (on the decisive nature of Scipio's victory in the Battle of Zama, see Polyb. 15.15.1: ἥμεν οὖν ἐπὶ πᾶσι γενομένη μάχη καὶ τὰ ὅλα κρίνασα Ῥωμαίοις διὰ τῶν προειρημένων ἤγεμον ἑτούτον ἐσχε τὸ τέλος; Liv. 30.35.10-11: Hannibal ... fassus in curia est non proelio modo se sed bello victum; for Scipio's triumphant return, see Polyb. 26.23.1-7; Liv. 30.45.1-7). However, Scipio's service to the Roman state did not end there and also included two consulships (in 205 and 194 BCE; see MRR 1, 301 and 342-3 respectively), the censorship (199 BCE; see MRR 1, 327), the position of princeps senatus (Liv. 34.44.4), as well as a leading role in his brother's victorious campaign against Antiochus III Megas (cf. Liv. 37.45.11-19). That the end of Scipio's life was marred by increasing unpopularity and quarrels with political enemies, severe enough to cause him to withdraw from Rome (cf. Liv. 38.52.1), does not seem to matter here. In the Facta et dicta memorabilia, Scipio is usually characterised not only as an accomplished and highly respected military leader (cf. 2.8.5; 2.10.2; 3.7.1a-c; 4.7.2; 5.2.5; 5.3.2b; 5.6.7; 7.2.2; 7.3.3; note, however, the accusations of cruelty and rashness at 2.7.12 and 9.8.1 respectively) as well as an astute politician (cf. 3.6.1; 4.2.3; 5.2.ext.4; 6.6.4) but also as a paragon of discipline and
traditional virtue (cf. 2.7.12; 4.3.1; 5.4.2; 5.5.1; 9.11.ext.1; for allegations of a rather wild youth, see 6.9.2), whose extraordinary confidence and determination (cf. 3.7.1d-e; 8.14.1; on the legendary relationship between Scipio and Jupiter, see 1.2.2 and 8.15.1, as well as commentary below) had made him several enemies (cf. 5.3.2b; 8.1.dann.1). On the life and career of the elder Scipio Africanus generally, see Scullard 1970; Schwarte 2000; Beck 2005: 328-67.

si quidem maxima eius merita paribus ornamentis decorare conati sunt: V. specifies his initial claim by way of an epexegetic observation (for si quidem, see OLD s.v. 4) which also serves to introduce and summarise the following list of specific honours the people wished to bestow upon Scipio. While Scipio’s actual achievements (for meritum, see OLD s.v. 3; TLL 8.0.814.35-9) are still not explicitly named (on V.’s brevity in regards to Scipio’s life and achievements, cf. Val. Max. 8.15.1: cui quae in vita praecipua adsignata sint et longum est referre, quia multa, et non necessarium, quia maiore ex parte iam relata sunt), it becomes clear that the various marks of appreciation (for ornamentum, see OLD s.v. 6; TLL 9.2.1012.31-60) with which the Romans intended to honour him (for decorare, see OLD s.v. 2; TLL 5.1.212.39-213.30) were perceived to be equal in proportion (for par, see OLD s.v. 10a; TLL 10.1.267.69-80) to the enormous scale (cf. maxima) of Scipio’s accomplishments. The use of conari (further intensified below by the conative notion of voluerunt ..., voluerunt ..., voluerunt ...) already foreshadows Scipio’s refusal of the honours offered to him.

voluerunt illi statuas in comitio, in rostris, in curia, in ipsa denique Iovis Optimi Maximi cella ponere: V.’s claim that the people wished to erect statues of Scipio in the most significant political and religious places of Republican Rome (cf. Hölkeskamp 2004: 137-68) is, like the rest of the tricolon listing the extensive honours intended for Scipio (cf. voluerunt ... voluerunt ... voluerunt ...), taken almost literally from Livy (cf. Liv. 38.56.12-13: prohibuisse statuas sibi in comitio, in rostris, in curia, in capitolio, in cella
Iovis poni; for the surprising conclusion that Livy and V. represent two independent traditions, see van Nerom 1966: 432-4). In Livy’s work, the passage appears as part of a (most likely fictional) speech by the elder Ti. Gracchus (on whose relationship with the Scipiones, see commentary on Val. Max. 4.1.8), allegedly held after a violent attack by Scipio Africanus on a tribunus plebis following his brother’s arrest. While, at first glance, Gracchus’ lecture is successful at accentuating the unusual discrepancy between Scipio’s renowned moderation in the acceptance of public honours and his use of physical violence against a Roman magistrate, it has also long been suggested that the speech as recorded by Livy was in fact fabricated during a much later period and intended as veiled criticism of Caesar’s decision to accept honours which Scipio had shown himself modest enough to refuse (see esp. Mommsen RF 2, 502-10; Briscoe 2008: 200-1; among the less moderate honours Caesar had accepted were an equestrian statue on the rostra (Cic. Fam. 12.3.1; Vell. Pat. 2.61.3), a statue in the temple of Quirinus, dedicated ‘to the invincible god’ (Dio Cass. 43.45.3), a bronze statue on the Capitol with an inscription praising him as a demigod (Dio Cass. 43.14.6), the placement of his chariot in front of the Capitoline statue of Jupiter (Dio Cass. 43.14.6), and a statue erected alongside the likenesses of the seven kings of Rome (Dio Cass. 43.45.4); see also Sehlmeyer 1999: 225-38; Hölkeskamp 2012: 382 n.12). It cannot be determined with certainty whether V. would have been aware of such anti-Caesarian sentiments in his source material, but, even if he was, it seems unlikely that the inclusion of elements of Gracchus’ speech into his own work would have been motivated by the intention to question the moral integrity of a man whom he elsewhere praises as the deified ancestor of his Princeps (cf. Val. Max. 1.praef.: divinitas … tua praesenti fide paterno avitoque sideri par videtur; on V’s generally positive treatment of Caesar in his work, see also Bloomer 1992: 207-26; Wardle 1997: 323-45). What appears more likely is that V. instead wished to emphasise, by way of comparison with Scipio, the exemplary moderatio displayed by Tiberius in accepting only a select few of the honours offered to him by the Senate and the people of Rome (cf. Suet. Tib. 26.1: ex plurimis maximisque honoribus praeter paucos et modicos
non recept; on the parallels between Scipio's and Tiberius' displays of moderatio, see also Mueller 2002: 78-80; in a similar display of moderation, Augustus ordered statues of himself to be melted down: RGDA 24.2; Suet. Aug. 52; Cass. Dio 53.22.3; see also Briscoe 2008: 200).

The list of locations in which the Romans intended to place statues for Scipio is deliberately arranged to represent a climax. While the decision to erect statues of Scipio in the comitium and on the adjacent rostra would, without doubt, have been seen as a great mark of respect (see Cic. Deiot. 34: nam si locus adfert invidiam, nullus est ad statuam quidem rostris clarior; cf. Plin. HN 34.24: quam oculatissimo loco), such honours were not unprecedented, as the ancient evidence indicates (see, e.g., Cic. Phil. 9.4; Liv. 1.36.5; 2.10.12; 4.17.6; Dion. Hal. 3.71.5; Plin. HN 34.20-6; Gell. 4.5.1; for the geographical distribution of the statues, see Sehlmeyer 2000: 274). Far more unusual would have been the Senate's plan to place a statue inside the curia (in Scipio's times the Curia Hostilia), which, if the lack of textual references is anything to go by, appears to have been widely kept free of any images of individual citizens in Republican times (for a rare, and therefore newsworthy, exception to this practice, see Val. Max. 8.15.2; on the Curia Hostilia generally, see Richardson Jr. 1992: 102-3). The true bone of contention, however, would have been the suggestion to erect a statue of Scipio inside the inner chamber (cella) of the Capitoline temple of Jupiter Optimus Maximus, a gesture which would have put Scipio on the same level with the divine patron of Rome, whose simulacrum was located there (on the temple, see Richardson Jr. 1992: 221-4). The association with Jupiter seems to be more than coincidence, as Scipio was rumoured to have had a special relationship with the god (with some even going as far as to claim that Scipio was a descendant of Jupiter) and liked to present himself as his agent (see Polyb. 10.2.9-12; Liv. 26.19.3-9; Cass. Dio fr. 57.39; Sil. Pun. 13.615-49; App. Hisp. 23; Gell. 6.1.1-6; Auct. vir. ill. 49.1-3; on the 'Scipionic legend,' see also Haywood 1933: 9-29; Walbank 1967; Scullard 1970: 18-23; cf. Seguin 1974: 9-13). In the Facta et dicta memorabilia, the close connection between Scipio and Jupiter is referred to several times
voluerunt imaginem eius triumphali ornatu indutam Capitolinis pulvinaribus adplicare: V. continues to draw his material straight from Livy (cf. Liv. 38.56.13: prohibuisse ne decerneretur ut imago sua triumphali ornatu e templo Iovis optimi maximi exiret). Livy seems to consider the suggestion to add a statue of Scipio, dressed in triumphal attire, to the cult images of the Capitoline gods as the climax of all the honours contemplated, as he decides to name it last in his list of proposals made by the people. In V's narrative, the same proposal appears in the less prominent second position, before the enumeration progresses to the seemingly more important political honours offered to Scipio (on V's reversal of the order, see also Mueller 2002: 78). Nonetheless, the extraordinary nature of the proposition here is unmistakable. In a religious context, the term pulvinar (cf. OLD s.v. 1; TLL 10.2.2622.45-2623.9) described the cushioned seat on which the cult image of a god was placed to receive votive offerings during consecration and thanksgiving rites (see, e.g., Scipio's thanksgiving at the pulvinar of Jupiter at Val. Max. 3.7.1e). Thus, by suggesting to dedicate a pulvinar on the Capitol to Scipio, the Roman people made it obvious that they regarded the general's deeds as evidence of his divinity and that they wished to establish a place of worship where they could extend their thanks to him (cf. Mueller 2002: 78-80; on the symbolic connection of the term pulvinar with deification, see also van den Berg 2008). The fact that Scipio's image was to wear triumphal attire may not only have been an expression of the people's intent to create a monument to remember Scipio's victory over Carthage. If the modern view is correct that the ornament triumphalis was supposed to make the triumphator resemble Jupiter Optimus Maximus (on this by no means undisputed theory, see esp. Warde Fowler 1916; Versnel 1970: 56-93; Bonfante Warren 1970: 57-62; Scheid 1986: 221-3; Beard 2007: 225-33; Janda 2009; cf. Liv. 10.7.9: Iovis optimi maximi ornatu decoratus (with Oakley 2005: 101-3); for a different stance, see Rüpke 2006
(further elaborated on in Rüpke 2008), with a response by Versnel 2006: esp. 294-308), a cult statue of Scipio in the triumphal garb would have provoked further associations between the victorious commander and the supreme god of the Roman pantheon. There can be little doubt that, considered within the context of the Tiberian principate, Scipio's unwillingness to accept the placement of his image amongst the Capitoline pulvinaria deorum would have been seen by many as an exemplary precedent for Tiberius' own ostentatious rejection of several divine honours (cf. Tac. Ann. 4.38.4: perstititque ... aspernari talem sui cultum; Suet. Tib. 26.1: templae, flamines, sacerdotes decerni sibi prohibuit, etiam statuas atque imagines nisi permittente se poni, permisitque ea sola condicione ne inter simulacra deorum sed inter ornamenta aedium ponerentur; see also Rogers 1943: 67; Mueller 2002: 78-80; Tiberius' moderatio stands in stark contrast to Caesar's lack of self-restraint, evident in his acceptance of a pulvinar and other divine honours: see Suet. Iul. 76.1; cf. App. B.Civ. 2.106; note also Weileder 1998: 273-4).

Voluerunt ei continuum per omnes vitae annos consulatum perpetuamque dictaturam tribuere: V. concludes his list of suggested honours with further material taken from Livy (cf. Liv. 38.56.12: eum perpetuum consulem et dictatorem vellet facere). By naming them last, V. places particular emphasis on the extraordinary political concessions the people intended to grant Scipio (on V's changing of the order found in Livy, see also Mueller 2002: 78). In a society used to the annual election of its magistrates, the plan to present an individual with a consulship for life as well as a perpetual dictatorship, in other words with absolute authority for an unlimited period of time, would not only have been unprecedented but also highly contentious. Note that V. attempts to amplify the already negative connotation of the adjective perpetuus in Livy (cf. Oakley 1997: 700) by adding the even more explicit adjectival phrase continuum per omnem vitae annos, which, in reference to extensive powers such as those held by the consuls, evokes notions of an absolutist regime. It would, without doubt, be negligent to ignore the obvious parallels between the supreme and perpetual powers offered to (and

95
rejected by) Scipio and those willingly accepted by Caesar. Thus, in 44 BCE, Caesar had assumed the role of dictator perpetuus (see MRR 2, 317-18 for evidence), while Suetonius suggests that he had also agreed to receive a continuum consulatus (Suet. Iul. 76.1: continuum consulatum, perpetuum dictaturam; for the claim that Caesar had been made consul for ten years, see App. B.Civ. 2.106; Cass. Dio 43.45.1). However, while it appears plausible that the late Republican source(s) utilised by Livy would have wanted to highlight the lack of moderation displayed by Caesar in accepting such extreme powers (cf. Mommsen RF 2, 502-10; Briscoe 2008: 200-1), there is little to suggest that, in adapting Livy’s material, V. is pursuing a similar agenda (on V’s generally positive characterisation of Caesar, see Bloomer 1992: 207-26; Wardle 1997: 323-45). Within the internal framework of the Facta et dicta memorabilia, with its focus on the exemplification of values encouraged and protected by the princeps and his family (cf. Val. Max. 1 praef.: cuius caelesti providentia virtutes, de quibus dicturus sum, benignissime foventur), it seems more likely that V. intended to accentuate the exemplary moderatio and civilitas displayed by Augustus and Tiberius in hesitating to accept or to employ some of the extraordinary powers available to them (for Augustus’ rejection of the dictatorship and the consulatus perpetuus, see RGDA 5.1; 5.3; Vell. Pat. 2.89.5; Suet. Aug. 52; Cass. Dio 54.1.4; for Tiberius’ apparent unwillingness to make use of his extraordinary consular imperium, see Tac. Ann. 1.7.3: Tiberius cuncta per consules incipiebat … ne edictum quidem … nisi tribuniciae potestatis praeescriptione posuit; cf. Vell. Pat. 2.126.2; Tac. Ann. 4.6.2; Suet. Tib. 30.1; Cass. Dio 57.11.3).

quorum nihil sibi neque plebiscito dari neque senatus consulto decerni patiendo: By emphasising that both the Plebeian Assembly (by way of a plebiscitum) and the Senate (through a senatus consultum) wished to bestow honours upon Scipio, V. represents the Roman citizen body as united in their gratitude towards the meritorious general. Scipio, however, appears to have refused to accept any of the numerous honours offered to him (cf. Liv. 38.56.12-13; Sen. Dial. 10.17.6). Whether Scipio’s imago was still placed in the
cella of the temple of Jupiter Optimus Maximus, as claimed by some ancient sources (cf. Val. Max. 8.15.1; App. Hisp. 23), remains unclear (see Sehlmeyer 1999: 227; Geiger 2008: 148).

paene tantum se in recusandis honoribus gessit quantum egerat in emerendis: V. concludes the first of the two exempla involving Scipio with a reflective observation. Despite making it absolutely clear that, in his eyes, Scipio would have deserved every single accolade offered to him, leaving no doubt about the general’s merits (see also Mueller 2002: 78), V. also praises Scipio’s exemplary moderation (cf. Liv. 38.56.11: laudes moderationis et temperantiae), evident in the persistent rejection of any extraordinary personal honours. The passage shows some similarities to statements made by Velleius Paterculus about the moderation of Augustus (cf. Vell. Pat. 2.89.5: consulatus tantummodo usque ad undecimum, quem continuaret Caesar, cum saepe obnitis repugnasset, impetrari potuit: nam dictaturam quam pertinaciter ei deferebat populus, tam constanter repulit) and Tiberius (cf. Vell. Pat. 2.124.2: solique huic contigit paene diutius recusare principatum quam, ut occuparent eum, alii armis pugnaverunt).

4.1.6(b)

eodem robore mentis causam Hannibalis in senatu protexit cum eum cives sui missis legatis tamquam seditiones apud eos moventem accusarent: V. provides another exemplum of Scipio’s moderatio, linked to the previous one by the phrase eodem robore mentis, a reference to Scipio’s resolution and integrity. The exemplum is intended to highlight Scipio’s self-restraint towards his old adversary, Hannibal. To ensure that Carthage would be able to prosper despite the substantial annual tribute payments due to Rome, Hannibal had conducted a thorough review of the state’s revenues and taken a tough stance on any form of embezzlement from the treasury, thereby disgruntling many
who had profited from such tactics. This enmity was increased even further by the introduction of reforms designed to limit the powers of the political elite. Thus, in 195 BCE, Hannibal’s enemies sent envoys to Rome to rekindle the Romans’ deep-rooted hatred for the Carthaginian leader (see Liv. 33.47.3: *irati Romanos in Hannibalem, et ipsos causam odii quarentes, instigabant*). The envoys denounced Hannibal for alleged seditious activities (for *setitiones movere*, see TLL 8.1545.74-84), in particular for having conspired with King Antiochus III Megas, Rome’s rising enemy in the East (cf. Liv. 33.47.6: *Hannibalem cum Antiocho rege consilia belli faciendi inire*). Scipio spoke against any immediate action (cf. Liv. 33.47.4: *diu repugnante P. Scipione Africano;* for his reasons, see commentary below), but, despite his efforts, a motion was carried to send a small embassy to Carthage. The pretence was that Rome wished to mediate in the dispute between the Carthaginians and Masinissa of Numidia over their boundaries (see Liv. 33.47.8), but the legates’ actual mission appears to have been to indict Hannibal before the Carthaginian Senate and to bring him back to Rome. Suspecting that his arrest was imminent, Hannibal fled Africa and took refuge with Antiochus (see Nep. Hann. 7.6; Liv. 33.47.9-10; 33.49.5-6). The legal phrase *causam protegere* (cf. OLD s.v. *protegere* 3b; TLL 10.2.2258.59-75) does not seem inappropriate within the context, as the Romans had technically been asked to act as Hannibal’s prosecutors and to bring charges against him (cf. Liv. 33.47.5: *velut accusatores calumniam in eum iurarent ac nomen deferrent*).

**adiecit quoque non oportere patres conscriptos se rei publicae Carthaginiensium interponere:** A similar explanation is given in Livy (the likely source of V’s material), where Scipio explains that it would be below the Roman people’s dignity to interfere in a case of Carthaginian infighting or even to enforce a regime change (cf. Liv. 33.47.4-5: *parum ex dignitate populi Romani esse ducebat … factionibus Carthaginiensium inserere publicam auctoritatem*). This *dignitas* is also referred to by V. (see commentary below). Scipio’s vigorous protest is, therefore, not to be interpreted as an attempt to protect
Hannibal from prosecution, but rather as a reminder for the Senate to preserve the integrity and reputation of the Roman people. As the phrase *non oportere* suggests, Scipio appears to have considered it inappropriate for Rome to get involved (for the phrase *se alicui interponere*, see OLD s.v. *interponere* 9; TLL 7.1.2248.56-64) in what he deemed a purely Carthaginian affair. After all, it had been Scipio himself who, following the victory at Zama, had negotiated the peace terms and granted the Carthaginians the right to live as free men under their own laws (cf. Polyb. 15.18.2: ἔθεσι καὶ νόμους χρήσαι τοῖς ἰδίοις, ἀφρουρήτους ὄντας; Liv. 30.37.1: *condiciones pacis dictae, ut liberi legibus suis viverent*; 37.54.26: *Carthago libera cum suis legibus est*; on the treaty, see also Gschnitzer 1966).

**altissimaque moderatione alterius saluti consuluit alterius dignitati:** V. leaves no doubt that he classifies Scipio’s reluctant stance as *moderatio* of the highest (cf. *altissima*) order. His explanation, however, appears stretched. The suggestion that Scipio opposed any Roman interference in Carthaginian politics because he wished to safeguard Hannibal, his former enemy, against significant harm (for *salus* in the sense of ‘personal safety’ or ‘well-being’, see OLD s.v. 1) is hardly convincing and needs to be considered as a deliberate reinterpretation of the historiographical sources with the aim of accrediting Scipio with the magnanimity of a noble victor. V.’s use of the perfect tense, furthermore, creates the misleading illusion that Scipio’s protest was successful in preventing the Senate from taking direct action. Far less controversial appears the claim that, by reminding the Senate of its duty to honour the conditions of Rome’s peace agreement with Carthage (cf. Polyb. 15.18.2: ἔθεσι καὶ νόμους χρήσαι τοῖς ἰδίοις, ἀφρουρήτους ὄντας; Liv. 30.37.1: *condiciones pacis dictae, ut liberi legibus suis viverent*; 37.54.26: *Carthago libera cum suis legibus est*), Scipio intended to ensure that the dignity of the Roman people was maintained – an assertion backed by the testament of Livy (cf. Liv. 33.47.4-5: *parum ex dignitate populi Romani esse ducebat ... factionibus Carthaginiensium inserere publicam auctoritatem*).
victoria tenus utriusque hostem egisse contentus: Briscoe contemplates deleting *utriusque*, which is attested in all three of the oldest manuscripts. There seems to be little necessity for such an interference with the original text. The enmity between Scipio and Hannibal is well attested and requires no further explanation, but also the relationship between Scipio and many of his fellow senators had, in the years leading up to the final campaign in Africa, become increasingly hostile and dominated by envy and rivalry (cf. Scullard 1970: 108-9; Scullard 1973: 75-6; Lazenby 1978: 193-5; Eckstein 1987: 233-4; Gruen 1995: 66-9; Goldsworthy 2000: 286-7). Painfully aware of its inability to prevent Scipio from attaining the command for the war in Africa (the general even considered having a tribunus plebis pass a law in the Popular Assembly, should all other means fail), the Senate had attempted to restrict the general’s actions by impeding the levy of new troops, forcing Scipio to resort to volunteers instead (see Liv. 28.40.1-45.14). The already tense situation deteriorated further when Q. Pleminius, the commander of Scipio’s garrison at Locri, had military tribunes tortured and killed for attempting to stop a series of violent and sacrilegious excesses by Roman soldiers in the Bruttian town (see Liv. 29.9.1-12). Q. Fabius Maximus Verrucosus (on whom, see Val. Max. 4.1.5), the princeps senatus and one of Scipio’s greatest rivals (cf. Plut. Fab. 25.4), brought the matter before the House, claiming that, as the commanding officer, Scipio himself (who had been away in Sicily at that time) was responsible for the crimes committed by his soldiers (see Liv. 29.19.3-4). As a consequence, he demanded Scipio’s immediate recall (see Liv. 29.19.6). Although Scipio was ultimately cleared of any personal wrongdoing, the episode clearly highlights the increasing rift between Scipio and his senatorial opposition (cf. Scullard 1970: 113-15; Scullard 1973: 77; Lazenby 1978: 201-2; Goldsworthy 2000: 290). It thus does not seem unjustified to retain the pronoun *utriusque* in simultaneous reference to both Hannibal and the Roman Senate. V’s claim that, following his victory at Zama, Scipio considered both conflicts as settled is certainly meant to serve as evidence of the general’s extraordinary magnanimity.
at M. Marcellus: Without much by way of transition (for *at* as a way of signalling a change of subject, not necessarily in an adversative sense, see *OLD* s.v. 2; *TLL* 2.1004.26-1005.1; Kroon 1995: 355-7), V. introduces his next exemplar, the general M. Claudius Marcellus (*RE* 3, 2738-55; *BNP* 3, 393). Like his contemporary Q. Fabius Maximus (on whom, see commentary on Val. Max. 4.1.5), Marcellus was elected consul five times (*MRR* 1, 232-3 (222 BCE); 254 (215 BCE; *cos. suff.*, immediately revoked for religious reasons, but usually recorded as official consulship); 258-9 (214 BCE); 277-8 (210 BCE); 289-90 (208 BCE)); on Marcellus’ career generally, see Beck 2005: 302-327). He was hailed for the liberation of Clastidium from the Celts in 222 BCE and the killing of the Celtic leader, Viridomarus, in single combat, which subsequently earned him the *spolia opima* (Polyb. 2.34.5-9; Cic. *Tusc*. 4.49; Liv. *Per*. 20; Verg. *Aen*. 6.855-9; Prop. 4.10.39-48; Manil. *Astr*. 1.787-8.; Val. Max. 3.2.5; Frontin. *Strat*. 4.5.4; Plut. *Rom*. 16.7; *Marc*. 6.5-7.5; Auct. vir. ill. 45.1-2; on Marcellus’ dedication of the *spolia opima* and their significance during the early Principate, see Flower 2000). During the Second Punic War, Marcellus played a leading role in the Roman resistance against Hannibal, saving Nola and capturing Syracuse (see commentary below). In 208 BCE, while scouting enemy positions, he was killed in a Carthaginian ambush (Polyb. 10.32.1-6; Liv. 27.26.7-27.11; Val. Max. 1.6.9; 5.1 ext.6; Plut. *Marc*. 29.2-9; App. *Hann*. 50; Auct. vir. ill. 45.7; on Marcellus’ death, see also Caltabiano 1975). In the *Facta et dicta memorabilia*, Marcellus is remembered as a vigorous and respected military leader (cf. Val. Max. 1.1.8; 1.6.9; 2.7.15; 2.8.5; 3.8 ext.1; 5.1 ext.6), whose personal bravery (cf. Val. Max. 3.2.5) and moral sternness (cf. Val. Max. 6.1.7) is counterbalanced by his clemency and compassion (cf. Val. Max. 5.1.4; 8.7 ext.7). For his portrait of Marcellus, V. may have had access to a whole variety of sources, such as, e.g., Polybius, Posidonius, Nepos, Juba II of Numidia, Livy, and Augustus, all of which are cited by Plutarch in his biography of the Roman general (Plut. *Marc*. 1.1; 11.4; 30.4, *Comp. Pel. et Marc*. 1.4-5; for evidence of a biography of the Marcelli by Atticus, see Nep.
- a discussion of Republican ‘memories’ of Marcellus is provided by Flower 2003). However, only V.’s use of Livy’s work can be established with relative certainty (see commentary below; on Livy’s characterisation of Marcellus, see Carawan 1984-5; Levene 2010: 197-214). Marcellus’ military achievements also appear to have been commemorated by a statue and an inscription in the Forum Augustum (see Geiger 2008: 146-7), not least to accentuate the illustrious paternal ancestry of Augustus’ nephew and son-in-law, the younger Marcellus (Flower 2000: 57-8; Beck 2005: 302). On Marcellus generally, see Beck 2005: 302-327; McCall 2012.

**qui primus et Hannibalem vinci et Syracusas capi posse docuit:** Cf. Val. Max. 1.6.9: *is captarum Syracusarum et Hannibalis ante Nolana moenia a se primum fugere coacti gloria inflammatus.* As a form of introduction, V. lists two of Marcellus’ greatest military achievements (for the third significant victory, see Val. Max. 1.1.8: *Clastidio prius deinde Syracusis potitus*). After the disastrous Roman defeat at Cannae in 216 BCE, Marcellus was sent to Apulia to relieve the consul C. Terentius Varro, who had been recalled to Rome to give his report, and to transfer the remaining Roman troops to Campania (Liv. 22.57.1; Plut. Marc. 9.3). When he received message of Hannibal’s march on the strategically important town of Nola, Marcellus immediately hurried there, causing Hannibal to focus his attention on Neapolis and Nuceria instead (Liv. 23.14.5-15.2). After the destruction of Nuceria, Hannibal decided to make another attempt to take Nola, where Marcellus’ army had set up camp (Liv. 23.16.2-3). For several days, however, neither the Carthaginians nor the Romans fully committed to open battle (Liv. 23.16.4), and it was not before Marcellus was informed of a conspiracy amongst the Nolans that he ordered his soldiers to arm and take station behind the city gates (Liv. 23.16.6-9; Plut. Marc. 11.1-2). His sudden attack took the Carthaginian leadership, who had begun to make arrangements for a siege, by surprise. Unprepared and thrown into confusion, the Carthaginian army was forced to retreat (Liv. 23.16.11-16; Plut. Marc. 11.2-3). Although hardly decisive to the outcome of the war, the battle of Nola was an important moral
victory for Marcellus, who had demonstrated that Hannibal was not invincible (cf. Cic. Brut. 12: post Cannensem illam calamitatem primum Marcelli ad Nolam proelio populus se Romanus erexit; Verg. Aen. 6.857-8: hic rem Romanam magno turbante tumultu | sistet eques; Liv. 23.16.16: non vinci enim ab Hannibale difficilius fuit quam postea vincere; Val. Max. 1.6.9: Hannibalis ante Nolana moenia a se primum fugere coacti gloria; Sil. Pun. 12.295-8; Plut. Marc. 11.4; Auct. vir. ill. 45.4; on the battle of Nola, see also Lazenby 1978: 96-7; for the perception of Hannibal’s invincibility, see Polyb. 15.11.7; 15.11.12; 15.16.5; Nep. Hann. 1.2; 5.4; 6.1). After two further unsuccessful attempts to take Nola (Liv. 23.44.6-46.2 (215 BCE); 24.17.1-7 (214 BCE)), Hannibal ultimately gave up his plan, marching south towards Tarentum instead (Liv. 24.17.8). Later in 214 BCE, with war threatening to break out between Rome and Syracuse (cf. Liv. 24.7.8; for an extensive discussion of the situation in Sicily prior to Marcellus’ arrival, see Eckstein 1987: 102-44; cf. Jaeger 2003), Marcellus was dispatched to Sicily (Liv. 24.21.1; Plut. Marc. 13.1). When a group of Roman soldiers was killed near Leontini (Liv. 24.29.4) and the rebellious town refused to expel the two anti-Roman agitators Hippocrates and Epicydes (Liv. 24.29.10-12), Marcellus attacked Leontini (Liv. 24.30.1; Plut. Marc. 14.1), capturing and executing some two thousand Roman deserters (Liv. 24.30.6). Hippocrates and Epicydes, who had managed to escape (Liv. 24.30.2), continued to spur anti-Roman sentiment, first among the Syracusan army and subsequently the whole Syracusan population, by spreading stories about alleged atrocities committed by Marcellus at Leontini (Liv. 24.30.3-32.2; Plut. Marc. 14.2). Having disposed of the few remaining sceptics among them, the agitated crowd elected the two brothers as their leaders in the fight against Rome (Liv. 24.32.3-32.9). Unwilling to accept the new, hostile regime, Marcellus unsuccessfully attempted to storm Syracuse (Liv. 24.33.9-34.2; Plut. Marc. 14.3-17.3), before laying siege to the city (Liv. 24.34.16; Plut. Marc. 17.3). After more than two years, during which several other rebellious Sicilian communities were brought back under Roman control, the Syracusans were eventually forced to capitulate, albeit as the result of internal power struggles rather than Rome’s military supremacy (Liv. 25.23.1-31.2; Plut. Marc. 18.1-19.1;
for a comprehensive discussion of the reasons leading to the fall of Syracuse, see Eckstein 1987: 157-65). While sparing the lives of most of its citizens, Marcellus allowed Syracuse to be looted by his soldiers (Liv. 25.31.8-11; Plut. *Marc.* 19.2; for Marcellus’ alleged distress at witnessing the fall of Syracuse, see Val. Max. 5.1.4; Plut. *Marc.* 19.1). The city’s treasures were transported to Rome, where they are said to have triggered an interest in Greek art (Liv. 25.40.1-3; Plut. *Marc.* 21.1-5; cf. Polyb. 9.10.1-13; on Marcellus’ despoliation of Syracuse, see also Gros 1979; Ferry 1988: 573-8; Pelling 1989: 199-208; Flower 2003: 47-8; Miles 2008: 61-8). Upon his return to Rome, Marcellus was denied a proper triumph for his success, so he triumphed *in monte Albano* instead and celebrated an *ovatio* (Liv. 26.21.1-11; Val. Max. 2.8.5; Plut. *Marc.* 22.1; Auct. vir. ill. 45.6; see also Richardson 1975: 54-5; Eckstein 1987: 169-71; Brennan 1996: 323-4). V’s use of *docere* (cf. *TLL* 5.1.1718.73-1719.23) appears to emphasise further Marcellus’ significance as an educational *exemplum*.

cum in consulatu quarto eius Siculi de eo questum in urbem venissent: The corrupt reading *in consulatum*, preserved in the three oldest manuscripts, likely needs to be emended to *in consulatu IV*, as first suggested by Heraeus, or, perhaps, even to *in consulatu quarto*, as printed by Shackleton Bailey (cf. Plut. *Marc.* 23.1: τοῦ δὲ Μαρκέλλου τὸ τέταρτον ὑπατεύοντος). While Briscoe is hesitant to adopt either of these changes, the reading preferred by him (*in consulatu*), an early emendation of L, appears odd, as it ignores the fact that Marcellus held the consulate five times throughout his life (for evidence that V. himself was aware of the necessity to distinguish between Marcellus’ different terms of office, see Val. Max. 1.1.8: *quintum consulatum gerens*). As Livy reports, Marcellus had returned from Sicily at the end of 211 BCE, leaving the island in the hands of the praetor M. Cornelius Cethegus (Liv. 26.21.13-17). Not long afterwards, he was elected consul for the following year, together with M. Valerius Laevinus (Liv. 26.22.13; see also *MRR* 1, 277-8). At about the same time, a delegation from Sicily, spurred on by Marcellus’ political enemies (including Cethegus, his successor on the
island), arrived in Rome to complain about the poor treatment received from Marcellus during his command (Liv. 26.26.6-8; cf. Plut. Marc. 23.1). They claimed that, despite the Syracusans’ willingness to surrender, Marcellus had shown no mercy towards the city, a long-standing and loyal ally of the Roman people that had been led astray by a tyrannical regime (Liv. 26.29.4; 26.30.5-6). Instead, Marcellus had preferred to take Syracuse by force, unscrupulously plundering its houses and sanctuaries (Liv. 26.30.6-10; cf. Plut. Marc. 23.4). The Sicilians’ resentment was further exacerbated by the fact that it had been decided by lot that, as consul, Marcellus would once again receive Sicily as his province, a prospect they claimed they feared more than anything else (Liv. 26.29.1-4).


**nec senatum ulla de re habuit quia collega Valerius Laevinus forte aberat:** Although the three oldest manuscripts unanimously read *nec … ulla de re* (most likely echoing Liv. 26.26.5: *nihil … acturum*), Gelbcke’s emendation *nec … illa de re*, printed by Shackleton Bailey and acknowledged by Briscoe, may be worth considering, given the contextual appropriateness of an anaphoric pronoun. V’s account appears to correspond largely with that given by Livy. Thus Livy explains that, in 211 BCE, whilst campaigning in Greece, M. Valerius Laevinus (RE 8A, 45-9; BNP 15, 175-6) received notice from Rome that he had been chosen as Marcellus’ colleague in the consulship for the following year (Liv. 26.26.4; see also MRR 1, 277-8). However, before he could return to Italy and take up office, Laevinus contracted a serious illness, through which his homecoming was delayed by several months (Liv. 26.26.4: *diuturno ibi morbo implicitus serius spe omnium Romam venit*). Thus, on the day of the consuls’ inauguration in March 210 BCE (on the beginning and the end of the consular year, see Pina Polo 2011: 14-17), Marcellus alone presided over the first session of the Senate (Liv. 26.26.5; on the exceptional nature of this situation, see Kunkel/Wittmann 1995: 92), but not without declaring that this was merely a matter of custom (Liv. 26.26.5: *moris modo causa*; for the
tradition of addressing the Senate immediately after the inauguration ceremony, cf. Ov. Pont. 4.4.35-6) and that he had no intention of doing anything in relation to the state or the provinces in the absence of his colleague (Livy. 26.26.5: professus nihil se absente conlega neque de re publica neque de provinciis acturum). A very different version of the story is given by Plutarch, who claims that, while Marcellus was occupied performing sacrifices on the Capitol, a session of the Senate was interrupted by the arrival of the Sicilian envoys, who demanded to be given a hearing (Plut. Marc. 23.1). At first, this request was denied, with Laevinus, the presiding consul, angrily admonishing the visitors that Marcellus himself was not present (Plut. Marc. 23.1-2). However, when Marcellus was informed of the incident, he immediately hurried back to the curia and personally invited the Sicilians to present their complaints (Plut. Marc. 23.2). The origin of this second version of events cannot be determined (for a discussion of the sources used by Plutarch in his biography of Marcellus, see Clark 1991: 20-36), but Plutarch appears to have considered it more credible than the accounts provided by Livy and V. (that Plutarch was familiar with the works of both authors becomes evident at Plut. Marc. 11; 24; 30).

**ne ob id Siculi in querendo timidiores essent**: The expression *ob id* refers back to the circumstance of Laevinus' absence. V. seems to suggest that Marcellus was aware of the fact that his sole presidency over the hearing in the Senate would have constituted a clear conflict of interest, as his temporarily unchallenged magisterial authority was likely to intimidate the Sicilian envoys and to influence their complaints about him to the Senate in an undue manner (cf. Plut. Marc. 23.3: οἱ δὲ δεινῶς μὲν συνεταράχθησαν πρὸς τὸ ἀξίωμα καὶ τὸ πεποιθὸς τοῦ ἀνδρός, καὶ τὸ ἐν τοῖς ὅπλοις ἀνυπόστατον ἐτι μᾶλλον ἐν τῇ περιπορφύρῳ φοβερὸν καὶ δυσαντίβλεπτον). A similar scenario can be found in Livy, where Marcellus, denying any attempts to silence his opponents (Livy. 26.26.6), suspects that the Sicilians' fear to speak about him in his colleague's absence is
The three oldest manuscripts have all preserved the reading *de his admittendis*, but the use of the demonstrative pronoun *his* appears difficult to justify grammatically within this context. It may, therefore, be necessary to follow Briscoe and Shackleton Bailey in accepting Halm’s emendation *de iis admittendis* (cf. Paris 4.1.7: *de intromittendis iis*; on the use of the same demonstrative pronoun in reference to two different nouns within the same sentence, see KSt 1, 627). There is no clear evidence as to when exactly Laevinus finally arrived at Rome. Livy merely claims that, since there was a general feeling that public business had almost ceased entirely (cf. Liv. 26.26.9), both consuls immediately convened the Senate to address important matters in regard to the state and the provinces (Liv. 26.27.17: *de re publica tamen primum ac de provinciis ambo consules ad senatum rettulere*). V’s account, however, seems to echo the public promise made by Marcellus before his colleague’s return (cf. Liv. 26.26.7: *ubi quidem conlega venisset, non passurum quicquam prius agi quam ut Siculi in senatum introducantur*). The fact that it was Marcellus himself who, in a public display of disregard for his own importance (cf. Plut. *Marc. 23.2: καταβὰς ἀπὸ τοῦ δίφρου καὶ καταστὰς ἀπὸ τοῦ δίφρου καὶ καταστὰς ὡσπερ ἰδιώτης εἰς τὸν τόπον ἐν ὧν λέγειν εἰώθασιν οἱ κρινόμενοι*), endorsed an official hearing in the Senate (perhaps in reality an attempt to demonstrate that he had nothing to hide) would have been perceived as strong evidence of his magisterial moderation (for the significance of *ultro*, see also Val. Max. 4.1.1: *ultro Sp. Lucretio collega adsumpto*). Furthermore, the ability to tolerate accusations, indignities, and insults patiently (cf. *patienter*; for *patientia* as ‘inactivity in the face of *iniuria* and *contumelia*, see Kaster 2002: 144) appears to have been a crucial component of a person’s *moderatio* in V’s eyes (cf. Val. Max. 4.1.ext.3: *patienter hoc ferendum est*; 4.1.ext.6).
iuussos etiam a Laevino discedere remanere ut suae defensioni interestent coegit: Cf. Liv. 23.30.11-12: talia conquestos cum excedere ex templo, ut de postulatis eorum patres consuli possent, Laevinus iussisset, ‘maneant immo’ inquit Marcellus ‘ut coram iis respondeam’. It is likely to have been official policy to remove all non-senators from the curia before the Senate would begin deliberating (cf. Liv. 22.60.2: senatus summotis arbitris consuli coeptus; Liv. 27.51.5: summota turba, ne patribus miseretur), as the presence of members of the public appears to have rendered the regular voting process invalid (cf. Dio Cass. 39.28.3: ei γὰρ τις τῶν μὴ βουλευόντων ἐνδον ἦν, οὐδεμία ψῆφος αὐτοῖς ἐδίδοτο; see also Morstein-Marx 2004: 246). Marcellus’ decision to allow (or rather ‘to force’, as V’s use of coegit suggests) the Sicilian envoys to witness his defence (for defensio, see OLD s.v. 3; TLL 5.1.306.1-16) would have been unusual (note the antithetical chiasm iussos … discedere remanere … coegit, contrasting Marcellus’ order with that of his colleague) and may have been considered as a sign of his civilitas (i.e. ‘the conduct of a citizen among citizens’, as defined by Wallace-Hadrill 1982: 33). His defence speech appears to have been rather straightforward, arguing that his harsh treatment of the vanquished had been consistent with the law of war (Liv. 26.31.1-11; Plut. Marc. 23.4-5).

ac deinde utraque parte perorata excedentes curia subsecutus est, quo liberius senatus sententiam ferret: Despite Paris’ use of the more popular expression causa perorata (on which, see OLD s.v. perorare 1b and 2b; TLL 10.1.1606.26-43), there seems to be no compelling reason to doubt the reading utraque parte perorata, attested unanimously by the three oldest manuscripts. Thus V. here appears to be using pars in the sense of ‘standpoint’ (cf. Cic. Att. 13.25.3: meas partis in iis libris copiosius defensas esse quam suas), with the transitive verb perorare signifying the process of presenting arguments in the form of a speech (cf. Val. Max. 6.4.ext.2: ut eam (=defensionem) … perorarem). If this assumption is correct (i.e. literally: ‘when both standpoints had been put forward’), the passage provides an obvious parallel to the version given by Livy (cf.
Liv. 26.31.11: *quoniam coram et Siculorum et mea verba audistis*. Marcellus’ willingness to leave the *curia* together with the Sicilians (cf. Liv. 26.31.11: *simul templo excedimus*; Plut. *Marc*. 23.5: *μεθισταμένοις, ὡσπερ ἐώθεν, ἐκ τῆς βουλῆς τοῖς Συρακουσίοις συνεξήλθε Μάρκελλος*) would have made a great impression, as it suggested the consul’s temporary self-exclusion from all official senatorial proceedings until a final decision had been reached. The adverb *liberius* (cf. Liv. 26.31.11: *ut me absente liberius consuli senatus possit*) might thus be a reference to the ideal of the *libera res publica*, in which executive magistrates modestly respected the *auctoritas senatus* (cf. Plut. *Marc*. 23.5: *πρᾴως πάνω καὶ κοσμίως τὸ τῆς δίκης τέλος ἐκδεχόμενος; on the role of the Senate in the *libera res publica*, see also Wirszubski 1960: 21).

**improbatis quoque eorum querellis**: V’s account of the Senate’s deliberation process is very brief and designed merely to set the scene for Marcellus’ following act of clemency towards the Sicilians. Livy reports that, although Marcellus’ enemies attempted to arouse hatred against the consul (Liv. 26.32.5: *haec taliaque cum ad invidiam consulis miserationemque Siculorum dicerantur*), it was ruled that his conduct during the war and afterwards could not be faulted (Liv. 26.32.6: *acta M. Marcelli quae is gerens bellum victorque egisset rata habenda esse;* cf. Plut. *Marc*. 23.6). After the Sicilian envoys had been informed of the decision, they were dismissed in a friendly fashion (Liv. 26.32.8: *legatique benigne appellati ac dimissi*).

**supplies et orantes ut ab eo in clientelam recuperentur clementer exceptit**: The passage appears to be an abridged and slightly modified version of the account found at Liv. 26.32.8:

<table>
<thead>
<tr>
<th>Liv. 26.32.8</th>
<th>Val. Max. 4.1.7</th>
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<tbody>
<tr>
<td>Legatique […] ad genua se Marcelli consulis proiecerunt obsecrantes ut […] in fidem clientelamque se urbemque Syracuseus acciperet. Pollicens hoc consul clementer appellatos eos dimisit.</td>
<td>Supplices et orantes ut ab eo in clientelam recuperentur clementer exceptit.</td>
</tr>
</tbody>
</table>
A first plea to be brought under Marcellus’ patronage (clientela) appears to have been made by the Syracusans in 212 BCE (cf. Liv. 25.29.6: incolumesque Syracusas familiae vestrae sub clientela nominis Marcellorum tutelaque habendas tradas), but Marcellus had still gone on to plunder the city. This time around, their request was more successful (on the form of personal patronage exercised by Marcellus over the Sicilians, see Gruen 1984: 163; Eilers 2002: 51-6; Burton 2003: 351 n.90; Deniaux 2006: 405). Like Livy, V. interprets Marcellus’ magnanimity towards the Sicilians as clementia, a virtue defined by Seneca as leniency shown by a hierarchically superior party towards an inferior, in particular where revenge would have been an option (Sen. Clem. 2.3.1: temperantia animi in potestate ulciscendi vel lenitas superioris adversus inferiorem in constituendis poenis; on the concept of clementia, see also Adam 1970: 82-100; Hellegouarc’h 1972: 261-3; Braund 2009: 30-42; Konstan 2010: 14). Marcellus’ clementia is also mentioned at Val. Max. 5.1.4, where V. praises the general’s sympathy after the fall of Syracuse (cf. Cic. Verr. 2.2.4: misericordiam). To demonstrate their appreciation of Marcellus’ magnanimity, the Syracusans bestowed numerous honours upon him and his family (Plut. Marc. 23.7; for evidence of statues of the Marcelli in Sicily, see Cic. Verr. 2.4.86 with Sehlmeyer 1999: 121), including the establishment of the festival of the Marcellia, which was still celebrated in Cicero’s time (Cic. Verr. 2.4.151).

super haec Siciliam sortitus ea provincia collegae cessit: In an attempt to provide further evidence of Marcellus’ multifaceted moderatio, V. mentions the consul’s unsolicited willingness to cede (for the use of cedere alicui aliqua re, see TLL 3.725.42-69) the province of Sicily, which had been officially assigned to him by lot (see Liv. 26.29.1: Sicilia et classis Marcello … evenit; on the process of assigning the consuls’ provinciae, see Drogula 2015: 135-6), to his colleague. Chronologically, this episode is to be placed before the Sicilians’ hearing in the Senate. As Livy reports, Marcellus himself suggested an exchange of provinces with Laevinus, as this meant that the Sicilian envoys would be able to speak more freely about his previous conduct (Liv. 26.29.7: ne quis
timore frenari eos dicere posset, quo minus de eo libere querantur in cuius potestate mox futuri sint), while the Senate would be saved from making the (in his eyes unfair and shameful) decision to deprive a consul of his legitimately allocated province (Liv. 26.29.8: cum extra sortem conlegae optionem dari provinciae inicum fuerit, quanto maiorem iniuriam, immo contumeliam, esse sortem suam ad eum transferri). Since Laevinus did not object, the two consuls between themselves exchanged their provinces (Liv. 26.29.9: inter ipsos consules permutatio provinciarum ... facta est). The decision was later confirmed by the Senate's ruling that Laevinus would be charged with the task of ensuring that the Sicilian interests (as long as they were not detrimental to the welfare of the Roman state) remained protected (Liv. 26.32.6: mandaturosque consuli Laevino ut, quod sine iactura rei publicae fieri posset, fortunis eius civitatis consuleret). Marcellus instead went to Apulia, where Hannibal's troops remained a serious threat (cf. Liv. 26.29.9: rapiente fato Marcellum ad Hannibalem).

totiens laudatio Marcelli variari non potest quotiens ipse novis gradibus moderationis adversus socios usus est: As so often, V. concludes the exemplum with a personal observation (on the typical structure of V's exempla, see Guerrini 1981: 13-28; Wardle 1998: 11-12). By asserting his own inability to praise, in appropriate and sufficient terms, the extraordinary moderation displayed by Marcellus in his dealings with the Sicilians, V. intends to draw attention to the fact that the consul's virtue had, in his eyes, reached degrees of excellence previously unheard of (for gradus in the sense of 'degree of quality', see OLD s.v. 9; TLL 6.2.2154.62-81; for novus, see OLD s.v. 3). At the same time, V's wording seems suggests that moderation did not necessarily manifest itself according to one single prescriptive template of behaviour but instead could be a rather malleable (and gradable) concept which required the virtuous individual constantly to assess the specific circumstances in which he found himself and to respond in accordance with his own moral judgement and reasoning (for a discussion of exempla as instructive instances of situational decision-making, see Langlands 2011: 100-22; cf.
Morgan 2007: 179-90). The more successful the individual was at finding appropriate responses to very specific challenges, the more praise he appears to have deserved (for the nexus between virtue and praise generally, see Rhet. Her. 3.7; Cic. De or. 2.343-4). On Marcellus’ *moderatio*, see also Liv. 26.26.6: *moderati animi gloriam eo die adeptus consul senatum dimisit*.

4.1.8

*quam Ti. etiam Gracchus admirabilem se exhibuit*: Tiberius Sempronius Gracchus (*RE* 2A, 1403-9; *BNP* 13, 250-1), the father of the famous Gracchi brothers, was a well-known general and statesman of the second century BCE. He was elected curule aedile for 182 BCE (*MRR* 1, 382) and praetor for 180 BCE (*MRR* 1, 388), before serving as consul in both 177 and 163 BCE (*MRR* 1, 397-8; 440). In 169 BCE, he also held the censorship (*MRR* 1, 423-4). In stark contrast to his revolutionary sons, Gracchus is usually portrayed as a model of traditional aristocratic virtue, integrity, and justice (see, e.g., Cic. *Prov. cons.* 18: *utinam filii ne degenerassent a gravitate patria*; *Off.* 2.43; *Har. resp.* 41; *De or.* 1.38; 1.211; *Fin.* 4.65; Diod. Sic. 29.26; Plut. *Ti. Gracch.* 14.3; *Marc.* 5.1-2), a sentiment also evident in the *Facta et dicta memorabilia* (see Val. Max. 1.1.3; 3.7.7; 4.2.3; 4.6.1; 4.7.2; 6.3.1d; 6.5.3; 9.12.3). To acknowledge Gracchus’ contributions to the state, a statue of his appears to have been erected in the Forum of Augustus (see Geiger 2008: 123-6; 151-2), and there is further evidence of the existence of an earlier monument (Plut. *C. Gracch.* 14.4; cf. Sehlmeyer 1999: 150-1). V.’s choice of the adjective *admirabilis* (*OLD* s.v. 2; *TLL* 1.733.54-734.77) here seems to convey a judgement similar to that found at Gell. 6.19: *pulchrum atque liberale atque magnanimum factum Tiberii Sempronii Gracchi*.

*tribunus enim plebis*: Gracchus appears to have been *tribunus plebis* in 187 BCE. Livy mentions his involvement in the dispute about the triumph of M. Fulvius Nobilior,
eventually celebrated in December 187 BCE (Liv. 39.5.13), and identifies Gracchus as a
colleague of the tribune M. Aburius (Liv. 39.5.1: Ti. Gracchi collegae plurimum oratio
movit). Furthermore, as the trial against L. Scipio for the alleged misappropriation of
funds received from King Antiochus III would have taken place not long after the peace
settlement with the Seleucid empire in 189/8 BCE (see commentary on Val. Max.
4.1.ext.9), the year 187 BCE would also provide a plausible date for the exemplum at hand
(Fraccaro 1956: 376-7; Scullard 1973: 297; Briscoe 1982: 1101-2; Briscoe 2008: 171-3;
FRHist 3, 355; pace Mommsen RF 2, 481; Bauman 1983: 197-9; see also MRR 3, 189,
where Broughton corrects his earlier claim (MRR 1, 378 n.4) that Gracchus’ tribunate is
to be placed in 184 BCE).

cum ex professo inimicitias cum Africano et Asiatico Scipionibus gereret: Cf. Cic.
Prov. cons. 18: inimicissimus et ipsius et fratris eius Africani; Liv. 38.52.9: cui inimicitiae
cum P. Scipione intercedebant; Val. Max. 4.2.3: odio dissidentes; Gell. 6.19.6: cum
P. Scipioni Africano inimicus gravis ob plerasque in republica dissensiones esset; Dio Cass.
fr. 65.1: παλαιὰν των πρὸς τοὺς Σκιπίωνας ἔχθραν ἔχων; Auct. vir. ill. 57.1: quamvis
inimicum. The phrase ex professo (‘overtly’, ‘avowedly’) is not attested before V. (cf. OLD
s.v. professus 1b; TLL 10.2.1722.66-75). Despite the ample evidence, it is hard to believe
that the relationship between Gracchus and the two Scipiones (for Africanus, see RE 4,
1462-70; BNP 3, 821-2; cf. commentary on Val. Max. 4.1.6; for Asiaticus, see RE 4, 1471-
83; BNP 3, 822; cf. commentary on Val. Max. 4.1.ext.9) would have been marked by
anything more severe than ordinary political competition (pace Gruen 1995: 77). In
190 BCE, Gracchus had served in Greece and Asia under the two brothers, who had felt
confident enough to entrust him with a sensitive mission to Philip of Macedon (cf. Liv.
37.7.11-14). Such an obvious sign of trust certainly does not suggest the existence of any
animosity between the men (Fraccaro 1956: 291; Scullard 1973: 296; pace Briscoe 2008:
168). Even if the relationship between Gracchus and the Scipiones had deteriorated at
some point before L. Scipio’s trial, Gracchus, who at this stage was still at the very
beginning of his political career, would hardly have had enough influence to be considered a serious enemy by the two distinguished generals (Scullard 1973: 296; cf. Geer 1938: 383). Thus it must also remain unclear whether the marriage brokered between Gracchus and Cornelia, the daughter of Scipio Africanus, was indeed the grand gesture of reconciliation between the two families, as which it was later styled (e.g. Liv. 38.57.2-8; Val. Max. 4.2.3; Gell. 12.8.1-4; Dio Cass. fr. 65.1), or whether the arrangement was in fact made for other reasons (cf. Carcopino 1967: 47-83; Scullard 1973: 296 n.3; *FRHist* 3, 354). That Gracchus belonged to the political supporters of the elder Cato, as occasionally suggested (see, e.g., Lange 1876: vol. 2, 240; Briscoe 1982: 1102; Briscoe 2008: 186), cannot be proven and seems questionable, given the contrary evidence provided by Val. Max. 3.7.7 and Dio Cass. fr. 65.1 (Fraccaro 1956: 291-2; Scullard 1973: 296). Instead, it appears much more likely that the story of Gracchus' enmity towards the Scipiones was exaggerated by subsequent generations to highlight his extraordinary integrity and sense of responsibility and to contrast his conduct with that later displayed by his sons (Fraccaro 1956: 292-4; Scullard 1973: 296; Bandelli 1972: 322-3). For a general discussion of the significance of *inimicitiae* for Roman public life, see Epstein 1987.

*et Asiaticus iudicatae pecuniae satisdare non posset:* V's representation of the circumstances surrounding the trial against Scipio Asiaticus is abbreviated significantly, which may indicate that V. was confident that his readers would be able to supplement the missing elements of this well-known anecdote from memory. For the modern scholar, the exact details of the trial are difficult to reconstruct, as two diverging traditions of the event exist. Livy, whose main source appears to have been Valerius Antias (cf. Liv. 38.55.8: *apud Antiatem inveni*; see also Briscoe 2008: 173-4), claims that, after the death of his brother (Liv. 38.54.2: *Africano ... mortuo*; misplaced in 187 BCE), Scipio Asiaticus had fallen victim to an investigation (Liv. 38.55.3: *quaestionem*) into the alleged embezzlement (Liv. 38.55.5: *peculatus*; cf. Val. Max. 5.3.2c; Gell. 6.19.8) of 'money
seized, taken, and exacted’ (Liv. 38.54.3: pecunia capta, ablata, coacta; perhaps an anachronistic reference to the lex repetundarum (123/122 BCE), where the phrase appears in similar form (cf. RS 1.3, 65: quod ... ablatum captum coactum conciliatum aversumve siet; see also the discussions in Fraccaro 1956: 311-12 and Bauman 1983: 210 n.398) from King Antiochus and his subjects following the Roman victory at Magnesia. As Livy claims, the quaestio, presided over by the praetor Q. Terentius Culleo (Liv. 38.55.1), had been established upon the request of two tribunes, both named Q. Petillius (Liv. 38.54.2: Petillii ... rogationem promulgasse), with the backing of the elder Cato (Liv. 38.54.11: M. Cato suasit rogationem; cf. Plut. Cat. Mai. 15.2). Asiaticus and two members of his staff were convicted (Liv. 38.55.5: damnati), according to Livy for accepting large sums of money from Antiochus in return for the granting of more lenient terms of peace (Liv. 38.55.6: quo commodior pax Antiocho daretur; cf. the accusations against Africanus, who had served as a legate under Asiaticus, at Gell. 4.18.3: ut conditionibus gratiosis et mollibus pax ... fieret). While his staff preferred to give sureties for the missing money, Asiaticus refused to pay, claiming that everything he had received was now in the treasury (Liv. 38.58.2: omnem quam accepisset pecuniam in aerario esse). As it stands, however, Livy’s account (and with it that of Antias) cannot be accurate. Not only are the two claims that Asiaticus was investigated for embezzlement but was convicted for accepting a bribe irreconcilable (Scullard 1973: 294; FRHist 3, 354), but it also seems highly unlikely that any evidence of venality at the highest level (presumably a case of perduellio) would merely have resulted in a financial penalty (Briscoe 2008: 174). A different version of events is provided by Gellius, who appears to have found his material in Nepos’ lost Exempla (cf. Gell. 6.19.1: in exemplis repositum est; the passage most likely refers to Gell. 6.18.11: Cornelius ... Nepos in libro exemplorum quinto ... litteris mandavit). Without naming the actual charge (he seems to reject Antias’ claim that Asiaticus was convicted of peculatus, as is suggested by Gell. 6.19.8: contraque auctoritates veterum annalium), Gellius explains that Asiaticus’ trial was held in the form of a iudicium populi, during which the prosecuting tribune, C. Minucius Augurinus,
asked the assembly to confirm a fine he had imposed on Asiaticus and demanded financial sureties before the matter could come to a vote (Gell. 6.19.2: multam irrogavit eumque ob eam causam praedes poscebat; for the technicalities of iudicia populi, see A.H.M. Jones 1972: 6-15). Asiaticus refused, perhaps deeming the unusually harsh (yet legally possible) treatment arbitrary (for further speculation, see Scullard 1973: 295). As it appears inadvisable to attempt an amalgamation of the two diverging traditions (pace Bauman 1983: 210-11; Gruen 1995: 76), the most reasonable solution appears to be to accept Gellius’ version of events (see also Mommsen RF 2, 471-3; Fraccaro 1956: 285; 378; Scullard 1973: 294-5; 297-8; Briscoe 1982: 1102; Briscoe 2008: 171; 175; FRHist 3, 355) and to assume that Scipio Asiaticus was prosecuted before the people for failing to give a proper accounting for money received from Antiochus (cf. Val. Max. 8.1.dann.1: pecuniam ab eo accepisset; perhaps the initial indemnity payment of 500 talents (cf. Liv. 37.45.14), as Scullard 1973: 292-3 and Gruen 1995: 75 have suggested; however, Liv. 38.55.9 and Val. Max. 3.7.1d mention a sum of 4 million HS; on the figures, see also Briscoe 2008: 172). Asiaticus’ defiant stance may need to be seen in direct connection with another famous incident, during which his brother, Scipio Africanus, angrily tore up the official books when a member of the Senate asked him to render an account for payments received from Antiochus (cf. Polyb. 23.14.7; Liv. 38.55.10-11; Val. Max. 3.7.1d; Gell. 4.18.7-12). In the light of this episode, it may seem less surprising that Asiaticus not only failed to provide an account (be it for reason of personal pride or because the only books had been destroyed by his brother) but also refused to offer sureties when ordered to do so by Minucius. As for V’s summary of the circumstances, however, it needs to be pointed out that his use of posse seems to suggest that V. believed that Asiaticus was not able to pay, rather than not willing – a view which appears more in line with Livy’s representation of the event (cf. Liv. 38.60.8: nequaquam tantum redactum est quantae summae damnatus fuerat).
atque ideo a consule in vincula publica duci iussus esset: Cf. Val. Max. 5.3.2c: *in carcerem duci iuberetur.* V's claim that it was one of the consuls who issued the order for Asiaticus' arrest appears to be a mistake. In the rather unlikely case that the trial was held in the form of a *quaestio*, as claimed by Livy (see commentary above), it would almost certainly have been the presiding praetor, Q. Terentius Culleo, who, at the behest of the jury, gave the instructions for Asiaticus to be hauled off to prison (cf. Liv. 38.58.1-2; 38.60.1-4). What seems more probable, however, is that Gellius is right in stating that Asiaticus was arrested upon orders of the prosecuting tribune, C. Minucius Augurinus, after refusing to give sureties (Gell. 6.19.6: *Augurinus tribunus L. Scipionem praedes non dantem prendi et in carcerem duci iussisset*; on the legal procedure, see A.H.M. Jones 1972: 14). For the phrase *vincula publica*, see *OLD* s.v. *vinculum* 1c.

**appellassetque collegium tribunorum:** Contrary to V's claim, the appeal does not seem to have been lodged by Asiaticus himself. According to Livy, P. Scipio Nasica approached the tribunes on Asiaticus' behalf (Liv. 38.58.3: *P. Scipio Nasica tribunos appellavit*), while Gellius explains that it was Scipio Africanus who, in his brother's name, appealed to the tribunes for help (Gell. 6.19.3: *Scipio Africanus fratris nomine ad collegium tribunorum provocabat*). Only Pliny, in a rather general statement, appears to suggest that Asiaticus himself called on the remaining tribunes to intervene (Plin. *HN praef.*10: *cum tribunos appellaret L. Scipio Asiaticus*). Livy's claim that, upon hearing news about Asiaticus' impending arrest, Africanus hastened from Etruria to Rome and violently attacked the tribunes (Liv. 38.56.8-10), appears to be dramatic fiction (see Scullard 1973: 296-7; the anecdote may have come from the annals of Quadrigarius, as Briscoe 2008: 178 suggests). On the right to appeal to the tribunes against a magistrate's use of power (*appellatio*), see Bleicken 1968: 78-83.

**nullo volente intercedere:** Each *tribunus plebis* had the right to veto (for *intercedere*, see *OLD* s.v. 5b; *TLL* 7.1.2155.52-2156.4) any decree issued by his colleagues, other
magistrates (dictators excluded), and even the Senate (on the tribunes’ *ius intercessionis*, see esp. Bleicken 1968: 5-9; 74-94; Bleicken 1981: 94; Thommen 1989: 207-48). However, in the case of Scipio Asiaticus, the tribunes appear to have been hesitant to intervene. Thus, in accordance with his setting of a *quaestio*, Livy claims that, after considerable deliberation, the tribunes (with the exception of Ti. Gracchus) declared that they would not prevent the praetor’s exercise of his authority (Livy. 38.60.3: *praetori non intercedere tribunos*). In similar fashion, Gellius, who has Asiaticus tried before the people, explains that, apart from Gracchus and the prosecuting C. Minucius Augurinus, the remaining eight tribunes (*octo tribuni*) all refused to get involved as long as Asiaticus failed to give the requested sureties (Gell. 6.19.4-5). The decree quoted by Gellius, however, cannot be authentic, as it promises the tribunes’ immediate veto should Asiaticus be willing to provide the necessary sureties – in which case the prosecution would have lost its right to arrest Asiaticus anyway (Scullard 1973: 295). Due to the confused reports about the trial, the identities of the tribunes of 187 BCE are difficult to determine (for potential candidates, see *MRR* 1, 369, to whom Ti. Gracchus must be added (see *MRR* 3, 189); C. Fannius is mentioned at Liv. 38.60.3 and C. Minucius Augurinus at Gell. 6.19.2).

**secessit a collegis decretumque composuit**: For *secedere* in the sense of ‘to dissociate oneself’, see *OLD* s.v. 2b. Cicero confirms that Gracchus was the only member of the college of tribunes who saw the need to intervene on Asiaticus’ behalf (Cic. *Prov. cons.* 18: *solus ex toto illo collegio L. Scipio auxilio fuit*). Livy adds the (most likely fictional) anecdote that, after Scipio Africanus had attempted to free his brother by force, Gracchus declared that it would be more tolerable for the *tribunicia potestas* to be defeated by another tribune rather than a private citizen (Livy. 38.56.10; for a commentary on the passage, see Briscoe 2008: 199). Since, in its origins, the tribuniciang *ius intercessionis* was not intended as a means of collegial control amongst the tribunes themselves but rather as an implement of plebeian self-defence against the arbitrary use of power by patrician magistrates (see Bleicken 1968: 75-7; Thommen 1989: 216; cf.
Bleicken 1981: 92-4), early historical evidence of tribunes vetoing one another is rare. The first documented case appears to be dating from the year 188 BCE (cf. Liv. 38.36.7-8), only a few months before Gracchus’ intervention in the trial against L. Scipio Asiaticus. On the decree issued by Gracchus, see commentary below. The juxtaposition of (non) *intercedere* and *secedere* may be intentional to further highlight the moral complexity of Gracchus’ stance.

**nec quisquam dubitavit quin in eo scribendo ira tinctis adversus Asiaticum verbis usurus esset:** The readings preserved in the three oldest manuscripts (AL: *irati noctis*; G: *irati notis*) are almost certainly corrupt. Palaeographically still the most sensible emendation appears to be *ira tinctis* (for *tingere* in a figurative sense, see OLD s.v. 6), first suggested by Kempf Maj., although Watt (1986: 468) has, more recently, argued in favour of *iracundis*. V. may have found his inspiration for this passage in Livy, who, in his account of the trial of Scipio Africanus (allegedly preceding that of Asiaticus), explains that, when Gracchus refused to sign a decree issued by the other tribunes, everyone mistakenly expected a harsher proposal (cf. Liv. 38.52.9: *tristioremque omnes sententiam expectarent*), as Gracchus was known as an enemy of Scipio’s (for the view that Gracchus’ intervention on behalf of Scipio Africanus may need to be rejected as a doublet of the end of Asiaticus’ trial, see Scullard 1973: 299). On the interplay between *inimicitiae* and *ira*, cf. Cic. *Tusc*. 4.21: *inimicitia ira ulciscendi tempus observans*.

**at is primum iuravit se cum Scipionibus in gratiam non redisse:** Whether the claims of *inimicitiae* between Gracchus and the Scipiones are historically accurate or not (on this issue, see commentary above), Gracchus’ public declaration of his continuing feud with the Scipiones appears to have played a major part in transforming a mere case of collegial intercession into an example of moral excellence (in this instance: *moderatio*), as it implied that Gracchus had full control over his personal feelings. Thus it does not come as a surprise that Gracchus’ declaration is also highlighted in most other major
sources (see, e.g., Cic. Prov. cons. 18: *iuravitque in contione se in gratiam non redisse*; Liv. 38.57.4: *Gracchum ... iurasse sibi inimicitias cum Scipionibus quae fuissent manere nec se gratiae quaerendae causa quicquam facere*; Gell. 6.19.6: *iuravit palam in amicitiam inque gratiam se cum P. Africano non redisse*). On *gratia* in the sense of *amicitia*, see Hellegouarc’h 1972: 204-6.

**deinde tale decretum recitavit**: Cf. Liv. 38.60.4: *Ti. Gracchus ita decrevit*; Gell. 6.19.6: *ita decretum ex tabula recitavit*. The exact wording of the decree is impossible to restore. The version found in the *Facta et dicta memorabilia* appears to be very similar to that recorded by Gellius:

<table>
<thead>
<tr>
<th>Val. Max. 4.1.8</th>
<th>Gell. 6.19.7</th>
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<tbody>
<tr>
<td>[...] Cum L. Cornelius Scipio die triumphi sui ante currum actos hostium duces in carcerem coniecerit, indignum et alienum maiestate rei publicae videri eodem ipsum duci. Itaque id non passurum fieri.</td>
<td>[...] Cum L. Cornelius Scipio Asiaticus triumphans hostium duces in carcerem coniectarit, alienum videtur esse dignitate rei publicae in eum locum imperatorem populi Romani duci, in quem locum ab eo coniecti sunt duces hostium. Itaque L. Cornelium Scipionem Asiaticum a collegae vi prohibeo.</td>
</tr>
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Gellius seems to suggest that the decrees quoted verbatim in his account had at some point been copied from earlier annalists (cf. Gell. 6.19.5: *ex annalium monumentis exscripta sunt*). While he takes them to be genuine documents, there can be little doubt that they are inventions (see Fraccaro 1956: 287-8; Scullard 1973: 295; *FRHist* 3, 354). Gellius may have found the bulk of his material in Nepos’ lost *Exempla* (cf. Gell. 6.19.1: *in exemplis repositum est*; the passage most likely refers to Gell. 6.18.11: *Cornelius ... Nepos in libro exemplorum quinto ... litteris mandavit*), but it cannot be excluded that he was also using the version provided by V. to add substance to his narrative (that Gellius had access to V.’s work becomes apparent at Gell. 12.7.8). It is, therefore, impossible to determine whether V., like Gellius, simply appropriated material found in Nepos’
Exempla (cf. Skidmore 1996: 46-8) or whether both V. and Nepos were drawing from an earlier common source. For a different paraphrase of Gracchus’ decree, see Liv. 38.60.4-6.

cum L. Cornelius Scipio die triumphi sui ante currum actos hostium duces in carcerem coniecerit: Cf. Cic. Prov. cons. 18: quo duces essent hostium Scipione triumphante ducti; Liv. 38.60.6: plurimos duces hostium in triumpho ducatos carcerem includerit (note the alternative version at 38.57.4: in quem carcerem reges et imperatores hostium ducentem vidisset P. Africanum); Gell. 6.19.7: cum L. Cornelius Scipio Asiaticus triumphans hostium duces in carcerem coniecit. The parading of captured enemies (in particular those of high station) in front of the general’s chariot (ante currum) was an important part of the triumphal parade, as it was meant to celebrate the power of Roman conquest (see Beard 2007: 107-42). At the end of the ceremony, enemy prisoners were usually led to the carcer, where they were detained until their fate was decided (Beard 2007: 128-32). In regard to the triumph celebrated by Asiaticus after his victory over Antiochus (cf. Val. Max. 4.1.ext.9; 5.3.2c; 5.5.1; 8.1.dann.1), Livy explains that thirty-two high-ranking captives were paraded in front of the triumphing general (Liv. 37.59.5: duces regii, praefecti, purpurati duo et triginta ante currum ducti; cf. Beard 2007: 121, who points out the irony of duces … ducti).

indignum et alienum maiestate rei publicae videri eodem ipsum duci: Cf. Cic. Prov. cons. 18: alienum sibi videri dignitate imperii … eodem ipsum duci; Gell. 6.19.7: alienum videtur esse dignitate rei publicae in eum locum imperatorem populi Romani duci. The two traditional values which Gracchus was keen to protect, as V. explains, are the dignitas and the maiestas of the Republic. Neither of these two concepts is easily defined, but both seem to involve very specific notions of worthiness. Thus dignitas is often attributed to individuals or groups who are aware of their obligation to behave in a manner which is appropriate to their social standing, while the term maiestas usually
expresses a sense of grandeur which becomes apparent in a person's (or, as in this case, a
group entity's) actions (on dignitas and maiestas generally, see Hellegouarc'h 1972: 388-411 and 314-20 respectively). V. appears to suggest that, in Gracchus’ eyes’ having
Asiaticus arrested and taken to prison would not only have been absolutely inappropriate
treatment for a meritorious general (probably measured according to the standards of
the mores maiorum) but also damaging to the reputation of the Roman people (for a
similar judgement, see Gracchus’ intervention in the case of Scipio Africanus at Liv.
38.52.11: populo Romano magis deforme; this intervention on behalf of Africanus may
need to be rejected as a doublet (cf. Scullard 1973: 299)). For alienus + ablativus
separationis (‘unworthy of’), see OLD s.v. 8; TLL 1.1580.77-83.

\textit{itaque id non passurum fieri}: Cf. Liv. 38.60.5-6: \textit{L. Scipionem ... non passurum inter
hostes populi Romani in carcere et vinculis esse mittique eum se iubere; Gell. 6.19.7: itaque
L. Cornelium Scipionem Asiaticum a collegae vi prohibeo; Auct. vir. ill. 57.1: Scipionem
Asiaticum ... duci in carcerem non passus. The phrase \textit{non passurum} (\textit{quicquam agi})
appears to have been widely understood as an expression of a Roman magistrate's \textit{ius
intercessionis} (cf. Caes. B.Civ. 1.6.4; Liv. 26.26.7; 30.40.8; 38.52.10; 38.57.4; 39.38.9). Little
is known about the events which followed Gracchus’ intervention, but it is unlikely that
Asiaticus was convicted (pace Bandelli 1974-5: 102-7), as he is named as the patron of
the votive games celebrated only a year later (cf. Liv. 39.22.8; see also Fraccaro 1956: 379-
80; Briscoe 2008: 175; \textit{FRHist} 3, 355). The story about Asiaticus’ impoverishment as a
result of the confiscation of his property (cf. Liv. 38.60.8-10; Dio Cass. fr. 63) is certainly
fiction (see \textit{FRHist} 3, 355).

\textit{libenter tunc opinionem suam populus Romanus a Gracco deceptam cognovit
moderationemque eius debita laude prosecutus est}: The circumstance that Gracchus
was a self-professed enemy of the Scipiones (see commentary above) and as such more
likely to inflict the full force of the law onto them (for the negative impact of \textit{inimicitiae

122
on court cases generally, see Epstein 1987: 90-126) seems to have increased the perceived moral significance of his intervention on behalf of Scipio Asiaticus. In the eyes of his contemporaries, Gracchus’ *moderatio* would have manifested itself in the fact that, by protecting a meritorious general of Asiaticus’ standing, he had shown greater regard for the interests of the *res publica* than for his personal enmities (cf. Livy’s observation following Gracchus’ alleged intervention in the case of Scipio Africanus at Liv. 38.53.6: *rem publicam privatis simultatibus potiorem habuisset*; the situation is again alluded to, by Gracchus himself, at Liv. 39.5.5: *suas inimicitias remisisse rei publicae*; a more compassionate motive seems to be suggested by Ps.-Quint. *Decl. mai.* 9.17: *haec est celebranda virtus, haec animi suspicienda moderatio, vincere iram et inter simultates quoque meminisse hominis*). While the original praise (*laus*) appears to have come from the people (cf. Cic. *Prov. cons.* 18: *tantam laudem est adeptus*; Liv. 38.60.7: *tanto adsensu auditum est decretum*), the confirmation (cf. *debita*) of this positive judgement by V. (i.e. by a secondary audience) would have reinforced and commemorated Gracchus’ role as a paragon of self-control (on the relevance of these steps for the ‘exemplary discourse’, see M.B. Roller 2004: 4-6).

4.1.9

**C. quoque Claudius Nero:** C. Claudius Nero (*RE* 3, 2774-6; *BNP* 3, 394), a direct ancestor of Tiberius’ biological father, Ti. Claudius Nero (*RE* 3, 2777-8; *BNP* 3, 394; cf. Val. Max. 2.9.6; Suet. *Tib.* 2), was praetor in 212 BCE (*MRR* 1, 267) and consul in 207 BCE (*MRR* 1, 294). According to Livy, he was a man of great ability (cf. Liv. 27.34.1: *longe ante alios eminebat*), yet occasionally reckless and with a tendency towards violence (cf. Liv. 27.34.2: *promptiorem acrioremque quam tempora belli postularet*). For that reason, the people chose M. Livius Salinator (*RE* 13, 891-9; *BNP* 7, 744-5), an experienced consular renowned for his moderation and prudence (cf. Liv. 27.34.3: *moderato et
prudenti viro) but also a long-standing enemy of Nero's (cf. Liv. 27.35.7), as his colleague in the consulship. In the face of the ongoing threat posed by the presence of Carthaginian troops on Italian soil, the two men publicly promised to put aside their private enmities and to unite their efforts in order to save the res publica (cf. Liv. 27.35.9; the inimicitiae resumed during their joint censorship of 204 BCE (MRR 1, 306)). Their difficult relationship and eventual truce in the interest of the wider community forms the substance of several of V's exempla (see, e.g., 2.9.6; 4.2.2; 7.2.6).

inter cetera praecipuae moderationis exempla numerandus est: V. reiterates his literary intention to compile and categorise exempla of similar moral content. Note, however, that the noun exemplum here means ‘exemplar’ rather than ‘example’ (cf. TLL 5.2.1344.82-1345.27). The fact that Livy (the main source for this episode) describes Nero as a man who was also known for his quick and violent temper (cf. Liv. 27.34.2) does not seem to trouble V., suggesting that the example at hand is, in his eyes, well suited to represent Nero as a paragon of moral self-control.

Livi Salinatoris in Hasdrubale opprimendo gloriae particeps fuerat: In the spring of 207 BCE, at the height of the Second Punic War, the Carthaginian general Hasdrubal Barca (RE 7, 2470-3; BNP 5, 1161) led a large army of Carthaginian and allied Celtic troops across the Alps to join his brother, Hannibal, in Italy (Polyb. 11.1.1; Liv. 27.39.1-9). He was able to reach the northern Italian town of Placentia without major difficulties, but his luck changed when the messengers he had dispatched to Hannibal to concert plans were intercepted by Claudius Nero, who had been entrusted with the command over the Roman troops that were shadowing Hannibal's movements in the south (Liv. 27.43.1-5). In a bold move (and without Hannibal noticing), Nero quickly detached 7,000 of his best soldiers and marched north to reinforce the army led against Hasdrubal by his colleague, Livius Salinator (Liv. 27.43.11-12; Val. Max. 7.4.4). Realising too late the numerical superiority of the Roman army he was facing, Hasdrubal attempted to
withdraw from the imminent battle, but his retreat soon came to an end at the banks of the Metaurus River (Liv. 27.47.1-11). Outnumbered and outmanoeuvred, Hasdrubal's army was defeated and the Carthaginian general killed in battle (Polyb. 11.1.2-2.1; Liv. 27.48.1-49.4). His severed head was taken by Nero back to Apulia, where it was thrown in front of Hannibal's outposts (27.51.11). The Roman victory at the Metaurus, described by V. as an example of Roman farsightedness (Val. Max. 7.4.4: Romana ... prudentia), was as a major turning point of the Second Punic War (on the significance of the battle, see Lazenby 1978: 181-91; Eckstein 1987: 43-7; Hoyos 2003: 141-51). For the gloria deriving from Nero's participation in the fight against Hasdrubal, cf. Liv. 27.45.5-6. It might be more than coincidence that Tiberius' Pannonian victory, for which he was awarded an ovatio, is described by Velleius Paterculus in terms similar to V.'s account here (cf. Vell. Pat. 2.96.3: huius victoriae compos Nero ovans triumphavit).

tamen eum triumphantem equo sequi quam triumpho, quem senatus ei aeque decreverat, uti maluit: At the end of the summer of 207 BCE, both consuls were recalled to Rome. While Livius Salinator was permitted to return from his mission accompanied by his army, the Senate ordered Claudius Nero to leave his troops in southern Italy, where they were to serve as a buffer against Hannibal, whose presence on Italian soil remained a threat (Liv. 28.9.2-3). According to Livy, both men had arranged to arrive at the city on the same day (Liv. 28.9.4). At the Temple of Bellona (i.e. outside the pomerium), they met with the Senate, requesting the customary ceremony of thanksgiving and asking that they be allowed to enter the city in triumph (Liv. 28.9.5-7). When the Senate granted each of them a separate triumph (Liv. 28.9.9: triumpho utrique decreto), the consuls declared that it was not right to have two triumphs for a victory in a war that had been fought conjointly (Liv. 28.9.9: ne, cum bellum communi animo gessissent, triumphum separarent). Thus, as Livy claims, they both agreed that Salinator should enter the city in the triumphal chariot, while Nero would follow him on his horse (Liv. 28.9.10). The exact implications of this decision remain unclear. It seems likely that
Nero yielded the right to celebrate a proper triumph in favour of an *ovatio*, the minor version of a triumph (see commentary below). Nonetheless, the fact that Nero's *ovatio* was celebrated simultaneously with his colleague's triumph would have made the event a memorable occasion (for the extreme rarity of combined triumphal processions, see Versnel 1970: 167-8 n.7). While Livy depicts the deal as a mutual agreement between both men (cf. Liv. 28.9.9-10: *inter ipsos ... convenit*), V.'s version of events clearly seeks to emphasise Nero's exemplary moderation by highlighting his unwillingness to accept the triumph equally granted to him by the Senate.

**quia res in provincia Salinatoris gesta erat:** Upon election, each consul was assigned one or more specific missions, usually linked to a geographical area, which he was obliged to undertake during his time in office (on the Senate's process of determining areas of need, see Rich 1993: 55-64; Vervaet 2006: 625-32). These predetermined *provinciae* (cf. OLD s.v. 1; TLL 10.2.2334.10-41) clearly defined and limited the bounds within which a consul could make full use of his *imperium*, without interfering with his colleague's sphere of command (see Drogula 2015: 131-3; 145). Once the *provinciae* had officially been assigned, either by lot or by senatorial decree, the consuls were expected to remain within their designated spheres of authority, which were intrinsically tied to their specific responsibilities. Consuls who transgressed the limits of their *provinciae* without proper reason were sternly reprimanded and usually disqualified from the right to celebrate a triumph (see Drogula 2015: 138-40). As Livy reports, the Senate had defined two distinct *provinciae* for the consuls of 207 BCE. Thus, by lot, Claudius Nero had been assigned the campaign against Hannibal in Bruttium and Lucania, while Livius Salinator had been entrusted with Gaul and the war against Hasdrubal (Liv. 27.35.10). V. is, therefore, correct in stating that the battle at the Metaurus had been fought in Salinator's sphere of command, which, in turn, meant that only Salinator, the holder of the necessary *imperium*, could legitimately claim a triumph for the victory (cf. Drogula 2015: 146-7). Why the Senate still decided to grant both consuls a triumph remains
unclear. While V’s account seems to echo the first part of the explanation found in Livy (cf. Liv. 28.9.10: *quoniam et in provincia M. Livi res gesta esset*), it makes no mention of the circumstances that, on the day of the battle, Salinator had also held the auspices and that only he had been able to return with his army (ibid.: *et eo die quo pugnantum foret eius forte auspicium fuisset et exercitus Livianus deductus Roman venisset*), since Nero had not completed his own mission in the south. This seems to suggest that, in V’s eyes, Nero’s unwillingness to accept the full triumph granted to him by the Senate was solely owed to the fact that, judging the situation an emergency (cf. Liv. 27.43.6: *non id tempus esse rei publicae ratus quo consiliis ordinariis … quisque … bellum gereret*), he had entered his colleague’s *provincia* willingly without official authorisation. By accepting his proper place and allowing Salinator to claim what was rightfully his, Nero thus not only displayed his *moderatio* but also his *verecundia* (on which, see Kaster 2005: 13-27; for the acknowledgement of a colleague’s seniority as a sign of *moderatio*, see also Val. Max. 4.1.1: *quia maior natu erat*). For a comprehensive discussion of the significance of a commander’s *provincia*, see Drogula 2015: 131-81.

<...> **sine curru triumphavit:** Manuscripts A and G have a lacuna after the preceding *erat*, while L simply omits *erat*. If the punctuation (i.e. a full stop after *erat*) printed by Briscoe, Shackleton Bailey, Combès, and others is correct, it is indeed likely that some form of syntactic link is missing here. Shackleton Bailey therefore suggests the supplementation of *sic*, which could accidentally have been deleted before the preposition *sine* (see the discussion in Shackleton Bailey 2003: 475-6). However, it cannot be fully ruled out that *quia res in provincia Salinatoris gesta erat* is in fact the causal subordinate clause preceding and clarifying *sine curru triumphavit*, a scenario which would not require any further emendations (cf. the similar sentence structure in Liv. 28.9.10: *quoniam et in provincia M. Livi res gesta esset, … C. Claudius equo sine militibus inveheretur*; for evidence of V’s use of *quia* at the beginning of a sentence, see, e.g., 2.4.5; 6.8.7; 8.15.ext.1). V’s wording seems to suggest that, acknowledging the fact
that the battle against Hasdrubal had been fought in his colleague’s provincia, Nero opted to celebrate an ovatio rather than the full triumph originally offered to him by the Senate (cf. the version in Auct. vir. ill. 48.5: ob haec Livius triumphans, Nero ovans urbem introierunt). Considered as a ‘minor triumph’ (cf. Dion. Hal. 8.67.10: τὸν ἐλάττωνα θρίαμβον; Plin. HN 15.19: minoribus triumphis), an ovatio could be granted in cases which did not fulfil all the requirements necessary to justify the awarding of an actual triumph (see RE 18, 1892; Beard 2007: 63). While, during the proper triumph, the victorious commander, clad in the traditional triumphal regalia and crowned with laurel, entered the city in a four-horse chariot (Dion. Hal. 5.47.3: ἐφ᾽ ἅρματος; Plut. Marc. 22.2: ἐπὶ τοῦ τεθρίππου; for currus, see OLD s.v. 1d; TLL 4.1521.10-67), the regulations of an ovatio only permitted the general to ‘triumph’ (for the use of the verb triumphare in relation to the ovatio, see, e.g., RGDA 4.1; Vell. Pat. 2.96.3; Val. Max. 2.8.7) on foot or on horseback (both options are cited at Gell. 5.6.27, but the ovatio on foot may have been the more common procedure during the Republic (see RE 18, 1898-9; Lange 2015: 135-6)). It therefore comes as no surprise that V. appears to differentiate between the major and minor forms of triumph simply by determining whether they had been celebrated with or without chariot (cf. Val. Max. 2.8.7: neque aut ovans aut curru triumphavit). In Nero’s case, the decision to enter the city mounted (triumphantem equo sequi … maluit; cf. Liv. 28.9.15: uno equo per urbem verum triumphum vehi) rather than in a chariot, like his colleague (cf. Liv. 28.9.10: M. Livium quadrigis urbem ineuntem; 28.9.15: iret alter consul sublimis curru multiiugis, si vellet, equis), indicates that Nero wished his celebration (for he was not willing to forfeit the opportunity of being saluted as victor altogether) to be somewhat inferior to the triumph granted to Salinator, with an ovatio being the most appropriate alternative. The circumstance that Nero had returned without his army, as pointed out by Livy (28.9.10: C. Claudius equo sine militibus inveheretur), would thus also have become less significant, as the ovatio could (in contrast to the regular triumph) even be celebrated in the case of an exercitus non deportatus (cf., e.g., Liv. 26.21.1-5; see also RE 18, 1900). In any case, the ‘shared triumph’
of 207 BCE (cf. Liv. 28.9.11: *consociatus triumphus*) appears to have been rather unusual in its nature (cf. Richardson 1975: 55; Stewart 1998: 89; Pittenger 2008: 70-1; Rich 2014: 223; Lange 2016: 36).

**eo quidem clarius quod illius victoria tantummodo laudabatur huius etiam moderatio:** V. seems to suggest that, while both consuls deserved glory for their joint victory over Hasdrubal, it was Nero's display of *moderatio* in the aftermath which rendered his legacy truly memorable. A similar assessment is provided by Livy, whose account is likely to have served as a main source for this *exemplum* (cf. Liv. 28.9.15: *uno equo per urbem verum triumphum vehi, Neronemque, etiam si pedes incedat, vel parta eo bello vel spreta eo triumpho gloria memorabilem fore*). Nero's self-restraint regarding the celebration of a triumph would have been perceived as even more exemplary, as he was considered as the actual hero of the battle at the Metaurus (cf. Liv. 28.9.14: *nomen Neronis satis fuisse ad continendum castris Hannibalem; Hasdrubalem vero qua aliqua re quam adventu eius obrutum atque extinctum esse?*). By including Nero in this chapter, V. may have intended to draw parallels with the *moderatio* of Nero's most distinguished descendant, Tiberius (cf. Vell. Pat. 2.122.1: *quis non inter reliqua, quibus singularis moderatio Ti. Caesaris elucet, hoc quoque miretur quod, cum sine ulla dubitatione septem triumphos meruerit, tribus contentus fuit?*; see also Weileder 1998: 293-4; for the significance of Nero as an ancestor of Tiberius, cf. Val. Max. 2.9.6).

**4.1.10(a)**

**ne Africanus quidem posterior nos de se tacere patitur:** V's transitional statement appears to be modelled after Cic. *Clu.* 134 (*non enim mihi exemplum summi et clarissimi viri, P. Africani, praetereundum videtur*), the passage from which he also takes most of his material for 4.1.10(b) (see commentary below). P. Cornelius Scipio Aemilianus Africanus Numantinus (*RE* 4, 1439-62; *BNP* 3, 819-21), the victor over Carthage
(146 BCE) and Numantia (133 BCE), is a recurring figure in V’s work. While he is usually praised for his qualities as a military leader (see, e.g., 2.7.13; 2.10.4; 3.2.6; 3.7.2; 5.1.6; 5.2.ext.4; 7.2.2; cf. 4.1.8; 4.3.13; 5.3.2d; 6.2.3; 8.15.7), the two exempla presented here discuss the moderatio displayed by Scipio during his censorship. For a comprehensive biographical study of Scipio Aemilianus, see Astin 1967; on Scipio’s moderation, see Perruccio 2005: 49-66.

**qui censor:** Cf. Cic. Clu. 134 (*qui cum esset censor*). Scipio assumed the office of censor in 142 BCE (*MRR* 1, 474-5; Suolahti 1963: 393-4). His *cura morum* appears to have been hallmarked by extraordinary severity, which was mitigated by his more lenient colleague, L. Mummius (*MRR* 1, 474-5; Suolahti 1963: 396-7; cf. Val. Max. 6.4.2). For a discussion of Scipio’s censorship, see Astin 1967: 115-24; on the role of the censors in general, see Suolahti 1963: 20-79; Nicolet 1980: 49-88; Kunkel/Wittmann 1995: 391-471; Lintott 1999: 115-20.

**cum lustrum conderet:** The sacral expression *lustrum condere* (on the etymology, see Ogilvie 1961: 31-9; Petersmann 1983: 209-30) described the most significant phase of the purification and propitiation ritual which traditionally concluded (and thereby validated) the census (on the function of the *lustrum*, see esp. Suolahti 1963: 45-7; Kunkel/Wittman 1995: 466-71; Baudy 1998: 223-61; Mazzoli 2002: 311-27; Marco Simón 2006: 153-66). The ritual (a kind of *lustratio*) was performed on the Campus Martius (Dion. Hal. 4.22.1-2; cf. *LTUR* 1, 220) once the new census lists had been compiled (cf. Liv. 1.44.1: *censu perfecto*; 40.46.8: *agatis censum, lustrum condatis*). The censor who had been chosen by lot to supervise the ceremony (cf. Varro *Ling*. 6.87: *censores inter se sortiantur uter lustrum faciat*) led a procession of *suovetaurilia* victims (see commentary below) three times around the newly constituted citizen community, before the animals were sacrificed to Mars in return for the good fortune bestowed upon Rome since the last census (see, e.g., Varro *Rust.* 2.1.10; Dion. Hal. 4.22.1-2; Liv. 1.44.1-2; Fest. 154 L; cf. 130
Cic. \textit{De or.} 2.268). At the same time, the traditional \textit{votum} was renewed, promising Mars a similar sacrifice, should the divine benevolence towards the city continue until the next census (cf. Suet. \textit{Aug.} 97.1: \textit{vota quae in proximum lustrum suscipi mos est}).

The solemn conclusion of the census usually fell into the first half of the year following the censors’ assumption of office and would have been one of the last official duties of their eighteen-month term (Mommsen \textit{StR} 2, 353). In accordance with this tradition, the \textit{lustrum} conducted during the censorship of Scipio and Mummius almost certainly took place in 141 BCE (cf. Liv. \textit{Per.} 54). There is, however, considerable doubt as to whether it was indeed Scipio Aemilianus who had been chosen as the responsible censor to preside over the ceremony, as V. claims (see esp. Marx 1884: 65-6; Aymard 1948: 113-17; Astin 1967: 326-7). When, in 140 BCE, Scipio was attacked by the \textit{tribunus plebis} Ti. Claudius Asellus (\textit{MRR} 1, 480) for a \textit{lustrum malum infelixque} (cf. Gell. 4.17.1), he is said to have responded that this was to be expected, since ‘he who lifted you from the ranks of the \textit{aerarii} celebrated the \textit{lustrum} and sacrificed the bull’ (Cic. \textit{De orat.} 2.268: \textit{is, qui te ex aerariis exemit, lustrum condidit et taurum immolavit}). As censor, Scipio had forced Asellus to surrender his horse (Gell. 3.4.1: \textit{cui equum in censura ademerat}), an act which usually coincided with a degradation from the rank of \textit{eques} to that of \textit{aerarius} (cf. Liv. 29.37.8-15; 44.16.8; Val. Max. 2.9.7; 2.9.8). However, the fact that several of Scipio’s disciplinary measures were vetoed by his colleague Mummius (Dio Cass. fr. 76.1; cf. Val. Max. 6.4.2) makes it very likely that Asellus’ demotion was also overturned, giving rise to Scipio’s sarcastic comment. Scipio’s remark to Asellus may thus be seen as evidence that it was in fact Mummius, the man by whom Asellus had been saved from losing his equestrian rank, who was responsible for the \textit{lustrum} of 141 BCE (for a less convincing interpretation of the evidence, see Scullard 1960: 68 n.38). If this is true, however, the historical authenticity of the whole \textit{exemplum} needs to be questioned.

\textit{inque solitauri\textless;i\textgreater;um\textless;sacrificio\textgreater;}: The text preserved in the three oldest manuscripts (\textit{solita viri}) is absurd. Combès follows Cuiacus’ suggestion to read \textit{solitaurili}, but no such
adjectival form is attested elsewhere. The most convincing reading therefore remains the emendation *solitauri<i>l</i>um*, first printed by Kempf (1888). The term *solitaurilia*, a popular corruption of *suovetaurilia* (see *OLD* s.v. *solitaurilia*; cf. Scholz 1973: 25), usually described the procession and sacrifice of an adult (*maiōra*) or suckling (*minōra/lactentia*) pig, sheep, and bull as part of a *lustratio*, an expiatory or purification ceremony (see, e.g., Cato Agr. 141.1-4; Liv. 8.10.14; Tac. *Hist*. 4.53.3; cf. Baudy 1998: 115-21; ThesCRA 1, 55-6). *Suovetaurilia maiōra* were traditionally immolated during the *lustrum* at the conclusion of the census (Suolahti 1963: 45-7; Baudy 1998: 223-61, esp. 230-6; ThesCRA 2, 68). For a second-century BCE depiction of a census and the sacrifice of the *suovetaurilia*, see the relief on the Altar of Domitius Ahenobarbus (Paris, Musée du Louvre, Ma 975).

*scriba ex publicis tabulis sollemne ei precationis carmen praeret*: To ensure that the correct formula for the petitionary prayer (*carmen precationis*; cf. ThesCRA 3, 154) was pronounced during the course of the sacrifice of the *suovetaurilia*, a censorial clerk (*scriba*; cf. Varro *Ling.* 6.87; Liv. 4.8.4; Suolahti 1963: 33-4; Kunkel/Wittmann 1995: 419-20) was employed to read the words aloud first (for the technical term *praeret carmen*, see *OLD* s.v. *praeret* 3b; cf. Fless 1995: 34-5), so that they could be repeated accurately by the censor (cf. Plin. *HN* 28.11: *ne quod verborum praetereat aut praeposterum dicatur, de scripto praeret aliquem*). The prayer appears to have been preserved in the censorial records (*tabulae publicae*; cf. Culham 1989: 104; Kunkel/Wittmann 1995: 422-3; Meyer 2004: 77), which contained not only the official census and property details of each citizen (cf. Cic. *Mil.* 73; Cic. *Har. resp.* 30; Liv. 6.27.6; Gell. 16.13.7), but also documented ceremonial procedures, including the proper wording of formal announcements made by the censors (cf. Varro *Ling.* 6.86-7; Ogilvie 1961: 31; Meyer 2004: 25).

*quo di immortales ut populi Romani res meliores amplioresque facerent rogabantur*: No evidence detailing the precise wording of the prayer traditionally pronounced during
the lustrum has survived. The synopsis presented by V. appears to broadly follow the traditional structure of Roman petitionary prayers, in which the invocation of the god(s) (invocatio) was usually followed by a clear description of the supplicant’s wishes (preces) (for the structural elements of Roman prayers, see ThesCRA 3, 158-60). However, the imprecise language and abridged form of his version of the censorial carmen precationis also raise questions as to how familiar V. actually was with the original wording of the prayer. As the correct naming of the responsible deity was seen as of great importance for the overall effectiveness of prayers (see, e.g., Dumézil 1974: 49-62), it would have been odd had the prayer addressed the gods (di immortales) in general, without making specific mention of Mars, to whom the sacrifice of the suovetaurilia was offered (cf. Dion. Hal. 4.22.1: τῷ κατέχοντι τὸ πεδίον Ἄρει; note also the specific invocation of Mars in other lustrationes: see, e.g., Cat. Agr. 141.2-4 with Baudy 1998: 110-15). The expression populi Romani res appears vague, but may be a simplification and generalisation of the more formal phrase res publica p. R. Quiritium, as attested in several official prayers (see, e.g., Liv. 8.9.4-8; 22.10.2; CIL 6, 32323; CIL 6, 2059; CIL 6, 2064). The wish for further improvement (meliores, cf. Hickson 1993: 86-7) and expansion (ampliores: here clearly in a military sense rather than through increased fertility; see also Harris 1985: 118) of the empire – criticised as outdated by Scipio – was a concept not unique to early Roman thought (for potential early traces, see Dion. Hal. 4.80.4), but one that was still voiced during the early Principate (see, e.g., CIL 6, 32323, line 92: melius siet p. R. Quiritibus (see also lines 105-6; 125; 141); line 93: imperium maiestatemque p. R. Quiritium duelli domique auxitis (see also lines 126-7)). While Roman petitionary prayers generally concluded with a vow (votum) which promised some form of compensation (e.g. a sacrifice) should the prayer be successful (ThesCRA 3, 168-70), this element is missing here. The omission of the votum may have been narrative intention, in order to illustrate Scipio’s sudden interruption of the ceremony.
‘satis’ inquit ‘bonae et magnae sunt’: According to V., Scipio’s moderation finds expression in his ability to critically assess Rome’s increasing territorial dimensions and to define a reasonable limit to its power, in order not to jeopardise the safety and well-being of the community (cf. Rhet. Her. 3.3.5: modestiae partibus utemur ... si quoad cuique sit ostendemus, nimium progredi dissuadebimus, modum uni cuique rei statuemus; on the censors’ duty to provide moral guidance, see also Val. Max. 2.9.praef.: ut opes populi Romani in tantum amplitudinis imperatorum virtutibus exesserunt, ita probitas et continentia censorio supercilio examinata est). Similar arguments for a rationalisation and consolidation of existing imperial boundaries – under particular circumstances even admitting a reasonable reduction of the territory under control – can also be detected in other exempla depicting the virtue of moderatio (see, e.g., Val. Max. 4.1.ext.8: minorem potestatem ... relinquam inquit sed diuturniorem; ibid.: ea enim demum tuta est potentia quae viribus suis modum imponit; 4.1.ext.9: nimis magna procuratione liberatus modicis regni terminis uteretur). From a historical perspective, Scipio’s (most likely fictional) claim that the state of Roman affairs was ‘sufficiently good and great’ (satis bonae et magnae) appears odd (see Astin 1967: 328-9), since, despite the recent destruction of Corinth and Carthage in 146 BCE, Rome continued to struggle with rebellion (cf. App. Hisp. 76), pestilence (cf. Oros. 5.4.8), and a perceived moral decline (cf. Gell. 5.19.15).

‘itaque precor ut eas perpetuo incolumes servent’: Cf. SHA Max. et Balb. 17.8: nihil aliud optare possum, quam quod apud deos dicitur victor Carthaginis precatus, ut scilicet in eo statu rem publicam servarent, in quo tunc esset, quod nullus melior inveniretur. It seems unlikely that Scipio would have taken the risk of altering the traditional formula of the prayer (which, for the reason of accuracy, was first read out loud by a clerk) during the course of the celebration, as this act would almost certainly have been perceived as a violation of religious custom and provided his enemies with substantial arguments to attack him, should his decision have resulted in a lustrum infelix (see Marx 1884: 67-8;
Bilz 1935: 42-4; Aymard 1948: 118; Astin 1967: 327-8). Scipio may, of course, have maintained the required formulary elements of the prayer and merely changed the wording of the request (Aymard 1948: 110-12), but even that appears questionable (see Astin 1967: 327-8), given the importance ascribed to fixed language and precise formulation in official Roman prayers (cf. Cic. Dom. 140; Liv. 41.16.1; Plin. HN 28.11; Quint. Inst. 1.6.4; see also Hickson 1993: 7-9; ThesCRA 3, 161). The language attributed to Scipio by V. is consistent with that of official prayers from the early imperial period (cf., e.g., CIL 6, 32323, lines 94-5: incolumitatem sempiternam victoriam valetudinem populo Romano Quiritibus tribuatis; line 96: remque p. populi Romani Quiritium salvam servetis; for precor, see Hickson 1993: 47-9; ThesCRA 3, 169), but the epigraphical evidence does not seem to support V.’s implicit claim that the plea for divine protection (cf. perpetuo incolumes servent) automatically excluded the wish for territorial expansion or vice versa (cf. CIL 6, 32323, lines 126-9). It also appears implausible that the censors would not always have prayed for the preservation of the current condition of the Roman state (Aymard 1948: 119; cf. Astin 1967: 329).

ac protinus in publicis tabulis ad hunc modum carmen emendari iussit: For the importance of the tabulae publicae, see commentary above. It must be questioned whether Scipio would have been able to single-handedly order a change (for emendare, see OLD s.v. 2) to the wording of a prayer of such public importance without the approval of the pontifices, the Senate, or at least his censorial colleague (see Marx 1884: 66-7; Bilz 1935: 42-4; Astin 1967: 327-8).

qua votorum verecundia deinceps censores in condendis lustris usi sunt: The lustrum was celebrated, at irregular intervals, until 70/69 BCE (cf. Liv. Per. 98), before the tradition was abandoned (see Liou-Gille 2001: 586-7; cf. Wiseman 1969: 62-5). In 29 BCE, Augustus reintroduced the practice of census-taking (cf. Dio Cass. 52.42.1; 53.1.3), performing the lustrum of 28 BCE himself (RGDA 8.2). Tiberius appears to first have
been personally involved in the *lustrum* of 14 CE, acting as the colleague of Augustus (RGDA 8.4: *lustrum conlega Tiberio Caesare filio meo feci*; Suet. *Aug*. 97.1; Tib. 21.1). There is no evidence of the form or content of the prayer pronounced during these early imperial celebrations, but it would be surprising had it differed greatly from other Augustan prayers (for reference, see esp. the prayer offered on the occasion of the revived *ludi saeculares* in 17 BCE (*CIL* 6, 32323)). The term *votum* (see *OLD* s.v. 2) highlights the contractual character of Roman petitionary prayers (see Wardle 1998: 78 (on Val. *Max*. 1.1.1); Baudy 1998: 236-46; *ThesCRA* 3, 168-70). For *verecundia* as an expression of humility towards the gods, see Kaster 2005: 26.

**prudenter enim sensit**: V. transitions from the descriptive account of Scipio’s exemplary deed to his own moralising explanation of Scipio’s rationale (on the illocutionary force of *enim*, see Kroon 1995: 189-95). The virtue of *prudentia*, i.e. the ability to apply reason to one’s decisions and actions, is closely connected with the virtue of *moderatio* (see Hellegouarc’h 1972: 264). The verb *sentire* is, therefore, to be understood as an intellectual realisation rather than a subconscious perception (see *OLD* s.v. 2b; cf. Val. *Max*. 4.1.12).

**tunc incrementum Romano imperio petendum fuisse**: There can be little doubt that Rome’s rapid early growth (for the progressive connotation of *incrementum*, see *OLD* s.v. 1) was the result of a deeply-rooted expansionist mindset (cf. Dion. Hal. 2.16.1-3; 4.80.4; Liv. 1.16.7; Plut. *Rom*. 16.5: τούτου μὲν οὖν οἶν αὐτῷ ἐστιν ὅ τι μᾶλλον ἔξισε τὴν Ῥώμην, ἀεὶ προσποιούσαν ἑαυτῇ καὶ συννέμουσαν ὅν κρατήσειεν; for similar tendencies during the middle and late Republic, see Harris 1985: 105-30). It is difficult to determine whether *imperium* is here to be understood in the sense of ‘sway’ (*OLD* s.v. 5) or ‘empire’ (*OLD* s.v. 6); most likely, V. is referring to both. The adverb *tunc* foreshadows the restriction made by Scipio in the following temporal clause.
cum intra septimum lapidem triumphi quaerabantur: V. refers to the small dimensions of the territory under Roman control at the time when the first version of the prayer would have been put down in writing. His words point at a date during the reign of Romulus, under whose leadership most of the major settlements within a radius of seven miles from Rome (intra septimum lapidem), in particular the Latin towns of Caenina, Antemnae, Crustumerium, and Fidenae (cf. Strab. Geogr. 5.3.2; Dion. Hal. 2.53.2; Liv. 1.9.8), were subdued (Dion. Hal. 2.35.7-36.1; 2.53.2; Liv. 1.10.1-4; 1.11.1-4; 1.14.4-11; Plut. Rom. 17.1). Romulus' triumphs over Rome's closest neighbours (cf. triumphi quaerabantur; on the nexus between triumph and expansion in the Facta et dicta memorabilia, see Weileder 1998: 288-9) were later acknowledged by the Fasti Triumphales as the first triumphs ever celebrated (CIL 1², 43, fr. 1), while Augustus had a statue of Romulus erected in the Forum Augustum (see Geiger 2008: 130), alongside the effigies of other leaders who were said to have made Rome 'very great from small beginnings' (Suet. Aug. 31.5: qui imperium p. R. ex minimo maximum reddidissent). By the time of Tiberius, the seventh milestone, from which the city walls were already visible in the distance (cf. Suet. Tib. 72.1), appears to have been perceived as just outside the perimeter of urban Rome (cf. Frontin. Aq. 9.3: in proximis urbi locis; 14.4: prope urbem).

maiorem autem totius terrarum orbis partem possidenti: Not least since the capture and destruction of Carthage and Corinth in 146 BCE, Rome could rightfully claim to have extended its dominance over the largest part of the Mediterranean (Gruen 1984: 280-1; Rosenstein 2012: 211-39; Steel 2013: 71; cf. Plut. Ti. Gracch. 9.5: κύριοι τῆς οἰκουμένης; for the view that, according to V., Rome had already gained total control of the known world after the end of the Second Punic War, see Weileder 1998: 190-5). Scipio's own achievements in expanding Rome's borders were famously accentuated in the funeral speech written for him by his friend Laelius (cf. Cic. Mur. 75: ibi esse terrarum imperium ubi ille esset). It may be assumed that, for V's readers, the implicit reference to the novel
dimensions of the Roman empire after the Augustan conquests would have been unmistakable (cf. RGDA tit.: orbem terrarum imperio populi Romani subiecit). For an analysis of the topos of Rome as the ruler of the world in the Facta et dicta memorabilia, see Weileder 1998: 45-55; 101-5.

**ut avidum esse quicquam ultra appetere ita abunde felix si nihil ex eo quod obtinebat amitteret:** While rhetorically embellished, V's explanation of Scipio's moral reasoning shows great similarities with the political admonitions left to Tiberius by Augustus, according to which a preservation of the existing imperial borders should be preferred to further territorial expansion (Dio Cass. 56.33.5: γνώμην τε αὐτοῖς ἐδωκε τοῖς τε παροῦσιν ἀρκεσθῆναι καὶ μηδαμῶς ἐπὶ πλείων τὴν ἁρχὴν ἐπανζήσαι ἐθελήσαι· δυσφύλακτόν τε γὰρ αὐτὴν ἔσεσθαι, καὶ κινδυνεύσειν ἐκ τούτου καὶ τά ὅντα ἀπολέσαι ἐφη; Tac. Ann. 1.11.4: consilium coercendi intra terminos imperii; cf. Dio Cass. 54.9.1: ἀκριβῶς ἀρκεῖσθαι τοῖς ὑπάρχουσι ἐδικαίου). The passage may therefore also be seen as an attempt by V. to justify the pax Augusta (cf. Vell. Pat. 2.126.3) and Tiberius' hesitation to expand the empire beyond its existing boundaries from an ethical standpoint (see Aymard 1948: 119-20; Astin 1967: 330; Honstetter 1977: 81; Maslakov 1984: 485, 489; Harris 1985: 120; Weileder 1998: 116-20; von Albrecht 2009: 856; for a similar notion, see Val. Max. 4.1.4: minorem potestatem ... relinquam inquit sed diuturniorem). Unlike Augustus, V. couples pragmatic (felix si nihil ... amitteret) with purely moral (avidum esse; cf. Sen. Clem. 1.1.7: facit quidem avidos nimia felicitas with Braund 2009: 178) arguments.
The following *exemplum* is taken (in parts almost verbatim) from Cic. *Clu*. 134:

Cic. *Clu*. 134  
Qui cum esset censor et in equitum censu C. Licinius Sacerdos prodisset, clara voce, ut omnis contio audire posset, dixit se scire illum verbis conceptis peierasse: si qui contra vellet dicere, usurum esse eum suo testimonio. Deinde cum nemo contra diceret, iussit equum traducere.

Val. Max. 4.1.10  
Qui censor […] centurias recognoscens equitum, postquam C. Licinium Sacerdotem citatum processisse animadvertit, dixit se scire illum verbis conceptis peierasse: proinde, si quis eum accusare vellet, usurum testimonio suo. Sed nullo ad id negotium accedente 'transduc equum' inquit, 'Sacerdos, ac lucrifac censoriam notam, ne ego in tua persona et accusatoris et testis et iudicis partes egisse videar.'

A paraphrase of Cicero's version of this *exemplum* can also be found in Quint. *Inst*. 5.11.13, while Plut. *Mor*. 200e (=*Apophth. Scip. Min.* 12) provides a modified translation of the concluding *dictum* attributed to Scipio by V.

**neque alia eius in censura moderatio pro tribunali apparuit:** V. transitions from one aspect of Scipio's censorial *moderatio* to another. The phrase *pro tribunali*, usually referring to the praetor’s raised judgement seat (cf. Liv. 27.50.9; Mart. *Ep*. 11.98.17-18: *sedeas in alto tu licet tribunali | et e curuli iura gentibus reddas*), here indicates the censors’ authority to exercise a form of jurisdiction in cases of moral misconduct (see Mommsen *StR* 2, 375-88; Suolahti 1963: 47-52; Astin 1988: 14-34; Baltrusch 1989: 5-30, esp. 28 n.138; for exemplary evidence of the *regimen morum*, see Val. Max. 2.9).

**centurias recognoscens equitum:** The *recognitio equitum* (on the terminology, see Nicolet 1966: 69-70; Giovannini 2010: 356-7), the inspection of the equestrian order, traditionally took place in the forum (cf. Plut. *Pomp*. 22.4; Dio Cass. 55.31.2; Zonar. 10.2). Each *eques* was required to personally lead his horse past the censors, who
subjected him to close scrutiny (see Mommsen *StR* 2, 398-400; Suolahti 1963: 41-3; Nicolet 1966: 83-8). If the tribunal approved of the equestrian’s physical, financial, and moral condition, he was allowed to lead on his horse (*transducere equum*; see also commentary below). However, those who failed the inspection could be fined and reprimanded (cf. Gell. 4.12.2; Suet. *Aug*. 39) or, in cases of serious misconduct, ordered to sell their horses, which in effect meant an exclusion from the equestrian order (cf. Liv. 29.37.12; 45.15.8; Val. Max. 2.9.7). Under Augustus, the *recognitio equitum* was incorporated into the reintroduced annual *transvectio equitum* (cf. Suet. *Aug*. 38.3, with Wardle 2014: 297-8; Dio Cass. 63.13.3; Lebek 1991: 1991: 47-50).

**postquam C. Licinium Sacerdotem citatum processisse animadvertit:** During the *recognitio equitum*, the *equites* were summoned (*citatum*), in order of their *tribus* (cf. Liv. 29.37.8-10; Val. Max. 2.9.6), to appear individually before the censorial tribunal (see Mommsen *StR* 2, 398-9). C. Licinius Sacerdos (*RE* 13, 458) is first mentioned in Cic. *Clu*. 134, the passage from which V. and Quintilian (*Inst*. 5.11.13) take their material. It is possible that he was the grandfather of C. Licinius C.f. Sacerdos (*RE* 13, 458-9; *BNP* 7, 534), who became *praetor urbanus* in 75 and *propraetor* of Sicily in 74 BCE (see also Nicolet 1974: 924).

**dixit se scire illum verbis conceptis peierasse:** The exact circumstances of Sacerdos’ alleged perjury remain unclear. The context of Cicero’s account of this episode seems to suggest that Sacerdos had broken a solemn oath (for *verba concepta*, see *OLD* s.v. *concipere* 12) in order to pervert the course of justice (cf. Cic. *Clu*. 133: *famam iudicii corrupti*). However, it is also possible that, during the *recognitio equitum*, Sacerdos had provided the censors with false information about his personal background and reinforced his untruthful claims with an oath (cf. Mommsen *StR* 2, 373; Berger 1953: 402 s.v. *conceptio verborum*). The latter scenario might explain why Scipio was the first to publicly declare his knowledge of Sacerdos’ mendacity. As perjury was generally
considered as a form of impiety (see RE 15, 353-4; BNP 10, 805; Berger 1953: 628; cf. Cic. Leg. 2.22; Cod. Iust. 4.1.2), it was not uncommon for censors to take punitive measures against senators or equestrians who had been found guilty of the violation of oaths (see Astin 1988: 20-1; Baltrusch 1989: 23; cf. Cic. Off. 3.111: notiones animadversionesque censorum, qui nulla de re diligentius quam de iure iurando iudicabant).

proinde, si quis eum accusare vellet, usurum testimonio suo: In Roman criminal law, the term accusare (OLD s.v. 2; cf. OLD s.v. accusatio 2) generally referred to the filing of a formal charge against a citizen by another citizen (see Berger 1953: 340). The accuser approached the responsible magistrate with details about the accused and his crime (delatio nominis), taking an oath that his accusations were not calumnious. If the charge was admitted by the magistrate, it was the responsibility of the accusator to provide evidence – and potential witnesses (cf. usurum testimonio suo) – to prove the guilt of the accused (on the formal requirements of the accusatio in Roman criminal law, see Berger 1953: 340; A.H.M. Jones 1972: 60-6; 110-11; Crook 1984: 276-7; Harries 2007: 18-20). As the presiding magistrate, Scipio may have been unable to bring an official charge against Sacerdos. It is unlikely, however, that the censors’ cura morum was bound by the same legal principles as the justice administered by other courts and tribunals (see Suolahti 1963: 50 (‘not bound by any law’); cf. Baltrusch 1989: 28 n.138). Instead, a censor’s supervision over the morals of the community (including the implementation of punitive measures) appears to have been based mainly on his own subjective moral judgements which merely required the approval of his colleague (see Mommsen StR 2, 358-9; 387; Suolahti 1963: 50; Baltrusch 1989: 27-9; Tatum 1990: 34-6). Scipio would, therefore, almost certainly have been able to issue a nota on his own accord. Given his colleague’s reputation for leniency, however, Scipio may have seen little chances of Mummius endorsing Sacerdos’ public condemnation if Scipio’s claims were not supported up by an independent accuser (see also Tatum 1990: 35-6 n.9).
**sed nullo ad id negotium accedente:** It is difficult to determine why no independent accuser could be found (for *negotium* in a legal sense, see OLD s.v. 9). That Sacerdos was innocent appears unlikely, as Scipio would hardly have called for citizens to step forward and make an accusation which he himself knew was wrong (i.e. wilful *calumnia*). It seems more likely that none of the citizens present (mainly *equites*) had the political inclination to demonstrate his support for an increasingly controversial public figure such as Scipio Aemilianus (cf. the reaction of the people in Val. Max. 8.1.absol.11).

**‘transduc equum’ inquit, ‘Sacerdos, ac lucrifac censoriam notam’:** Only *equites* who passed the *recognitio equitum* successfully were allowed to lead on their horses (for *transducere equum*, see Mommsen StR 2, 399; Nicolet 1966: 83). Those who failed to pass the censors’ review were issued with a *censoria nota*, a reprimand which was recorded on the official census list (see Suolahti 1963: 50). For minor misconduct, *equites* could receive fines or other financial penalties (cf. Gell. 4.12.2; Suet. Aug. 39). In more severe cases, they could be deprived of their horses (*ademptio equi*) and degraded to the status of an *aerarius*, which meant a loss of their equestrian privileges (see Mommsen StR 2, 399-400; Nicolet 1966: 83-8; cf. Liv. 24.18.6; 24.43.3; 27.11.14-16; 29.37.8-15; Val. Max. 2.9.7). It is hard to believe that Scipio, a man who was renowned for his censorial strictness (see Astin 1967: 115-24), would have refrained from reprimanding a man who he was certain had committed such a serious offence as perjury only because of his own *moderatio*. By allowing Sacerdos to lead on his horse, Scipio may simply have wanted to avoid the embarrassment of another *nota* being vetoed by his far more lenient colleague (see Tatum 1990: 35-6 n.9), in particular since no independent accusation had been made against Sacerdos. It is not implausible that the incident was later redefined by Cicero as an example of extraordinary moderation (cf. Clu. 134: *ita is cuius arbitrio et populus Romanus et exterae gentes contentae esse consuerunt ipse sua scientia ad ignominiam alterius contentus non fuit*) and further embellished by V. Since perjury was perceived as an offence towards the gods (see RE 15, 353-4; BNP 10, 805; Berger 1953:
628; cf. Cic. Leg. 2.22; Cod. Iust. 4.1.2), V's reference to the cognomen Sacerdos, which cannot be found in Cicero's account, may have been ironic. For lucrificere, see OLD s.v. *lucrum* 2b.

‘ne ego in tua persona et accusatoris et testis et iudicis partes egisse videar’: Scipio's concluding dictum (cf. Plut. Mor. 200e: μηδενὸς δὲ κατηγοροῦντος οὐ δύναμαι κατήγορος αὑτὸς εἶναι καὶ δικαστής) is designed to highlight his unwillingness to exact judicial power merely on the basis of his personal judgement (for a similar sentiment, see Val. Max. 4.1.11: *unius testimonio aliquem cadere pessimi esset exempli*). While, from a legal perspective, it would not have been impossible for a censor to act as plaintiff, witness, and judge in one person (cf. Mommsen *StR* 2, 385-6; Suolahti 1963: 50; Baltrusch 1989: 27-9; Tatum 1990: 34-6), the verb *videri* (cf. OLD s.v. *videre* 20) clearly indicates that Scipio's *moderatio* manifested itself in his conscious effort not to give the impression of being an autocratic and self-righteous magistrate. The importance ascribed to appearance is further highlighted by the use of the theatrical phrase *partes agere* (see OLD s.v. *agere* 25d). For the ablative *in tua persona* ('in your case'; cf. Val. Max. 4.1.14: *in persona sua*), see OLD s.v. *persona* 5c.

4.1.11

*quod animi temperamentum etiam in Q. Scaevola excellentissimo viro adnotatum est*: For the transitional phrase *etiam in ... adnotatum est* as a way of sequencing and categorising exempla of similar moral significance, cf. Val. Max. 4.8.3: *in Q. quoque Considio ... liberalitas adnotata est*; 4.2.3: *clarum etiam in Africano superiore ac Ti. Graccho depositarum inimicitiarum exemplum*; 4.2.4: *huiusce generis humanitas etiam in M. Cicerone ... apparuit*. The common ground between the two exempla 4.1.10 and 4.1.11 appears to be the legal context in which *moderatio* is displayed. The phrase
temperamentum animi may have preserved traces of the original meaning of temperamentum as a 'blend of substances in due proportion' (cf. OLD s.v. 1; see also Scheidle 1993: 25), indicating mental balance and a sense of justice. As in Val. Max. 4.8.3, the verb adnotare here seems to express the notion of 'to observe' (OLD s.v. 2) rather than 'to put on record' (pace OLD s.v. 1). The ambiguous name Q. Scaevola is most likely referring to Q. Mucius P. f. Scaevola (RE 16, 437-46; BNP 9, 258), the consul of 95 BCE (MRR 2, 11), who, in literary sources, is often adorned with the sobriquet 'Pontifex' in order to distinguish him from his cousin, the augur Q. Mucius Q. f. Scaevola (RE 16, 430-6; BNP 9, 257-8). Q. Mucius Scaevola (Pontifex) was a well-known statesman and jurist (see Cic. De or. 1.180; Vell. Pat. 2.9.2; Quint. Inst. 12.3.9; cf. Cic. Amic. 1; Dig. 1.2.2.41: ius civile primus constituit generatim), whose integrity and self-restraint made him an exemplar of virtue (cf. excellentissimo viro) in the eyes of subsequent generations (cf. Cic. Planc. 33: virum omnibus ingenio, iustitia, integritate praestantem; Nat. D. 3.80: temperantiae prudentiaeque specimen; Amic. 1: unum nostrae civitatis et ingenio et iustitia praestantissimum; Off. 2.57: omnium hominum moderatissimo; Val. Max. 9.11.2: cui pro sanctitate morum satis digna laudatio reddi non posset). Thus he is said to have paid 100,000 HS more than the asking price for his own villa, as he considered the property to be of higher value (see Cic. Off. 3.62). V. elsewhere praises Scaevola's exemplary conduct whilst serving as governor of Asia (Val. Max. 8.15.6: Asiam tam sancte et tam fortiter obtinuit ut senatus deinceps in eam provinciam ituris magistratibus exemplum atque formam officii Scaevolam decreto suo proponeret), a post from which Scaevola resigned after only nine months, thereby increasing his reputation for righteousness and restraint even further (cf. Cic. Att. 5.17.5; see also Badian 1956a: 104-23; on Scaevola's administration of the province as a model for his student Cicero, see van der Blom 2010: 238-41). On Scaevola generally, see Bauman 1983: 340-423; for his significance in the development of Roman legal science, see Schiavone 1987: 25-108; Tuori 2004: 243-62. A useful interpretation of Scaevola's moderatio is provided by Masi Doria 2010: 70-88.
**testis namque in reum productus:** The exact circumstances of the trial are unknown. While the term *reus* could be used to describe either of the two parties involved in a lawsuit (see *OLD* s.v. 1), the context here (cf. *salutem periclitantis magnopere laesurum*) leaves no doubt that Scaevola had been called to give evidence against the defendant (cf. *OLD* s.v. 2). It is therefore unlikely that V. is referring to the notorious *repetundae* trial of P. Rutilius Rufus (*RE* 1A, 1269-80; *BNP* 12, 794-5) in 92 BCE, during which Scaevola spoke on behalf of his former legate (cf. Cic. *Brut*. 115; *De or*. 229; on the case against Rutilius, see also Kallet-Marx 1990: 122-39). The phrase *testis ... in reum* nonetheless suggests the setting of a criminal enquiry (cf. Val. Max. 8.5.6; Quint. *Inst*. 9.2.12; Quint. *Decl. Min*. 270.7; Macrob. *Sat*. 2.6.4; *Dig*. 22.5.3.5). As Roman jurisdiction relied to a large extent on oral testimony, statements made by witnesses could play an important role in influencing the outcome of trials (for an extensive study of witness testimony in Roman culture, see Guérin 2015). Witnesses called by the accuser were obliged by law to testify and had no right to refuse (cf. Quint. *Inst. or.* 5.7.9), a circumstance which might provide an explanation for Scaevola's attempt to mitigate his own testimony (for reluctant witnesses, cf. Quint. *Inst. or.* 5.7.17-19). The omission of the defendant's name and the reason for the charge brought against him could indicate that V. himself was not familiar with the details of the case, but it is also possible that this information was of no importance to his narrative, as it only distracted readers from Scaevola's exemplary reaction.

**cum id respondisset quod salutem periclitantis magnopere laesurum videbatur:** V's account of the circumstances surrounding the trial remains vague. As the phrase *salutem laedere* indicates, Scaevola's testimony had the potential to damage the defendant's prospects severely (for *laedere* in a legal sense, cf. Cic. *Flac*. 6: *a testibus laeditur*; *QFr*. 3.3.3: *maxime testibus laeditur*; Plin. *Ep*. 3.9.33: *laeserunt eum testimonio*). However, to determine how Scaevola would have been able to obtain such incriminating
information is impossible. For the cataphoric use of the demonstrative pronoun id, cf. MBS 39; KSt 1, 624-5.

discedens adiecit ita sibi credi oportere si et alii idem adseverassent: There can be little doubt that the reading credi (cf. OLD s.v. 4), found in P and adopted by Ac, is to be preferred to cedi, as preserved in the three oldest manuscripts. In the given judicial context, the participle discedens may here best be interpreted in the sense of ‘upon leaving the witness stand’ (cf. OLD s.v. 3). Scaevola appears to have appealed to the judges’ sense of duty (cf. oportere), which, in the Roman legal culture, would have been defined by a sensible blend of legal prescripts, well-known precedents, and moral reasoning (cf. d’Orta 2000: 203-38). His comment is intended as a warning that the testimony given by a single witness cannot provide sufficient proof until it has been corroborated by others (cf. alii idem adseverassent), even if the only witness was a man of his standing. On the use of ita to introduce a conditional clause (si), see OLD s.v. 16b.

quoniam unius testimonio aliquem cadere pessimi esset exempli: The reading cedere, preserved in the three oldest manuscripts (and printed by Combès) appears odd. Briscoe and Shackleton Bailey therefore follow Perizonius in reading cadere, a term which, in the legal context, often refers to the losing of a court case (cf. OLD s.v. 11b; TLL 3.25.67-26.4). The sentiment that the uncorroborated testimony of one witness lacks legal credibility is also evident in other Roman sources (cf. Cic. Scaur. 29; Mur. 58; Sen. Controv. 7.1.23: uni enim etiam de minore scelere non creditur; Quint. Decl. Min. 270.7; Plut. Cat. Min. 19.7; for similar traces in Jewish law and the lack thereof in the Hellenistic tradition, see Nörr 1961: 138; on the reception of this idea, see Schott 1977: 222-32). However, while court cases built around the evidence of a single witness were generally considered as weak and easily rebuttable (cf. Sen. Ben. 6.8.4: in unum testem temere rem demittit, causam meam erexit), there is no evidence that these cases were automatically dismissed. It appears not to have been before 334 CE that the testimony of a
single witness was declared legally inadmissible by the emperor Constantine (cf. *Cod. Iust.* 4.20.9 (=*Cod. Theod.* 11.39.3): nunc manifeste sancimus ut unius omnino testis responsio non audiatur, etiamsi praecipue curiae honore praefulgeat; for a discussion of this constitution, see Metro 2001: 109-16). For V., another issue might have been of importance here. Thus, in more than one *exemplum*, he draws attention to the fact that defendants were convicted (or in danger of being convicted) almost exclusively as a result of the good reputation (*amplitudo*) enjoyed by their accusers or by the witnesses testifying on behalf of the prosecution (see, e.g., Val. Max. 8.1.*absol.*11: *hominem verebantur ne praecipuae accusatoris amplitudini damnatio eius donata existimaretur*; 8.5.6: *iudices reum, vix auditis ceteris testibus, damnarunt*). As a legal theorist (cf. *Dig. 1.2.2.41: ius civile primus constituit generatim*), Scaevola would almost certainly have abhorred the prospect of judges and jury attaching more importance to his name and reputation (cf. above: *excellentissimo viro*) than to the actual evidence given in his statement. His call for further corroboration of his testimony could therefore also be seen as an admonition to the judges to evaluate the facts without personal bias or prejudice. By preventing the setting of a negative precedent (cf. *pessimi eset exempli*), Scaevola would also have played a major part in avoiding a potential imitation or repetition of any reprehensible course of action (cf. Diod. Sic. 37.5.1: ὅτι Κόιντος Σκαιουόλας μεγίστην εἰσηνέγκατο σπουδὴν διὰ τῆς ἰδίας ἀρετῆς διορθώσασθαι τὴν φαυλότητα τοῦ ξήλου).

*et religioni igitur suae debitam fidel et communi utilitati salubre consilium reddidit*: V. concludes the *exemplum* with a summarising reflexion. In his eyes, Scaevola’s admonition to the judges had a twofold effect. At the personal level, by voicing his scruple, Scaevola was able to satisfy his distinctive sense of duty and to display his exemplary integrity and conscientiousness (*religioni … suae debitam fidel … reddidit*; cf. *Cic. Flacc. 9: testimoniorum religionem et fidel*; on *religio*, see Thome 2000, vol. 2: 21-8; for *fides*, see Hellegouarc’h 1972: 23-7). At the same time, his unsolicited legal advice
was successful in reminding the court (and the public) of the inevitability of reasonable and fair judgement (*salubre consilium*; cf. Cic. *Inv. rhet.* 1.36: *consilium est aliquid faciendi aut non faciendi excogitata ratio*) in the interest of the whole community (cf. *communi utilitati*; on the nexus between justice and the common good, see also Atkins 1990: 258-89).

4.1.12

sentio quos cives quaeve facta eorum ac dicta quam †brevissimo† ambitu orationis amplectar: V. interrupts his sequence of *exempla* for a brief excursus on his literary principles. He begins with a topos of modesty, stating his awareness of the fact that his limited narrative is unable to give full and deserved credit to the great men and deeds he has chosen to discuss. While the overall meaning of V.'s message seems clear, the original wording of the text is more difficult to restore. The two oldest manuscripts A and L, both dating from the ninth century, have preserved the absurd reading *quam ambitu orationis* and must therefore be considered as corrupt (cf. the *lacuna* in Kempf). Grammatically more feasible is the version found in the eleventh-century manuscript G, which reads *quam brevissimo ambitu orationis*. However, although this reading appears to be contextually meaningful (‘in as brief an account as possible’; cf. *OLD s.v. quam 7b*; for the phrase *brevis ambitus*, cf. Cic. *Brut.* 162: *ambitus ille verborum ... erat apud illum contractus et brevis*), the rather unattractive repetition of *brevissimo* and *breviter*, which seems too random and dilettantish to be considered a deliberate polyptoton, raises questions as to whether this version can be retained as authentic, given V.'s general proclivity for variation in his expressions. Briscoe is clearly not convinced, as he prefers to obelise *brevissimo*. Faranda, Combès, and Shackleton Bailey all follow Halm in printing *quam angusto ambitu orationis*, a reading attested in some of the inferior manuscripts. If the reading *angusto* is accepted as authentic, however, an additional
emendation might be worth considering. Thus it does not seem to be impossible that the original text may in fact have read *sentio quos cives quaeve facta eorum ac dicta tam angusto ambitu orationis amplectar*. Framed by the words *dicta* and *angusto*, the particle *tam* could easily have been misread and falsified to *quam* in light of the preceding pronouns.

**sed cum magna †mihi atque per† multa breviter dicenda sint**: V. further recapitulates the task he sees himself faced with. Again, the original text of this corrupt passage is difficult to restore. As Gertz (1873: 274-6) has correctly pointed out, the following *utrumque* (‘each of the two’; cf. OLD s.v. *uterque* 2c), found in all three of the major manuscripts, appears to make sense only if V. has already named the two conflicting tasks he is unable to complete simultaneously. While one of these challenges is clearly defined as *multa breviter dicenda*, the manuscripts remain fairly vague in relation to the other task. Faranda, Combès, Briscoe (in obeli), and Shackleton Bailey all print *sed cum magna mihi atque permulta breviter dicenda sint*, as preserved in A. However, this reading does not seem to properly represent two separate, almost opposing ideas, as suggested by the use of *utrumque*, but rather two aspects of the same literary process. Thus it would surely not have been an irresolvable problem for an author of an *exempla* collection to present a large corpus of great material (*magna ... atque permulta*) in relatively few words (*breviter*). After all, this is precisely what V. has set out to do (cf. Val. Max. 1,praef.: *facta simul ac dicta memoratu digna, quae apud alios latius diffusa sunt quam ut breviter cognosci possint, ... digerere constitui*). Equally problematic is the version conveyed in G, which reads *sed cum magna strictim et multa breviter dicenda sint*. Not only do the adverbs *strictim* and *breviter* again imply the same narrative approach, thus rendering the following *utrumque* pointless, but *strictim* also reappears shortly after, creating an unnecessary repetition which may hint at a clumsy emendation by a later hand. In an attempt to restore the original meaning, Heller therefore suggests the reading *sed cum magna mihi magnifice et permulta breviter dicenda sint*, while Gertz,
albeit hesitantly, proposes *sed cum magna abundanter, multa breviter dicenda sint*. Both emendations seem to adequately display the conflict implied in *utrumque*, but they also manipulate the readings transmitted in the extant manuscripts to a considerable degree. A less invasive solution might be an emendation which has so far not been contemplated. Thus, from a palaeographical perspective, it cannot be fully ruled out that the scribe of A misread the original adverb *digne* for the conjunction *atque*. As in the emendations suggested by Heller and Gertz, V. may have voiced his concern about the impossible task to treat the deeds and sayings of great men ‘in an appropriate manner’ (for *digne*, see *OLD* s.v.), while simultaneously keeping his account as brief as possible. Even so, however, it seems impossible to determine precisely whether V. would have preferred *permulta*, as preserved in A, or *et multa*, as attested in G and some of the *recentiores*.

**claritate excellentibus infinitis personis rebusque circumfusus utrumque praestare**

†*non potuit†*: V. continues to discuss the specific challenges of his literary activity, drawing attention to the seemingly endless supply of exemplars in his source material (*cf. infinitis personis rebusque circumfusus*), which makes it difficult to treat each of these outstanding individuals (*cf. claritate excellentibus*) in an appropriate manner (*cf. Val. Max. 2.7.5: †*non digna exempla tam breviter, nisi maioribus urguerer, referrentur†*). However, which two tasks (*cf. utrumque*) V. is unable to complete simultaneously in this context remains unclear. The only meaningful finite verb to supplement *praestare* can be found in manuscript A, where the infinitive is followed by *non potuit itaque*. Without a suitable subject, however, the reading *potuit* lacks internal reference and thus appears to be corrupt. Manuscripts L and G are not able to provide any assistance, as both omit the words altogether, with G merely indicating a *lacuna* after *praestare*. The most conservative way of restoring the corrupt passage in A seems to be the emendation of *potuit* to *potui* (see Gertz 1873: 275), deleting the third person ending as a dittography caused by the following *itaque*. The subject would thus be V. himself, a scenario surely

150
not inconceivable (cf. above: amplectar; mihi). A slightly more invasive emendation would be the insertion of a nominative to correspond with potuit. Thus Combès follows the anonymous corrector of A who fills a lacuna after excellentibus with the words viris sermo, while Shackleton Bailey adds stilus after circumfusus. However, there appears to be no truly compelling reason to assume that text is missing here. Also unnecessary is an emendation suggested by Gertz (1873: 275), who considers it inevitable to insert numeroque after excellentibus.

†itaque† proposti quoque nostri ratio non laudanda sibi omnia, sed recordanda sumpsit: If A is accepted as the most reliable manuscript for the passage at hand (see also commentary above), there can be no doubt that itaque marks the beginning of a new sentence (cf. OLD s.v. 1a). V’s statement that the intention behind his work is the compilation of exempla (cf. recordanda) appears to echo the sentiment conveyed in the praefatio to the Facta et dicta memorabilia, where he outlines a similar rationale (cf. Val. Max. 1.praef.: ab inlustris electa auctoribus digere constitui). The declaration that he has no interest in praising his exemplars (cf. non laudanda), however, must be considered as a modesty topos, as there are only very few examples in V’s work which do not contain some form of personal eulogy. In fact, as M.B. Roller (2004: 5) has correctly observed, external evaluation, i.e. the judging of deeds or sayings as good or bad, is an inevitable part of the process of transforming historical actions into socially and ethically significant exempla.

quapropter bona cum venia duo Metelli Macedonicus et Numidicus maxima patriae ornamenta strictim se narrari patientur: By announcing the two Metelli as his next exemplars, V. skilfully returns from the brief excursus on his literary principles (cf. strictim … narrari) to the topic of personal moderation. The wording used to introduce the two men (cf. bona cum venia … patientur) already seems to foreshadow the exemplary magnanimity displayed by them in the following exempla. For Metellus
Macedonicus, see commentary below; for Metellus Numidicus, see commentary on 4.1.13. The phrase *patriae ornamenta* generally refers to the Roman élite, both in terms of ancestry and achievement (cf. Cic. Sull. 5: *in quibus subselliis haec ornamenta ac lumina rei publicae viderem*; Cic. Prov. cons. 22: *haec lumina atque ornamenta rei publicae, P. Servilium et M. Lucullum*; Val. Max. 9.4.1: *Crassus et Hortensius lumina curiae, ornamenta fori*).

**acerrime cum Scipione Africano Macedonicus dissenserat:** Q. Caecilius Metellus Macedonicus (*RE* 3, 1213-16; *BNP* 2, 879), the uncle of Q. Caecilius Metellus Numidicus (*RE* 3, 1218-21; *BNP* 2, 880; see also Val. Max. 4.1.13), was a prominent statesman and military leader during the latter half of the second century BCE. In the *Facta et dicta memorabilia*, Macedonicus serves mainly as an example of military prowess and discipline (2.7.10; 7.4.5; cf. 3.2.21; 7.5.4), but also as one of clemency and humanity towards opponents (5.1.5). While he is complimented for his good fortune, and in particular his distinguished offspring (7.1.1), attention is drawn as well to his initial loss in the consular elections (7.5.4) and his occasionally cynical attitude (9.3.7). Macedonicus’ strong disagreement with Scipio Aemilianus (for whom, see commentary on Val. Max. 4.1.10) is not further elaborated on by V. As the verb *dissentire* suggests, a dispute over a political issue may have been the cause (cf. Hellegouarc’h 1972: 131-2). For a discussion of the evidence concerning the dispute between Macedonicus and Scipio, see commentary below. For a biographical study of Metellus Macedonicus, see van Ooteghem 1967: 51-78.

**eorumque ab aemulatione virtutis profecta concitatio ad graves testatasque inimicitias progressa fuerat:** Some modern editors have signalled doubts about the authenticity of the reading *concitatio*, preserved in the three oldest manuscripts and subsequently adopted by Briscoe. Indeed, there seems to be no precedent in Latin literature for *concitatio* used in the sense implied here (i.e. ‘rivalry’ or ‘conflict’), and the
only other occurrence of the term in the *Facta et dicta memorabilia* expresses a rather different notion (cf. Val. Max. 9.3.8: *animi concitatione*). Shackleton Bailey therefore prints Madvig’s correction *concertatio*, an expression which, although semantically appropriate (cf. *OLD* s.v.), is not used elsewhere by V. Perhaps more appropriate might be the emendation *contentio*, found in some of the less authoritative manuscripts and printed by Combès. The term *contentio* is used four times in the *Facta et dicta memorabilia* (Val. Max. 2.1.6; 2.8.2; 5.6.ext.4; 6.6.5), always indicating the idea of ‘dispute’ or ‘quarrel’, which would be consistent with the notion implied here (for *contentio* in reference to political rivalry, as suggested by *ab aemulatione virtutis*, see also Cic. *Off*. 1.87: *ambitio honorumque contentio*). In Val. Max. 2.8.2, V also makes use of the phrase *progressa contentione*, providing a potential parallel for the passage at hand (cf. *ad graves testatasque inimicitias progressa*).

The exact cause of the increasing tensions (on the term *inimicitiae*, see Hellegouarch 1972: 186-8) between Macedonicus and Scipio Aemilianus remains unknown. According to Cicero’s *Laelius*, both men had once been political allies, but had, at some point, become estranged over differences in politics (Cic. *Amic*. 77: *propter dissensionem autem, quae erat in re publica, alienatus est a collega nostro Metello*). Hinting at a clash of opinions over the Gracchan land reforms, Cicero names Macedonicus amongst Scipio’s most outspoken opponents (Cic. *Rep*. 1.31: *obtrectatores ... et invidi Scipionis*), but he also makes it clear that, despite their deep political disagreement, the interaction between the two rivals remained respectful and restrained (Cic. *Amic*. 77: *egit graviter ac moderate et offensione animi non acerba; Cic. Off*. 1.87: *sine acerbitate dissensio*). It may be argued that Cicero deliberately intended to downplay the degree of intensity of the dispute, in order to further highlight the mild character of his favourite role model, Scipio Aemilianus (see Beness/Hillard 2012: 272-3). Even so, however, there is not a large amount of evidence to support V’s claim that the differences between Macedonicus and Scipio actually descended into gross acts of hostility (cf. *graves testatasque inimicitias*). In 138 BCE, Macedonicus successfully defended L. Aurelius
Cotta against a charge of extortion brought by Scipio (Cic. *Brut.* 81; cf. Liv. *Epit. Oxyrh.* 55.210; Val. Max. 8.1. *absol.*11), a circumstance which might be seen as an indication of an already strained relationship (see Astin 1967: 85; cf. Scullard 1960: 70; Münzer 1963: 247-8; for an alternative dating of the trial, see Mattingly 1985: 117-19; Beness 2005: 44 n.31). In turn, it seems, Macedonicus had to suffer satirical attacks at the hands of Scipio’s friend Lucilius (Hor. *Sat.* 2.1.67; Ps.-Acro *Schol. Hor. Sat.* 2.1.72: *Lucilius eum in gratiam Scipionis carpsit*; cf. Lucil. 676-87 M), while his youngest son, C. Metellus Caprarius, was publicly ridiculed by Scipio himself (Cic. *De or.* 2.267). Macedonicus again appears to have retaliated by way of a cutting remark during a meeting of the assembly (see Beness/Hillard 2012: 272-3). Overall, however, V’s account seems to be exaggerated (cf. Schietinger 2014: 175), most likely to accentuate the exemplary self-control displayed by Macedonicus after Scipio’s death (see Gruen 1992: 289 n.92). On the development of the *inimicitiae* between Macedonicus and Scipio Aemilianus, see also Scullard 1960: 67 and 70; Brunt 1965: 11-12; Astin 1967: 312-15; van Ooteghem 1967: 74-7; Botteri Pellizer 1974: 69-88; Briscoe 1974: 128; Beness/Hillard 2012: 270-81; Hillard/Beness 2012: 820-5; Schietinger 2014: 174-5. For a general discussion of the intricate nature of *inimicitiae* in Roman politics, see Epstein 1987.

*sed … cum interemptum Scipionem con clamari audisset:* Since his return from Numantia in 132 BCE, Scipio had shown himself a staunch opponent of the radical reform policies instigated by the Gracchans (on Scipio’s actions and motives, see Astin 1967: 227-41; Schietinger 2014: 165-82). When asked his opinion on the killing of Ti. Gracchus, Scipio is famously said to have replied that such a measure appeared to have been justified (see, e.g., Cic. *De or.* 2.106; *Mil.* 8; Liv. *Per.* 59; Vell. Pat. 2.4.4; Val. Max. 6.2.3). Acting as a patron of Italian allies whose land had been confiscated as a result of the reform, he also initiated a motion to transfer the judicial powers of the agrarian commission to the consul (App. *B.Civ.* 1.18-19). However, his firm anti-Gracchan stance soon began to stir discontent among those who had hoped to profit
from the reforms. Given Scipio's growing unpopularity, it does not come as a surprise that his sudden death in 129 BCE quickly raised the suspicion of foul play (cf. *interemptum Scipionem*). According to Appian, Scipio had returned home after a heated debate in the assembly and decided to retire early, intent on finishing a speech for the following day (App. *B.Civ* 1.20: ἐσπέρας παραθέμενος ἑαυτῷ δέλτον εἰς ἳν νυκτὸς ἐμελλε γράψεων τὰ λεχθησόμενα ἐν τῷ δήμῳ; cf. Plut. *Rom* 27.5: μετὰ δείπνον οὖκοι τελευτήσαντος). The next morning, he was found dead in his room. (Liv. *Per* 59: *mortuus in cubiculo inventus est*; App. *B.Civ* 1.20: νεκρὸς ... εὑρέθη). Appian explains that Scipio's body showed no obvious signs of maltreatment (App. *B.Civ* 1.20: ἄνευ τραύματος), which led some to believe that Scipio was poisoned at the hands of his wife, Sempronia, and her mother, Cornelia, sister and mother, respectively, of the Gracchi (App. *B.Civ* 1.20: ἐὰν Κορνηλίας αὐτῷ, τῆς Γράκχου μητρός, ἐπιθεμένης ... καὶ συλλαβούσης ἐς τοῦτο Σεμπρωνίας τῆς θυγατρός; cf. Liv. *Per* 59: suspecta fuit, tamquam ei venenum dedisset, Sempronia uxor hinc maxime quod soror esset Grachorum cum quibus simultas Africano fuerat). Others appear to have thought that Scipio was suffocated during the night by intruders (App. *B.Civ* 1.20: αὐτὸν ξένοι δὲ ὁπισθοδόμου νυκτὸς ἐπεισαχθέντες ἀποπνίξαιεν; Plut. *Rom* 27.5: τοὺς ἐχθροὺς τὴν ἀναπνοὴν ἀπολαβεῖν αὐτοῦ νύκτωρ παρεισπεσόντας) or that he had taken his own life (App. *B.Civ* 1.20: ἐκῶν ἀπέθανε; Plut. *Rom* 27.5: αὐτὸν ὑφ᾽ ἑαυτοῦ φαρμάκους σαποθανείν). Plutarch adds the possibility that Scipio had died of natural causes (Plut. *Rom* 27.5: αὐτομάτως δὴν ψῆ φάσει νοσώδη καμεῖν). While it appears rather unlikely that Scipio actually committed suicide, a natural death cannot be fully ruled out (see, e.g., Carcopino 1967: 85-127). Thus, if Badian's emendation (1956b: 220; cf. 1968: 256) is correct, a corrupt fragment of Scipio's funeral eulogy (*ORF*3 121, fr. 22), composed by his friend Laelius, may have referred to a natural cause of death. However, Laelius may also have tried to avoid an explicit accusation, in order to de-escalate the already fragile situation (see Werner 1969: 413-40; Beness 2005: 41 n.19; cf. Cic. *Amic.* 12: quo de genere mortis difficile dictu est, quid homines suspicentur, videtis). Worthington's assumption
(1989: 253-6) that Scipio suffocated on his own vomit after an overly excessive dinner must be considered highly speculative. V. clearly expresses his belief that Scipio was murdered (interemptum; see also below: vis adlata est; cf. Val. Max. 5.3.2d: raptorem spiritus domi invenit), a scenario also favoured by Cicero (cf. Cic. Rep. 6.12: si impias propinquorum manus effugeris; 6.14: perterritus non tam mortis metu quam insidiarum a meis; De or. 2.170: P. Africani necis socius fuisti; Fat. 18: morietur noctu in cubiculo suo vi oppressus Scipio; QFr. 2.3.3: quem C. Carbo interemisset; Fam. 9.21.3: P. Africano vim attulisse; on the idea of a violent death, see also Renard 1932: 483-98). For a discussion of the idea that Scipio was carried to his grave with his head covered to hide the fact that he had been tortured and killed (cf. Vell. Pat. 2.4.6: eiusque corpus velato capite elatum est; Plut. C. Gracch. 10.5: σημεεά τνα τφ νεκρφ πληγφν και βίας ἐπιδραμετ τδοξεν; Auct. vir. ill. 58.10: obvoluto capite elatus ne livor in ore apparet), see Beness 2005: 41 n.19. No official public inquiry into the circumstances of Scipio's death was held, allegedly because the people objected to the idea (Liv. Per. 59: de morte tamen eius nulla quaestio acta; Vell. Pat. 2.4.6: de tanti viri morte nulla habita est quaestio; Plut. C. Gracch. 10.6: ἐνέστησαν γαρ οἱ πολλοὶ καὶ κατέλυσαν τὴν κρίσιν). Appian seems to suggest that there may have been an unofficial investigation (cf. App. B.Civ. 1.20: εἰσὶ δ᾿ οἱ βασανιζομένοις φασὶ θεράπονται εἰπεῖν), but date and context of this inquest remain contested (Beness 2005: 41 n.20).

tamen … in publicum se proripuit maestoque voltu et voce confusa ‘concurrite, concurrite’ inquit, ‘cives’: Since the right to call a proper contio was reserved exclusively for magistrates and tribuni plebis (see Pina Polo 1995: 205; Morstein-Marx 2004: 38), Macedonicus, who held no magisterial office in 129 BCE, appears to have addressed the people as a private citizen. There is evidence of other incidents in which the perception of extreme injustice done to a Roman citizen outraged the populace to such an extent that it marched in protest towards the forum. Livy, for instance, reports of a case where the son of a debtor offered himself to the creditor to pay for his father's debts. When the
young man was physically abused by the moneylender, the Roman people was so horrified by the marks of violence on his body that a huge crowd gathered in the forum to demand an immediate reaction from the Senate (Livy. 8.28.5-6: *laceratus iuvenis cum se in publicum proripuisset, libidinem crudelitatemque conquerens feneratoris, ingens vis hominum ... in forum atque inde agmine facto ad curiam concurrit*). The wording of this passage in Livy (cf. *se in publicum proripuisset; concurrit*) may have served as inspiration for V., whose intention it was to showcase Macedonicus’ upset and distress (cf. *maestoque voltu et voce confusa*) at the (alleged) murder of a distinguished citizen like Scipio Aemilianus.

‘*moenia nostrae urbis everas sunt*’: The metaphor of the toppled city walls serves to highlight Macedonicus’ claim that Rome, and with it the whole state, was in imminent danger of falling into the hands of its enemies (for the despair after losing a part of the city wall, cf. Liv. 32.16.11: *cum et muri partem eversam operibus hostium cernerent ad deditionem inclinarunt*). Such a statement would, without doubt, almost immediately have been understood (not only in pro-senatorial circles) as a direct reference to the attempts of the Gracchi and their supporters to overturn some of the traditional institutions and arrangements of the *res publica libera* (cf. Cic. Amic. 37: *Ti. Gracchum rem publicam vexantem;* 41: *Ti. Gracchus regnum occupare conatus est;* Fin. 4.66: *hic (=C. Gracchus) rei publicae vulnera imponebat*). With Scipio Aemilianus, the Senate’s last true rampart against the perilous plans of the Gracchan party, fallen, Rome was as vulnerable as it would have been with an actual breach in its outer walls. Macedonicus’ address to the people (cf. *concurrite, concurrite*) thus appears to resemble a final call to arms. On Scipio’s image as the ultimate protector of Rome, see also Plut. *Mor. 201f*: *οὐ γὰρ οἷόν τε τὴν Ῥώμην πεσεῖν Σκιπίωνος ἑστῶτος οὐδὲ ζῆν Σκιπίωνα τῆς Ῥώμης πεσούσης.*
‘Scipioni enim Africano intra suos penates quiescenti nefaria vis adlata est’: Macedonicus’ lamentation appears to be modelled after Cic. Mil. 16 (P. Africano domi suae quiescenti illa nocturna vis esset inlata). Expanding on his source material, V. has Macedonicus stage Scipio’s alleged murder not only as a crime against the foundations of the Republic (cf. above: moenia nostrae urbis eversa sunt), but also as an affront against divine law (cf. intra suos penates … nefaria vis adlata).

o rem publicam pariter Africani morte miseram et Macedonici tam humana tamque civili lamentatione felicem: V. provides his own emotional evaluation of the situation. The antithesis of his statement (miseram / felicem) is to be understood in close conjunction with that of the following sentence (et quantum amisisset principem et qualem haberet recognovit). While the sudden death of Scipio Aemilianus was a major loss for the state (on Scipio’s outstanding reputation as military leader, politician, and patron of the arts, see, e.g., Polyb. 10.2-5; Cic. Mur. 58; 66; 75; Cic. Arch. 16; Vell. Pat. 1.13.3), the tragic events gave Macedonicus the unique opportunity to display a previously unknown facet of his character. As the adjectives humanus and civilis suggest, Macedonicus’ public lamentation would to have been perceived as a sign of compassion (cf. OLD s.v. humanus 6; for an in-depth discussion of the term humanitas, see also Braund 1997: 15-32) and civic modesty (cf. OLD s.v. civilis 7), both qualities highly desirable for a leading citizen of the state (cf. below: principem). It is unlikely to be a coincidence that the terminology employed by V. in his praise of Macedonicus’ respectful demeanour echoes that found in portrayals of Tiberius (for references to Tiberius’ humanitas, see, e.g., Vell. Pat. 2.114.1; SCPP 100-1: humanitati et moderationi principis; for his civilitas, see, e.g., Vell. Pat. 2.124.2; Suet. Tib. 26; on civilitas as an imperial virtue, see Wallace-Hadrill 1982: 32-48).

eodem enim tempore et quantum amisisset principem et qualem haberet recognovit: This second antithetical observation provides the explanation for the claim made by V.
in the previous sentence. V's oversimplification of the situation creates a deceptive impression of social unity. In reality, opinions about Scipio's political legacy appear to have been deeply divided shortly after his death. While the conservative members of the social élite would have considered Scipio as a defender of the *res publica libera* in its traditional form, the ordinary people certainly did not overlook his open antipathy towards the Gracchans (cf. Astin 1967: 236-7; Schietinger 2014: 177-8). Thus Appian claims that Scipio was denied a proper state funeral because the people's anger at his opposition to the Gracchan reforms clearly outweighed their gratitude for his previous achievements (App. B.Civ. 1.20: *οὕτως ἡ παραυτίκα ὀργὴ τῆς ποτὲ χάριτος ἐπικρατεῖ*).

About Macedonicus' career after the death of Scipio Aemilianus little is known. He does not seem to have held any further major public offices (Cic. *Fin.* 5.82 suggests that, at some point during his career, he may have been augur), but it may be assumed that he continued to serve the state in an advisory capacity, as befitting for a man of his standing and reputation (for the implications the term *princeps*, see Gelzer 1969: 44-9; Hellegouarc'h 1972: 327-46).

**idem filios suos monuit ut funebri eius lecto humeros subicerent:** Scipio's funeral arrangements were made by his nephews, Q. Fabius Maximus Allobrogicus and Q. Aelius Tubero (Cic. *Mur.* 75), with the eulogy provided by Scipio's friend C. Laelius (Cic. *De or.* 2.341). Whether his body was laid to rest in the impressive Tomb of the Scipiones on the Via Appia, the family's traditional burial site (cf. Cic. *Leg.* 2.56-7; Plin. *HN* 7.187), cannot be determined with certainty (on the tomb, see esp. Toynbee 1971: 103-13; Coarelli 1972: 36-106). During the main funeral procession, Macedonicus appears to have ordered his four sons to take part in the carrying of Scipio's funeral bier (cf. Plin. *HN* 7.144: *ite filii, celebrate exequias*; Plut. *Mor.* 202a; 485d). While this gesture is generally perceived as Macedonicus' final sign of respect and magnanimity towards his late adversary (see, e.g., Astin 1967: 244; cf. Plut. *Mor.* 202a: *Σκιπίωνι δὲ ζωντι πολεμών, ἀποθανόντος ἤχθεσθη, καὶ τούς μὲν νιῶν ἐκέλευσεν ὑποδύντας ἀρασθαί τὸ λέχος*).
recent scholarship has, albeit hesitantly, suggested a rather different interpretation. Thus, according to Beness/Hillard 2012: 273 n.12, Macedonicus’ reaction could also be seen as a manipulative attempt to accentuate the fact that Macedonicus himself had been able to produce offspring, while Scipio had died childless. This idea certainly deserves consideration, as Macedonicus was a man celebrated for the number and excellence of his progeny (see, e.g., Cic. Brut. 81; 212; Fin. 5.82; Tusc. 1.85; Vell. Pat. 1.11.6; Val. Max. 7.1.1; Plin. HN 7.142; Plut. Mor. 318b–c; cf. Geiger 2008: 153 on Macedonicus’ elogium (CIL 6, 40941) in the Forum of Augustus). His famous censorial speech de prole augenda, reminding the Romans of the necessity to procreate (cf. Liv. Per. 59; Suet. Aug. 89.2; on the fragments of the speech preserved in Gell. 1.6.1-2 and attributed to Q. Metellus Numidicus, see McDonnell 1987: 81-94 and Badian 1988: 106-12), would, without doubt, also still have been in many people’s minds. Scipio’s childlessness, on the other hand, appears not to have gone unnoticed either (App. B.Civ. 1.20: ἀπαιδίαν; cf. Val. Max. 8.15.7; Plut. Mar. 3). It can, therefore, not be fully ruled out that Macedonicus’ offer to have his own sons carry Scipio’s funeral bier was actually one last attack on his late opponent’s reputation. At the same time, however, it seems implausible that not one of the surviving ancient sources would have picked up on such a potentially provocative undertone of Macedonicus’ seemingly grand gesture.

atque huic exsequiarum illum honorem vocis adiecit, non fore ut postea id officium ab illis maiori viro praestari posset: A possible verbatim rendering of Macedonicus’ dictum is provided by the elder Pliny (Plin. HN 7.144: ite filii, celebrate exsequias, numquam civis maioris funus videbitis). Whether the accounts given by V. and Pliny go back to a lost common source cannot be ascertained. In light of the fact that V. is listed as one of the sources consulted by Pliny during his research for the seventh book of the Naturalis Historia (see Plin. HN 1.7), it is not impossible that Pliny took creative license and modelled his account on V’s description. A different remark is documented by Plutarch, who claims that, after ordering his sons to carry Scipio’s funeral bier,
Macedonicus thanked the gods for not allowing Scipio to be born amongst a foreign
nation (Plut. Mor. 202a: τοῖς δὲ θεοῖς ἔφη χάριν ἔχειν ὑπὲρ τῆς Ῥώμης, ὅτι παρ᾽ ἄλλοις
οὐκ ἐγένετο Σκιπίων; 485d: ὁ Μέτελλος ἤκετο δεῖ τὸν Ρωμαίον τοῖς θεοῖς χάριν ἔχειν, ὅτι
Σκιπίων ἐν ἑτέρᾳ πόλει τοιοῦτος ὀν ὑπὲρ ἐγέννηθη). However, this might be a
historiographical inconsistency, as Cicero attributes the same *dictum* to Scipio’s nephew
Q. Fabius Maximus Allobrogicus (Cic. Mur. 75). V’s reference to Macedonicus’ alleged
comment is clearly intended to demonstrate Macedonicus’ tremendous humility towards
the legacy of his former enemy. After all, the only other great man whom Macedonicus
would, without question, have expected his sons to carry to his funeral pyre was
Macedonicus himself (cf. Cic. Tusc. 1.85: Metellum enim multi filii, filiae, nepotes, neptes
in rogum imposuerunt; Val. Max. 7.1.1: filii et generi humeris suis per urbem latum rogo
imposuerunt; Plin. HN 7.146: a triumphalibus liberis portaretur in rogum velut exequis
quoque triumphans), a twist of which V’s readers would surely have been aware.

ubi illa tot in curia iurgia, ubi tam multae pro rostris altercationes, ubi maximorum
civium et ducum tantum non togata proelia: Whether V’s climactic tricolon of
rhetorical questions draws an accurate picture of the dispute between Macedonicus and
Scipio is difficult to determine. The suggestion that there had been verbal altercations in
the Senate house (*in curia iurgia*) and on the forum (*pro rostris altercationes*) seems to be
backed by other sources (for a discussion of the evidence, see above, pp. 152-4:
*eorumque ab aemulatione virtutis profecta concitatio ad graves testatasque inimicitias
progressa fuerat*). Harder to believe is V’s claim that it had almost come to public violence
(*tantum non togata proelia*) between both men, an assessment which is diametrically
opposed to that provided by Cicero (cf. Cic. Amic. 77: egit graviter ac moderate et
offensione animi non acerba; Cic. Off. 1.87: sine acerbitate dissensio). If such violent
clashes actually took place, no evidence has survived. Given V’s tendency to bring his
*exempla* to an emphatic close, it is more likely that this passage needs to be considered as
omnia nimirum ista praecipua veneratione prosequenda delevit moderatio: Despite his earlier assurance that it is not in his interest only to praise his exemplars (see above, p. 151: non laudanda ... omnia, sed recordanda), V. shows no restraint in expressing his admiration for the (personified) virtue of moderatio. Presented as an almost divine entity (for the religious connotation of veneratio, see OLD s.v. 1; on the nexus between morality and religion in the Facta et dicta memorabilia, see also Mueller 2002: 148-74), moderatio is ascribed the power to intervene in cases of human dispute (cf. iurgia ... altercationes ... proelia) and to re-establish mutual respect (cf. omnia ... delevit). It is worth noting that the type of moderatio displayed by Macedonicus is very similar in nature to the self-control illustrated by the exempla in chapter 4.2 (cf. Val. Max. 4.2. praef.: offensarum etiam acerbitas deposita candida relatione celebranda est). The main difference between both categories appears to be that, in the case of Macedonicus, modesty was displayed although the conflict between himself and Scipio had not been fully resolved, while the examples in 4.2 depict enmities that had actually been put aside in the interest of the common good (cf. 4.2. praef.: transgrediamur ad egregium humani ab odio ad gratiam deflexum). For the close relationship between chapters 4.1 and 4.2 ('Spezialfall'), see also Honstetter 1977: 34; Römer 1990: 102; Thurn 2001: 88-9.

4.1.13

Numidicus autem Metellus: The prominent, anteposed agnomen serves as the only link between the examples of the two Metelli. Q. Caecilius Metellus Numidicus (RE 3, 1218-21; BNP 2, 880), the nephew of Metellus Macedonicus (for whom, see Val. Max. 4.1.12), was consul in 109 BCE (MRR 1, 545). Entrusted with the war against Jugurtha of
Numidia, he reorganised the badly neglected and undisciplined Roman troops in Africa (Sall. Iug. 44-5; Val. Max. 2.7.2: omnibus imperii nervis ad revocandam pristinae disciplinam militiae conisus est; Frontin. Str. 4.1.2; cf. Val. Max. 9.1.5) and led a successful campaign, but he was unable to bring an end to the conflict (Sall. Iug. 46-81). Despite ultimately being forced to hand over the command to his former legatus, C. Marius (Sall. Iug. 82; Plut. Mar. 10.1; cf. Val. Max. 6.9.6), Metellus was widely seen as the greatest contributor to the victory over Jugurtha (Plut. Mar. 10.9; cf. Carney 1962: 399 n.40). For his military achievements, he was allowed to triumph (cf. CIL 6, 40942) and given the agnomen Numidicus (Vell. Pat. 2.11.2). In 102 BCE, Numidicus became censor alongside his cousin C. Caecilius Metellus Caprarius (MRR 1, 567). For a more comprehensive biographical study of Metellus Numidicus, see van Ooteghem 1967: 124-77.

**populari factione patria pulsus:** Seager 1972: 55 suggests a verbal interpretation of *factio* in this passage (i.e. 'by popularis intrigue'; cf. Oros. 5.17.4: *Marius sexto consul et Glaucia praetor et Saturninus tribunus plebi conspiraverunt*), but the two other occurrences of *factio* in V. clearly indicate a collective meaning in the sense of 'faction' (cf. Val. Max. 2.8.7; 3.2.17). In 100 BCE, the *populares* were led by some of Numidicus’ greatest rivals, the consul C. Marius (MRR 1, 574), the praetor C. Servilius Glaucia (MRR 1, 574-5), and the tribune L. Appuleius Saturninus (MRR 1, 575-6). Numidicus had incurred their enmity when, during his time as censor, he had unsuccessfully tried to expel Glaucia and Saturninus from the Senate (MRR 1, 567). This move proved to have dire consequences. Numidicus was forced to leave Rome when he refused to take an oath to support the agrarian law put forward by Saturninus (Cic. Sest. 37; 101; Liv. Per. 69; Vell. Pat. 2.15.4; Val. Max. 3.8.4: *in exsilium quam in legem eius ire maluit*; Plut. Mar. 29.1-12; App. B.Civ. 1.28-31; Auct. vir. ill. 62.2; 73.8; cf. Dio Cass. 38.7.1). When Saturninus requested his banishment, Numidicus voluntarily went into exile, before he was formally interdicted from fire and water (Cic. Dom. 82). Numidicus’ stance later served (especially to Cicero) as an example of moral principle and resistance against
political arbitrariness (cf. Cic. Sest. 37 (with Kaster 2006: 203-4); 101; 130; Dom. 82; 87; Clu. 95; Planc. 89; see also van der Blom 2010: 195-203). For a discussion of the legal circumstances surrounding Numidicus’ exile, see Gruen 1965: 576-80; Grasmück 1978: 94-5.

**in Asiam secessit**: After his banishment from Rome, Numidicus left for Rhodes, where he spent his time studying philosophy (Liv. Per. 69: *Rhodum profectus est ibique audiendo et legendo magnos viros avocabatur*; Plut. Mar. 29.12: ἐν Ῥόδῳ φιλοσοφῶν διῃτήθη). According to Suetonius, he was accompanied by the rhetor and scholar L. Aelius Stilo (Suet. Gram. et rhet. 3.2), a professed Stoic in his own right (Cic. Brut. 206; cf. Gell. 16.8.2-3). From Rhodes, Numidicus appears to have undertaken the short journey to the mainland province of Asia. Little is known about this tour. While V. states that Numidicus watched the games at Tralles (see commentary below), the author of *De viris illustribus* places him in Smyrna (62.2: *in exilium actus Smyrneae exulavit*). The latter might be a simple mistake, confusing Numidicus with his contemporary P. Rutilius Rufus (*RE* 1 A, 1269-80), whose unjust banishment from Rome led him to Smyrna (Cic. Balb. 28; cf. Cic. Rep. 1.13; Cic. Brut. 85).

V. may deliberately have kept quiet about Numidicus’ forced stay on Rhodes in order to avoid irritating Tiberius, whose own retreat to the island in 6 CE (Vell. Pat. 2.99.2; Suet. Tib. 11.1; Tac. Ann. 1.4.4; Dio Cass. 55.9.5) had turned into a virtual exile (cf. Suet. Tib. 12.1: *remansit igitur Rhodi contra voluntatem*). The fact that Numidicus, instead of sinking into despair, turned his skills to philosophy would otherwise have served as further evidence of his exemplary restraint (cf. Cic. Fin. 5.53-4). On the circumstances of Tiberius’ retirement to Rhodes, see esp. Kornemann 1960: 34-40; Levick 1972: 779-813; Levick 1999: 24-30; Seager 2005: 23-9.

**in qua cum ei … litterae redditae essent**: It cannot be fully determined who had written the letter that was given to Numidicus. V.’s epitomator Paris seems certain that it was an
official document composed on behalf of the Senate (cf. 4.1.13: *epistulae essent a senatu missae*). However, it is perhaps more likely that the first news about Numidicus’ recall came from his family or friends. Throughout his time in exile, Numidicus appears to have maintained regular contact with several people in Rome, most likely to stay informed about the course of events. Gellius (15.13.6; 17.2.7) cites two passages from a letter which Numidicus is said to have sent to the brothers Gnaeus and Lucius Domitius, two influential members of the Domitii Ahenobarbi (*RE* 5, 1324-7; 1333-4; *BNP* 4, 641; 642), who, like Numidicus, were opposed to the measures of Glaucia and Saturninus (*Cic. Rab. perd.* 21). The letter has been interpreted as an active attempt by Numidicus to campaign for his restoration (Kelly 2006: 86). If it is true that, despite his physical absence, Numidicus was still involved in public affairs at Rome, it may also be assumed that his contacts would immediately have informed him about his recall. On the fragments of Numidicus’ letter in Gellius, see also Degl’Innocenti Pierini 2000: 249-58.

**forte ludos Trallibus spectanti:** The ancient city of Tralles (*RE* 6 A, 2093-2128; *BNP* 14, 841-2) was situated on a hill north of the Maeander river, some 50 km east of Ephesus. If Numidicus actually visited Tralles (see also commentary above), the *ludi* attended by him would have taken place at the small, late-Hellenistic theatre (cf. Vitruv. 7.5.5: *ecclesiasterion*), which was famous for its skilfully painted *scaena*. Whether this theatre was damaged or even destroyed during the disastrous earthquake of 27 BCE (cf. Strabo. *Geogr.* 12.8.18) is unclear. The larger theatre dating from the Augustan period (cf. Sear 2006: 355), of which only few traces remain today, may have been built on its ruins. It is possible that V. himself visited the theatre at Tralles during his journey to Asia with Sextus Pompeius (cf. Val. Max. 2.6.8). The occasion of the games watched by Numidicus, most likely *ludi scaenici* (cf. *non e theatro prius abiit*), is not further specified. A connection with the Panhellenic Dieia, attested for the second century BCE (cf. *SEG* 22.350.27), must remain conjecture.
Numidicus was given permission to return in 98 BCE. A first bid to recall him had been made in 99 BCE, shortly after the violent deaths of C. Servilius Glaucia and L. Appuleius Saturninus, but the bill was vetoed, with Marius’ support, by the tribune P. Furius (MRR 2, 2; cf. App. B.Civ. 1.33; Oros. 5.17.11). After some tireless lobbying by Numidicus’ son, who received the agnomen Pius for his efforts (Vell. Pat. 2.15.4; Val. Max. 5.2.7: pertinaci erga exsulem patrem amore tam clarum lacrimis quam alii victoris cognomen adsecutus; App. B.Civ. 1.33), as well as several other influential members of the Metelli (Cic. Red. sen. 37; Cic. Red. pop. 6), the bill was again put forward a year later by the tribune Q. Calidius (MRR 2, 5; cf. Auct. vir. ill. 62.3: Calidia deinde rogatione revocatus) and ultimately passed against Marius’ will (Cic. Planc. 69; Cic. Red. sen. 38; Val. Max. 5.2.7; Plut. Mar. 31.1; App. B.Civ. 1.33).

According to Appian, both the Senate and the people had already demanded Numidicus’ return after the demise of L. Appuleius Saturninus (App. B.Civ. 1.33: ἡ μὲν βουλὴ καὶ ὁ δῆμος ἐκκράγεσαν κατακαλεῖν Μέτελλον), but their hopes were disappointed when Furius vetoed the official bill. In fact, Furius’ opposition appears to have caused so much upset that he was indicted twice the following year for abusing his office (cf. Cic. Rab. perd. 24; Val. Max. 8.1.dann.2; App. B.Civ. 1.33). However, the indictment never came to a verdict, as Furius was lynched by an angry mob before he could be convicted (App. B.Civ. 1.33). When Numidicus finally returned home, so Appian reports, there was not enough time for him to meet all the people who had come to greet him (App. B.Civ. 1.33: Μετέλλῳ δ’ ἡ κάθοδος ἐδόθη καὶ φασιν αὐτῷ τὴν ἡμέραν οὐκ ἀρκέσαι περὶ τὰς πύλας δεξιουμένῳ τοὺς ἀπαντῶντας). V. may have found his inspiration in Livy (cf. Liv. Per. 69: ingenti totius civitatis favore reductus est) or Velleius Paterculus (cf. Vell. Pat. 2.15.4: auctoritate senatus, consensu populi Romani). An extant passage from the annals of Quadrigarius appears to refer to events leading up to Numidicus’ exile rather than to his return (cf. FRHist 24 fr. 78, with commentary). V.’s statement stands in clear contrast to Cicero’s
self-aggrandising claim that Metellus was restored on the sole request of one single tribune (i.e. Q. Calidius), while Cicero himself was recalled by the united res publica (Cic. Fam. 1.9.16: Metellum unius tribuni pl. rogatio, me universa res publica ... reciperavisset).

**non e theatro prius abiit quam spectaculum ederetur:** Cf. Paris 4.1.13: *non prius theatro exiit quam spectaculum perageretur*; Auct. vir. ill. 62.3: *non prius eas legere dignatus est, quam spectaculum finiretur*. For *ederen* in a terminating sense, cf. Curt. 3.7.5: *edito spectaculo ludicro castrisque motis*. The conjecture *culderetur*, initially suggested by Gertz (1873: 276), seems unnecessary (see *app. crit. ad loc.* in Kempf).

It was not uncommon for spectators to leave the theatre early, especially when a different attraction promised to be more appealing (cf. Ter. *Hec*. 28-57). For a man of Numidicus’ standing, however, it would have been imperative to display a certain sense of decorum, a circumstance which appears to have hindered him from leaving before the performance had ended. Instead of being visibly overcome by his recall, Numidicus attempted to display calmness and self-control. V’s version of events is thus better suited to highlight Numidicus’ exemplary self-restraint than the account given by the author of *De viris illustribus*, according to whom Numidicus did not even read the letter until the games had concluded (62.3). A rather different scenario of decorum on public display can be found in Val. Max. 2.10.8, where the younger Cato makes a statement by leaving the theatre during the *Floralia* when the excited audience starts requesting that the actresses perform in the nude.

**non laetitiam suam proxime sedentibus ulla ex parte patefecit sed summum gaudium intra se continuit:** V. does not imply that Numidicus was totally unaffected by his emotions. As the references to *laetitia sua* and *summum gaudium* (V. seems to be unaware of the Stoic distinction (cf. Cic. *Tusc*. 4.66-7) between the terms *laetitia* and *gaudium*) suggest, Numidicus was indeed delighted at the prospect of being able to
return to Rome. However, what characterises Numidicus’ exemplary self-control in V’s eyes is the fact that Numidicus was able to conceal his great joy (cf. *non patefecit; intra se continuit*) behind his extraordinary *gravitas* (cf. Cic. *Fam.* 1.9.16; Cic. *Dom.* 33.87; Cic. *Off.* 3.20.79-80). Among the Roman élite, there appears to have been a prejudice against the display of excessive joy, and in particular against outright laughter. Thus Plutarch (Plut. *Cat. Min.* 1.5) observes that it was almost impossible to make the younger Cato, a man of well-attested *gravitas* (e.g. Cic. *Mur.* 3: *gravissimo atque integerrimo viro*), laugh. Similarly, the grandfather of the triumvir M. Licinius Crassus was said to have laughed only once in his lifetime, thus earning the agnomen Agelastos (Cic. *Fin.* 5.92; Plin. *HN* 7.79). Seneca explains that it is a sign of the non-wise to abandon oneself to emotions such as joy or sorrow (Sen. *Ep.* 99.21: *inprudentium ut gaudia sic dolores exundavere*) and points out the necessity to preserve one’s *gravitas* (ibid.: *licet inquam naturae obsequi gravitate servata*). For a discussion of the external signs of an élite Roman’s *gravitas*, see Hellegouarc’h 1972: 280.

eundem constat pari voltu et exsulem fuisse et restitutum: While it is attested that Numidicus bore his exile with equanimity (cf., e.g., Cic. *Fam.* 1.9.16: *egregia animi alacritate afuerit*; Cic. *Red. sen.* 25: *ipse ne luctuosus quidem*; Sen. *Ep.* 3.3.4: *exilium Metellus fortiter tulit*), there is little information about his life following his restoration. The use of *constat* seems to suggest that V. could draw on sources (perhaps merely oral history) that supported his claim that Numidicus displayed the same self-control before and after his return. Cicero dismisses claims that Numidicus returned *fracto animo et demisso*, pointing out that Numidicus had always demonstrated more *constantia* and *gravitas* than everyone else (Cic. *Fam.* 1.9.16; cf. Cic. *Dom.* 87: *omnis vita plena gravitatis*). However, Numidicus appears to have disappeared from the political stage almost entirely. The circumstances of Numidicus’ banishment and recall were later appropriated by Cicero in the attempt to reshape the narrative surrounding his own exile (see Degl’Innocenti Pierini 2000: 250-3; Kelly 2006: 143; van der Blom 2010: 130-2; 181;
and seem to have contributed greatly to Numidicus’ legacy (cf. Cic. Dom. 87: 
tamen huius viri laudem ad sempiternam memoriam temporis calamitas propagavit; Vell. 
Pat. 2.15.4: nec triumphis honoribusque quam aut causa exilii aut exilio aut reditu clarior 
fuìt Numidicus).

adeo moderationis beneficio medius semper inter secundas et adversas res animi 
firmitate versatus est: A similar observation is made by V. about Furius Camillus: nec 
adversa praepropera festinatione fugientem nec secunda effuso gaudio adprehendentem 
(Val. Max. 4.1.2). In both instances, V. appears to draw on Cicero’s discussion of the Stoic 
theory of the emotions (cf., e.g., Cic. Off. 1.101: nam qui appetitus longius evagantur et 
tamquam exsultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine 
dubio finem et modum transeunt; for Numidicus as a model of Stoic values, see 
Degl’Innocenti Pierini 2000: 253). The fact that V. claims that it was ‘thanks to moderatio’ 
(for beneficio + gen., see OLD s.v. beneficium 4) that Numidicus was able to maintain 
equanimity through good and bad fortune appears to suggest that he considered 
Numidicus’ moderatio to be a predisposition rather than a practised virtue. While 
Numidicus’ steadfastness and self-control are well attested, this is the only instance 
where he is explicitly accredited with the virtue of moderatio. In Val. Max. 3.8.4, V. 
similarly praises Numidicus’ perseverantia and constantia in preferring exile to the 
unlawfully passed legislation of Saturninus. Both virtues are also attributed to 
Numidicus by Cicero (Cic. Planc. 89; Fam. 1.9.16). Seneca (Sen. Ep. 20.1) equates 
strength of character (animi firmitas) with the control of personal desires (cupiditatum 
deminutio).
tot familiis in uno genere laudis enumeratis: In a brief moment of programmatic self-evaluation, V. once more summarises his literary rationale. As the phrase in uno genere laudis enumeratis suggests, V.'s main focus lies on the compilation and classification of an otherwise less easily accessible corpus of exemplary material. While the scope of the collection appears to be of some importance (cf. tot familiis), V.'s greatest contribution is the systematic listing (for enumerare, cf. TLL 5.2.618.56-619.22; OLD s.v. 2; cf. Val. Max. 4.1.9: *inter cetera praecipuae moderationis exempla numerandus est*) and clear categorisation (cf. in uno genere laudis for genus as an indicator of internal organisation within V.'s work, cf. 1.5.ext.1: *duo eiusdem generis alienigena exempla*; 2.9.9: *sequuntur duo eiusdem generis exempla*; 3.3.2: *huiusce generis exempla*; 4.3.10: *in consimili genere laudis*; 5.1.praef.: *idem genus laudis*; 5.6.ext.4: *sequitur eiusdem generis exemplum*; 7.2.ext.1: *alienigenisque huius generis exemplis*) of his exemplars. The assessment provided here thus seems to confirm the statement of intent made by V. in his preface (cf. Val. Max. 1.praef.: *facta simul ac dicta … digerere constitui, ut documenta sumere volentibus longae inquisitionis labor absit*). It is unlikely that V.'s reference to familiae here is to be understood in the ordinary, collective sense (‘households’), but, referring back to the preceding chapters (i.e. the Metelli, the Claudii, Sempronii, etc.), rather as an almost exclusive determiner of Rome’s élite families, of whose virtue each exemplar is just one individual representative (cf. Saller 1984: 342). Whether his eulogistic use (for laus, cf. Hellegouarc’h 1972: 365-9) of the term can be seen as evidence of V.'s own affiliation with this élite (cf. Bloomer 1992: 11-12) cannot be determined with certainty.

Porcium nomen: During the final two centuries of the Republic, the gens Porcia, originally from Tusculum in the Alban Hills (cf. Tac. Ann. 11.24.2), rose to become one of the leading families in Roman politics (cf. Val. Max. 3.4.6: *nomen suum Tusculi ignobile Romae nobilissimum reddidit*). Especially the family branches of the Laecae,
Licini, and Catones produced a number of high-ranking magistrates and other influential individuals (RE 22, 102-4; cf. Fehrle 1983: 50-60). In the Facta et dicta memorabilia, the Porcian family is represented exclusively by members of the Porcii Catones, namely Cato Censorius (2.9.3; 3.2.16: superior Cato, a quo Porciae familiae principia manarunt; cf. Vell. Pat. 2.35.2: proavo M. Catone, principe illo familiae Porciae); 3.4.6; 3.7.7; 4.3.11; 8.7.1; 8.15.2) and Cato Uticensis (2.8.1; 2.10.7; 3.1.2; 3.2.14; 3.6.7; 4.3.2; 4.1.14; 4.3.12; 5.1.10; 6.2.5; 7.5.6; 8.7.2; 8.15.10), as well as the latter’s father (8.2.1) and daughter (3.2.15; 4.6.5). On two occasions, the details presented by V. are historically inconsistent (3.2.16 appears to confuse Cato Censorius with his son; 5.10.3 names Cato Censorius, not his grandson, as colleague of Q. Marcius Rex, consul of 118 BCE). It remains unclear whether V. would have had access to any genealogical records of the Porcian family, such as the laudationes funebres and the liber commentarius de familia Porcia later consulted by Aulus Gellius (cf. Gell. 13.20.17).

velut expers huiusce gloriae: The gloria to which V. refers is the honour of being named amongst the other great families with members distinguished for their exemplary moderation (cf. above: tot familiis in uno genere laudis enumeratis). While V. seems convinced that the Porcii (and in particular the Catones) deserved their mention in this category, it cannot be denied that there were critical voices, too. For instance, when Cicero published his encomium of Cato Uticensis, praising Cato as a model of political steadfastness and Stoic values (cf. Cic. Att. 12.4.2; on the content of Cicero’s Cato, see also Kumaniecki 1970: 168-88; C.P. Jones 1970: 188-96; Fehrle 1983: 322-4), his account was immediately challenged – first by A. Hirtius in a rather random collection of alleged Catonian vitia (cf. Cic. Att. 12.40.1) and shortly thereafter by Caesar, whose two-volume Anticato appears to have depicted Cato as a greedy and self-indulgent drunkard (see Taylor 1949: 170-1; Gelzer 1968: 301-4; Fehrle 1983: 296-7; Goar 1987: 17). Brutus’ laudatio of his late father-in-law (cf. Cic. Att. 13.46.2) seems to have provoked a similar invective from Octavian (cf. Suet. Aug. 85.1 with Wardle 2014: 483). Cato’s alleged lack of
self-control may even have been a topos in early Imperial declamation (cf. Sen. Controv. 2.4.4). The younger Seneca is certainly still aware of such accusations brought forward against Cato (cf. Sen. Dial. 9.17.9).

†silentio praetereundum se negat fieri debere†: As the paradosis is clearly corrupt, Briscoe prints this passage in obeli. The most convincing emendation appears to be Shackleton Bailey’s Porcium nomen velut express huiusce gloriae silentio praetereundum <es>se negat [fieri debere] posterior Cato. For the construction negat + acc. + -ndum esse, cf. Liv. 22.25.3: M. Metilius tribunus plebis id enim vero ferendum esse negat; for silentio praeterire, cf. Cic. Sall. 62: ac ne haec quidem P. Sullae mihi videtur silentio praetereunda esse virtus; Cic. Part. or. 82; Cic. Brut. 88; Cic. Leg. 1.63. The phrase fieri debere is superfluous in this context and may need to be deleted as an interpolation.

posterior Cato: M. Porcius Cato Uticensis (RE 12, 168-213; BNP 11, 631-4) was the great-grandson of M. Porcius Cato Censorius (RE 12, 108-65; BNP 3, 20-3). Despite a relatively unspectacular magisterial career, which peaked with the praetorship of 54 BCE (MRR 2, 221-2; on the failed bid for the consulship, see Liv. Per. 108; Plut. Cat. Min. 49.1-4), Cato was able to make himself as a paragon of morality (cf. Cic. Phil. 13.30: omnium gentium virtute princeps; Sall. Cat. 54.6: esse quam videri bonus malebat; Vell. Pat. 2.35.2: omnibus humanis vitis immunis; Val. Max. 2.10.8: quisquis sanctum et egregium civem significare velit, sub nomine Catonis definiat) and a staunch opponent of any form of individualism or political corruption which threatened to undermine the core values of the libera res publica (cf. Val. Max. 6.2.5: libertas sine Catone? non magis quam Cato sine libertate; Dio Cass. 37.22.1-4). He publicly demanded the death penalty for the men involved in the Catilinarian conspiracy (Sall. Cat. 52) and attempted, as de facto leader of the optimates, to obstruct the increasingly ambitious measures of the triumvirs (see esp. Gruen 1974: 53-5; Fehrle 1983: 133-5 and passim; Stein-Hölkeskamp 2000: 292-306; Fantham 2003: 98-106; cf. Cicero’s retrospective view of Cato’s life at Cic.
Att. 12.4.2: *quod ille ea quae nunc sunt et futura viderit et ne fierent contenderit et facta ne videret vitam reliquerit*). At the outbreak of the Civil War, Cato sided with Pompey, securing the supply routes of Dyrrhachium during the battle of Pharsalos (Plut. *Cat. Min.* 55.1; *Pomp.* 67.2; Dio Cass. 42.10.1). After Pompey's defeat and subsequent death in Egypt, Cato led his forces to Africa, where he reunited them with the remaining Pompeian troops (*Liv. Per.* 112; Plut. *Cat. Min.* 56.1-4; Dio Cass. 42.13.4). However, having learnt of Caesar's decisive victory at Thapsus (46 BCE), Cato famously decided to end his own life at Utica (see, e.g., Cic. *Off.* 1.112: *moriendum potius quam tyranni vultus aspiendus fuit*; *Liv. Per.* 114; Val. *Max.* 3.2.14; Plut. *Cat. Min.* 70.5-6; App. *B.Civ.* 2.99; Dio Cass. 43.11.2-5). In the *Facta et dicta memorabilia*, Cato is generally depicted as a man of great authority and influence (2.10.7; 2.10.8; 8.15.10) as well as of absolute moral integrity (3.1.2(a); 4.3.2; 4.1.14; 4.3.12). His Republican idealism, albeit often abstracted and purged of obvious signs of antagonism towards Caesar and the triumvirs (see Bloomer 1992: 187-91; Freyburger 1998: 113-14; Gowing 2005: 61), occasionally shines through (3.1.2(b); 3.2.14; 4.1.14; 5.1.10; 6.2.5), as do traces of Cato's eccentric character (3.6.7; 8.7.2). For a comprehensive biographical study of the younger Cato, see Fehrle 1983; on Cato's political philosophy, see Wussow 2004. For a discussion of the symbolic value of Cato's *persona* in ancient literature, see Goar 1987.

**non parvo summae moderationis fisus indicio:** V's phrasing gives the impression that Cato himself is arguing the case for an inclusion of the Porcian family in this chapter (for the underlying feeling of self-confidence expressed by *fidere*, see *TLL* 6.1.695.44-59; *OLD s.v.* 1a). The climactic syntax (*non parvo summae ...*), which leads the reader straight to Cato's extraordinary moderation, certainly aims to lend support to V's claim that the Porcii could not possibly have been ignored here. The *hyperbaton* (cf. *non parvo ... indicio*) seems to draw further attention to the fact that this is just one indication of Cato's restrained nature. As a convinced Stoic (cf. Cic. *Parad. praef.*2: *perfectus mea sententia Stoicus*; on Cato's Stoicism, see also Wussow 2004: 67-102), Cato would have
tried to control his passions and desires at all times, instead directing his energy towards the protection of the common good of society (cf. Luc. Phars. 2.381-3: *servare modum finemque tenere | naturamque sequi patriaeque impendere vitam | nec sibi, sed toti genitum se credere mundo;* 2.377: *vacat studiiis odiisque*). While apparently not always successful in his attempts to restrain his emotions in a private context (see, e.g., Plut. *Cat. Min.* 7.1: ὁ δὲ Κάτων σφόδρα παροξυσμηθεὶς καὶ διακαεῖς (when his fiancée married Metellus Scipio); 11.2: ἐμπαθέστερον ἔδοξεν ἢ φιλοσοφώτερον ἐνεγκεῖν τὴν συμφοράν (after the death of his brother)), Cato’s selfless service to the *res publica* and his obvious disregard for the ambitions of individuals (including his own) would have been seen as clear signs of his political *moderatio* (cf. Dio Cass. 37.22.2: ἠσκεῖ δὲ τὰ τοῦ πλήθους ἀκριβῶς, καὶ ἕνα μὲν ἀνθρώπων οὐδένα ἐθαύμαζε, τὸ δὲ δὴ κοινὸν ὑπερηγάπα, καὶ πάν μὲν τὸ ὑπὲρ τοὺς ἄλλους πεφυκὸς ύποψία δυναστείας ἐμίσει, πάν δὲ τὸ δημοτικὸν ἐλέω τῆς ἀσθενείας ἐφίλει, with Mallan 2016: 261-2). For related virtues attributed to Cato, see Cic. *Mur.* 60; *Sest.* 60; *Dom.* 21; Sall. *Cat.* 54.2-6.

*Cypriacam pecuniam … in urbem deportaverat:* Cf. Val. Max. 4.3.2: *unde (=provincia Cypros) cum pecuniae deportandaes ministerium sustineret;* 8.15.10: *M. Catonis ex Cypro cum regia pecunia revertentis.* In 58 BCE, the tribune P. Clodius Pulcher (*MRR* 2, 195-6) brought a law before the people which proposed that Cato be sent to Cyprus to carry out the planned annexation of the island and to confiscate the assets of the Cypriot king, Ptolemy (Plut. *Cat. Min.* 34.2-3). This manoeuvre gave Clodius the opportunity to remove Cato, one of his most influential enemies, temporarily from the political stage. To keep Cato away from Rome as long as possible, Clodius recommended that Cato also be given the task of organising the repatriation of exiled Byzantine citizens to their city (Plut. *Cat. Min.* 34.4). Unable to reject the extraordinary command conferred on him without deliberately ignoring the will of the people (cf. Cic. *Sest.* 62: *quod ille si repudiasset, dubitatis quin ei vis esset adlata;* Plut. *Cat. Min.* 34.3: ὑπερηφάνως ὁ Κλώδιος καὶ ὀλιγώρως ‘οὐκοῦν ἐπεν ‘εἰ μὴ χάριν ἔχεις, ἀνιώμενος πλείσῃ’), Cato left
for the East in the early summer of 58 BCE, equipped with the authority of a quaestor pro praetore (see Badian 1965: 111; MRR 3, 171). From Rhodes, he dispatched his confidant Canidius (or Caninius, as Geiger 1972: 130-4 suggests) to Cyprus to arrange Ptolemy’s abdication (Plut. Cat. Min. 35.1; Brut. 3.2). As a small token of appreciation, Ptolemy was offered the position of high priest at the sanctuary of Aphrodite in Paphos (Plut. Cat. min. 35.1). However, unwilling to accept this sign of Roman charity, the disillusioned king decided to take his own life (Vell. Pat. 2.45.5; Plut. Cat. Min. 36.1; Brut. 3.2; App. B.Civ. 2.23; Dio Cass. 39.22.2). Upon hearing the news of Ptolemy’s death, Cato first sailed to Byzantium to implement the return of the exiled citizens, before travelling to Cyprus to personally oversee the liquidation of the king’s possessions (Plut. Cat. Min. 36.1). In many of the numerous transactions, Cato appears to have taken it upon himself to negotiate the best price possible (Plut. Cat. Min. 36.2). As a result of this tenacity, he managed to accumulate the considerable sum of 7,000 talents (Plut. Cat. Min. 38.1; cf. Vell. Pat. 2.45.5: pecuniam longe sperata maiorem; Dio Cass. 39.22.4: χρήματα πολλά; see also Oost 1955: 104). In 56 BCE, having completed his task, Cato ordered his ships to be loaded with the precious cargo and set sail for Italy. It is reported that, upon arriving at the mouth of the Tiber, he did not stop to greet the large crowd that had gathered in his honour, but instead kept on sailing into the harbour, from where he accompanied his cargo straight to the city’s treasury (Vell. Pat. 2.45.5; Plut. Cat. Min. 39.1-2). Although Livy cannot be excluded as a potential source (cf. Liv. Per. 104: lege lata de redigenda in provinciae formam Cypro et publicanda pecunia regia M. Catoni administratio eius rei mandata est), most of V’s information about Cato’s mission to Cyprus appears to have come from the accounts of Cato’s friend and companion Munatius Rufus (cf. Val. Max. 4.3.2: atque id Munatius Rufus, Cypriacae expeditionis fidus comes, scriptis suis significat), whose records were later also accessed by Plutarch (cf. Plut. Cat. Min. 37.1). On Cato’s mission to Cyprus generally, see Oost 1955: 98-112; Badian 1965: 110-21.
Throughout his career, Cato was credited with a high degree of diligence (for Cato's *diligentia*, cf. Cic. *Mur.* 3: *vitam ad certam rationis normam derigenti et diligentissime perpendenti momenta officiorum omnium*) and moral integrity (for *sanctitas* in the sense of moral determination, see *OLD* s.v. 3; cf. Sen. *Dial.* 6.22.3: *non fuit sanctior quam Cato*). Especially during his quaestorship in 64 BCE (cf. *MRR* 2, 163), Cato demonstrated extraordinary diligence in his handling of the state finances, painstakingly auditing and revising the public accounts, which had been neglected by his predecessors (Plut. *Cat. Min.* 17.1-2; cf. Dio Cass. 47.6.4). He also went to great lengths to verify all entries in the public archives, in one case even summoning the consuls as witnesses (Plut. *Cat. Min.* 17.3). When his term in office ended, he had private copies of the main accounts made, which he constantly kept updated (Plut. *Cat. Min.* 18.5). In order to stay informed about new developments, he paid great attention not to miss any sessions of the Senate (Plut. *Cat. Min.* 19.1). Given such high degree of magisterial conscientiousness, it comes as no surprise that Cato's administration of the sale of King Ptolemy's assets appears to have been equally accurate. Plutarch reports that all of Cato's financial transactions in Cyprus were diligently documented and two separate copies of the accounts prepared (*Cat. Min.* 38.2). The money itself was filled into earthen vessels that were tied to large pieces of cork, so that they would float in case of a shipwreck (Plut. *Cat. Min.* 38.1). Under unfortunate circumstances, however, both copies of Cato's official transcripts perished on the way home, with the first ledger being lost during a naval accident and the second one burnt in a fire inadvertently caused by seamen (Plut. *Cat. Min.* 38.2-3). The mishap hit Cato hard, as he had intended to use the documents as evidence of his meticulous approach to the task entrusted to him (Plut. *Cat. Min.* 38.3). Some of Cato's political enemies appear to have used the loss of his accounts to their advantage, accusing him of embezzlement (cf. Plut. *Cat. Min.* 38.3; Dio Cass. 39.23.3; see also Oost 1955: 105), but it is unlikely that there was any truth in these allegations (see Fehrle 1983: 154-5).
**cuius ministerii gratia:** The fossilised postposition *gratia* (cf. *TLL* 6.2.2234.78-2235.74; *OLD* s.v. 7), here perhaps best translated as ‘in appreciation of’, appears to have preserved semantic traces of the noun *gratia* (cf. *TLL* 6.2.2208.37-84; *OLD* s.v. 4), indicating a sense of gratitude owed for a service dutifully rendered (cf. Cic. *Inv. rhet.* 2.66: *gratiam, quae in memoria et remuneratione officiorum et honoris et amicitiarum observantium teneat*; on the various implications of *gratia*, see Moussy 1966: 249-302; Hellegouarc’h 1972: 202-8). For an almost identical situation, see Val. Max. 4.1.6: *non defuit maioribus grata mens ad praemia superiori Africano exsolvenda.* The sense of obligation towards Cato for his extraordinary diligence would have been intensified further by the fact that he had been sent to Cyprus against his will (cf. Cic. *Sest.* 60; Vell. *Pat.* 2.45.4; Plut. *Cat. Min.* 34.3), a circumstance under which such a display of conscientiousness was not necessarily to be expected. For the description of Cato’s mission as *ministerium*, see also Val. Max. 4.3.2: *pecuniae deportandae ministerium*; Vell. *Pat.* 2.38.6: *senatus consulto, ministerio Catonis ... facta provincia est*; 2.45.4: *P. Clodius in tribunato sub honorificentissimo ministerii titulo M. Catonem a re publica relegavit.*

**senatus relationem interponi iubebat ut praetorius comitiis extra ordinem ratio eius haberetur:** The nature of the motion proposed by the Senate is not entirely clear. In an electoral context, as suggested by the reference to the praetorian *comitia*, the phrase *rationem alicuius habere* usually expressed the official acknowledgement of an individual’s eligibility to run for office, often under special circumstances (cf. Cic. *Phil.* 5.46; *Att.* 7.1.4; Liv. 3.64.5; 6.37.4; Plin. *Ep.* 2.12.2; Suet. *Iul.* 18.2). Nevertheless, the meaning of *extra ordinem* remains obscure in this instance. Dio explains that Cato was supposed to be awarded a praetorship although he could not yet legally hold it (Dio *Cass.* 39.23.1: στρατεγίαν ... καὶπερ μηδέπω ἐκ τῶν νόμων προσήκοσαν). However, the assumption that Cato had not yet reached the minimum age for the praetorship and thus required exemption from the *lex annalis* cannot be correct. During the first century BCE, a candidate had to be at least thirty-nine years of age to run for praetor (for forty as
the minimum age for the praetorship, see Kunkel/Wittmann 1995: 47-8; Timmer 2008: 95; for thirty-nine, see Brennan 2000: 392), which means that Cato, who was born in 95 BCE, would have reached the legal age in 56 BCE, the year of his return from Cyprus (see Russell 1950: 45; Fehrle 1981: 159; Brennan 2000: 429). If he had missed the official nomination period for the upcoming elections as a result of a late arrival in Rome, it is, of course, conceivable that the Senate decided to free him from the professio, the duty to publicly declare his intention to run for office (see Mommsen StR 1, 570 n.2; Fehrle 1983: 159). However, this scenario fails to explain why, according to V., Cato refused the Senate’s offer with the words that he preferred to face the unpredictable outcome of an election (see below: campestrem experiri temeritatem quam curiae beneficio uti satius esse duxit). As it is rather unlikely that the Senate would have been willing to appoint Cato praetor without an election (pace Nipperdey 1865: 61), an exceptional arrangement may have been proposed instead. Thus Plutarch reports that the Senate offered Cato an special praetorship (for ἔξαιρετος, see LSJ s.v. 3) as well as the right to wear the toga praetexta, the garment of the curule magistrates, when watching the games (Plut. Cat. Min. 39.3: ἥ τε βουλὴ ... ἐψηφίσατο τῷ Κάτωνι στρατηγίαν ἐξαίρετον δοθῆναι, καὶ τὰς θέας αὐτὸν ἐν ἐσθῆτι περιπορφύρῳ θεάσασθαι). It cannot be ruled out, therefore, that the Senate intended to honour Cato for his achievements as quaestor pro praetore by awarding him the ornamenta praetoria and giving him the right to speak and vote praetorio loco, that is from the praetorian bench (cf. Cic. Att. 12.21.1; Phil. 5.46), but without granting him the full authority of a praetor (for this theory, see Lange 1876: 335; Russell 1950: 46; Fehrle 1983: 160-1; for the view that Cato was offered the ornamenta praetoria after having refused to accept a dispensation from the professio, see Brennan 2000: 429).

sed ipse id fieri passus non est: As Cato was renowned for hardly ever missing a sitting of the Senate (cf. Plut. Cat. Min. 19.1), he would also have been present when the motion concerning his extraordinary praetorship was discussed. V. makes it very clear that Cato
himself (*ipse*; cf. Dio Cass. 39.23.1: αὐτὸς γὰρ ἀντεῖπε) rejected the proposal, most likely before his opponents had the opportunity to take aim at it (cf. Dio Cass. 39.23.4). The only thing he requested was that Ptolemy’s estate manager, to whose trustworthy character he testified, be set free (Plut. Cat. Min. 39.4). How much Cato resented excessive personal honours had already become obvious earlier in his life. Thus, during his military service in the war against Spartacus, Cato had refused to accept awards assigned to him by the commanding consul, declaring that he had done nothing to deserve these honours (Plut. Cat. Min. 8.2). With similar obstinacy he had decided to ignore the large crowds of citizens who had come to the shores of the Tiber to greet him after his return from Cyprus (Plut. Cat. Min. 39.1; cf. Kaster 2005: 147-8). Although some observers may have considered such behaviour as inappropriate and affected (cf. Vell. Pat. 2.45.5: *insolentia paene*; Plut. Cat. Min. 39.2: καίτοι σκαῖν ἐνίους τούτῳ ἐφαίνετο καὶ αὖθαδεσ), the refusal to accept the extraordinary praetorship generally appears to have increased Cato’s reputation (cf. Dio Cass. 39.23.1: τὴν δὲ δὴ εὔκλειαν καὶ ἐκ τούτου μείζονα ἔσχε). V’s readers would certainly have been reminded of Tiberius’ attempts to display his *moderatio* and *civilitas* by restricting the honours conferred upon him and his family (cf. Suet. Tib. 50.3: *non parentem patriae appellari, non ullum insignem hominem recipere publice passus est*; 26.1: *ex plurimis maximisque honoribus praeter paucos et modicos non recepit*; Tac. Ann. 1.72.1; Dio Cass. 57.8.1-3; 57.9.1; 57.12.4-5). For the rejection of extraordinary personal honours as a sign of *moderatio*, see also Val. Max. 4.1.4 and 4.1.6a.

**iniquum esse adfirmans quod nulli alii tribueretur sibi decerni:** According to V., Cato named a lack of *aequitas* as his reason for rejecting the extraordinary praetorship offered to him by the Senate. In Cato’s eyes, the granting of rights and privileges not equally available to other Roman citizens could only be defined as unfair favouritism (cf. Vell. Pat. 2.35.2: *cuique id solum visum est rationem habere, quod haberet iustitiae*), which he was unwilling to accept, as it threatened the idea of the traditional *res publica libera* (cf. 179
Wirszubski 1960: 9-15; 61-5). This sentiment appears to be in line with Cato’s life-long opposition to any form of exceptional authority assigned to individuals (see Afzelius 1941: 128-30; cf. Cic. Sest. 60: linguam … M. Catoni, quae semper contra extraordinarias potestates libera fuisset), most clearly discernible, of course, in his staunch resistance to the measures which granted Caesar his extraordinary powers (cf. Plut. Cat. Min. 33.3: προλέγοντος Κάτωνος ὡς εἰς ἄκροπολιν τῶν τύραννον αὐτοῖ ταῖς ἑαυτῶν ὑφής ἰδρύσει; for the unsuccessful attempt to silence Cato by pushing him into accepting his own extraordinary command in Cyprus, cf. Caesar’s letter to Clodius preserved in Cic. Dom. 22: dein gratulari tibi quod M. Catonem a tribunatu tuo removisses, et quod ei dicendi in posterum de extraordinariis potestatibus libertatem ademisses). For Cato’s political idealism, cf. Cic. Att. 2.1.8: dicit enim tamquam in Platonis πολιτείᾳ, non tamquam in Romuli faece sententiam; Dio Cass. 43.11.6: δημοτικώτατος καὶ ἰσχυρογνωμονέστατος πάντων τῶν καθ’ ἑαυτῶν ἀνθρώπων. V’s readers may, once again, have been reminded of Tiberius’ efforts to showcase his moderatio and civilitas by presenting himself as primus inter pares (cf. Suet. Tib. 26-7; Dio Cass. 57.8.1-3).

**ac ne quid in persona sua novaretur:** The conjunction *ac* introduces a new aspect (‘and lest …’). Reflecting Cato’s fervent renunciation of any changes to the traditional procedures and institutions of the *libera res publica* (cf., e.g., his attack on Caesar in Plut. Cat. Min. 23.1: καὶ καθαπτόμενος τοῦ Καίσαρος ὡς σχήματι δημοτικῷ καὶ λόγῳ φιλανθρώπῳ τὴν πόλιν ἀνατρέποντος; on Cato’s political conservatism, see Fehrle 1983: 133-5 and passim; Stein-Hölkeskamp 2000: 292-306; Fantham 2003: 98-106), the verb *novare* (cf. *OLD* s.v. 1) here clearly has a negative connotation, almost as if suggesting a revolutionary intention (on the negative perception of innovation in Republican political culture, see Romano 2006: 17-35). Cato appears to have been concerned not only about creating a dangerous precedent which would have paved the way for further extraordinary arrangements, but also that such a precedent would always have been connected with his name (cf. *in sua persona*).
campestrem experiri temeritatem quam curiae beneficio uti satius esse duxit: In contrast to V.'s critical use of the word in 4.1. praeef., temeritas here does not imply irrationality or hastiness, but rather randomness and unpredictability (cf. OLD s.v. 3). As a stickler for constitutional propriety, Cato preferred (for satius esse, cf. OLD s.v. satis 7) to face the uncertain outcome of an election (for campester, see TLL 3.210.1-6; OLD s.v. campestris 4b) rather than to accept the extraordinary praetorship offered to him by the Senate. His opportunity came sooner than expected. At their meeting in Luca, the triumvirs had unilaterally decided that Pompey and Crassus would be the consuls for 55 BCE (Plut. Cat. Min. 41.1; Pomp. 51.4; Caes. 21.6). However, since the two men had failed to publicly declare their intention to run, they planned to delay the elections through intercessions until the following year and secure their victory with the help of the votes of Caesar's soldiers (Plut. Pomp. 51.4; Dio Cass. 39.27.3). The year 55 BCE therefore began with an interregnum, and it was not long before Pompey and Crassus had achieved their goal (Plut. Cat. Min. 42.1; Pomp. 52.2; Crass. 15.5; Dio Cass. 39.31.1-2). To counter their authority to a certain degree, Cato decided to stand for praetor. Despite extensive bribes by his opponents, he was elected by the centuria praerogativa, an incident which caused Pompey, the supervising consul, to abandon the voting process on the grounds of unfavourable celestial omens (Plut. Cat. Min. 42.1-3; Pomp. 52.2). For the repeat election, the triumvirs increased their bribes and occupied the Field of Mars, only allowing staunch supporters of their cause to vote. Cato, whose campaign stood no chance against such an advanced level of intrigue, lost the election to Caesar's former legate, P. Vatinius (Plut. Cat. Min. 42.4; Pomp. 52.2; Liv. Per. 105; cf. Val. Max. 7.5.6: comitiorum maximum crimen). However, he again stood for election for the following year and subsequently became praetor in 54 BCE (MRR 2, 221-2; on the political impact of Cato's praetorship, see Morrell 2014: 669-81). As in the following exemplum (4.1.15), the term beneficium here specifies a favour which, in the eyes of the receiving individual, exceeds all limits of reason and justice. For the view that proper generosity should neither be insufficient nor excessive, see Sen. Ben. 1.4.2: liberalitatem quae nec deesse oportet nec superfluere.
ad externa iam mihi exempla transire conanti: In a rhetorical twist, V. begins the final Roman example of *moderatio* by signalling his intention to move on to external (i.e. non-Roman) *exempla* (for *transire* in a literary sense, cf. OLD s.v. 5). This is not the only occasion on which V. modifies his usual technique of indicating the transition to external material (if this transition is indicated at all) at the actual break, that is at the end of the last internal or at the beginning of the first external *exemplum* (for further instances of this narrative variation, see, e.g., 3.7.11; 5.10.3; 7.3.10). Having briefly outlined his literary intent, V. does not provide his readers with any further transitional narrative, neither at any point in 4.1.15 nor at the beginning of 4.1.ext.1. From a structural point of view, the Bibulus episode serves as an ideal connector between V’s internal and external *exempla* of *moderatio*. Since Bibulus was the son-in-law of the younger Cato, the illustrious protagonist of the previous *exemplum* (4.1.14), his inclusion at this point is not surprising (for other ‘clusters’ formed by way of family association, see, e.g., 3.2.14, 15, 16; 4.1.11, 12; or 4.7.1, 2). At the same time, the nature of Bibulus’ self-restraint, namely the control of his personal anger and his forgoing of revenge and punishment (see commentary below), already foreshadows the *moderatio* displayed by Archytas (4.1.ext.1) and Plato (4.1.ext.2) in the immediately following two external examples.

Despite V’s initial pledge (Val. Max. 1. praef.: *ut documenta sumere volentibus longae inquisitionis labor absit*) to provide his readers with easy access to *documenta*, short anecdotes with didactic potential (cf. TLL 5.1804.19: ‘*id quo quis docetur*’), the preferred term for his material throughout the work is *exempla*, an expression which is used to refer to both exemplary deeds or sayings (in the sense of ‘examples’ or ‘precedents’; see, e.g., 4.1.4; 6.6.4) and their famous originators (in the sense of ‘exemplars’ or ‘paragons’; see, e.g., 3.4.2; 6.9.3). The adjective *externus*, often used by V. in transitional passages (see, e.g., 3.4.ext.1; 4.5.ext.1; 6.1.ext.1), is here not to be understood
in a (de-)grading manner, but merely as a structurally organising element (see also Lawrence 2006: 114-16).

M. Bibulus vir amplissimae dignitatis et summis honoribus functus: While encompassing some of the highest honours included in the Roman *cursus honorum*, the political career of M. Calpurnius Bibulus (*RE* 3, 1368-70; *BNP* 2, 996-7) was almost entirely overshadowed by that of his greatest rival, C. Iulius Caesar. During his time as colleague of Caesar’s in the offices of curule aedile in 65 BCE (Suet. *Iul.* 10; Dio Cass. 37.8.1-2; with *MRR* 2, 158), praetor in 62 BCE (Caes. *B.Civ.* 3.16.3; with *MRR* 2, 173), and consul in 59 BCE (Plut. *Caes.* 14.1; Suet. *Iul.* 19-20; Gell. 4.10.5; Dio Cass. 38.1-8; with *MRR* 2, 187-8; cf. Cic. *Att.* 1.17.11), Bibulus found little opportunity to compete seriously with his ambitious counterpart. When, during their joint consulate, Bibulus’ opposition to Caesar’s agrarian legislation proved to be to no avail and the animosities between the two men turned into open hostilities, Bibulus retired to his private home, confining himself to obstructing official procedures through the proclamation of unfavourable auspices, but allowing Caesar to govern almost without restrictions (cf. Suet. *Iul.* 20: *non Caesare et Bibulo, sed Iulio et Caesare consulibus*; see also Cic. *Att.* 2.16.2; Cic. *Vat.* 22; Vell. Pat. 2.44.5; Plut. *Caes.* 14.6; Plut. *Pomp.* 48.4; Dio Cass. 38.1-8). However, Bibulus remained an influential member of the Senate, opposing triumviral plans to restore by force Ptolemy XII Auletes, the ousted king of Egypt, to the throne (Cic. *Fam.* 1.1.3) and recommending (consulted first of all senators) to entrust Pompey with the sole consulship for 52 BCE, thereby dismissing similar claims made by Caesar (Plut. *Pomp.* 54.4; Plut. *Cat. Min.* 47.3; Dio Cass. 40.50.4). In 49 BCE, upon return from his proconsulate in Syria (on which see commentary below), Bibulus was made commander of Pompey’s fleet (*MRR* 2, 261), but died shortly before the battle of Dyrrhachium (48 BCE) (*Caes. B.Civ.* 3.18.1).

As this is the only appearance Bibulus makes in the *Facta et dicta memorabilia*, it is difficult to get a more precise picture of V’s general opinion about his exemplar. The
passage at hand certainly acknowledges Bibulus’ high standing in Roman society, most likely a result of Bibulus’ attested ability to administer some of the highest offices of the state satisfactorily and in the general interest of the wider community (cf. Lind 1979: 24; Thome 2000: 118). Given the relative political insignificance of other Calpurnii Bibuli, the *amplissima dignitas* ascribed to Bibulus by V. should mainly be seen a direct consequence of Bibulus’ individual dignity and authority, displayed most notably in his role as one of the leaders of the nobility alongside Cato and Ahenobarbus (cf. Ps.-Sall. *Ep.* 2.9.1), not so much as the result of inherited family reputation (see also Syme 1987: 191 (‘Bibulus did not inherit success, he achieved it.’)). For the semantic relationship between the concepts of *amplitudo* (here represented by the adjective *amplus*) and *dignitas*, see Hellegouarc’h 1972: 400-3.

**manus inicit:** The use of the phrase *manus inicere* (cf. *TLL* 7.1613.67-1614.15) could be seen as ironic here, as, in legal terms, a *manus iniectio* described the arrest of a person by a private citizen (Berger 1953: 577). Given that Bibulus’ *moderatio* manifested itself in refusing to accept Roman citizens sent to him as prisoners (see below: *intactos ... reduci iussit*), even though they had murdered his sons, V’s double-edged claim that Bibulus ‘laid hands on him’ (*mihi ... manus inicit*) stands in an ironic contrast to the proconsul’s treatment of his son’s killers. It may be assumed that this kind of play on words would have been particularly appealing to a rhetorically trained audience familiar with legal terminology (cf., e.g., Ps.-Quint. *Decl.* 3.9). On the phrase in the sense of historical material taking control of the author, see also Gowing 2010: 255.

**qui cum in Syria provincia moraretur:** In 51 BCE, Bibulus officially took office as proconsul in the consular province of Syria (Cic. *Fam.* 15.3.2; App. *B.Civ.* 5.10; App. *Syr.* 51; with *MRR* 2, 242). However, he arrived late in the year, thus forcing the incumbent proquaestor in Syria, C. Cassius Longinus (*MRR* 2, 242), single-handedly to take action against the invading Parthians (Cic. *Att.* 5.16.4; 5.18.1; 5.20.3-4; 5.21.2; Cic. *Fam.* 2.10.2;
Although Bibulus’ style of government in the province appears to have been sensible (cf. Cic. Att. 6.1.13; 6.1.15), a number of letters written by Cicero, who simultaneously served as proconsul in neighbouring Cilicia, mock Bibulus’ allegedly hesitant and uncoordinated military operations against the Parthians, efforts for which Bibulus was nonetheless awarded a supplicatio (see, e.g., Cic. Att. 6.8.5; 7.2.6; Cic. Fam. 2.17.2-7; 8.6.4; 12.19.2; 15.1.5). Bibulus returned to Italy in March of 49 BCE (MRR 2, 261), but soon took refuge with Pompey, who entrusted him with the high command over his fleet (Caes. B.Civ. 3.5.4; Plut. Cat. Min. 54.4; App. B.Civ. 2.49; Dio Cass. 41.44.3).

duos egregiae indolis filios suos: Not much is known about Bibulus’ two sons who died in Egypt. Whether they were children from Bibulus’ marriage with Cato’s daughter Porcia (cf. Plut. Cat. Min. 25.2: Πορκίαν Βύβλῳ συνοικοῦσαν καὶ πεποιημένην ἐκείνῳ δύο παῖδας) or from a previous marriage remains unclear. Plutarch claims that, when Porcia got married for the second time (45 BCE), three years after the death of Bibulus, she was still quite young (Plut. Brut. 13.3: κόρην οὖσαν), an observation which conflicts with the idea that two of the sons from her marriage with Bibulus would have been old enough to travel to Egypt in early 50 BCE. Therefore, it seems more likely that Bibulus’ two sons actually stemmed from a previous marriage (see, however, Plut. Cat. Min. 25.2). Bibulus’ own advanced age certainly supports this assumption (cf. Syme 1987: 190, who observes: ‘No ambitious senator would defer the decus ac robur of matrimony until he was over forty.’). A third son, L. Calpurnius Bibulus (PIR² C 253), appears not to have been a part of the embassy to Egypt (on which, see commentary below). In 50 BCE, he was unsuccessfully nominated by his father as candidate for the office of augur (Cic. Fam. 2.17.6), and, in 43 BC, he was proposed, again without success, for the position of pontifex, this time by his step-father, Brutus (Cic. Ad Brut. 15.1; 22.1). He is known have fought with Brutus in the battle at Philippi (App. B.Civ. 4.104), before surrendering to Mark Antony, who made him praefectus classis and praetor designatus (App. B.Civ. 4.38;
Lucius died, probably in 32 BCE, while serving as governor of Syria (App. B.Civ. 4.38). From Bibulus’ marriage with Porcia, there seems to have been a fourth son, who was still a boy when his mother remarried (Plut. Brut. 13.3: παιδίον ἔχουσαν ἐξ ἐκείνου μικρόν). According to Plutarch, this son later went on to write a biography of Brutus (Plut. Brut. 13.3). On the issue of Bibulus and his sons, see also Syme 1987 and Gray-Fow 1990.

The phrase egregiae indolis (‘of exceptional potential’), used with respect to Bibulus’ sons, is most likely to be understood in correlation with V’s characterisation of Bibulus as vir amplissimae dignitatis et summis honoris functus: if the young men had not been killed, they would soon have rivalled their father in dignity. That the young Bibuli had grown up in an erudite and politically ambitious environment may also be inferred from the facts that, in 45 BCE, Bibulus’ son Lucius decided to move to Athens, where he studied with the likes of Messalla Corvinus and the younger Marcus Tullius Cicero (Cic. Att. 12.32.2), and that Horace counts him among his ‘learned friends’ (Hor. Sat. 1.10.86-7). For V’s personal understanding of indoles, see the exemplary evidence in Val. Max. 3.1.

a Gabinianis militibus Aegypti occisos cognovit: There is no conclusive evidence as to why Bibulus’ sons undertook the journey to Egypt in the first place. The most likely scenario appears to be that, in order to bolster their father’s forces for a looming war with the Parthians, they had been sent to recall the soldiers left behind in Alexandria by the former governor of Syria, Aulus Gabinius (MRR 2, 218). In 58 BCE, King Ptolemy XII Auletes (RE 23, 1748-55; BNP 12, 147-8) of Egypt had been forced into exile by the Alexandrines, not least as a result of the substantial payments he had made to Rome to ensure recognition of his kingship (Dio Cass. 39.12.1-3; Dio Chrys. 32.70). With the support of his friend and host Pompey (cf. Dio Cass. 39.14.3), however, Ptolemy had been able to persuade Gabinius to ensure his return to power (Dio Cass. 39.56.3). In 55 BCE, Gabinius restored Ptolemy to the Egyptian throne, leaving him a considerable
number of troops for protection (Caes. B.Civ. 3.110.6; 3.4.4; 3.103.5; Liv. Per. 105; Dio Cass. 39.58.3). For Bibulus, the military force of the Gabiniani may have appeared as a convenient solution to the Parthian threat. After the crushing Roman defeat at Carrhae in 53 BCE, the eastern provinces had been left considerably weakened, with their governors becoming increasingly desperate to enlist reinforcements (cf., e.g., Cic. Att. 5.20.1). However, recalling the Gabinian troops from Egypt would have come with its own challenges. When Caesar arrived in Egypt in 48 BCE, he observed that the Gabinian troops, now under the lead of the Egyptian general Achillas, had been mingling with a melange of criminals, pirates, and runaway slaves (Caes. B.Civ. 3.110.3). It is likely that, estranged from the harsh reality of Roman army drill and having grown accustomed to the comfortable life in late Hellenistic Egypt, as Caesar’s report vividly demonstrates (Caes. B.Civ. 3.110.2: qui iam in consuetudinem Alexandrinae vitae ac licentiae venerant et nomen disciplinamque populi Romani dedidicerant uxoresque duxerant, ex quibus plerique liberos habebant), the Gabiniani would have opposed any attempts by Bibulus’ sons to recall and enlist them for their father’s campaign against the Parthians. It could, therefore, be assumed that it was within this context of ill military discipline and alienation from Rome that the two Calpurnii were killed (see also Gray-Fow 1990: 183).

The hostile feeling towards Rome is also apparent in Seneca, who claims that Bibulus’ sons were not only slain, but first had to suffer ridicule from their ‘Egyptian’ tormentors: duo simul filii interfecti sunt, Aegyptio quidem militi ludibrio habiti (Sen. Dial. 6.14.2). Forced to cope without the support of additional troops, Bibulus ultimately succeeded in inciting dispute amongst the Parthian generals, which led to internal rifts and stopped any Parthian invasion in its tracks (Dio Cass. 40.30.2).

**quorum interfectores ad eum vinctos regina Cleopatra misit:** When Ptolemy XII Auletes died in 51 BCE (cf. Cic. Fam. 8.6.5), he left the reign to his oldest daughter, Cleopatra VII (RE 11, 750-81; BNP 3, 444-5), and his oldest son, Ptolemy XIII (RE 23, 1756-9; BNP 12, 149). According to his will, the two were expected to act as co-regents
(cf. Caes. B.Civ. 3.108.4-6; Luc. Phars. 10.92-9; Dio Cass. 42.35.4), but it is likely that, at least for the first year after the death of her father, Cleopatra technically reigned alone, skilfully keeping her ten-year-old brother and his guardians at bay (see Bingen 2007: 67-8; Ashton 2008: 42; Clauss 2010: 23-4; D.W. Roller 2010: 53). By the end of 50 BCE, however, Ptolemy’s advisors had prevailed and a period of co-regency had been established (see Hölbl 2001: 231-9; Ashton 2008: 42; Clauss 2010: 25). Since V. makes no mention of Ptolemy XIII, he appears to have assumed that Bibulus’ sons were killed while Egypt was ruled by the queen alone.

It cannot be ruled out that, by detaining and extraditing the soldiers who had killed Bibulus’ sons, Cleopatra stirred anger and irritation amongst the remaining Gabiniani, on whose presence her power ultimately rested (see Schäfer 2006: 42-3; Clauss 2010: 25). Her obvious attempt to ingratiate herself with a representative of Roman authority would certainly have displeased some of her subjects (cf. D.W. Roller 2010: 56). In 49 BCE, Cleopatra was ousted by her brother and his influential advisors (see Hölbl 2001: 232; Ashton 2008: 42). It was not before Caesar’s victory over Ptolemy XIII in 47 BCE that she was able to regain power (B.Alex. 33.1-2; Suet. Iul. 35.1; App. B.Civ. 2.90; Dio Cass. 42.44.1).

**ut gravissimae cladis ultionem arbitrio suo exigeret:** In Roman legal discourse, the concept of *ultio*, i.e. the avenging of grievous injury done to oneself or others, did not per se have negative connotations. Thus Cicero, for instance, presented himself as the *ultor* of criminal behaviour (see, e.g., Cic. Div. Caec. 11; Cic. Sull. 85), and Octavian certainly did not reject his epithet of *Caesaris ultor* (see, e.g., Hor. Carm. 1.2.44; RGDA 2; on the institution of the cult of Mars Ultor, see RGDA 21.1). Vengeance was considered righteous as long as the ideals of justice were upheld (cf. RGDA 2: *iudiciis legitimis ultus eorum facinus*) and the revenge was exacted according to the principles of reason and moderation (Cic. Off. 1.34: *est enim ulciscendi et puniendi modus*; Sen. Dial. 4.33.1). In this way, *ultio* was intended to punish an offence already committed, thereby re-
establishing justice according to the natural law of *aequitas* (cf. Cic. *Part. or.* 130), while simultaneously serving as a useful warning for future offenders, both in the interest of the wider community (cf. Cic. *Off.* 1.34; Sen. *Clem.* 1.21.1; Plut. *Mor.* 561c). However, the idea of *ultio* became less acceptable once the avenging party was guided by their emotions, thus leading to unreasonable, unlawful punishment or even violence (cf. Cic. *Mil.* 35). Anger in particular was seen as a major obstacle for the reasonable assessment of a crime and the administration of the appropriate punishment (see, e.g., Cic. *Tusc.* 4.78). In the case of Bibulus, the situation is depicted as even more complex. Not only was Bibulus personally affected by the loss of his sons, with the likelihood of his grief turning into anger and triggering the urge to take excessive revenge (see also commentary below), but, as the phrase *arbitrio suo* suggests, Cleopatra expected Bibulus to avenge his sons’ death in a way and to an extent which he himself considered as satisfying. Guided by his burning anger and encouraged by Cleopatra to punish according to his own (arbitrary) judgement, Bibulus is presented as in grave danger of disregarding any frameworks provided by reason and *utilitas publica*.

The fact that V. explicitly mentions Cleopatra’s personal motive for sending the perpetrators to Syria, namely her wish for Bibulus to take revenge (*ut ... ultionem ... exigeret*), may have been influenced by other rather unfavourable literary representations of the Egyptian queen during the early Principate. Especially the poets of the Augustan age show no restraint in depicting Cleopatra as a morally degraded woman whose total lack of self-control has left her subject to her lowest desires. Propertius, for instance, vividly illustrates her sexual excesses and her striving for power (Prop. 3.11.29-32). Horace, in the aftermath of the Battle of Actium, describes Cleopatra as *impotens* (Hor. *Carm.* 1.37.10), a character trait which, according to V., can only be controlled by *moderatio* (cf. Val. *Max.* 4.1.praef.: *mentes nostras impotentiae et terneritas incursu transversas ferri non patitur*). Furthermore, Cleopatra’s vicious and irrational impulsiveness (cf. Hor. *Carm.* 1.37.12: *furorem*) is presented as a constant danger for Rome (Hor. *Carm.* 1.37.6-8: *Capitolio | regina dementis ruinas | funus et imperio parabat;
Prop. 3.11.31-2: Romana poposcit | moenia). In a similar manner, V's Cleopatra, by almost encouraging Bibulus to satisfy his urge to seek personal revenge, poses a danger to the ideals and values that constitute Roman society in V's eyes. At the same time, however, Bibulus' exemplary self-restraint is further highlighted, as he is able to resist the enormous temptation to take vengeance. On V's understanding of ultiō, see also Murray 2016: 233-8.

at ille ... dolorem moderationi cedere coegit: Seen as a form of pain (dolor, λύπη), the emotion of grief (cf. lugenti below) was generally understood to be directly related to the emotion of anger, as it could trigger the injured party's unreasonable desire to take revenge for the pain suffered (see, e.g., Arist. De an. 403a29-31; Arist. Rh. 1378a31-3; Cic. Tusc. 4.21; Sen. Dial. 3.1.1; 3.3.3; Diog. Laert. 7.113; Stob. 2.91.10 = SVF 3.395). In order to moderate anger and the burning desire for retaliation, it was, therefore, of the highest importance also to be able to control one's pain. Cicero explains that grief could diminish over time (Cic. Tusc. 3.53-4), but this is unlikely to have happened in Bibulus' case, as the Gabiniani were returned to Egypt immediately (e vestigio ad Cleopatram reduci iussit). Instead, Bibulus would have had to find a way of consoling himself, for example through philosophical reasoning (cf., e.g., Cic. Tusc. 3.55-8; 3.77; Sen. Ep. 63; 99). However, V. is extremely vague in his description of the exact processes that would have helped Bibulus not only to gain control over his grief, but to eradicate it entirely (cedere coegit). Given the lack of critical detail, it is possible that V. was not particularly well informed about (or had no serious interest in) the different philosophical approaches regarding the therapy of the emotions. To him, this episode may simply have been one more of the numerous stories Roman tradition had to offer about fathers who, in the interest of the wider community, reacted with equanimity to their sons' deaths (cf. Val. Max. 5.10). What can be said, however, is that, for V., the guiding principle in Bibulus' unusual demonstration of self-restraint appears to have been the concept of justice, as Bibulus is claimed to have referred the case to an in his eyes more appropriate
authority (*dicendo potestatem huius vindictae non suam sed senatus esse debere*). Thus the
*moderatio* displayed by Bibulus appears to have involved a large element of practical
reason, as it attempted to control grief and anger arising from a personal sense of
injustice in the interests of the wider community (cf. the self-control displayed by Fabius
Maximus Cunctator in Sen. *Dial*. 3.11.5: *dolorem ulturemque seposuit in unam
utilitatem et occasiones intentus*).

However, to what extent Bibulus was actually able to control his grief is unclear.
Cicero reports that, despite being afflicted by his personal loss, Bibulus attempted to
attend to his responsibilities as proconsul (*Cic. Att*. 6.5.3: *in tanto maerore suo maximam
curam belli sustineret*). Seneca draws a similar picture, claiming that Bibulus spent less
than a day mourning before resuming his regular duties (*Sen. Dial*. 6.14.2). At the same
time, however, Cicero also states that he was repeatedly approached by Bibulus’ staff and
friends, who were worried about the developments in Syria (*Cic. Att*. 6.5.3). This
circumstance might suggest that Bibulus had difficulties in coping fully with the
situation.

*oblato beneficio quo nullum maius lugenti tribui poterat*: This personal comment by
V. appears to be in line with the popular belief that the direct retaliation for pain or
injury suffered brings with it a certain sense of pleasure. This is precisely the kind of
erroneous belief which Seneca attempts to refute in his dialogue on anger (see *Sen. Dial.*
4.32-3). As the phrase *oblato beneficio* suggests, Bibulus would not have asked Cleopatra
for the extradition of the Gabiniani. It seems more likely that Cleopatra herself decided
to send the culprits to Syria, most likely in hope of a return of the favour (for this self-
interested motive of bestowing a *beneficium*, see *Sen. Ben*. 4.22.3).

*carnificesque sanguinis sui intactos e vestigio ad Cleopatram reduci iussit*: The fact
that Bibulus sent his sons’ killers back to Egypt is only mentioned by V. All other ancient
sources remain silent about the culprits’ fate. Schäfer 2006: 42-3, therefore, questions V’s
version of events, claiming it to be more likely that Bibulus, in his function as proconsul of Syria and (at least in theory) still commander-in-chief of the Gabiniani, did in fact try and punish the murderers himself. In any case, V. presents the climax of his story with conviction and pathos. By using the term *carnifex* ('butcher'), a highly subjective, emotional expression compared to the rather neutral term *interfecto* used above, he attempts to emphasise the extraordinary nature of Bibulus’ control over his own passions. Given the proconsul’s direct personal involvement, which is further accentuated by V.’s reference to Bibulus' own ‘flesh and blood’ (*sanguinis sui*), Bibulus’ decision to return his sons’ killers safely to Egypt serves as a powerful example of an individual’s emotional self-restraint in the interest the wider community, here represented by Roman law and order (see commentary below). As expected from a magistrate with a high degree of individual authority (cf. *iussit*), Bibulus is presented as a man who is in full control of his emotions (*carnifices … intactos*), refusing to abuse his magisterial position and power in his own interest. As V. suggests, Bibulus did not hesitate for a second (*e vestigio*) when making his decision, thus demonstrating how naturally *moderatio* came to him. For Cleopatra, on the other hand, who was keen to remain on good terms with Rome, Bibulus’ reaction would have come as a surprise (D.W. Roller 2010: 56).

dicendo potestatem huius vindictae non suam sed senatus esse debe
t: The reason given by V. for Bibulus’ reaction is rather puzzling, as it should certainly have been within a proconsul’s powers to try and punish soldiers who had killed delegates sent by a Roman official (see also Schäfer 2006: 42-3). If V.’s version of events actually represents the historical facts (on this issue, see commentary above), the most likely explanation for Bibulus’ decision to send the killers back to Egypt could be that Bibulus attempted to use his personal injury to his own advantage. By forcing Cleopatra to send the murderers to Rome and officially apologise to the Senate, Bibulus would have put the Egyptian queen
in her place, while himself gaining credit for his seemingly unselfish action (cf. Schäfer 2006: 43).

4.1. ext. 1

**Tarentinus Archytas:** Archytas of Tarentum (*RE* 2, 600-2; *BNP* 1, 1031-3; Nails 2002: 44-5), active during the late fifth and early fourth centuries BCE, was a distinguished statesman and general (Strab. *Geogr.* 6.3.4: προέστη τῆς πόλεως πολὺν χρόνον; Diog. Laert. 8.79: ἐθαυμάζετο δὲ καὶ παρὰ τοῖς πολλοῖς ἐπὶ πάση ἀρετῇ· καὶ δὴ ἔπτάκες τῶν πολιτῶν ἐστρατήγησε) as well as a well-respected Pythagorean philosopher and mathematician (Strab. *Geogr.* 6.3.4: ἀπεδέξαντο δὲ καὶ τὴν Πυθαγόρειον φιλοσοφίαν, διαφερόντως δ᾽ Ἀρχύτας; Diog. Laert. 8.79: Πυθαγορικὸς καὶ αὐτός; 8.83: οὗτος πρῶτος τὰ μηχανικὰ ταῖς μαθηματικαῖς προσχρησάμενος ἀρχαῖς μεθώδευσε). His life and philosophy appear to have been the subject of several ancient monographs, including a biography by the Tarentine Aristoxenus (cited at Diog. Laert. 8.79) and a treatise in three books by Aristotle (cf. *DK* 47 A13). At Rome, Archytas’ fame appears to have been at its height during the first centuries BCE and CE, perhaps also as a result of his role in establishing southern Italy as the home of Pythagorean philosophy, and thus in establishing the existence of a type of philosophy native to Italy (thus also Huffman 2005: 21; on Pythagoreanism in Rome around the turn of the common era, see Flinterman 2014). In the few surviving ancient characterisations, Archytas is usually praised for his mild nature (cf., e.g., Ael. *VH* 12.15; Ath. 12.519b) and his moral restraint (cf., e.g., Cic. *Sen.* 39-41). In particular his decision not to punish in anger, which is also the topic of this exemplum, was well known (see Cic. *Rep.* 1.59; *Tusc.* 4.78; Diod. *Sic.* 10.7.4; Plut. *Mor.* 10d, 551a; Lactant. *De ira Dei* 18.4; Iambl. *VP* 197; Jer. *Ep.* 79.9). Archytas is mentioned on only one other occasion in the *Facta et dicta memorabilia*, a passage in which he is said to have introduced Plato to the doctrines of Pythagorean
The demonymic adjective *Tarentinus* here serves as the only intra-textual clue to indicate that the transition from Roman to external *exempla*, foreshadowed by V. at the beginning of the previous *exemplum* (cf. Val. Max. 4.1.15: *ad externa iam mihi exempla transire conanti*), has taken place. As the external *exempla* in 4.1 are for the most part sequenced in order of their increasing geographical distance from Rome (see also Introduction, p. 36), the Italiote city of Tarentum appears to be a reasonable (since geographically rather close) starting point for V.'s excursus into non-Roman *moderatio*.

**dum se Pythagorae praeceptis Metaponti penitus immergit**: V. claims that Archytas had left Tarentum to study the precepts of the Pythagorean doctrine in Metapontum, but this might be nothing more than informed conjecture, based on Metapontum's reputation as a centre of Pythagoreanism (cf., e.g., Cic. *Fin*. 5.4; Liv. 1.18.2; Val. Max. 8.7.ext.2; Plut. *Mor*. 583a; Iambl. *VP* 170). Cicero (*De or.* 3.139) suggests that Archytas had been a student of Philolaus, the first Pythagorean to write down some of the Pythagorean doctrines (see Diog. Laert. 8.15). Philolaus appears to have been forced to leave his native Croton following the second burning of the local Pythagorean meeting place in 454 BCE (see Huffman 1993: 2-3) and may initially have found refuge in Metapontum, although no truly convincing evidence of his presence there exists. Only Plutarch (*Mor*. 583a) directly places Philolaus in Metapontum, alleging that he, together with the Pythagorean Lysis, had to flee from the city. However, this story might be a fabrication on the basis of Aristoxenus' narrative of the escape made by Archippus and Lysis from Croton (cf. Iambl. *VP* 249-50; see also Huffman 1993: 2-3). It does not seem impossible either that Philolaus settled in Tarentum instead (note, e.g., that Diog. Laert. 8.46 seems to connect Philolaus with Tarentum: Φιλολάου καὶ Εὐρύτου τῶν Ταραντίων; similarly Iambl. *VP* 267: ἐν Τάραντι δὲ Ἀρχύταν; cf. also Huffman 1993: 6), where he may have found a willing pupil in Archytas. At some point before 399 BCE,
Philolaus even appears to have taught at Thebes in mainland Greece (cf. Pl. *Phd.* 61e), but it seems more likely that Archytas would have crossed paths with him in Magna Graecia. V’s account here may be modelled on the description of the travels undertaken by Plato (the protagonist of the immediately following and intrinsically related *exemplum* 4.1.ext.2) at Cic. *Rep.* 1.16: *se ... Pythagoreis ... studiis ... dedisse* (for V’s use of the same passage in reference to Plato, see Val. *Max.* 8.7.ext.3: *ab Archyta Tarenti ... Pythagorae praecepta et instituta acciperet*).

**magno labore longoque tempore solidum opus doctrinae complexus**: V. seeks to emphasise the point that Archytas had made a great effort in his attempt to develop a thorough understanding of the Pythagorean doctrine. The ancient fragments and testimonials show Archytas as an astute mathematician (see, e.g., DK 47 A14) and a keen scholar of the physical sciences, in particular in the field of harmonic proportion (see, e.g., DK 47 A16). His exact views on ethics (and his thoughts about the virtue of self-restraint in particular) are difficult to determine, as little of his work in this field has survived. A book with the title *Περὶ μαθημάτων* (see DK 47 B3) appears to have been an attempt to demonstrate the value of calculation (*λογισμός*) for human life and the establishment of a just state (for a discussion of the evidence, see Huffman 2005: 182-224). Another work, entitled *Διατριβα* (see DK 47 B4), seems to have highlighted the superiority of number theory (*λογιστικά*) over all other sciences, which may suggest a treatise on mathematics, but the book’s title could also hint at an ethical discourse (see Huffman 2005: 225-52). The authenticity of a work on law and justice (*Περὶ νόμων καὶ δικαιοσύνης*) is disputed (on the discussion, see most recently Huffman 2005: 599-606; Johnson 2008: 194-8; Schofield 2014: 82-5); the treatises *Περὶ ἀνδρὸς ἀγαθοῦ καὶ ἐνδαίμονος* and *Περὶ παιδεύσεως ἡθικής* are almost certainly spurious (see Huffman 2005: 599, 606-8; both texts can be found, with commentary, in Centrone 1990). V’s mention of the *solidum opus doctrinae* may be a reference to the extensive catalogue of *ἀκούσματα* or *σύμβολα*, maxims which were supposed to guide a Pythagorean’s life (see Burkert 1962: 150-75; Zhmud 1997: 77-8). Given Archytas’ scientific approach to
philosophy, however, it seems far more likely that he would have identified himself as a μαθηματικός rather than an ἀκουσματικός (on this distinction, see Burkert 1962: 187-202; 1972: 192-208; Zhmud 1997: 93-104; for Archytas as a μαθηματικός, see Burkert 1962: 192).

postquam in patriam revertit ac rura sua revisere coepit: Having elaborated to some degree on the fact that Archytas had immersed himself thoroughly in the Pythagorean doctrine, V. provides rather little information about the situational context of the exemplum itself. He seems to suggest that Archytas had just returned home from his extensive philosophical studies, which, as V. states, had taken place in Metapontum. Other sources, however, claim that Archytas had returned to Tarentum from a military campaign against the neighbouring Messapians (see Plut. Mor. 10d; Iambl. VP 197), when he happened to find his farm in a state of total neglect. Rather than highlighting the more violent side of Archytas' character, V. appears to be intent on representing him as a learned man and philosopher.

animadvertit neglegentia vilici corrupta et perdita: Cf. Cic. Rep. 1.59: omnia aliter offendisset ac iussaret; Plut. Mor. 10d: τὴν γῆν καταλαβὼν κεχερσωμένην; Plut. Mor. 551b: οίκετῶν των πλημμέλειαν ἐν ἀγρῷ καὶ ἀταξίαν καταμαθών; Iambl. VP 197: ός οἰκετῶν τε ἐπίτροπον καὶ τῶν ἀλλών οἰκέτων ἐν ἀγρῷ καὶ ἀταξίαν καταμαθών. In contrast to Cicero's rational description of the situation, V. offers a far more emotional account, perhaps aimed at making condonable the natural urge to see the negligent farm manager punished and thus creating the stage for Archytas' exemplary response. It is likely that the slave's negligence would have caused offence at two levels. On one hand, there was the potential financial damage of a mismanaged farm (cf. Plut. Mor. 10d), but, as Cicero's version (Rep. 1.59) suggests, a distinguished citizen like Archytas may have been just as irate about the fact that his explicit orders had been disobeyed and his
authority thus damaged. The adjectives corruptus (cf. TLL 4.1059.56-1060.7; OLD s.v. 3b) and perditus (cf. TLL 10.1.1275.64-1276.72; OLD s.v. 4b) clearly give the impression that the slave's attitude and conduct were considered as seditious and morally deprived.

intuensque male meritum ‘sumpsissem’ inquit ‘a te supplicium, nisi tibi iratus essem’:
V. appears to be following Cic Rep. 1.59, where Archytas is quoted with a similar statement: ‘a te infeliciem inquit vilico ‘quem necassem iam verberibus, nisi iratus essem’. However, while the a te in Cicero’s version clearly functions as an interjection (cf. Lactant. De ira Dei 18.4: ‘miserum te’ inquit ‘quem iam verberibus necassem, nisi iratus essem’; on the rarity of the poetic interjection a(h) in prose texts, see TLL 1.1441.41-7), V. here uses the same words as a prepositional expression (for supplicium sumere ab, see also Val. Max. 5.1.ext.2: ut ab eo capitale supplicium sumeret). Archytas’ alleged utterance may initially have been quoted in indirect speech (cf. Iambl. VP 197: εἶπεν, ὡς ἔοικε, πρὸς τοὺς οἰκέτας, ὅτι εὐτυχοῦσιν, ὅτι αὐτοῖς ὤργισται; on Aristoxenus as the probable source for this passage, see Huffman 2005: 288), a circumstance which might help explain the obvious differences between the various (reconstructed) verbatim versions found in later authors (in addition to Cic Rep. 1.59, see also Cic. Tusc. 4.78: ‘Quo te modo’ inquit ‘accepissem, nisi iratus essem’; Plut. Mor. 10d: ‘ὁμωξας ἄν’ ἐφησεν ‘εἰ μὴ λίαν ὀργιζόμην’; Plut. Mor. 551b: ‘εὐτυχεῖτε’ ἐπεν ὅτι ὄργιζομαι ὑμᾶν’; the versions preserved at Lactant. De ira Dei 18.4 and Jer. Ep. 79.9 go back to Cic. Rep. 1.59).

V’s use of the term male meritus (for male mereri, see TLL 8.809.8-25; OLD s.v. merere/mereri 6a) reiterates the fact that the vilicus had committed a serious offence (cf. above: negligentia ... corrupta et perdita) and would hence have been deserving of punishment. The idea of ensuring servile obedience and deterring misconduct through the use (or mere threat) of force was deeply engrained in Greek and Roman culture (cf., e.g., Xen. Mem. 2.1.16-7; Cic. Off. 2.24: sed iis, qui vi oppressos imperio coercent, sit sane adhibenda saevitia, ut eris in famulos, si aliter teneri non possunt; Ath. 6.265a; on punitive violence against slaves in Classical Greece, see also Hunt 2016: 138-43; for Rome, see
The administering of physical punishment was seen as every slave-owner’s undisputed right, and there were practically no limits to it (see Bradley 1984: 118; Hunt 2016: 152; Lenski 2016: 275; cf. Sen. Clem. 1.18.2: *in servum omnia liceant*; note that V’s *sumphissem … a te supplicium* here may need to be read as ‘I would have put you to death’ (cf. OLD s.v. 4b) rather than ‘I would have chastised you’, as the comparison with Cic. Rep. 1.59 (*quem necassem iam verberibus*) suggests). While some ancient voices were critical of extreme physical violence towards slaves (see, e.g., Pl. Leg. 776b–778a; Xen. Oec. 13.1-13; Sen. Dial. 5.40.1-5; Clem. 1.18.1; Ep. 47.11, 17-19), there is no evidence that a slave-owner’s authority to punish his slaves was ever questioned in general. Slaves who acted contrary to their owners’ instructions, such as, for instance, Archytas’ irresponsible farm manager, had to expect serious consequences, with punishments often clearly out of proportion to the severity of the offence (see Bradley 1984: 122).

Archytas’ decision not to punish his negligent farm manager at once is explained with his realisation that he was too angry (*iratus*) to judge rationally whether his reaction was appropriate (cf. Cic. Rep. 1.60: *Archytas iracundiam videlicet dissidentem a ratione seditionem quandam animi vere ducebatur, atque eam consilio sedari volebat*; on the temporary insanity caused by anger, see also Cic. Tusc. 4.77: *ira vero quae quam diu perturbat animum dubitationem insaniae non habet*; cf. Sen. Dial. 3.18.1: *ira festinat*). This stance indeed appears to have been in accordance with the doctrine of the Pythagoreans, who were supposed to refrain from any form of punishment while their judgement was clouded by anger and to wait until their reason had been restored (see, e.g., Diog. Laert. 8.20: ὄργιζόμενος τ᾽ οὔτε οἰκέτην ἐκόλαξεν οὔτ᾽ ἐλεύθερον οὐδένα; Iambl. VP 197: λέγεται δὲ καὶ τάδε περὶ τῶν Πυθαγορείων, ὡς οὔτε οἰκέτην ἐκόλαξεν οὐθεὶς αὐτῶν ὑπὸ ὀργῆς ἐχόμενος οὔτε τῶν ἐλευθέρων ἐνουθέτησε τινα, ἀλλὰ ἀνέμενεν ἕκαστος τὴν τῆς διανοίας ἀποκατάστασιν). However, the same anecdote was also told about non-Pythagoreans, such as, e.g., Socrates (see Sen. Dial. 3.15.3: *caederem te, nisi irascerer*) and Plato (see Diog. Laert. 3.39). Furthermore, that Archytas’ restraint was not
merely temporary, as prescribed by Pythagorean teaching, but in fact total becomes clear in the following sentence. On V's treatment of ira as a vice, see also Murray 2016: 128-32.

**maluit enim impunitum dimittere quam propter iram iusto gravius punire:** Perizonius reads *maluit eum impunitum dimittere*, but there seems to be no compelling reason to doubt the reading *enim* (preserved in all three of the oldest manuscripts), which introduces V's concluding explanation of Archytas' extraordinary reaction ('For he …'). The fact that Archytas let his farm manager go without any form of punishment (cf. *maluit … impunitum dimittere*), even though sanctions would have been justified (for the nominalised adjective *iustum*, cf. *TLL* 7.2.721.66-722.3; OLD s.v. 1a, 4b), is what makes this *exemplum* so memorable (Huffman 2005: 288). At the same time, however, Archytas' reaction appears extreme in that it deliberately (and hastily) forfeited what would have been just, namely an appropriately measured amount of punishment where wrong had been done (cf. Sen. *Clem*. 2.7.1: *sapiens … poenam quam exigere debet non donat*; *Dial*. 3.15.1: *corridendus est itaque qui peccat et admonitione et vi, et molliter et aspere, … sed sine ira*), especially since, according to Pythagorean doctrine, the correct measure of punishment would have been determinable after a period of silence and contemplation (Iambl. *VP* 197: ἐποιοῦντο γὰρ τὴν ἀναμονὴν σιωπῇ χρώμενοι καὶ ἡσυχίᾳ; cf. Iambl. *VP* 198, where the Pythagorean Cleinias is reported to have put off all punishment until his capacity for rational thought was restored; similarly Sen. *Dial*. 3.15.3; see also Huffman 2005: 289). It may be for this reason that V. marks Archytas' *moderatio* as ‘overly generous’ (cf. 4.1.2: *nimis liberalis Archytæ moderatio*). For an example of Archytas' moderation (*σωφροσύνη*) in a different context, see Ael. *VH* 14.19.

On the impact of anger and anger control on the relationship between slave-owners and slaves, see also Harris 2001: 317-36.
nimis liberalis Archytae moderatio, temperator Platonis: V. seems to be anticipating Lactantius’ criticism concerning Archytas’ decision not to punish his negligent farm manager at all (cf. De ira Dei 18.4: unicum hoc exemplum temperantiae putant, sed auctoritate duci non vident quam inepta et locutus fuerit et fecerit). While agreeing with the view that only punishment by a non-angry master was appropriate, Lactantius also makes it clear that it was morally wrong to let a misbehaving slave go unpunished entirely, as such an overly lenient treatment encouraged other mischievous slaves to attempt to enrage their master even further in order to escape punishment (cf. De ira Dei 18.4: non peccabunt utique leviter, ne verberentur, sed quantum poterunt gravissime, ut stomachum perversi hominis incitent atque impune discedant). Whether V. was equally concerned that Archytas had set a dangerous precedent for any future dealings with his slaves is difficult to determine (his surprise at the display of fidelity by slaves towards their masters in Val. Max. 6.8.praef. seems to hint at a generally rather negative opinion about slaves and their character), but it becomes clear that he considered the Tarentine’s decision to pardon where punishment was deserved and necessary as ‘too generous’ (nimis liberalis). For the purpose of comparison, Archytas’ moderatio is therefore contrasted with that displayed by Plato, which, in V’s eyes, represented a far more controlled (for temperatus, cf. OLD s.v. 3) form of self-restraint.

V. is the oldest extant source for the anecdote about Plato’s decision to have someone else punish a slave on his behalf. The deliberate juxtaposition of Archytas and Plato (also found at Plut. Mor. 10d) may, to some extent, have been due to the personal connection between the two men. Archytas and Plato had first met in 388 or 387 BCE, during the latter’s visit to southern Italy and Sicily following the death of Socrates (see Cic. Rep. 1.16; cf. Diog. Laert. 3.6). There is conflicting evidence as to the exact nature of the relationship between both men, with some sources suggesting that Plato at some stage became a pupil of Archytas (see, e.g., Cic. Rep. 1.16), while others name Archytas as
a pupil of Plato (see, e.g., [Dem.] Erot. 46). Although V. seems to believe that Plato had come to Italy to study under Archytas (cf. Val. Max. 8.7.ext.3: ab Archyta Tarenti ... Pythagorae praecepta et instituta acciperet), it might perhaps be more reasonable to assume a bond of guest-friendship (ξενία) between the two, as indicated by Plato himself (cf. Ep. 7.339e, 350a; see also Schofield 2014: 72-3). The moral obligation connected with such a friendship would also help explain Archytas’ sending of a ship to enable Plato’s escape from Syracuse in 361 BCE (see Pl. Ep. 7.350a; cf. Diog. Laert. 8.79). There seems to be no compelling reason to believe that, despite disagreeing with Archytas on philosophical matters, Plato could not still have valued the Pythagorean as a fellow scientific scholar (thus also Huffman 2005: 41-2).

In the Facta et dicta memorabilia, Plato (RE 20, 2342-2537; BNP 11, 338-52) first of all exemplifies wisdom and learning (1.6.ext.3; 5.10.ext.2; 7.2.ext.4; 8.7.ext.3: omnium iam mortalium sapientissimus), but also respect for the knowledge and skills of others (8.12.ext.1). A reference at 1.8.ext.1 (cf. Plato scribit) seems to suggest that V. was familiar with Plato’s Republic, but it is also possible that V. had found his material in the works of a different author (cf. Wardle 1998: 270, who suggests Cicero). On Plato generally, see Platthy 1990, for his relationship with Archytas, see Huffman 2005: 32-42).

nam cum adversus delictum servi vehementius exarsisset: Cf. Sen. Dial. 5.12.6: ob peccatum quoddam commotior; Plut. Mor. 10d: δούλῳ λίχνῳ καὶ βδελυρῷ θυμωθείς. In contrast to the previous exemplum (cf. 4.1.ext.1: animadvertit neglegentia vilici corrupta et perdita), here the slave’s misconduct is not specified further, but the term delictum (cf. TLL 5.1.460.48-461.15; OLD s.v. 1a) makes is sufficiently clear that he had fallen short of the expected standard of conduct and had thus offended his master, which on its own would have been enough to convince V’s Roman readers that punitive measures were required. Much emphasis is placed on Plato’s extraordinarily passionate response. Interestingly, V. seems to take no issue with the fact that Plato was ‘burning fiercely’ with anger (for exardescere in relation to anger, see TLL 5.2.1180.40-68; OLD s.v. 3a), that is
that he had allowed himself to become overcome by (irrational) emotion. For V, it appears to have been more important that, despite his burning anger, Plato was able to restrain himself from taking immediate punitive action. For the underlying causal notion of adversus, cf. TLL s.v. 1.853.8-14.

**veritus ne ipse vindictae modum discipere non posset:** Cf. Val. Max. 4.1.ext.1: *quam propter iram iusto gravius punire*. Plato does not appear to have have had the slightest doubt that punishment, here perhaps best understood as a retribution for a wrong caused (for vindicta, cf. OLD s.v. 2), was necessary (on the punishment of slaves in antiquity, see commentary on Val. Max. 4.1.ext.1; for Plato’s views on punishment, see Mackenzie 1981; Saunders 1991). V’s use of vereri (cf. OLD s.v. 5a), however, suggests that he assumed that Plato was experiencing traces of *verecundia*, a sentiment which has been described as ‘a fully embodied worry about mishandling … a specific interpersonal transaction’ as well as ‘a form of fearful self-consciousness’ (Kaster 2005: 16). Plato appears to have been aware of the fact that his anger had rendered him unable to determine the degree of punishment deserved (cf. Diog. Laert. 3.38: *αὐτὸν γὰρ μὴ δύνασθαι διὰ τὸ ὠργίσθαι*), thereby preventing him from responding appropriately to the slave’s wrongdoing. The question that poses itself is: whom did Plato fear to offend by overstepping the bounds of appropriate punishment? Given the general attitude towards slaves in antiquity (see commentary above, pp. 197-8), it may go too far to assume that he would have been concerned about his negligent slave’s well-being or dignity. Instead, a man of his standing would either have been worried about being perceived as a man who lacked emotional restraint or have wished to avoid the feeling of being ashamed of himself. The concluding statement offered by V. (see below: *deforme sibi futurum existimans si commisisset ut parem reprehensionem culpa servi et animadversio Platonis meretur*) may suggest a combination of both intrinsic (cf. *deforme sibi futurum existimans*) and extrinsic (cf. *si commisisset ut … reprehensionem … animadversio Platonis meretur*) motives. That the concept of *moderatio* was inextricably linked with
a certain *modus*, an ‘appropriate and acceptable amount’ which it was unwise and often improper to disregard (cf. TLL 8.1261.83-1263.6; OLD s.v. 4a, b; for the notion of *modus* in ethical deliberation, see Scheidle 1993: 173-202), is also highlighted in other *exempla* (cf., e.g., 4.1.1: *ad tolerabilem habitum deduxit*; 4.1.ext.9: *modicis regni terminis uteretur*).

**Speusippo amico castigationis arbitrium mandavit**: Speusippus (RE 3A, 1636-69; BNP 13, 727-30; Nails 2002: 271-2), who went on to become the head of the Academy, was not only a friend and follower of Plato (the term *amicus* here appears to have a similarly broad meaning as the Greek *hetairos*) but also his nephew (see Plut. Mor. 10d: τὸν τῆς ἀδελφῆς υἱὸν Σπεύσιππον; Diog. Laert. 4.1: νῦν δὲ τῆς ἀδελφῆς αὐτοῦ Πωτώνης). While Seneca (Dial. 3.12.6) and Plutarch (Mor. 10d, 1108a) confirm that Plato asked Speusippus to administer the punishment on his behalf, all of the later sources (for a full list, see Swift Riginos 1976: 155) claim that he turned to his pupil Xenocrates (on whom, see commentary below) instead. Seneca and Plutarch both provide alleged verbatim versions of Plato’s request, which, in similar fashion to Archytas’ mindful remark at Val. Max. 4.1.ext.1 (‘sumpsissem’ inquit ‘a te supplicium, nisi tibi iratus essem’), emphasise Plato’s general awareness of this angry state (see Sen. Dial. 5.12.6: ‘tu’ inquit ‘Speusippe servulum istum verberibus obiurga, nam ego irascor; Plut. Mor. 10d: ‘τοῦτον ἔφησεν ἀπελθών ἐκρότησον: ἐγὼ γὰρ πάνω θυμοῦμαι’; cf. Plut. Mor. 1108a). The term *arbitrium* (cf. TLL 2.412.33-67; OLD s.v. 4) is therefore to be understood as the liberty to make an authoritative judgement on the appropriate amount of punishment (cf. above: *vindictae modum*), a decision which, as the passage suggests, only an emotionally calm person should have. V. would almost certainly have been aware of the fact that Roman slave-owners could pay for the service of having their slaves punished by a (not necessarily restrained) ‘specialist’ (cf. AE 1971, 88). It is to be assumed, however, that, even in this case, the degree of punishment the slave was supposed to receive was still to be determined by the slave-owner.
According to a similar anecdote, Plato had already ordered his slave to take off his shirt and ready himself for a beating, when he realised that he had allowed himself to be overcome by anger. He is said, therefore, to have halted and stood still, with his hand raised above his head, in order to punish himself for his mistake (see Sen. Dial. 5.12.5: ‘exigo inquit poenas ab homine iracundo’; Plut. Mor. 551b; for further references, see Swift Riginos 1976: 155-6). While V’s exemplum is intended to highlight the enormous restraint shown by Plato, the second anecdote appears to shift the focus on the correction of the person who has become angry (thus also Huffman 2005: 289).

deforme sibi futurum existimans si commisisset ut parem reprehensionem culpa servi et animadversio Platonis meretur: V. concludes his first exemplary anecdote regarding Plato’s moderation by providing his readers with an explanation for Plato’s decision to entrust Speusippus with the administration of his slave’s castigation. Because of his anger, so V. claims, Plato considered any personal involvement in the punishment of the offender (for animadversio, cf. TLL 2.73.74-74.22; OLD s.v. 3) as just as reprehensible as the offence itself (for culpa, cf. TLL 4.1297.6-16; OLD s.v. 3). In other words, V. presents Plato as a man who is aware of his own exemplarity. That Plato deemed the act of punishing in anger as shameful and degrading (for deformis, cf. TLL 5.1.369.24-35; OLD s.v. 4), a claim repeated by Seneca (Dial. 5.12.6: gestum ... deformem sapienti viro), may go back to Plato himself, who connects the cruel treatment of slaves with the uneducated man (cf. Rep. 8.548e-549a). Cf. also Isoc. 1.21: ἐὰν αἰσχρὸν ὑπολάβῃς τῶν μὲν οἰκετῶν ἄρχειν ταῖς δ’ ἡδοναῖς δουλεύειν.

4.1.ext.2(b)

quo minus miror quod in Xenocrate discipulo suo tam constanter moderatus fuit: V. indicates his intent to continue with a second anecdote about Plato’s moderatio, this time
displayed towards his student Xenocrates (for the phrase *moderatus esse in aliquo*, a *hapax legomenon*, cf. *TLL* 8.1217.45). Originally from Chalcedon, Xenocrates (*RE* 9A, 1512-28; *BNP* 15, 807-10) was still at a young age when he became a student of Plato’s (see Diog. Laert. 4.6: ἐκ νέου Πλάτωνος ἤκουσεν). He appears to have developed a close relationship with his teacher (cf. Diog. Laert. 4.6-11), accompanying him on at least one of his journeys to Italy (Diog. Laert. 4.6). If Aelian (*VH* 3.19) is to be believed, he may also have played a role in Aristotle’s break with Plato. After Speusippus’ death in 339/8 BCE, he was chosen as head of the Platonic Academy, an office he held until his death 25 years later (Diog. Laert. 4.14). Throughout the *Facta et dicta memorabilia*, Xenocrates is presented as a wise man of immaculate character (cf. 2.10.ext.2: *Xenocratis sapientia pariter ac sanctitate claro*) as well as a paragon of modesty and self-restraint (cf. 4.3.ext.3; 6.9.ext.1; 7.2.ext.6). Through his use of the adverb *constanter*, V. suggests that Plato’s display of *moderatio* towards his student was directly linked to his *constantia*, the willingness to vigorously defend what he had identified as right and proper (cf. V’s definition of *constantia* at 3.8.praef.: *natura enim sic comparatum est ut quisquis se aliquid ordine et recte mente complexum confidit, …, si obtrectetur, acriter tueatur*).

*audierat eum de se multa impie locutum; sineulla cunctatione criminationem respuit:* As the only extant source for this anecdote, V. provides fairly little information about the nature of Xenocrates’ alleged defamation. Given Xenocrates’ reputation for moderation and considerateness in speaking (cf. Val. Max. 7.2.ext.6), however, it is not surprising that Plato immediately (cf. *sineulla cunctatione*) dismissed the accusations made against his pupil. There can be little doubt that, among V’s early imperial readership, the phrase *multa impie locutum* would have evoked memories of the *crimen maiestatis*, one aspect of which was the charge of *impietas in principem* (see, e.g., Tac. *Ann.* 6.47.2; for a discussion of the charge of *impietas* during the first century CE, see Bauman 1974). There also is evidence to suggest that, at least during the early years of his reign, Tiberius, like Plato in the present *exemplum*, refused to prosecute charges of
defamation on his own account, thereby following his precept that ‘in a free society, minds and tongues need to be free’ (Suet. Tib. 28: in civitate libera linguam mentemque liberas esse debere; according to Suet. Aug. 51.3, Tiberius had been advised in this matter by Augustus). In 15 CE, for instance, Granius Marcellus, the governor of Bithynia, was falsely accused of having spoken unfavourably about Tiberius (see Tac. Ann. 1.74.3: Marcellum insimulabat sinistros de Tiberio sermones habuisse) but acquitted at Tiberius’ instance (for a discussion of the case, see Rogers 1935: 9-10). On Tiberius’ (initial) moderation in cases of alleged defamation, see also Dio Cass. 57.9.2-3; cf. Sen. Clem. 1.1.6.

**Instabat certo voltu index causam quaerens cur sibi fides non haberetur**: V. portrays the anonymous informer as rather persistent (cf. instabat ... causam quaerens) and confident (cf. certo voltu). That the accusations against Xenocrates were made in an attempt to satisfy personal motives appears to be assumed by V. (cf. below: inimicitias serentis malignitas). In any case, V’s elaboration on the informer’s insistence is intended to increase the admiration for Plato’s unreserved faith in his pupil and his determination to dismiss all allegations as baseless. V’s readers would almost certainly have been reminded of the infamous delatores who, by acting as informers, sought to gain personal advantages (cf. Tac. Ann. 1.74.1-2, 4.36.3, 4.66.1). For index, cf. TLL 7.1.1141.79-1142.53; OLD s.v. 1b.

**Adiecit non esse credibile ut quem tantopere amaret, ab eo invicem non diligeretur**: Plato’s response suggests that he had considered the validity of the accusation but come to the conclusion that the allegations were not to be trusted (cf. non esse credibile). V. claims that Plato simply could not bring himself to think that a man whom he had shown so much love would not love him in return. Plato’s reasoning here might be an elaboration on the observation made at Pl. Lys. 212d: οὐκ ἄρα ἐστὶ φίλον τῷ φιλοῦντι οὐδὲν μὴ οὐκ ἀντιφιλοῦν. In this passage, Plato has Socrates suggest that a true bond of
friendship between two men can only exist if both friends love each other. Since Plato seems to be assuming that Xenocrates loved him just as much as he loved Xenocrates, his statement here could be read as evidence that he interpreted his relationship with Xenocrates as true friendship. That true friends would never slander one another appears to be an undisputed presupposition. The high regard in which Plato seems to have held Xenocrates is also evident in the fact that he appears to have altered his will in order to ensure that his student would be buried next to him in the Academy (cf. Ps.-Socr. Ep. 32 (633 Hercher); see also Swift Riginos 1976: 137 n.60). For Xenocrates' loyalty towards his teacher, see Ael. VH 3.19 and Diog. Laert. 4.11 (both passages are also discussed by Swift Riginos 1976: 138).

postremo, cum ad ius iurandum inimicitias serentis malignitas confugisset, ne de periurio eius disputaret, adfirmavit nunquam Xenocratem illa dicturum fuisse, nisi ea dici expedire sibi iudicasset: V. does everything to ensure that his readers are aware of the accuser’s malicious intent (cf. malignitas). As the situation is presented, the informer wished to stir enmity between Plato and Xenocrates, presumably either for a personal gain or out of hostility towards Xenocrates (the phrase *inimicitias serere* is only attested here: cf. *TLL* 7.1.1622.40; on the Roman understanding of the term *inimicitiae*, see Epstein 1987). To convince Plato that his allegations were true, he even resorted to swearing an oath, thus invoking the gods as witnesses. Unwilling to react to what he considered an obvious case of perjury, Plato stated that, even if Xenocrates had shown himself critical of him in public, this would only have happened because Xenocrates had had his, Plato’s, interest at heart. Plato’s response, which is once more meant to demonstrate his enormous trust in his pupil and friend, is not recorded anywhere else, but Aelian tells a similar story in which the roles of Plato and Xenocrates seem to be exchanged for each other. According to Aelian (*VH* 14.9), Plato had been teasing Xenocrates for his apparent lack of grace (for the teasing, cf. also Plut. *Mar.* 2.3; *Mor.* 141f, 769d; Diog. Laert. 4.6). Instead of becoming angry at the remarks, however,
Xenocrates merely observed that everything Plato had said should be considered as helpful advice: ἀλλὰ τὸῦτο ἐμοὶ συμφέρει (Ael. VH 14.9). The ideas discussed here also seem to have had a place within the philosophical discussions of friendship and παρρησία, following a line of thought that true friends distinguished themselves by speaking plainly about one's faults, unlike the false-friend flatterers, who never truly gave voice to criticisms (cf. Phld. Lib. dic. cols. Xb, XIb, XIXb (Konstan); Plut. Mor. 51c, 61d, 64c, 73d, 74d; on frank speech as a sign of good will, if not as a duty, amongst friends, see also Glad 1996: 31-2; Konstan 1996: 10; cf. Fürst 1996: 133-4). Of course, the intent, context, and emotional range of the friend’s criticism were important: amongst other things, a friend did not lash out in anger and a friend delivered criticism in a way that encouraged its reception rather than simply as a rebuke (cf. Phld. Lib. dic. col. XVIIb (Konstan); Plut. Mor. 59d, 66b, 66e, 71a, 74d). For dicturum fuisse, see MBS 645-6.

non in corpore mortali sed in arce caelesti, et quidem armatum, animum eius vitae stationem putes peregisse, humanorum vitiorum incursus a se invicta pugna repellentem, cunctosque virtutis numeros altitudinis suae sinu clausos custodientem: V. concludes the exemplum with a particularly enthusiastic statement, in which Plato’s mind is likened to a heavenly citadel, whose fortified bastions enable him to ward off all mortal desires and to defend the virtues sheltering within its inner bailey. Although the motif of the ‘citadel of reason’ goes back to Plato himself (cf. Rep. 560b; Ti. 70A; Cic. Tusc. 1.20), V’s impressive image of the mind as an impenetrable fortress appears to share greater similarities with the Stoic representations found in the works of Seneca (Dial. 2.6.8), Epictetus (cf. Arr. Epict. diss. 4.86), and Marcus Aurelius (Med. 8.48; cf. Hadot 1998: 101-27), who all use very similar imagery in their discussions of the mind’s rational control over the passions. The parallelism humanorum vitiorum incursus … repellentem, cunctosque virtutis numeros … custodientem here could be read as an implicit reference to Tiberius (cf. Val. Max. 1.praef.: Caesar, …, cuius caelesti providentia virtutes … benignissime foventur, vitia severissime vindicantur), who, like Plato, had
demonstrated his exemplary *moderatio* by refusing to pursue defamation charges (see commentary above).

4.1.*ext.3*

*necquaquam Platonii litterarum commendatione par Syracusanus Dio, sed quod ad praestandum moderationem attinuit, vehementioris experimenti:* Dion of Syracuse (*RE* 5, 834-46; *BNP* 4, 465-6; Nails 2002: 129-32) was the brother-in-law and confidant of the Syracusan tyrant Dionysius I (*RE* 5, 834-46; *BNP* 4, 471-4; Nails 2002: 132-5). In the extant ancient sources, he is generally represented as a noble and virtuous character (cf. Diod. Sic. 16.6: ἀνὴρ ἐν φιλοσοφίᾳ μεγάλην ἔχων προκοπὴν καὶ κατʼ ἀνδρείαν καὶ στρατηγίαν πολὺ προέχων τῶν κατ’ αὐτὸν Συρακοσίων; Nep. *Dion* 1.2: *praeter nobilem propinquitatem generousamque maiorum famam multa alia ab natura habuit bona, in his ingenium docile, come, aptum ad artes optimas*; Plut. *Dion* 17.6: ὡν δὲ καὶ πρότερον ὑψηλὸς τῷ ἤθει καὶ μεγαλόφρων καὶ ἀνδρώδης, ἐτι μᾶλλον ἐπέδωκε πρὸς ταῦτα θείᾳ τινὶ τύχῃ Πλάτωνος εἰς Σικελίαν παραβαλόντος) and thus clearly an exception at an otherwise excessive and overindulgent court (cf. Pl. *Ep.* 7.326b-d; Plut. *Dion* 4.6). Dion met Plato during the latter's first visit to Sicily, and the two men became friends (cf. Pl. *Ep.* 7.324a, 327a, 334b; Nep. *Dion* 2.2-3; Plut. *Dion* 4.4-6), a relationship which was to last for almost thirty years. Upon the death of Dionysius I, Dion invited Plato back to Syracuse (cf. Pl. *Ep.* 7.327c-d; Nep. *Dion* 3.1; Plut. *Dion* 10.1-2) to take charge of the education of the new tyrant, Dionysius II (*RE* 5, 904-8; *BNP* 4, 474-5; Nails 2002: 135-6). However, the two men's influence on the young ruler (and in particular their critical stance towards the institution of the tyranny) displeased many at the court (cf. Diod. Sic. 16.6.4; Nep. *Dion* 3.3; Plut. *Dion* 10.3-11.7). The tense atmosphere eventually led to accusations of treason against Dion, forcing him to leave Syracuse (see commentary below). After almost a decade in exile, Dion managed to return to Sicily.
and to overthrow Dionysius II (cf. Diod. Sic. 16.9.1-11.2; Nep. Dion 5.3-6; Plut. Dion 25.1-29.1), but he was assassinated not much later (cf. Diod. Sic. 16.31.7; Nep. Plut. 9.6; Plut. Dion 57.4).

V. seems to suggest that, while Dion could by no means compete with Plato in terms of theoretical wisdom (cf. nequaquam Platoni litterarum commendatione par), the Syracusan's restrained reaction to the degrading treatment received at the hands of his host in Megara (see commentary below) demonstrated a level of practical moderation which surpassed even the self-restraint displayed by Plato in the preceding exempla because of its more spirited nature (cf. vehementioris experimenti). In the Facta et dicta memorabilia, Dion is mentioned on only one other occasion, in an exemplum in which he is said to have refused to believe rumours that his political allies, Heracleides and Callippus, were plotting against his person (3.8.ext.5). On Dion generally, see Berve 1957; Sanders 2008.

**patria pulsus a Dionysio tyranno Megaram petierat:** As so often, V. provides only the most essential historical details to set the scene. In 367/6 BCE, Dionysius I of Syracuse had died, leaving the reign to his oldest son, Dionysius II. Suspecting that, inspired by Plato's teaching, Dion intended to overthrow the tyranny, the younger Dionysius ordered his arrest, accusing him of conspiracy with Carthage (cf. Pl. Ep. 7.329c; Diod. Sic. 16.6.4; Plut. Dion 14.4-5; Mor. 53e). Dion was forced to leave Sicily in 366 BCE, depending on the source either making a secret escape with the help of friends (cf. Diod. Sic. 16.6.4) or being deported by the tyrant himself (cf. Nep. Dion 4.1; Plut. Dion 14.6-7). Accompanied by his brother Megacles and the exiled Syracusan general Heracleides, he made his way to Greece. Both Diodorus (cf. 16.6.5) and Nepos (cf. Dion 5.1) seem convinced that Dion spent his exile in Corinth, trying to stir up support for an armed coup against Dionysius. Plutarch, however, suggests that he travelled to Athens, where he turned his mind to philosophy (cf. Dion 17.1). Dion's financial position certainly would have been far from dire (cf. Plut. Dion 15.3-5), at least until Dionysius decided to stop the flow of revenue
from Dion's Sicilian properties to Greece (cf. Pl. Ep. 7.345c). Dion also appears to have travelled extensively during his stay in Athens, attending festivals and meeting with local dignitaries (cf. Plut. Dion 17.6-10). It is entirely feasible that one of his journeys had led him to Megara, a prosperous community located on the Isthmus of Corinth, about a day's journey from Athens (cf. Dio Chrys. Or. 6.6). On Dion's expulsion from Syracuse, see also Berve 1957: 27-61; Nails 2002: 129-32; Evans 2016: 169-73.

ubi cum Theodorum principem eius urbis domi convenire vellet neque admitteretur:

The manuscripts of the Facta et dicta memorabilia identify Dion's acquaintance in Megara as either Theodorus (A'G) or Thodorus (AL), but his real name appears to have been Ptoeodorus (cf. Phld. Vit. 10 (PHerc. 1008 [= Aristo fr. 21b SFOD], col. 11.19-20): πρὸς Πτοιόδωρον τὸν Μεγαρέα; Plut. Dion 17.9: τοῦ Μεγαρέως Πτοιοδώρου). Given Ptoeodorus' reputation as a princeps of his city (for the term, cf. TLL 10.2.1281.22-44; OLD s.v. 3a; on Ptoeodorus' influence, see also Plut. Dion 17.9: ἂν δὲ, ὡς έοικε, τῶν πλουσίων τις καὶ δυνατῶν ὁ Πτοιόδωρος), he is likely to be the same Ptoeodorus whom Demosthenes mentions as one of the leaders of the pro-Macedonian faction who later (in 343 BCE) sought to bring Megara under the influence of Philip II (cf. Dem. 18.295; 19.295: Πτοιοδώρος ... καὶ πλούτῳ καὶ γένει καὶ δόξῃ πρῶτος Μεγαρέων). Why exactly Dion wished to visit Ptoeodorus (for convenire aliquem, cf. TLL 4.827.77-828.52; OLD s.v. 2a) is not discussed further here, but Plutarch seems to know that Dion had been invited (Dion 17.9: τοῦ Μεγαρέως Πτοιοδώρου δεόμενον; for Dion travelling through Greece to visit aristocratic friends, see also 17.6: ἐπεφοίτα δὲ καὶ ταῖς ἄλλαις πόλεσιν ὁ Δίων, καὶ συνεχάλαξε καὶ συνεπανηγύριζε τοῖς ἀρίστοις καὶ πολιτικώτατοις ἀνδράσιν). While, in an attempt to prepare the ground for the Syracusan's exemplary reaction, V. suggests that Dion was deliberately refused entry (cf. neque admitteretur), Plutarch points out that Ptoeodorus was already busy dealing with clients and other visitors when Dion arrived (Dion 17.10: ἄχλον οὖν ἐπὶ θύραις ἵδων ὁ Δίων καὶ πλήθος ἁσχολοῦν καὶ δυσεντευκτων αὐτῶν καὶ δυσπρόσοδον). It is likely that the passage would have reminded many of V's readers of the daily ritual of the salutatio
multum diuque ante fores retentus comiti suo ‘patienter hoc ferendum est’ ait, ‘forsitan enim et nos, cum in gradu dignitatis nostrae essemus, aliquid tale fecimus’: The phrase *multum diuque ante fores retentus* is intended to increase further the reader’s feeling of indignation over Dion’s seemingly brazen rejection (cf. *neque admitteretur*).

The account given by V. appears very similar to the version ascribed to Aristo of Ceos (third century BCE) by the Epicurean Philodemus (cf. Phld. Vit. 10 (*PHerc.* 1008 [= Aristo fr. 21b SFOD], col. 11.20-4): [πολὺν χρόνον ἐπὶ τῆς θύρας περιμένων, πρὸς τὸ δοῦλον ὁ Ἑρατικὸς οὐθέν παράδεισα ἐποίημεν]; Aristo’s treatment of the anecdote appears to have been part of a discussion of arrogance, and particularly the arrogance of tyrants). V.’s exact source, however, is impossible to determine (for the only other extant version of the anecdote, see Plut. *Dion* 17.10: ἀπιδὼν πρὸς τοὺς φίλους δυσχεραίνοντας καὶ ἀγανακτοῦντας, ‘τί τούτων ἔφη, ‘μεμφόμεθα; καὶ γὰρ αὐτοὶ πάντως ἐν Συρακούσαις ὅμοιοι τούτοις ἐποίημεν’). Dion’s comment serves not only to highlight the Syracusan’s awareness and acceptance of his new status within society (for *patientia* as ‘the quality entailed in being the recipient, not the generator, of action or experience’, see Kaster 2002: 135) but also to indicate his critical reflection on his own potentially haughty behaviour during his previous life as a man of social and political authority (for *gradus dignitatis*, cf. *TLL* 6.2.2152.8-56; *OLD* s.v. *gradus* 8). That influential Romans appear to have considered being kept waiting for an audience as a deliberate act of provocation becomes clear from Cic.* Att*. 14.1.2, where Caesar is reported to have commented on Cicero’s hate for him after the latter had been made wait before being admitted: ‘ego dubitem quin summo in odio sim, cum M. Cicero sedeat nec suo commodo me convenire possit?’ (cf. Cic. *Att*. 14.2.3; for a similar scene, see also Cass. Dio 78(77).17.3).
**qua tranquillitate consilii ipse sibi condicione exsilii placidiorem reddidit:** Dion’s *moderatio* appears to have been inextricably linked with his *tranquillitas consilii*, the mental serenity resulting from a careful rational assessment of all relevant aspects of a situation. By contemplating the likelihood that, back in Syracuse, he had treated others in precisely the same way as he was being treated now, Dion was able to come to terms with the unfamiliar feeling of rejection which he was experiencing as an exile in Megara. As V. suggests, this restrained and rational approach did not only earn Dion praise for his exemplary virtue (after all, his modest demeanour represented a conduct that was completely atypical of a former member of Dionysius’ court) but also rewarded him directly by making the plight of his exile more bearable (cf. *ipse sibi condicionem exsilii placidiorem reddidit*). The image of a reflective and self-critical Dion (a tradition traceable back to the third century BCE, if the reference to the Peripatetic Aristo of Ceos at Phld. *Vit.* 10 (*PHerc.* 1008 [= Aristo fr. 21b SFOD], cols. 10.10-35 and 11.19-24) is to be believed) might be a response to the criticism implicit in Plato’s *Fourth Letter*, where Dion is warned by Plato that giving the impression of being arrogant and aloof will eventually lead to isolation (cf. Pl. *Ep.* 4.321b-c: ἐνθυμοῦ δὲ καὶ ὅτι δοκεῖς τισιν ἐνδεεστέρως τοῦ προσήκοντος θεραπευτικός εἶναι: μὴ οὖν λανθανέτω σε ὅτι διὰ τοῦ ἁρέσκει τοῖς ἀνθρώποις καὶ τὸ πράττειν ἑστίν, ἢ δ’ αἰθάδεια ἑρημίᾳ σύνοικος; see also Sanders 2008: 168). Dion’s moderation and unassuming demeanour during his exile in Greece is also emphasised by Plutarch (cf. *Dion* 17.6: οὐδὲν ἐν τῇ διαίτῃ σόλοικον ἐπιδεικνύμενος οὐδὲ τυραννικὸν οὐδὲ ἐπιτεθρυμμένον, ἀλλὰ σωφροσύνη καὶ ἀρετή καὶ περὶ λόγους καὶ περὶ φιλοσοφίαν εὔσχήμονας διατριβάς).

4.1. *ext.4*

**Thrasybulus etiam hoc loci adprehendendus est:** Thrasybulus (*RE* 6A, 568-74; *BNP* 14, 618) was an Athenian statesman and general during the late fifth and early fourth
centuries BCE. As one of the democratic leaders of the exiled Athenian demos, he helped bring the reign of the Thirty Tyrants to an end (see commentary below). According to Xenophon, Thrasybulus was a man of excellent reputation (cf. Hell. 4.8.31: Θρασύβουλος μὲν δὴ μάλα δοκῶν ἀνὴρ ἀγαθὸς εἶναι). He is mentioned on one other occasion in the Facta et dicta memorabilia, where he is praised for his extraordinary sense of duty towards the city of Athens (cf. 5.6.ext.2). On Thrasybulus generally, see Buck 1998. For hoc loci, cf. KSt 1, 430; MBS 372-3.

qui populum Atheniensem triginta tyrannorum saevitia sedes suas relinquere coactum, dispersamque et vagam vitam miserabiler exigentem, animis pariter atque armis confirmatum in patriam reduxit: The appellation Thirty Tyrants, according to Aristotle first used by Thrasybulus’ contemporary Polycrates (cf. Rhet. 1401a: πάλιν τὸ Πολυκράτους εἰς Θρασύβουλον, ὅτι τριάκοντα τυράννους κατέλυσε), referred to the pro-Spartan oligarchy that was installed at Athens after the city’s capitulation at the end of the Peloponnesian War (404 BCE; cf. Xen. Hell. 2.3.11; Diod. Sic. 14.3.7: ἠρέθησαν οὖν τριάκοντα ἄνδρες οἱ διοικήσοντες τὰ κοινὰ τῆς πόλεως, ἀρμόζοντες μὲν τῷ λόγῳ, τύραννοι δὲ τοῖς πράγμασιν). Initially chosen as a form of interim government until a new constitution had been drawn up (cf. [Arist.] Ath. Pol. 35.1-2), the Thirty soon began to dispose of their democratic opponents, putting to death hundreds of citizens and influential metics and exiling thousands more (cf. Xen. Hell. 2.3.12-4, 2.3.21-2, 2.4.21; Lys. 12.5, 13.14; [Arist.] Ath. Pol. 35.3-4; Diod. Sic. 14.4.2-4, 14.5.5-7, 14.32.1; Nep. Thras. 1.5: plurimos civis ... partim patria expulissent partim interfecissent; see also Buck 1998: 63-4). According to the Thirty’s plans, only 3,000 Athenians of the hoplite class (the so-called Three Thousand), all loyal supporters of the new regime, were to retain their citizenship rights (cf. Xen. Hell. 2.3.18, with Krentz 1995: 127; see also Ostwald 1986: 485-7). However, resistance against the Thirty increased, both in Athens and abroad. Early in 403 BCE, the democrat Thrasybulus, who had escaped to Thebes, gathered a group of about 70 fellow exiles and seized Phyle, a
small outpost located on the border between Boeotia and Attica (cf. Xen. Hell. 2.4.2; [Arist.] Ath. Pol. 37.1; Diod. Sic. 14.32.1; Nep. Thras. 2.1). The town was quickly fortified to withstand a larger assault by the Thirty, while reinforcements and supplies started to flow in from all over Greece. By the spring of 403 BCE, Thrasybulus’ army had grown to almost 1,000 men, so the exiles advanced deeper into Attica, defeating the Thirty first at Acharnae (cf. Xen. Hell. 2.4.6-7; Diod. Sic. 14.33.1) and then again at Munychia in the Piraeus (cf. Xen. Hell. 2.4.10-19; [Arist.] Ath. Pol. 38.1; Diod. Sic. 14.33.2-4; Nep. Thras. 2.5). Only a day after the defeat at Munychia, the Thirty were deposed by the Three Thousand and were replaced with a board of ten, one representative from each tribe (cf. Xen. Hell. 2.4.23; [Arist.] Ath. Pol. 38.1; Diod. Sic. 14.33.5). On the Thirty Tyrants generally, see Krentz 1982; on their violence, see Wolpert 2006: 213-23.

V. refers to the Thirty’s course of action as saevitia, savagery (cf. OLD s.v. 1a), a term which echoes the scathing representations of earlier sources (see, e.g., [Arist.] Ath. Pol. 37.2: πρὸς ὀμπότητα καὶ πονηρίαν; Diod. Sic. 14.4.3: βουλόμενοι βιαστέρα καὶ παράνομα πράττειν) and which is repeated by Seneca (Dial. 9.5: mille trecentos cives, optimum quemque, occiderant nec finem ideo faciebant, sed irritabat se ipsa saevitia). Seneca also specifically names saevitia as the hallmark feature of a despotic ruler (Clem. 1.12.1: tyrannis saevitia cordi est; on saevitia as the characteristic vice of tyrants, see also Dunkle 1971: 14-5). V’s readership is thus confronted with the image of a reign of terror, the only alternative to which was the (forced) exodus of almost an entire people (cf. populum Atheniensem … sedes suas relinquere coactum; on the exodus imagery, cf. also Cic. Verr. 2.2.9, where the Sicilians are claimed to have no option but to leave Sicily should they be refused help against Verres’ despotism: urbis ac sedes suas relinquere). The emotional language used by V. to describe the exiled Athenians’ plight (cf dispersamque et vagam vitam miserabiliter exigentem) may have been borrowed from poetic representations of exile (cf. Stat. Theb. 7.500: tune ille exile vagus et miserabilis hospes?). Thrasybulus, on the other hand, is depicted as the exiled Athenians’ saviour and dux (cf. in patriam reduxit), not formally elected, yet trusted by the people because of his skills as
a motivator and military leader (cf. *animis pariter atque armis confirmatum*; for a similar scenario, cf. Verg. *Aen*. 2.799-800, where a *miserabile vulgus*, a desperate crowd of displaced Trojans, is willing to follow Aeneas’ leadership: *undique convenere animis opibusque parati | in quascumque velim pelago deducere terras*; note Augustus’ claim at *RGDA* 25.2: *iuravit in mea verba tota Italia sponte sua et me belli quo vici ad Actium ducem depoposcit*).

*insignem deinde restitutione libertatis victoriam clariorem aliquanto moderationis laude fecit*: Cf. Val. Max. 5.6.ext.2: *cum Atheniensium urbem triginta tyrannorum taeterrima dominatione liberare cuperet*. Transitioning from his summary of the historical context to the actual exemplary deed, V. draws his readers’ attention to Thrasybulus’ moderation in victory. In stark contrast to the Thirty, Thrasybulus had been virtuous enough to show restraint towards the defeated opposition, despite that fact that he was now in a position in which he could easily have taken revenge (cf. Nep. *Thras*. 3.2: *cum plurimum in civitate posset*). What is more, in his role as leader of the democratic faction, Thrasybulus appears not only to have demonstrated moderation on his own behalf but rather in the name of the entire exiled *demos*, whose liberty and authority had been restored (cf. Nep. *Thras*. 3.1: *rei publicae procuratio populo redderetur*; on the late republican and early imperial understanding of *libertas*, see also Wirszubski 1960: 7-30; Arena 2012: 45-72). The passage seems to echo the imperial propaganda regarding Augustus’ clemency towards defeated enemies in the Civil War (cf., e.g., *RGDA* 3.1: *victorque omnibus veniam petentibus civibus peperci*; Vell. Pat. 2.86.2: *victoria vero fuit clementissima*). For Thrasybulus’ moderation even during the war, see Nep. *Thras*. 2.6: *cedentes violari vetuit, cives enim civibus parcere aequum censebat*.

*plebei enim scitum interposuit ne qua praeteritarum rerum mentio fieret*: V’s account is similar to that given by Nepos (cf. *Thras*. 3.2: *legem tuit ne quis ante actarum rerum accusaretur neve multaretur*), in that both authors have Thrasybulus ask the
popular assembly to pass an official decree (for V's *plebei scit*, cf. TLL 10.1.2392.5-2393.17; OLD s.v.) to ensure that no mention was made of the events that had taken place during the rule of the Thirty (cf. *ne qua praeteritarum rerum mentio fieret*). Not only is Thrasybulus presented as a staunch believer in elementary democratic processes, he also is credited with having initiated the process of reconciliation at Athens himself. According to most other sources, however, the Athenian amnesty was neither based on popular legislation (on this, see esp. Loening 1987: 26-8; the meaning of Plut. Mor. 814b (*τὸ ψήφισμα τὸ τῆς ἀμνηστίας ἐπὶ τοὺς τριάκοντα*) is not entirely clear) nor was it a direct brainchild of Thrasybulus. Instead, the reconciliation agreement appears to have been the result of negotiations mediated by the Spartan king Pausanias (cf. [Arist.] Ath. Pol. 38.4: *ἐπὶ πέρας γὰρ ἤγαγε τὴν εἰρήνην καὶ τὰς διαλύσεις Παυσανίας ὁ τῶν Λακεδαίμονων βασιλεύς;* Diod. Sic. 14.33.6: *Παυσανίας δὲ ὁ τῶν Λακεδαίμονων βασιλεύς ... παραγενηθεῖς εἰς Ἀθήνας διήλλαξε τοὺς ἐν τῇ πόλει πρὸς τοὺς φυγάδας;* Just. Epit. 5.10: *qui (=Pausanias) misericordia exsulis populi permutos patriam miseris civibus restituit*), with the entire Athenian citizenship affirming through oaths that they would honour the conditions of the contract (cf. esp. And. 1.90: *ὁ μὲν κοινὸς τῇ πόλει ἁπάσῃ, ὃν ὀμωμόκατε πάντες μετὰ τὰς διαλλαγὰς;* for evidence of a written agreement, see Isoc. 18.19-20). Most ancient sources seem to agree that these oaths involved a passage promising that, with the exception of the Thirty and their immediate representatives, no citizen would ever recall another citizen's wrongdoings (cf. Xen. Hell. 2.4.43: *καὶ ὁμόσαντες ὁρκοῦν ἢ μὴ μὴ μνησικακήσεις;* And. 1.90: *καὶ οὐ μνησικακήσω τῶν πολιτῶν οὐδεὶς;* [Arist.] Ath. Pol. 39.6: *τῶν δὲ παρελθόντων μηδὲν πρὸς μηδένα μνησικακεῖν ἐξεῖναι;* Just. Epit. 5.10: *ne qua dissensio ex ante actis nasceretur, omnes iure iurando obstringuntur, discordiarum oblivionem fore*). In other words, the agreement allowed anyone to avoid revenge or prosecution for the deeds he had committed during the previous conflict. The version of events provided by V. (and Nepos) may be a distortion of a speech ascribed to Thrasybulus at Xen. Hell. 2.4.39-42. According to Xenophon, Thrasybulus convened the *ecclesia* to scold the supporters of the oligarchy for
their arrogance and immorality, before urging them to honour their agreement with the democrats (on the speech’s dubious nature, see Buck 1998: 83).

The idea of erasing every memory of *stasis* and civil discord as a way of preserving the peace was later also invoked by Cicero when he demanded an amnesty for Caesar’s assassins (cf. *Phil*. 1.1: *omnem memoriam discordiarum oblivione sempiterna delendam censui*; in the same passage, Cicero refers to the Athenian amnesty as the *Atheniensium vetus exemplum*; see also Cass. Dio 44.24.1-6). Perhaps more relevant for V. in this context, however, may have been the fact that, in 39 BCE, Ti. Claudius Nero, the father of the emperor Tiberius, had profited from the Treaty of Misenum, in which full amnesty was granted to everyone who had opposed Octavian and the other triumvirs (cf. Vell. Pat. 2.77.3; Tac. *Ann*. 5.1; Suet. *Tib*. 4). Some readers may also have been reminded of the restraint shown by Caesar towards the supporters of Pompey as his *nova ratio vincendi* (see, e.g., Cic. *Att*. 9.7c; cf. also Suet. *Iul.* 75.1: *moderationem vero clementiamque cum in administratione tum in victoria belli civilis admirabilem exhibuit*).

On the Athenian amnesty, see also Loening 1987; Wolpert 2002: 29-99; Carawan 2002; Carawan 2006; Joyce 2008; Scheibelreiter 2013; Carawan 2013; Joyce 2015.

**haec oblivio, quam Athenienses amnestian vocant**: Having summarised the key focus of the reconciliation agreement (cf. above: *ne qua praeteritarum rerum mentio fieret*), V. provides his readers with a very brief terminological excursus. The Latin expression *oblivio*, signifying the deliberate act of erasing past offences from memory (cf. *TLL* 9.2.107.63-77; *OLD* s.v. 3), is also used by Cicero (*Phil*. 1.1: *omnem memoriam discordiarum oblivione sempiterna delendam censui*), Nepos (*Thras*. 3.2: *eamque (=legem illi oblivionis appellantur*), Velleius Paterculus (2.58.4: *oblivionis praeteritarum rerum*), and in the epitome of Pompeius Trogus (*Just. Epit.* 5.10: *discordiarum oblivionem*), always in close connection with the Athenian amnesty. However, while it is correct that the Greek term *ἀμνηστία* (cf. *LSJ* s.v. 2; the Latin transcription *amnestia* is first attested here, as *TLL* 1.1941.64-72 confirms) was in use during the time of the early Roman
empire (see, e.g., Strab. Geogr. 7.2.1; Nic. Dam. Aug. 28; Plut. Cic. 42.3; Ant. 14.2; Mor. 814b: τὸ ψήφισμα τὸ τῆς ἀμνηστίας ἐπὶ τοῖς τριάκοντα), it would be unwise to assume that the expression dated back as far as the Athenian amnesty (see also Loening 1987: 21). The term is first attested in the peace treaty between Miletus and Magnesia, dating from 196 BCE, according to which it was forbidden to accuse people of offences committed during the war (see SIG 588; cf. also SIG 633, dating from 180 BCE). Most of the earlier Greek sources use only the pledge μὴ μνησικακεῖν (‘to refrain from remembering past injuries’, cf. LSJ s.v. μνησικακεῖν; on the cultural significance of the phrase, see Chaniotis 2013), a standard formula in ancient amnesties (cf. Scheibelreiter 2007: 368-74), to refer to the general amnesty that formed the core of the Athenian reconciliation agreement (see, e.g., Xen. Hell. 2.4.43; And. 1.90; Isoc. 18.3; [Arist.] Ath. Pol. 39.6). It is likely that the phrase μὴ μνησικακεῖν is also the Graecum verbum, the ‘Greek term’, which Cicero claims to have employed in the context of his proposed amnesty after Caesar’s assassination (cf. Phil. 1.1: Graecum etiam verbum usurpavi quo tum in sedandis discordiis usa erat civitas illa; on this, see also Sordi 1997; Carawan 2002: 5-7; Scheibelreiter 2007: 368-74).

**concussum et labentem civitatis statum in pristinum habitum revocavit:** Cf. Just. Epit. 5.10: ita per multa membra civitas dissipata in unum tandem corpus redigitur. Concluding his exemplum, V. suggests that, while the Thirty’s utter lack of restraint had shattered the community (for concutere, cf. TLL 4.121.49-54; OLD s.v. 3b), causing it to slip and decline (for labi, cf. TLL 7.2.783.48-76; OLD s.v. 9), Thrasybulus’ call for moderation (in the form of the amnesty allegedly proposed by him) had restored the city to its former condition (cf. in pristinum habitum revocavit; note that the idea of restoring the state to its former ideal condition is also a key feature of Augustan/Tiberian thought, both in regard to constitutional government and public morals: cf. RGDA 8.5, 34.1; Vell. Pat. 2.89.3, 2.89.4) by engendering concord amongst all Athenians. Other ancient sources agree that the Athenian reconciliation agreement (of which the amnesty was the core
part) had been largely successful at ending the hostilities and creating the ground for a peaceful coexistence of all parties involved (cf. Xen. Hell. 2.4.43: ἔτι καὶ νῦν ὄμων τε πολιτεύονται καὶ τοῖς ὁρκοῖς ἐμμένει ὁ δῆμος; [Arist.] Ath. Pol. 40.2: δοκοῦσων κάλλιστα δῆ καὶ πολιτικώτατα ἀπάντων καὶ ἰδίᾳ καὶ κοινῇ χρήσασθαι ταῖς προγεγενημέναις συμφοραίς). Leaders from both sides of the political divide went to great lengths to support the reconciliation process and to take action against anyone who violated the terms of the agreement. The members of the boule as well as newly elected judges were made to swear oaths never to disregard the conditions of the amnesty (cf. And. 1.91), and anyone indicted for previous crimes was allowed to enter a plea for exception, a step which led to a pre-trial to establish whether the initial accusations had violated the amnesty (cf. Isoc. 18.2-3). One source even claims that an Athenian who continued to indict fellow citizens was sentenced to death (without trial) in order to make an example of him (see [Arist.] Ath. Pol. 40.2).

4.1. ext.5

non minoris admirationis illud: Transitioning to his next exemplar, V. makes sure that he leaves no room for interpretation in the assessment of the moral significance of the following anecdote. Judging an individual’s action as good or bad was an important step in the creation of a historical exemplum, as the decision generally was based on an evaluation of the action’s impact on the wider community, always seen through the eyes of the observer (see M.B. Roller 2004: 5; 2018: 6). By inextricably linking the exemplum and his approving judgement, V. seeks to monumentalise his exemplar’s deed as a positive precedent not only for his own but also for future generations (cf. van der Blom 2010: 79-81; M.B. Roller 2018: 6-8).
Stasippus Tegeates: Little is known about Stasippus (RE 3A, 2166-7; BNP 13, 788) apart from the fact that, around the year 370 BCE, he was the leader of the pro-Spartan party in Tegea (cf. Xen. Hell. 6.4.18). He does not appear anywhere else in the Facta et dicta memorabilia nor in any other extant Latin source from Classical antiquity. In the few Greek sources that mention him, Stasippus remains rather bland, which makes it difficult to gain a better picture of his character. His most notable characteristic appears to have been his unwillingness to pursue his political enemies, a facet also highlighted by the present exemplum (see commentary below).

hortantibus amicis ut gravem in administratione rei publicae aemulum, sed alioqui probum et ornatum virum, qualibet ratione vel toleret vel submoveret: The anecdote is not attested elsewhere, but it is tempting to assume that it is connected to the extant accounts of the civil conflict in Tegea between the pro-Spartan aristocrats, led by Stasippus, and the anti-Spartan party under the leadership of Callibius and Proxenus (for a brief overview of the context, see Gehrke 1985: 154-5; Beck 1997: 74-5). The latter had called for Tegea to give up its independence and join a pan-Arcadian union (cf. Xen. Hell. 6.5.6; Diod. Sic. 15.59.1). When their proposal was defeated, Callibius and Proxenus persuaded their followers to take up arms against the aristocrats. Despite their numerical advantage, they were defeated and put to flight. Proxenus was killed in the skirmish (cf. Xen. Hell. 6.5.7; Diod. Sic. 15.59.2). Given the present anecdote’s close proximity to the preceding Thrasybulus exemplum, with its focus on the reconciliation process following a civil war (see commentary on Val. Max. 4.1. ext.4), it seems possible that V. believed the Stasippus episode to have occurred shortly after this first armed engagement between the two opposing sides. This view appears to be supported by a passage in Xenophon which mentions that, to mask the fact that they had sent to their allies in Mantinea for help, the followers of Callibius had begun negotiations with the aristocrats regarding a reconciliation (Hell. 6.5.8: πρὸς δὲ τῶν περὶ Στάσιππον διελέγοντο περὶ συναλλαγῶν). It does not seem unreasonable, therefore, to suggest that it was within the context of
these negotiations that his aristocratic friends urged Stasippus not to give in and instead
take a harsh stand against Callibius. The fact that V. speaks of only one serious rival (for
aemulus, cf. TLL 1.978.71-979.55; OLD s.v. 1) in the administration of the city may
indicate that Proxenus had already been killed.

In any case, the phrase ut ... qualibet ratione vel tolleret vel submoveret does not
only imply that Stasippus was in a position of increased authority, as he appears to have
been able to neutralise his rival in whatever way possible, but also serves as an indication
of the ruthlessness that seems to have prevailed amongst Stasippus' friends. After all, the
means proposed by them in their attempt to suppress opposing voices appear very
similar to the methods used by the Thirty Tyrants, whose acts are described as saevitia
by V. in the preceding exemplum. The friends' suggestions appear even more atrocious in
light of the fact that V. characterises Stasippus' opponent as an essentially good and
distinguished man (cf. alioqui probum et ornatum virum), despite his different political
ambitions. V's early imperial readership would undoubtedly have been reminded of the
cruelty and arbitrariness of the proscriptions of the late Roman Republic, during which
hundreds of respected individuals had been killed for opposing the ruling party (cf., e.g.,
Vell. Pat. 2.28.1-4, 2.64.3-4).

negavit se facturum ne quem in tutela patriae bonus civis locum obtineret, malus et
improbus occuparet: According to V., Stasippus displayed his moderatio by refusing (cf.
negavit se facturum) to eliminate or remove his rival. The claim that Stasippus was
reluctant to take vengeful action against his political opponents is also made, in a slightly
different context, by Xenophon. The historian writes that, after his initial victory over
the supporters of Callibius and Proxenus, Stasippus had not pursued the fleeing men
further, since he did not wish to kill more of his fellow citizens than necessary (cf. Hell.
6.5.7: καὶ γὰρ τοιοῦτος ὁ Στάσιππος ὁ ἐν ὁδὸς μὴ βούλεσθαι πολλοὺς ἀποκτεινύναι τῶν
πολιτῶν). As V. seems to suggest, the mere fact that, in the past, his rival had shown
himself to be a bonus civis, a good citizen who had contributed to his community, made
it morally impossible for Stasippus to remove him in order to satisfy his personal interest. The explanation provided by V. (cf. *ne quem in tutela patriae bonus civis locum obtineret, malus et improbus occuparet*) is most likely to be understood in a general sense (‘lest a wicked and morally unsound citizen might take the place held by a good citizen under the guardianship of his country’), but it is not entirely impossible that it was also meant as an implicit reference to Stasippus, who, by removing his rival, would have become the *civis malus et improbus* himself. The attentive Roman reader would, of course, have picked up on V's underlying criticism of the use of force and violence as a means to achieve a political goal, a practice which had become so common during the late Republic – and which had a resurgence during the 20s and 30s CE.

*seque potius vehementer* *<ab>* *adversario urgueri quam patriam egregio advocato* *carere praeoptavit*: The three oldest manuscripts read *vehementer adversario urgueri*, but Halm's emendation *vehementer* *<ab>* *adversario urgueri* appears sensible. V's conclusion reiterates the point that Stasippus preferred the prospect of facing further tough opposition (for *urgere*, cf. OLD s.v. *urgere* 8a) from his rival to the option of robbing the city of a man who had only its best interest at heart (for *advocatus*, cf. TLL 1.892.31-45; OLD s.v. 2). The acceptance of criticism and opposition appears to have been an essential part of *moderatio* and also plays a major role in the *exemplum* that follows immediately (cf. Val. Max. 4.1.EXT.6: *Alcaeum poetam et amaritudine odii et viribus ingenii adversus se pertinacissime usum tantummodo quid in eo opprimendo posset admonuit*; see also commentary there). When considered within the context of Tiberius' reign, the passage not only reads like an attempt to explain Augustus' decision to show moderation towards his political opponents, to the point that he even allowed them to rise to prominent positions in the state (cf. Suet. *Aug.* 51.1: *quot et quos diversarum partium venia et incolumitate donatos principem etiam in civitate locum tenere passus sit*, with Wardle 2014: 367-8; Cass. Dio 55.14.1-22.2; Sen. *Clem.* 1.9.1-12), it also seems to echo documents from Tiberius' reign which emphasise the *princeps*’ restraint towards his
enemies (cf., e.g., the SCPP). Stasippus' political opponents, the followers of Callibius, showed less restraint. Once the reinforcements from Mantinea had arrived, they began hunting down the followers of Stasippus before putting them to death (cf. Xen. Hell. 6.5.8-9).

4.1.ext.6

Pittaci quoque moderatione pectus instructum: Pittacus (RE 20, 1862-73; BNP 11, 308-9) was ruler of Mytilene during the early sixth century (see commentary below: tyrannidem ... adeptus). Traditionally considered one of the Seven Sages (see, e.g., Pl. Prt. 343a; Strab. 13.2.3; Nep. Thras. 4.2; Val. Max. 4.1.ext.7; Diog. Laert. 1. 79; cf. Diod. Sic. 9.11.1-12.3; Plut. Mor. 152b), he was particularly famous for his aphorisms (for a list, ascribed to Demetrius of Phalerum by Stobaeus 3.1.172, see DK 10.3.5), which appear to have circulated as 'Pittakeia' in antiquity (see, e.g., Simonides PMG 542, line 11: τὸ Πιττάκειον; cf. Wehrli 1973: 199-200). Given his reputation as a sage, it is little surprising that Pittacus was claimed to have excelled in all four cardinal virtues (cf. Diod. Sic. 9.11.2: κατὰ μὲν γὰρ τὴν νομοθεσίαν ἐφαίνετο πολιτικὸς καὶ φρόνιμος, κατὰ δὲ τὴν πίστιν δίκαιος, κατὰ δὲ τὴν ἐν τοῖς ὅπλοις ὑπεροχὴν ἀνδρεῖος, κατὰ δὲ τὴν πρὸς τὸ κέρδος μεγαλοψυχίαν ἀφιλάργυρος). In the Facta et dicta memorabilia, he serves as an example of moderation (cf. moderatione pectus instructum; see also 4.1.ext.7) and practical justice (6.5.ext.1: ne alienigenae iustitiae obliti videamur), but his wisdom (cf. 4.1.ext.7: qui sapientia ceteros praestaret) and fortitude (cf. 6.5.ext.1: pax victoria parta est) also become apparent.

qui ... tyrannidem a civibus delatam adeptus: Although often referring to the autocratic rule of an usurper who has seized power in times of political crisis (see, e.g., Dunkle 1967: 152; Oliva 1982: 363; on the evolution of the negative connotation
surrounding the term tyrannus, cf. Andrewes 1974: 20-30; Parker 1998: 145-72), the term tyrannis here seems to imply a slightly different notion. V. appears to be struggling to find an adequate Latin equivalent for what Aristotle, in his typology of governments, labels an aisymnetes, a ruler with absolute power, but chosen by the populace as an arbitrator or moderator in a situation of political turmoil (Arist. Pol. 1285a: αἵρετὴ τυραννίς; cf. Dion. Hal. 5.73.3: αἵρετοι τως ... τύραννος; for a discussion of the political function of the aisymnetes, see Romer 1982; Faraguna 2005). Following the death of the tyrant Myrsilus, a member of the aristocratic family of the Penthilidae, Mytilene had descended into violent factional strife (on the socio-political organisation of Mytilene at the time of Pittacus, see Andrewes 1974: 92-9; Rösl 1980: 26-33; Forsdyke 2005: 41-8), so Pittacus was elected, by universal acclamation of the Mytilenean assembly (see Arist. Pol. 1285a: εἶλοντο ποτὲ Μυτιληναίοι Πιττακῶν; Dion. Hal. 5.73.3: Μετυληναῖοι ποθ᾽ εἶλοντο Πιττακῶν; Val. Max. 6.5. ext. 1: ei sui suffragiis tyrannidem deferrent; Diog. Laert. 1.75: τὴν ἀρχὴν ἐνεχείρισαν αὐτῷ; cf. Alcaeus fr. 348 LP, lines 1-3: τῶν κακοπατρίδαν | Φίττακον πόλιος τὰς ἀχόλω καὶ βαρυδαίμονος | ἐστάσαντο τύραννον μέγ᾽ ἐπαίνεντες ἀόλλες), to restore order and to defend the freedom of the people against the ambitions of certain aristocratic factions, in particular the group around the exiles Antimenides and Alcaeus (cf. Arist. Pol. 1285a: πρὸς τοὺς φυγάδας ὧν προειστήκεσαν Ἀντιμενίδης καὶ Ἀλκαῖος ὁ ποιητής; Dion. Hal. 5.73.3: πρὸς τοὺς φυγάδας τοὺς περὶ Ἀλκαῖον τὸν ποιητήν; cf. Diod. Sic. 9.11.1: τὴν πατρίδα τριῶν τῶν μεγίστων συμφορῶν ἀπέλυσε, τυραννίδος, στάσεως, πολέμου; Strab. 13.2.3: εἰς δὲ μὲν τὴν τῶν δυναστειῶν κατάλυσιν; Diog. Laert. 1.75: εἰς τάξιν ἀγαγὼν τὸ πολίτευμα; for a discussion of the expectations connected with Pittacus’ election, see also Hölkeskamp 1999: 219-26). Despite the fact that his rule had been legitimised by the people, Pittacus was subsequently himself reviled as τύραννος in the poems of his enemy Alcaeus (e.g. Alcaeus fr. 306 (9) LP; fr. 348 LP; cf. Arist. Pol. 1285a: δηλοὶ δ’ Ἀλκαῖος ὅτι τύραννον εἶλοντο τὸν Πιττακῶν ἐν τοῖς τῶν σκολίων μελῶν; on Alcaeus, see also commentary below). This originally hostile label (see Barceló 1993: 92-4; de Libero 1996: 28-30) appears to have been
adopted by later authors, albeit not necessarily with the same negative connotation (see, e.g., Arist. Pol. 1285a; Strab. 13.2.3; Plut. Sol. 14.4; cf. Dion. Hal. 5.73.3). Within the context of the present exemplum, the term tyrannis seems to be intended to emphasise Pittacus’ unrestricted and unchecked power (cf. below: quid in eo opprimendo posset).

That Pittacus himself appears to have been conscious of the enormous moral responsibility that came with the authority entrusted to him by the people of Mytilene becomes apparent in his voluntary resignation from office ten years later (cf. Val. Max. 6.5.ext.1: reclamantibus Mitylenaeis depositus (scil. tyrannidem), ne dominus civium ultra quam rei publicae necessitas exegerat permaneret; see also Strab. 13.2.3: ἀπέδωκε τὴν αὐτονομίαν τῇ πόλει; Diog. Laert. 1.75: κατέθετο τὴν ἀρχήν).

For V’s readers, the image of power being bestowed upon Pittacus by the people may have evoked memories of Augustus’ claim to have been called upon by the Roman people in times of need (RGDA 1.3: populus ... me consulem ... et triumvirum rei publicae constituendarum creavit; 25.2: iuravit in mea verba tota Italia sponte sua et me belli quo vici ad Actium ducem posposcit; 34.1: per consensum universorum potens rerum omnium) in order to prevent the state from suffering harm (RGDA 1.3: res publica ne quid detrimenti caperet). The fact that, once they considered their respective tasks completed, both Pittacus (see Val. Max. 6.5.ext.1) and Augustus (see RGDA 34.1: rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli) had restored the traditional constitutional processes only would have reinforced the impression of a parallel between the careers of the two men further.

Alcaeus poetam et amaritudine odii et viribus ingenii adversus se pertinacissime usum: Cf. Diod. Sic. 9.12.3: τὸν ποιητήν Ἀλκαῖον, ἐχθρότατον αὐτοῦ γεγενημένον καὶ διὰ τῶν ποιημάτων πικρότατα λελοιδορηκότα ... ἀφήκεν. As members of the same aristocratic faction (hetaireia), Pittacus and the poet Alcaeus (RE 1, 1498-1505; RE Suppl. 11, 8-19; BNP 1, 436-8) once had been political allies, united in their unsuccessful quest to overthrow the tyrant Myrsilus (see Page 1955: 179-80; for the sparse

tantummodo quid in eo opprimendo posset admonuit: Given V’s clear objective to highlight Pittacus’ moderation in the immediate use of his power (cf. above: Pittaci
quoque moderatione pectus instructum), it seems reasonable here to assume a context in which the hostile poet had been apprehended and brought before the ruler (thus also Diod. Sic. 9.12.3: τὸν ποιητήν Ἀλκαῖον … λαβὼν ὑποχείριον; Diog. Laert. 1.76; Burnett 1983: 115 n.28 suggests that ‘the one chance’ to take Alcaeus captive would have been during the skirmish ‘at the bridge’, mentioned at POxy. 2506 fr. 98, lines 6-7). That, notwithstanding the fierceness of Alcaeus’ invectives against him (cf. above: et amaritudine odii et viribus ingenii adversus se pertinacissime usum), Pittacus contented himself with ‘merely’ (tantummodo) reprimanding the poet constitutes the actual notion of moral exemplarity in V’s eyes. Pittacus is portrayed as a ruler who is perfectly aware of the full range of punitive measures available to him due to his powerful position (quid … posset admonuit), yet he seems entirely capable of controlling his emotions.

It appears slightly surprising that V. does not make more of the opportunity to provide his readers with one of Pittacus’ renowned gnomic aphorisms, such as, for instance, the statements recorded, in precisely the same context, by Diodorus Siculus (9.12.3: συγγνώμη τιμωρίας αἱρετώτερα) and Diogenes Laertius (1.76, citing the scholar Heraclitus as his source: συγγνώμη τιμωρίας κρείσσων). Pittacus was also claimed to have made a similar statement when he decided to let his son’s killer go unpunished (Diog. Laert. 1.76: συγγνώμη μετανοίας κρείσσων).

The verb admonere is here perhaps best understood in the sense of ‘to give a reminder of’, an interpretation which also helps explain the dependent indirect question (see TLL 1.764.77-765.24; OLD s.v. 1). The pronoun eo, not attested in the three oldest manuscripts but found in Paris’ epitome, is out of place if in opprimendo is read as a gerund (as, e.g., done by Combès; for the absolute use of opprimere, see also TLL 9.2.794.82-795.9); it does, however, appear to be a sensible specification of an otherwise overly general statement, so the gerundive phrase in eo opprimendo seems to be the preferable reading. Shackleton Bailey’s extensive emendation <manu os> opprimendo quid in eo posset admonuit is unnecessary.
Within the public moral discourse of the early Principate, the anecdote of Pittacus’ extraordinary display of self-restraint towards his political enemy would have represented a poignant counterexample to the vengeful reaction of M. Antony, whose first step after joining the Second Triumvirate had been to proscribe Cicero for his persistent attacks on him in the *Philippica* (see Plut. *Cic.* 46.3: Ἀντωνίου μὲν ἀσυμβάτως ἔχοντος εἰ μὴ πρῶτος ἐκείνος ἀποθνήσκου; cf. App. *Civ.* 4.19: τοῦτον γὰρ δὴ φιλοτιμότατα πάντων Ἀντώνιός τε ἐξήτει καὶ Ἀντώνιῳ πάντες; Dio Cass. 47.8.3: ὡς δὲ ὁμοῦ καὶ ἥ (=κεφαλή) τοῦ Κικέρωνός ποτε ἐκομίσθη σφίσι ...). In stark contrast to Antony, Augustus is said to have shown restraint towards slanderers (cf. Suet. *Aug.* 54-5, with Wardle 2014: 380-1).

4.1.*ext.*7

**huius viri mentio subicit ut de septem sapientium moderatione referam:** V.‘s decision to have the example of Pittacus’ *moderatio* followed by an anecdote about the Seven Sages (*RE* 2A: 2242-64; *BNP* 13, 351-2) is not particularly surprising, given Pittacus’ traditional association with this legendary circle of philosophers, statesmen, and lawgivers, the stories of whose deeds and sayings were considered widely as paradigms of ethical and political wisdom (cf. Rösler 1991: 357-65; R. Martin 1993: 108-28). The oldest surviving catalogue of the Seven Sages is found in Plato’s *Protagoras* and names Pittacus alongside Thales of Miletus, Bias of Priene, Solon of Athens, Cleobulus of Lindus, Myson of Chen, and Chilon of Sparta as the members of the group (Pl. *Prt.* 343a; for the controversial claim that the legend of the Seven Sages was invented by Plato, see Fehling 1985, with the response by Bollansée 1999). However, only Pittacus, Thales, Bias, and Solon (the four men also identified by V. below) are counted regularly among the Seven Sages, with Cleobulus, Myson, and Chilon often replaced by other individuals (cf.
Diog. Laert. 1.40-2; see also Engels 2010: 9-78). This exemplum, arguably one of the most famous episodes involving the Seven Sages and found in several regional variations (for a concise overview, see Busine 2002: 56-58), is the only appearance the men make as a group in the Facta et dicta memorabilia (for individual appearances, see 5.3.ext.3; 6.5.ext.1; 7.2.ext.2; 7.2.ext.3; 7.2.ext.8; 7.3.ext.3; 8.7.ext.14; 8.9.ext.1). On the Seven Sages and their cultural significance generally, see esp. Snell 1971; R. Martin 1993; Busine 2002; Engels 2010.

**a piscatoribus in Milesia regione everculum trahentibus quidam iactum emerat:**
The brackish delta region of the Maeander River and the Latmian Gulf, at the entrance to which the ancient city of Miletus was located, were renowned for their rich fishing grounds (cf. Schol. ad Ar. Eq. 361; Ath. 7.311a-e; see also Thonemann 2011: 324-6; on the ancient shoreline of the Latmian Gulf, now almost entirely silted up, see Brückner 2003: 121-42). While V. seems to suggest that the fishermen were locals from Miletus (thus also Diog. Laert. 1.28: παρὰ Μιλήσιων ἁλιέων), another popular version of the story claimed that they were men from the island of Cos, with the ensuing dispute about the tripod ultimately leading to a war between the Coans and the Milesians (see, e.g., Plut. Sol. 4.2; Diog. Laert. 1.32; cf. Diod. Sic. 9.3.2, where the war had already begun when the tripod was found). Very little information is given by V. in regard to the identity of the anonymous buyer, who, although clearly described as of Milesian or, less specific, Ionian descent by other writers (cf. Plut. Sol. 4.2: ξένων ἐκ Μιλήτου; Diog. Laert. 1.28: Ἰωνικοῦς τινας νεανίσκους), here is referred to solely through the use of pronouns (quidam; see also below: hoc).

The setting and hauling of seine nets (everricula) was one of the most common fishing methods in Greco-Roman antiquity (see, e.g., Varro Rust. 3.17.7; Apul. Apol. 31; Dig. 47.10.13.7: everculum quod Graece σαγήνη dicitur; cf. Plut. Mor. 977f; Alciphr. 1.13, 20, 21; Opp. Hal. 3.79-84; 4.491-6; on the process of ancient seine fishing, see esp. Sahrhage 2002: 52-4; Bekker-Nielsen 2010: passim). For iactus in reference to the haul

**extracta deinde magni ponderis aurea Delphica mensa:** Through the initial use of the verb *extrahere* (TLL 5.2.2061.82-2062.28; OLD s.v. 1), V. rhetorically completes the image of the fishing net with its valuable catch being hauled (cf. above: *everriculum trahentibus*) onto the shore. Although the relatively common loan word *tripus* (cf. OLD s.v.) may have been a more precise expression to describe what the Greek versions of the story clearly label a τρίπους (see, e.g., Diod. Sic. 9.3.1; Plut. Sol. 4.1; Diog. Laert. 1.27), V. seems to prefer the Latin term *Delphica mensa* (or, as in the following sentences, merely *mensa*), which generally referred to a small, circular serving table that was supported by three legs, in imitation of traditional Greek tripods (see Ulrich 2007: 225-7; on the cultural significance of tripods generally, see RE 5, 1669-96). That the tripod in the story represents more than an ordinary piece of furniture, however, becomes clear from the fact that it was made from solid gold (cf. *magni ponderis aurea*). According to an alternative version of the tale, the precious item had been crafted by the god Hephaistos (Diod. Sic. 9.3.2; Diog. Laert. 1.32) and given to Pelops as a wedding gift, before it had been passed to the king’s grandson, Menelaus (Diog. Laert. 1.32; the version seems to have conflated elements of the golden apple of discord). When Paris carried Menelaus’ wife, Helen, off to Troy, he also stole the tripod (Diog. Laert. 1.32). However, as the young woman had been told by an oracle that the tripod would be a cause of strife, she threw it into the Aegean Sea, where it remained until it was found by the fishermen (Plut. Sol. 4.2; Diog. Laert. 1.32). According to Andron of Ephesus (*PGHist* 1005 fr. 2a), the tripod was not extracted from the sea but donated by the Argives. Other versions of the story do not mention a tripod at all but speak of a valuable bowl or cup instead (see, e.g., Call. Iamb. 1.52-77 = fr. 191 Pfeiffer; Plut. Sol. 4.4; Diog. Laert. 1.28-9).
orta controversia est, illis piscium se capturam vendidisse adfirmantibus, hoc fortunam iactus emisse dicente: Although some of the inferior manuscripts augment the pronoun se as the subject accusative in the second part of the parallelism, it does not seem necessary to emend the omission preserved in the three oldest manuscripts, as the meaning becomes clear from the context (cf. KSt 1, 700-1; for a similar colloquialism, see below: deus respondit illi esse dandam qui sapientia ceteros praestaret). The expression controversia, here used to describe the dispute (cf. Diod. Sic. 9.3.1: ἀμφισβητήσεως οὔσης) between the fishermen (cf. illis … adfirmantibus) and their customer (cf. hoc … dicente), may also be intended as a joking reference to the controversiae of the declamatory schools, where the argument about the purchase of a prospective catch appears to have been a popular topic (cf. Suet. Gram. et rhet. 25.5, with Kaster 1995: 270-1; 283-6; see also Moussy 1983: 233). While the fishermen argued that they had agreed only to sell the fish they were going to catch (cf. piscium se capturam vendidisse), the buyer claimed that, taking a considerable financial risk (for the risks of emptio spei, cf. Dig. 18.1.8: emptio enim contrahitur etiam si nihil inciderit), he had paid in advance for whatever the net would contain (for the phrase fortunam iactus, see also Apul. Apol. 31). The whole dispute can thus be reduced to an argument about the definition of iactus (on the ambiguity of the term, see Moussy 1982: 227-41), which appears to have been agreed upon as the object of the transaction (cf. above: iactum emerat). According to a different version of the story, in which the fishermen had come from the island of Cos, the dispute about the tripod was claimed to have led to an open war between the Coans and the Milesians (see, e.g., Plut. Sol. 4.2; Diog. Laert. 1.32).

qua cognitione propter novitatem rei et magnitudinem pecuniae ad universum civitatis eius populum delata: Since the three oldest manuscripts have preserved the nonsensical reading conditione, an emendation appears necessary, with Lipsius’ reading cognitione being the most sensible option (cf. Val. Max. 8.1.amb.2: quam rem Dolabella ad se delatam Athenas ad Areopagi cognitionem relegavit). In Roman law, the term
cognitio signified the judicial examination of a court case by a magistrate or member of the jury (Berger 1953: 393-4). That the dispute between the fishermen and their customer resulted in a private court case is not suggested by any other source and is likely to have been V's own take on the story. The fact that the entire populace of Miletus was asked to judge on the matter (cf. *ad universum civitatis eius populum delata*) is certainly meant to highlight the extraordinary nature of the case (cf. *propter novitatem ... et magnitudinem*).

placuit Apollinem Delphicum consuli cuinam adiudicari mensa deberet: Cf. the oracle's repetition of the Milesian question at Diod. Sic. 9.3.1: ἐκγονε Μιλήτου, τρίποδος πέρι Φοῖβον ἐρευνᾷς (similarly Diog. Laert. 1.28). It was not uncommon in cases of uncertainty or matters of dispute to seek divine inspiration and advice at the sanctuary of Apollo at Delphi (on the cult and the oracle at Delphi, see Maas 1993: 1-19; for the occasions of consultation, see Fontenrose 1978: 39-41). However, it is not entirely impossible that, given the emphasis the version of the story followed by V. places on Miletus, the Milesians originally consulted the oracle at Didyma (on which, see Fontenrose 1988: 77-105). The reference to Delphi may have been a later adjustment, perhaps made under the influence of other stories that connected the Seven Sages with Delphi (cf. Busine 2002: 35-6). V.'s use of the legal term *adiudicare* (cf. *TLL* 1.702.25-46; *OLD* s.v. 1) picks up the court case theme (see commentary above).

deus respondit illi esse dandum qui sapientia ceteros praestaret: As the meaning is clear from the context, the pronoun *eam* is omitted as the subject accusative of the infinitive (cf. KSt 1, 700-1). Through the oracle's response, the tripod was transformed from a valuable but otherwise meaningless item into an object of philosophical contention. In other versions of the story, the oracle is replaced by an inscription engraved on the tripod (see, e.g., Satyr. fr. 8 Schorn) or the prize, either a tripod or a cup, is offered directly 'to the wisest' (see, e.g., Call. *Iamb*. 1.52-77 = fr. 191 Pfeiffer; Diod. Sic.
9.13.2; Diog. Laert. 1.28; 1.30). According to a hybrid variant, the prize, a cup offered by Croesus for the wisest of the Greeks, is modestly refused by all seven sages, before the oracle identifies Myson as the wisest (see Diog. Laert. 1.30; Croesus’ donations of splendid gold vessels at Delphi, some of them inscribed, will have been elements readily incorporated into this tale). The question of who was the wisest among the Greeks, an important cultural meme in the Greek Archaic age, may have had its origins in the competitive relationship between the various Greek poleis (Engels 2010: 82; cf. Busine 2002: 44). For the idea of Apollo himself answering, cf. the ironic account at Luc. Bis acc. 1.

his verbis: τίς σοφίᾳ πρῶτος πάντων, τούτω τρίποδ᾿ αὐδῶ: Although the Greek line is preserved in very corrupt Latin script, it seems to correspond with the Pythia’s response recorded at Diod. Sic. 9.3.1: ἔκγονε Μιλήτου, τρίποδος πέρι Φοῖβον ἑρευνάς | τίς σοφίᾳ πρῶτος πάντων, τούτω τρίποδ᾿ αὐδῶ (see also Diog. Laert. 1.28, with minor alterations; for further evidence, see Parke/Wormell 1956: 100). Only on very few occasions does V. use Greek within his work, and this use of Greek seems to be restricted to the names of buildings and places (1.5.6; 4.6.3), technical terms (8.10.ext.1; cf., however, 4.1.ext.4: haec oblivio, quam Athenienses amnestian vocant), titles of books and plays (8.7.ext.9; 8.7.ext.10; 8.7.ext.12), as well as literary quotes (1.5.7; 3.7.ext.3; 3.7.ext.4). From a narratological perspective, V.’s motivation behind providing his readers with a Greek verbatim version of the oracle’s response, which he has already paraphrased in Latin, does not become entirely clear.

tum Milesii † so † Thaleti mensam dederunt: While there can be little doubt that the reading tum Milesii, found in some of the inferior manuscripts, is to be preferred to any of the readings preserved in the three oldest manuscripts (tum ille AL (ras. post) : tum illi A’L’ : tunc illi G), the subsequent part of the passage appears too corrupt to be restored with relative confidence († so † Thaleti L’ : consenso (-u A’) Thaleti A : sothale ti(mens
a) L : spat. G). Combèse and Shackleton Bailey follow A in printing consensu. However, this would represent the only instance in the Facta et dicta memorabilia on which V. made use of the form consensu on its own rather than in connection with a genitive attribute (3.4.ext.1; 4.1.13; 4.7.1; 6.4.1; 6.5.ext.1; 8.1.absol.2), the adjective summo (5.3.ext.3; 5.8.3; 8.15.9; 8.15.ext.3), or both (4.1.5). From a palaeographical perspective, it is not implausible either that the corrupt reading of L (tum ille sothale ti(mens a)) is actually the result of a mistake made during the copying of the words tum Milesii Thaleti ... dederunt (for the declension Thales, Thaletis, as opposed to Thales, Thalis, cf. Bianti below) or tum Milesio Thaleti ... dederunt, the latter a version which would appear like an imitation of Diodorus’ text (cf. 9.3.3: Θάλητι τῷ Μιλησίῳ ... δοῦναι; this observation is owed to Dr. Neil O’Sullivan, Senior Lecturer of Classics at the University of Western Australia). However, as any attempts to restore the original text must remain speculative, it seems reasonable to follow Briscoe in printing the passage in cruces.

That, in the version of the story followed by V., the Milesians choose Thales as the first recipient of the tripod (cf. Diod. Sic. 9.3.3: δὴ οἱ Μιλήσιοι ἀκολουθήσαι βουλόμενοι τῷ χρησμῷ Θάλητι τῷ Μιλησίῳ τὸ ἀριστεῖον ἐβούλοντο δοῦναι) is not particularly surprising, as the philosopher was a local of Miletus and renowned for his wisdom. The priority given to Thales may, furthermore, hint at a Milesian origin of this variant. Thus, in an alternative version of the legend, related by Callimachus but, if Diogenes Laertius (1.28) is correct, adopted from the historical works of Leandrius (Maenandrius?) of Miletus (FGrHist 492 fr. 18), Thales is also the beneficiary, with the prize, a golden cup, awarded to him by Amphalaces, the son of Bathycles (Call. Iamb. 1.52-77 = fr. 191 Pfeiffer). According to another related story, allegedly reported by both Eudoxus of Cnidos and Euanthes of Miletus (Diog. Laert. 1.29-30), Thales was the first to receive a cup offered to the wisest of the Greeks by the Lydian king, Croesus. Further variants of the story, however, highlight the significance of other sages. According to Theophrastus, for instance, a bronze tripod was given to Bias, after some Messenian maidens whom he had saved declared him the wisest (fr. 583 FHS&G = Plut. Sol. 4.4; cf.
Satyrus fr. 8 Schorn; Phanodicus (FGrHist 397) fr. 4a-b; Diod. Sic. 9.13.2). Similarly, in a story allegedly told by Daimachus and Clearchus, a bowl offered by Croesus appears to have been given to Pittacus at first (cf. Diog. Laert. 1.30).

ille cessit ea Bianti, Bias Pittaco, is protinus alii, deincepsque per omnium septem sapientium orbem ad ultimum ad Solonem pervenit: For the phrase cedere alicui aliqua re (cf. TLL 3.725.42-69), see also Val. Max. 4.1.7. Either uncertain about the identities of the remaining three sages or simply aiming to keep his narrative concise, V. mentions by name only the four men most firmly connected with the circle of the Seven Sages, namely Thales, Bias, Pittacus, and Solon (Engels 2010: 19; for a detailed discussion of the various ancient lists of the Seven Sages, see Engels 2010: 9-78; cf. also above, pp. 225-6). Other sources are similarly brief. Diodorus Siculus (9.3.3) and Diogenes Laertius (1.28) content themselves with merely mentioning Thales as the first and Solon as the last sage to receive the tripod, while the other members of the group are not specifically named. Plutarch (Sol. 4.3) lists Thales and Bias as the first two recipients, but the other sages who are sent the prize before, as his story goes, it is returned to Thales remain anonymous. This raises the additional issue that, while the version of the story followed by V. credits Solon with the ultimate realisation that only Apollo is truly wise (see also Diod. Sic. 9.3.3: Σόλωνι … δοκοῦντι πάντας ἀνθρώπους ὑπερβεβλῆσθαι σοφία τε καὶ συνέσει; Diog. Laert. 1.28; perhaps an Athenian addition to the originally Milesian story, as Wiersma 1933-4: 152 suggests), other variants of the tale claim that the tripod was eventually returned to Thales, who dedicated it to the god (see, e.g., Call. Iamb. 1.52-77 = fr. 191 Pfeiffer; Plut. Sol. 4.3; Diog. Laert. 1.28-9; 32; cf. also Thphr. fr. 583 FHS&G, where the circle starts and ends with Bias). Despite V’s ostensible emphasis on Solon, however, his use of the term orbis in the rather unusual sense of ‘a circle of people’ (cf. TLL 9.2.70-4) not only seems to suggest the existence of a certain bond between all of the individual sages but also highlights the lack of hierarchy amongst the members of the group. Thus, in almost Socratic fashion (cf. Pl. Ap. 21d; see also Snell 1971: 115), all
seven sages manage to demonstrate their wisdom through their distinct sense of self-awareness and moderation, realising that it is not them who deserve the prize (see Engels 2010: 82).

qui et titulum amplissimae prudentiae et praemium ad ipsum Apollinem transtulit:

At the end of this rather long exemplum, V. offers his readers none of his typical moralising conclusions. Instead, it seems, he encourages them to reflect and make up their own minds (on this strategy, cf. Morgan 2007: 179-90; Langlands 2008; 2011). Although, ultimately, it is due to Solon's individual wisdom that the tripod is offered to Apollo, a joint dedication by all seven sages appears to be implied, as the story is clearly meant to highlight the whole group's mutual regard and exemplary modesty. The moderatio displayed by the Seven Sages may thus be understood as an expression of several different character traits, such as the sages' awareness of their own merits in relation to those of others, their sincere respect for their peers (including the acceptance of their fellows' superiority), their piety towards the gods, and, in contrast to the materialism displayed by the fishermen and their buyer, perhaps even their indifference towards luxury.

As an Athenian is named as the final sage to receive the tripod (an Athenian adaptation of the original Milesian story, if Wiersma 1933-4: 152 is correct), it seems likely that V. assumed that the tripod had been dedicated at the sanctuary of Apollo at Delphi, to which the group of the Seven Sages was considered to have had a special connection, not least through their famous maxims inscribed on the facade (cf. Paus. 10.24.1; see also Busine 2002: 35-6). Delphi is explicitly mentioned as the place of dedication by Theophrastus (fr. 583 FHS&G, where the tripod is sent by Bias) and Diogenes Laertius (1.28: ὁ δὲ ἔφη σοφή πρῶτον εἶναι τὸν θεόν καὶ ἀπέστειλεν εἰς Δελφούς). Given the numerous regional variations of the story, however, it is hardly surprising that the famous tripod has also been connected with other sanctuaries. Thus, according to one version (potentially of Milesian origin), the prize was returned to Thales, who dedicated it at Didyma near Miletus (see Diog. Laert. 1.32-3; cf. the
Bathycles version at 1.28-9, where Diogenes mentions both Didyma and Delphi). Another variant claimed that the tripod had been dedicated to the Ismenian Apollo at Thebes (see Plut. Sol. 4.3; a patriotic invention, according to Fehling 1985: 29). It is likely that several Apollo sanctuaries in the Greek world claimed to be in the possession of the legendary item (see Snell 1971: 115; cf. Fehling 1985: 26-7 n.37, who, following a scholiast’s suggestion, considers the story as an *aition* for the famous tripod of the Pythia).

Tripods were given as prizes for all kinds of contests, from dancing competitions to athletic *agones* (see ThCRA 1, 302-3; Wagner-Hasel 2015: 347-8). The tripods won were generally dedicated at a local sanctuary and exhibited with an honorary inscription (ThCRA 1, 302-3). V’s choice of the term *titulus* therefore seems smart in that it illustrates the ‘distinction’ and ‘honour’ (*OLD* s.v. 7b) bestowed upon Apollo by the Seven Sages, yet it may also hint at the existence of an honorary inscription or plaque (cf. *OLD* s.v. 1b; 2), potentially on the base on which the *praemium*, that is the tripod, was located (cf. ThCRA 1, 303). For evidence of such an inscription (mentioning Thales as the dedicator), see Diog. Laert. 1.29: Θαλῆς Ἐξαμύου Μιλήσιος Ἀπόλλωνι Δελφινίῳ Ἑλλήνων ἀριστεῖον δὶς λαβὼν.

**4.1.ext.8**

**atque ut Theopompo quoque Spartanorum regi moderationis testimonium reddamus:** Theopompus (*RE* 5A, 2173-4; *BNP* 14, 518) was Euryptondid king of Sparta in the late eighth century BCE. Little is known about him apart from his involvement in the First Messenian War, during which he is said to have conquered Messenia (cf. Tyrt. fr. 5 W; Paus. 3.3.2), the insertion of a clause into the Great Rhetra (cf. Plut. *Lyc.* 6.4), and his alleged creation of the ephorate, a deed which plays a major role in the present *exemplum* (see commentary below). In general, his reign appears to have been regarded
as significant both in paving the way for Sparta’s rise to power and ensuring the consolidation of its internal order. This is the only appearance Theopompus makes in the *Facta et dicta memorabilia*. On the evidence regarding Theopompus, see also Kőiv 2003: 199-200.

cum primus instituisset ut ephori Lacedaemone crearentur: The ephors were a group of five Spartiates who were elected on an annual basis to oversee and advise the Spartan kings on behalf of the people (on the ephors generally, see Richer 1998; on the political significance of the ephorate, see also commentary below). V. appears to be following Cicero (cf. *Rep*. 2.58: regnante Theopompo sunt item quinque, quos illi ephoros appellant, ... constituti; *Leg*. 3.16: ephori Lacedaemone ... a Theopompo oppositi regibus), who, in turn, may have been relying (perhaps via an intermediary) upon Plato (cf. *Leg*. 692a) or Aristotle (cf. *Pol*. 1313a26-8), in claiming that it was Theopompus who had established the ephorate (cf. *primus instituisset ut ... crearentur*). He thereby clearly contradicts a slightly older, diverging tradition, according to which the ephorate had had its origins under the legendary Spartan lawgiver Lycurgus (cf. Hdt. 1.65.4; Xen. *Lac*. 8.3; see also Diog. Laert. 1.68, who names Chilon as the founder of the ephorate but acknowledges the existence of a parallel tradition which appears to have attributed the institution of the office to Lycurgus). Whether either Lycurgus (should he have existed) or Theopompus can actually be credited with the creation of the office cannot be determined with certainty (cf. Meier 1998: 93), and it does not seem impossible that Theopompus’ alleged foundation of the ephorate was merely an improvement on an already existing institution, given similar suggestions that he had also made changes to the Great Rhetra, which was believed to have been established by Lycurgus (cf. Plut. *Lyc*. 6.4; see also Kőiv 2003: 201-4; cf. Link 2000: 62-3). However, given the existence of evidence that the ephorate was introduced during the time of the Messenian Wars to administer the law while the kings were absent in the field (cf. Plut. *Cleom*. 10.2), the suggestion that Theopompus was responsible for the creation of the office is comprehensible.
ita regiae potestati oppositi quemadmodum Romae consulari imperio tribuni plebis sunt obiecti: As V. continues to be drawing on Cicero (cf. Rep. 2.58: ut contra consulare imperium tribuni plebis, sic illi contra vim regiam constitut), Vahlen’s emendation ita regiae potestati oppositi, also favoured by Briscoe, appears to be the most sensible approach to this corrupt passage (cf. ita fure (ut vid.) A : ita furi L : ita ephori G : ita futurae A² (followed by Combès) : ita fori L² : ita futuri dett. (followed by Kempf and Shackleton Bailey) : <ut> ita forent Halm (1854) : ita fere Foertsch (1855)). Like Cicero, V. compares the ephors’ political significance as a counterweight to the authority exercised by the two Spartan kings (cf. regiae potestati oppositi) to the role played by the tribuni plebis as a regulatory body to keep the power of Rome’s highest magistrates in check (cf. consulari imperio … obiecti). That the board of ephors was considered vital in curbing the monarchical element of the Spartan government is also suggested by other sources (cf., e.g., Pl. Leg. 692a; Arist. Pol. 1313a26-33; Plut. Lyc. 7.1; Mor. 779e). Although at first most likely selected by the kings themselves, in whose absence they were to administer justice (cf. Plut. Cleom. 10.2), the ephors appear at some point to have become independent from the kingship, being elected from and by the demos instead (cf. Arist. Pol. 1270b27-8, who criticises the election procedure by which the candidate with the loudest acclaim was elected as ‘childish’). As magistrates of the people, they had the right to summon and preside over the Spartan assembly (cf. Thuc. 1.87.1-3) as well as to sit with and bring business before the gerousia (cf. Hdt. 5.39-40; Paus. 3.5.2). Above all, however, the ephors were tasked with the enforcement of Sparta’s customary moral law, for which purpose they were equipped with authority that was, in many respects, superior even to that of the kings (cf. Link 2000: 65-7). Thus, by agreement with the gerousia, they exercised oversight over the kings’ conduct (cf. Hdt. 6.82; that the kings were also under supervision whilst in the field is suggested by Hdt. 9.76.3) and were entitled to force the will of the people upon the kings, if such a step was considered necessary (cf. Hdt. 5.39-40). The ephors’ moral guardianship also appears to have found expression in a recurring ritualistic exchange of oaths, in which the kings expressed their
willingness to adhere to Sparta’s customs and laws, while the ephors pledged that they would not interfere in the kings’ rule as long as the two men remained true to their pledge (cf. Xen. Lac. 15.7).

Like the ephors in Sparta, the *tribuni plebis* at Rome were generally perceived as the people’s representatives, whose main purpose it was to defend the liberty of the Roman people against potential hybris and despotism at the hands of the magistrates (cf. Cic. Leg. agr. 2.15: *tribunum plebis, quem maiores praesidem libertatis custodemque esse voluerunt*; Liv. 3.37.5: *tribuniciam potestatem, munimentum libertati*). Through their right to veto magisterial decrees, the tribunes were intended to provide protection should the magistrates ever appear to exercise *imperium* arbitrarily and against the will of the people (for a more detailed discussion of the tribunes’ *ius auxilii*, see Bleicken 1968: 78-83; Thommen 1989: 233-41; Lintott 1999: 124-6). V’s reference to the *tribuni plebis* is not only aimed to help his readers relate more easily to a Spartan institution which they would have known only from literature but also to defend the extraordinary political significance of the tribunate itself as a counterbalance to the *imperium* of the consuls, which, although restricted through the principle of collegiality, still was considered similar to the powers originally held by the Roman kings (cf. Cic. Leg. 3.8: *regio imperio*; Val. Max. 4.1.1: *cum exactis regibus imperii eorum vim universam omniaque insignia sub titulo consulatus in se translatam cerneret*).

*atque illi cum uxor dixisset id egisse illum ut filiis minorem potestatem relinqueret, ‘relinquam’ inquit, ‘sed diuturniorem’: The core of the *exemplum* as well as Theopompus’ *dictum* go back to at least the time of Aristotle (cf. Pol. 1313a31-4: ἐπερ καὶ πρὸς τὴν γυναῖκα ἀποκράνασθαι φασών αὐτόν, εἴποισαν εἰ μὴδὲν αἰσχύνεται τὴν βασιλείαν ἐλάττω παραδιδὼν τοῖς υἱέσι παρὰ τοῦ πατρὸς παρέλαβεν: ‘οὐ δῆτα’ φάναι ‘παραδίδωμι γὰρ πολυχρονιωτέραν’; for later references, see Plut. Lyc. 7.2; Mor. 779e). All sources seem to agree that Theopompus was reprimanded by his wife, Chilonis, for making sure that their sons (and therefore the entire future Eurypontid
line) would eventually inherit a position of reduced power (cf. *ut filiis minorem potestatem relinqueret*). Theopompus' response, however, makes it absolutely clear that the decision to create a controlling instance to whose authority even the kings had to submit was a deliberate attempt to make the kingship itself more durable (for *diuturnus*, cf. *TLL* 5.1.1645.48-1646.64; *OLD* s.v. 1a).

**optime quidem, ea enim demum tuta est potentia quae viribus suis modum imponit:**

Unsurprisingly, V's personal judgement on his exemplar's moderation is entirely positive (cf. *optime quidem*). In the *sententia* he offers to explain his view, V. seems to suggest that only power (for *potentia* and its implication of 'being able to do sth.' (*potens esse*), cf. *TLL* 10.2.292.34-293.11; *OLD* s.v. 1a, b; Hellegouarc’h 1972: 238-42) which is able to restrain itself (cf. *quaes viribus suis modum imponit*) can be considered 'safe'. The meaning of *tutus*, however, is ambiguous. Considered from the perspective of the powerful individual, the adjective may be understood as 'protected' or 'secure' (cf. *OLD* s.v. 1a). In other words, a ruler who displayed *moderatio*, restraint in the use of his authority, could be certain that his rule was safe (and therefore *diuturnius*, as suggested above), as his subjects were willing to accept his sovereignty. It does not seem unreasonable to assume that a remark of this kind, even if it was merely a reflection of current political thought, would also have been perceived as an assurance for Tiberius, the addressee of V's work, that, if the *princeps* continued to make and effort to demonstrate moderation and selfless devotion to duty, he had no reason to be concerned about the future of his rule. From the perspective of the ruled subjects, however, *tutus* could then also be interpreted in the sense of 'safe to be trusted' (cf. *OLD* s.v. 7a), as the ruler was unlikely to abuse his authority (cf. below: *longius a licentia retraxit*). *Moderatio*, it seems to be implied here, ensures trust and *concordia* (on the nexus between *moderatio* and *concordia*, cf. also Scheidle 1993: 120-1). As in *exemplum* 4.1.ext.2(a) (*veritus ne ipse vindictae modum dispicere non posset*), the term *modus* is used to describe the invisible line which defined
the boundary between the appropriate and acceptable use of legitimate power and the invidious impression of authoritarianism and lack of restraint.

igitur Theopompus regnum legitimis vinculis constringendo, quo longius a licentia retraxit, hoc ad benivolentiam civium proprius admovit: V. concludes the exemplum with a final personal observation. His depiction of the creation of the ephorate as the legally prescribed ‘fettering’ of the authority of Sparta’s kings (cf. regnum legitimis vinculis constringendo) creates a similarly vivid effect as Plato’s reference to the ‘bridling’ of the kings’ rule (cf. Leg. 962a: οἷον ψάλιον ἐνέβαλεν αὐτῇ τὴν τῶν ἐφόρων δύναμιν).

The essence of Theopompus’ moderatio is thus in effect the same as that of Publicola in exemplum 4.1.1, where V. claims that the consul deliberately ‘demolished his own power’ (ita … imperium suum … destruxit), in order to ensure the Roman people’s libertas (quo civitatis condicio liberior esset). Like Publicola (cf. 4.1.1: invidiosum magistratus fastigium moderatione ad tolerabilem habitum deduxit), Theopompus appears intent on increasing (or in some cases even restoring) the people’s faith in the highest office of the state by voluntarily restricting its powers, as these could be seen as excessive (cf. quo longius a licentia retraxit; on the extraordinarily negative connotation of licentia, see Hellegouarc’h 1972: 558-9). By unselfishly limiting the kings’ (and thereby also his own) authority, it is suggested here, Theopompus was successful at endearing the kingship to the Spartan people (cf. hoc ad benivolentiam civium proprius admovit), thus honouring the promise made to his wife that he would make the kingship more durable (cf. above: ‘relinquam’ inquit, ‘sed diuturniorem’). In his conclusion, V. may have been inspired by Augustus’ voluntary renunciation of his triumviral powers during the gradual transition from 28 to 27 BCE, the use of which had provoked much hatred, as Suet. Aug. 27.3 points out: in eadem hac potestate multiplici flagravit invidia. On the balancing act between licentia and benivolentia civium, or, to use different terms, superbia and civilitas, cf. also Wallace-Hadrill 1982: 32-48.
Antiochus autem: Antiochus III Megas (RE 1, 2459-70; BNP 1, 763-4) was the sixth king of the Seleucid Empire, reigning from 223 to 187 BCE. In an extensive military campaign (211-205 BCE), advancing through Greater Armenia, Media, Parthia, and Bactria as far as the Indus river, he attempted to restore Seleucid hegemony in the rebellious eastern satrapies (Schmitt 1964: 86-96; Ma 1999: 63-4; Sherwin-White/Kuhrt 1993: 188-201; Lerner 1999: 45-62; Taylor 2013: 72-86; Grainger 2015: 55-79). Following his return, he successfully annexed the Ptolemaic possessions of Coele Syria and Phoenicia (Sherwin-White/Kuhrt 1993: 201-2; Grainger 2010: 245-71; Taylor 2013: 89-93; Grainger 2015: 98-114) and continued to build up Seleucid power in Asia Minor and the Aegean (Schmitt 1964: 262-95; Ma 1999: 82-94; Grainger 2002: 30-75; Dreyer 2007: 272-300; Grainger 2015: 115-50). By 193 BCE, arguably the height of his thirty-five-year reign, Antiochus’ empire stretched from Thrace and the Mediterranean coast of Asia Minor to the borders of the Mauryan Empire in modern-day Pakistan.

In the Facta et dicta memorabilia, Antiochus is characterised as a powerful ruler with obvious expansionist intentions (cf. Val. Max. 8.1. damn. 1: illum totius Asiae dominum et iam Europae victrices manus inicientem) who is, nonetheless, capable of acts of virtue (cf. Val. Max. 2.10.2; that Antiochus is trying to use Scipio Africanus’ son as a pawn in his negotiations, does not seem to matter to V.). Perhaps not surprisingly, Antiochus’ appearances in V’s work (cf. Val. Max. 2.5.1; 2.10.2; 3.5.1; 3.7.1d; 5.3.2c; 7.3.4; 8.1. damn. 1) are limited exclusively to the context of the Roman-Seleucid war (192-188 BCE), in which he was defeated by the Roman-led alliance.

a L. Scipione ultra Taurum montem imperii finibus submotus: Briscoe and Shackleton Bailey prefer to follow Kempf in printing Perizonius’ emendation submotis (i.e. ‘after the borders of the empire had been extended beyond the Taurus Mountains by L. Scipio’), but there seems to be no compelling reason to doubt the reading
\( \text{sum(b)motus} \) (i.e. ‘after he (=Antiochus) had been banished beyond the Taurus Mountains by L. Scipio’), preserved in the three oldest manuscripts as well as Paris’ epitome. That V. appears to have considered L. Scipio’s victorious campaign against Antiochus as the removal (for \textit{submovere} in the sense of ‘to banish’, see OLD s.v. 4) of an enemy from territory already under Roman control (or at least from the borders thereof) rather than the expansion of the territory itself is suggested by similar statements at Val. Max. 8.1.\textit{damn}.1 (\textit{illum} (=Antiochum) ... \textit{ultra Taurum montem submoveret}) and 2.10.2 (\textit{Antiochus} ... \textit{ab eo tum maxime finibus imperii pellebatur}). As in the latter instance, \textit{finibus} is here most likely to be seen as an \textit{ablativus separativus} without preposition (cf. Ov. \textit{Met.} 8.97-8: \textit{di te summoveant} ... \textit{| orbe suo}; Val. Max. 5.3.\textit{ext}.1: \textit{conspectu suo submouere animum induxerunt}). V.'s representation of the Roman dominion over the eastern Mediterranean seems exaggerated and slightly anachronistic, since, after the conclusion of the Second Macedonian War (200-197 BCE), Rome had retained only a relatively small presence in Greece (cf. Liv. 34.52.2: \textit{copiae omnes Brundisium transportatae}). At the same time, however, his approach allows V. to claim defensive rather than expansionist motives, in part perhaps echoing his own princeps’ reluctance to expand the empire further after the death of Augustus.

By 193 BCE, Antiochus had effectively taken control of most of Asia Minor (cf. Val. Max. 8.1.\textit{damn}.1: \textit{totius Asiae dominum}), the only notable exceptions being the small Attalid kingdom of Pergamum and the Bithynian kingdom under the reign of Prusias I (Grainger 2015: 152). From his base at Ephesus, he soon began to turn his attention towards Greece (cf. Val. Max. 8.1.\textit{damn}.1: \textit{iam Europae victrices manus inicentem}). When the Aetolian League approached him for help against the remaining Roman presence in mainland Greece, Antiochus saw his opportunity. In 192 BCE, he launched his invasion, albeit with only a relatively small number of troops (Taylor 2013: 115). The Romans, who had for a while been suspicious of the king’s intentions in the Aegean, did not take long to respond. Early in 191 BCE, a quickly levied Roman army crossed the Adriatic Sea to join the remaining troops in Greece (cf. Liv. 36.14.1).
Supported by the now allied Macedon king, Philip V, the consul, M. Acilius Glabrio (MRR 1, 352), had little difficulty bringing Antiochus’ advance to a halt. At Thermopylae, the Seleucid army suffered a heavy defeat (cf. Liv. 36.19.10-12). Realising that it would be a mistake to remain in Greece, Antiochus retreated to Ephesus (cf. Liv. 36.21.1).

In 190 BCE, the new consul, L. Cornelius Scipio (RE 4, 1471-83; BNP 3, 822; MRR 1, 356; see also commentary on Val. Max. 4.1.8), took command of the Roman army in Greece (cf. Liv. 37.6.1-2). Together with his elder brother, Scipio Africanus (RE 4, 1462-70; BNP 3, 821-2; MRR 1, 358), who served as his legate, and supported by the Pergamene king, Eumenes II, L. Scipio crossed the Hellespont, thus taking the war to Asia (on the campaign, see Grainger 2015: 180-6). In December 190 BCE, the two armies clashed at Magnesia ad Sipylum in Lydia. Antiochus was defeated (cf. Polyb. 21.16.1; Liv. 37.41.2-44.3; App. Syr. 31-6; Just. Epit. 31.8.7; Eutr. 4.4) and, after the ‘Peace of Apamea’, was forced to surrender all Seleucid possessions in Asia Minor north and west of the Taurus Mountains to Rome’s allies Pergamon and Rhodes (cf. Polyb. 21.17.3; Liv. 37.45.14, 37.55.5-6, 38.38.4 with Briscoe 2008: 129-34; Diod. Sic. 29.10; App. Syr. 38; on the significance of the Taurus as the border between the two halves of the world in V., see Weileder 1998: 133-4). Furthermore, he was to pay a war indemnity of 15,000 talents (in addition to the actual costs of the war), surrender most of his Mediterranean fleet and all of his war elephants, and send twenty hostages to Rome, amongst them his own son (cf. Polyb. 21.17.4-8; Liv. 37.45.14-17; 38.38.2-18; Diod. Sic. 29.10; App. Syr. 38-9; Just. Epit. 31.8.8). While the king withdrew to Syria, L. Scipio returned to Rome, where he celebrated a triumph (cf. Polyb. 21.24.17; Liv. 37.59.2-6; Val. Max. 8.1.damn.1: speciosissimum triumphant de rege Antiocho ductum) and accepted the agnomen Asiaticus (cf. Cic. Mur. 31). A painting of the battle at Magnesia appears to have been displayed on the Capitol (cf. Plin. NH 35.22), together with a statue of the victorious consul wearing Greek dress (cf. Cic. Rab. Post. 27; Val. Max. 3.6.2; see also Sehlmeyer...
1999: 144). V. would also almost certainly have known the statue of Scipio erected in the Forum Augustum (cf. Sehlmeyer 1999: 144).

cum Asiam provinciam vicinasque ei gentes amisset: As a result of the Peace of Apamea, the Seleucid Empire lost control of all of its possessions in Asia Minor. While some of the Greek cities were given their freedom, the rest was divided amongst Rome’s allies (cf. Polyb. 21.45.1-12; Liv. 38.39.5-17; Diod. Sic. 29.11; App. Syr. 44; Just. Epit. 31.8.9; see also Baronowski 1991: 450-63). These re-distributions of the territories lost by Antiochus, although almost certainly made for strategic and logistical reasons, are praised by V. as a clear sign of Roman munificence (Val. Max. 4.8.4; 5.2.ext.3; see also Weileder 1998: 58-61).

While Cicero, whom V. follows here, hints at the fact that Asia technically did not become a Roman province until the death of King Attalus III of Pergamon in 133 BCE (cf. Cic. Deiot. 36: omnemque hanc Asiam quae est nunc nostra provincia amisset), V. is less precise in his choice of words, thereby creating a slightly anachronistic scene (deliberately, as Val. Max. 5.2.ext.3 suggests). V’s narrative thus gives the impression that Antiochus had occupied Roman territory before he could be driven out (see also above: imperii finibus submotus). The claim of a ‘recovery’ of lost territory is also made in Val. Max. 3.5.1 (maiore ex parte recuperata Asia), but 5.3.2c seems to suggest that L. Scipio’s victory over Antiochus was in fact the beginning of Rome’s dominion over Asia (rex Antiochus devictus et Asia imperio populi Romani adiecta).

In highlighting the significant detail that, in accordance with the Treaty of Apamea, Antiochus was also obliged to surrender territories that lay outside of what was later to become the Roman province of Asia (cf. vicinasque ei gentes), such as the Seleucid possessions in Lycaonia, Phrygia, Pisidia, Pamphylia, and Lycia (see Polyb. 21.24.5-8; 21.45.8-11; Liv. 38.38.4), V’s account seems to place greater emphasis than Cicero on the vast extent of the area lost by Antiochus, thus setting the stage for the king’s exemplary reaction. That V. himself would not have been unfamiliar with the
geography and history of Asia Minor can be deduced from the fact that he had accompanied his friend and patron Sextus Pompeius on his journey to Asia (Val. Max. 2.6.8: *Asiam cum Sex. Pompeio petens*). For the enormous dimensions of the territory lost by Antiochus, cf. Liv. 38.59.4-7.

**gratias agere populo Romano non dissimulanter tulit:** V. builds on the version found in Cicero (cf. Cic. *Deiot*. 36: *dicere est solitus benigne sibi a populo Romano esse factum*). Cicero is likely to have invented this anecdote (which is not mentioned in earlier sources) as part of his defence of the Galatian king, Deiotarus (on the flexibility of historical *exempla* in Cicero generally, see van der Blom 2010: 103-28). As a former ally of Pompey during the Roman civil war, Deiotarus had been deprived of a considerable part of his kingdom by Caesar and was now accused of having plotted to assassinate the dictator. In his defence speech, Cicero makes a convincing case for the king’s innocence, urging Caesar to show clemency towards Deiotarus and to allow him to retain his royal title, even if that meant that the size of Deiotarus’ kingdom remained reduced. In turn, Cicero claims, the king would only remember what he still possessed due to Caesar’s kindness and not what he had lost at the dictator’s hands (Cic. *Deiot*. 35: *quid enim retineat per te meminit, non quid amiserit, neque se a te multatum arbitratur*; for a similar motif, see Plut. *Mor*. 469d: *μανικὸν γάρ ἐστι τοῖς ἀπολλυμένοις ἀνάσθαι μὴ χαίρειν δὲ τοῖς σῳζομένοις*). In an attempt to demonstrate that such emotional restraint was possible, Cicero adduces the *exemplum* of the grateful Antiochus.

While Cicero’s Antiochus merely seems to have tried to convince himself and his inner circle of the fact that he actually had been done a favour (cf. *benigne sibi … factum*) by the Romans, V’s account goes further, almost suggesting a relationship of dependency between the Romans and the Seleucid king, as the latter’s public (cf. *non dissimulanter tulit*) expression of *gratia* implies (for *gratia* as a key element of the Roman concept of *clientela*, see Hellegouarc’h 1972: 204-6).
quod nimis magna procuratione liberatus modicis regni terminis uteretur: The passage is taken verbatim from Cic. Deiot. 36, where it also serves as an explanation as to why Antiochus felt that he had been done a favour by the Roman people (for a discussion of V’s tendency to borrow literally but without credit, see Welch 2013). Included in V’s exemplum, the phrase *nimis magna procuratione liberatus* creates the intriguing scenario that Rome, through L. Scipio as its commander-in-chief, appears to have acted as an ‘enforcer’ of *moderatio*. Triggered only by his defeat at the hands of the Romans, V suggests, Antiochus had ultimately come to realise that his empire had grown too large and that his own hubris had led to his downfall (on Antiochus’ hubris, see also Scipio Africanus’ observation at App. Syr. 38: *αἴτιος μὲν αὑτῷ διὰ πλεονεξίαν Ἀντίόχος καὶ τῶν νῦν καὶ τῶν πρῶτερον γεγονότων*; for other interpretations of the king’s offence, see Cic. Deiot. 36: *furoris multam sustulerat*; Liv. 37.45.7: *expiare errorem regis*). By publicly reshaping this humiliation as *moderatio*, the defeated king would, at the same time, have been able to save face without casting doubts over Rome’s dominion over the Hellenistic East.

The king’s *moderatio* seems to echo that of Theopompus in the previous *exemplum* (cf. Val. Max. 4.1.ext.8: ‘*relinquam* (scil. *minorem potestatem*)’ *inquit*, ‘*sed diuturniorem*’), and it also appears to correspond (at least to a certain degree) with V’s understanding of *paupertas* (cf. Val. Max. 4.4.praef.: *omnia nimirum habet qui nihil concupiscit*). In describing the appropriate, moderate measure (or, in other words, the invisible line which must not be crossed), the expression *modici termini* is similar to the *tolerabilis habitus* at Val. Max. 4.1.1.

*et sane nihil est tam praeclarum aut tam magnificum quod non moderatione temperari desideret:* V. concludes the *exemplum* with a moralising *sententia*, which can be understood both in reference to the specific circumstances of the Seleucid Empire under Antiochus the Great and, as the final remark of V’s chapter on *moderatio*, as an observation on the significance of this virtue in general. The virtue of *moderatio* is here
represented as a tool deliberately employed to keep in check even the greatest and best things, implicitly reminding the reader that excess of any sort is likely to have negative consequences (cf. the famous precept ΜΗΔΕΝ ΑΓΑΝ, engraved on the facade of the Temple of Apollo at Delphi). V. may have found inspiration for his *sententia* in Cicero, who, in a letter to Atticus, explains that Sulla's dictatorship was in essence an excellent one, although a little more moderation would have been desirable (Cic. *Att*. 11.21.3: *in quibus omnia genere ipso praeclarissima fuerunt, moderatione paulo minus temperata*). In light of this comment, it does not seem impossible that V.'s statement may contain hidden praise for his dedicatee, Tiberius, the early phase of whose Principate is generally not only described in extraordinarily positive terms by his contemporaries (cf., e.g. Vell. *Pat.* 2.126.1-5), but whose reputation for *moderatio* was also widely fostered (cf., e.g., Vell. *Pat.* 2.122.1; see also Rogers 1943: 60-87; Downey 1975: 98-105; Levick 1975: 123-37).
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259


263
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267


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279


