

The Battle Between History and Myth: A New Look at Livy's Oppian Law Debate

Book 34 of Livy's *Ab Urbe Condita* begins with the debate surrounding the movement to repeal the Lex Oppia, a law passed during the Second Punic War. The majority of the analysis of this debate has focused on whether the Lex Oppia was a sumptuary law directed at women or a temporary measure to raise funds for the city during the difficult times of the war (Culham 1982; Haury 1976; Hemelrijk 1987; Johnston 1980). Some scholars have analyzed the structure of the speech, but little attention has been paid to the nature of the arguments that each of the debaters use (Briscoe 1981; Ullmann 1929). This paper will focus on the contest that Livy has constructed between mythological representations of women and historical representations of women from Rome's past. As the tension between mythology and history is something that Livy addresses in his preface and in the earliest parts of his narrative, it is not surprising that he bases the arguments of the winning speech on historical and while he gives the losing speech arguments based on mythology. Livy uses this debate to prove the value and importance of knowing and using history to determine future actions.

The two speakers in the Oppian Law debate – Cato the Censor and Lucius Valerius – take different approaches in attempting to persuade the audience about whether the law should be repealed. Livy has Cato craft women as a group that men must control and fear. He cites the story of the Lemnian women killing all the men on the island as something he “used to consider a myth and a made-up event” (34.2.3: *fabulam et fictam rem*), but he can now believe it because of his personal observations of the behavior of the Roman women in the streets. He poses repeated threats of what might happen if women meet in groups or if they secede to force the repeal of the law (34.2.4; 32.4.7). Cato, however, offers no example from Roman history that proves that women are a danger to men.

In contrast, Valerius “unrolls” Cato’s own account of Rome’s past to offer examples of women striving to help the state and willingly sacrificing for the greater good of Rome (34.5.7: *tuas aduersus te Origines reuoluam*). All of the examples Valerius invokes occur in Livy’s account of Rome’s past as well: the Sabine women stopping the war (1.13.1-8), the women convincing Coriolanus not to attack Rome (2.40.1-12), the women contributing their gold for a gift to Apollo (5.25.8-10), and the women escorting the Magna Mater into the city during the Second Punic War (29.14.12-14). Valerius’ speech wins the day.

Livy’s construction of these two speeches intentionally pits mythology against history with history triumphing. This juxtaposition reflects issues Livy raised in his preface about the previous narratives of Rome’s past, especially those surrounding the beginnings of the city: “It is my intention neither to approve or refute those things which happened prior to and during the city’s founding which have been handed down elaborated more in poetic tales than in the uncorrupted records of deeds” (*pr.* 6). He further argues that Rome’s claim of Mars as its founder is grounded in the state’s success in war (*pr.* 7). From the beginning of his history, therefore, Livy asserts that the realities of Rome’s past define it, not its mythology.

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