

## History, not Epic and not the Princeps:

### The Oppian Law Debate as Livy's Response to Vergil and Augustus

Scholars have primarily explored the Oppian Law debate to try to determine the purpose of the Oppian Law, whether it was a sumptuary law or a law for raising money to support the Roman military after the losses in the Second Punic War. More recently, Vassiliades (2019) has described the speeches as failed rhetoric because Cato fails to persuade and Valerius' success results in the moral degeneration of Rome. And McClain (CAMWS 2018) has suggested that the debate serve to establish Livy's superiority over Cato as a historian: Cato's speech invokes no historical evidence to support his argument loses to Valerius' speech which quotes events readily available in Livy's own text. This paper builds on McClain's suggestion that Livy uses the Oppian Law debate to make a statement about his superiority as a historian but will argue that, while Livy might have used the opportunity to portray Cato as a flawed historian, he had a more immediate rival in his quest to define what it means to be Roman: Vergil. Livy used the Oppian Law debate to respond to Vergil's foray into history in Book 8 of the *Aeneid*, in the narrative surrounding and on Aeneas' shield, but more importantly, it was Livy's opportunity to make clear that history, not epic, (*historia* not *fabula*) could best teach Romans what their past was and what they should learn from it.

That a rivalry existed between these two Augustan writers has been argued by both Woodman and Sailor. Woodman's analysis of *Aeneid* 8.630-662 argues that "Virgil has produced a sustained critique of Livy's description of events in his first pentad and that he has drawn attention to his procedure by the means of an historiographical technique" (Woodman 1989, 139), specifically the prefatory lines at 8.626-9 and his chronological description of the images on the shield (142). Woodman especially points to Livy's *Pr.* 6-8, in which Livy

privileges history over poetry: “Such characteristic rationalism on the part of an historian towards poetry amounted to a challenge which Virgil could hardly refuse” (140).

But it was not just the poet who seems to have questioned Livy’s *auctoritas* as a historian. Sailor sees “an implicit competition of authority between Livy’s historiographical project and Augustus’s own status as a representor of Rome’s past” in the dispute between the historian and the *princeps* regarding the *spolia opima* (140, see also Taylor 1951). Because, according to Sailor, Livy produced his work with “ambitions of being definitive” (330), he undermined Augustus’ assertion about the true inscription on the linen breastplate which named L. Cornelius Cossus as a consul by stating that he had followed all previous authors (4.20.5: *omnes ante me auctores secutus*) and by framing Augustus’ testimony as a matter of religious import (4.20.7: *prope sacrilegium ratus sum ... subtrahere testem*), something Livy repeatedly questions (Sailor 336-40, with Harrison 1989, 410-1). Sailor’s detailed analysis of the *spolia opima*, along with Livy’s remarks about Mars in the preface and his rejection of *fabulae*, offer a compelling case for Livy’s determination that he, as a historian, “should be invested with the *auctoritas* to make truth” (381-2, with Cicero *De Legibus* 1.1.3-4, 1.2.5) not the *princeps* and, as I argue, not the poet.

#### Bibliography

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