“These are Small Things”

Notes on the Text and Interpretation of Some Passages From Livy’s First Decade

Due to questions about the reliability of the sources for early Roman history, proper interpretation of those sources which we have available to us will always be of central importance. This is certainly the case for our sole continuous source for the first two centuries of Republican history, Livy. In this note, I offer solutions to two vexing passages from Livy’s first decade (sections 1 and 2), the interpretation of which will inevitably influence any scholar’s understanding both of certain issues of early Roman history and of Livy’s narrative purpose.

Then I shall propose a slight emendation of the traditional punctuation of a sentence from the second of the two passages (section 3), which I believe provides a more satisfying reading of Livy’s meaning than is possible with the currently accepted punctuation.

1 A passage from Livy’s account of the year 416 BC (Livy 4.48.1-4) has been the subject of emendation by modern scholars, because it has not seemed to make sense as it stands. Interpretation of this section is deeply significant because it has proven to be the basis of some modern attempts to understand the nature of land tenure in the early Republic. The passage runs as follows:

turbatores uolgi erant Sp. Maecilius quartum et <M.> Metilius tertium tribuni plebis, ambo absentes creati. et cum rogationem promulgassent ut ager ex hostibus captus uiritim diuideretur, magnaeque partis nobilium eo plebiscito publicarentur fortunae—nec enim ferme quicquam agri, ut in urbe alieno solo posita, non armis partum erat, nec quod uenis-set adsignatumue publice esset praeterquam plebs habebat—atrox plebi patribusque propositum uidebatur certamen.

The rabble rousers were Sp. Maecilius and M. Metilius, plebeian tribunes for the fourth and third times respectively, both elected in absentia. Since they had proposed a bill that land taken from enemies be divided up in individual allotments and since the property of a large portion of the nobility would, by this plebiscite, be made public property—for there was hardly any land, as is the case in a city built on foreign soil, which was
not acquired in war, nor did anyone except the plebs possess any land which had been sold or allotted by the state—a bitter struggle between patres and plebs seemed imminent.

In regard to its Latinity, the passage as it comes down to us poses no problems. However, its sense seemed to Ogilvie to present sufficient problems of interpretation to call for a change:1

The bill which they proposed was framed to ensure *uiritim* division of land captured from the enemy, i.e. *ager publicus*. What land was meant? Not that of Fidenae, which had long ago lost its land to the tribe Claudia and was no more than a fortress, nor that of Labici which had been allocated the previous year (47.6). We know of no other available land. In other words Maecilius’ proposals had been precisely forestalled by the enactment of the previous year... [The translation of the text as it stands] makes nonsense. Maecilius is complaining that the *plebs* never receive any land, while the patricians amass vast estates. He says that since all Rome’s land was captured from enemies, it was *ager publicus* and it is well known how all the *ager publicus* was cornered by the patricians. How can he or L. go on to say that whenever land did come on the market only the *plebs*... secured it? Why did not the patricians attempt to corner that land as well? They were rich enough. And why were the *plebs* not content with such a monopoly?

Harant proposed the transposition of *praeterquam* to precede *quod... esset*, changing the sense of the passage to mean that the plebs only acquired land which had come on the open market.2 Alternately, Ogilvie suggested the emendation of *unquam* for *praeterquam*, providing the sense that the plebs never got any of the land even when it did come on the market.3

What should be noted, is that Livy, who quite often prefers to forego commentary in favor of allowing the actors in his drama to make arguments on their own behalf, is here making a direct assertion about the probable effect of the proposal. The statement that the bill would result in the redistribution of the wealth of the nobles is not the argument of Maecilius in favor of his proposal, but is rather Livy’s analysis of the law’s effects. As Ogilvie emphasizes,

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1 Ogilvie 1965, 606-607.
2 Harant 1880, 37.
3 In support of my position, the anonymous reader has pointed out that it is unlikely that *unquam* would have been corrupted to *praeterquam*.