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English 102: Power in Livy's History of Rome

This is a required and capstone writing course whose purpose is to teach students how to research and produce an 8–10 page research paper with a minimum of eight secondary sources. The course is also aimed at teaching students formal written argumentation and rhetorical techniques. The theme of this course is power, and the text studied in the course is *The Early History of Rome*, i.e., the first five books of Titus Livy's *History of Rome*.

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Advantages of Teaching Livy's Early *History of Rome*

1. Livy in this text produces a revelation that is unique in literature: the earliest, most thorough, and concrete narration of a universal problem in history; that is, the existence in every society of ongoing social and economic class conflicts and the vital corollary that it is a measure of a society's quality how it tries to solve or control these conflicts.
2. Livy's history, therefore, *is also a unique and fascinating history of the evolution of a society from monarchy to relative democracy as a result of its attempts to resolve class conflicts and power politics.*
3. Livy is a first-rate historian who writes clearly, dramatically, and vividly and has a fine critical and analytical mind. Moreover, he offers provocative and stimulating insights into power politics, society, and human nature that can broaden and deepen a student's thinking into these problems, some of which a student may not have previously been confronted by.
4. Livy presents speeches by people in his history which are models of rhetoric and which can be usefully analyzed in a course concerned with rhetoric.
5. Livy's *History of Rome* opens for examination (in research papers, in-class papers, and in-class discussions) the amorality that underlies the struggle for power and the amoral subconscious instincts that are at the root of the human longing for power.
6. Simultaneously, the early books of the *History of Rome* show how the class conflicts of early Rome helped shape our own American system of checks and balances, and how these same conflicts between rich, poor, and the middle class exist in modern society and must constantly struggle for resolution.
7. Study of the early books of the *History of Rome* also leads naturally consideration of that work's influence on important thinkers and societies down to the present day. Examinations of an excerpt from Machiavelli's *Discourses* and of excerpts from Madison's "Federalist No. 10" illustrate this.
8. Many central myths of Western civilization are contained in Livy's text. Examples include the legend of Romulus and Remus, the rape of the Sabine women, Horatio at the bridge, the story of Numa the Lawgiver, the rape of Lucretia, the legend of Scaevola, and the legend of Brutus, Rome's first regicide and liberator. These legends are essential grounding for subsequent great works that refer to them, and they contribute to a student's cultural literacy.
9. The early *History of Rome* opens up a new world to all students, but especially to the minority and underserved community college population we serve. For most students, this is the first classical core text they have ever read, and it introduces them to a society upon which our own government is based. Being able to read this text with comprehension and mastery by the end of the course will enable the student to go on to future classes with a sense of special accomplishment, as with a grounding in cultural literacy that will make it easier for him or her to study other central classical texts and be open to other references to the classical world.

Problems and Solutions

Problem:

Because the milieu of early Rome is probably entirely unfamiliar to students, they may feel intimidated and anxious at being required to study it.

Suggested Solutions:

One of the first ways in which students can be helped here is to tell them ahead of time not to feel confused or disoriented simply because the names of people in the book are unlike the names of anyone they know. However disorienting or alienating the impression all these unfamiliar names might make on a first reading, the truth is that all of these people are just human beings who live lives like many others that students have read about—farmers, housewives, rich men, soldiers, generals, senators, and so on. After a while the strangeness will wear off.

It will also be helpful to tell students that not every person they read about is worth studying in depth, and that to make the narrative more intelligible and their reading more efficient, students will be provided with a list of key people in the text with their titles indicated. (A sample is included later in this module.)

A PowerPoint presentation or a lab where specified web sites are reviewed can be an invaluable and vivid tool for orienting students, enabling them to visualize the society, and providing some essential cultural grounding upon which to integrate what they will subsequently be reading. In truth, the visual re-creation of early Roman village life is an eye opener for students and faculty alike, revealing its primitive state and the hard life that can be inferred from their dwellings and farming implements. Visual resources help greatly in enabling these Roman lives to come alive.

Problem:

Students may not be able to connect the relationship of the *History of Rome* by Livy to their own lives or general concerns. *This is because students have arrived at college needing to develop the intellectual skill of being able to abstract the universal from the particular.*

Suggested Solutions:

Students need to be told when the semester starts, and at relevant points as readings and discussions proceed, about the importance of cultivating the ability to see the universal in the particular. This class is designed to help them do this. By helping students to see the conflict between rich and poor in early Roman society as a problem that is inevitable in all societies, including our own at the present moment, Livy will seem more immediate to them. It will also enable them to see the universal in the particular in other great works they subsequently encounter.

Close readings of excerpts from the text will be necessary for students to obtain full comprehension of the issues raised by Livy's history. In the course of explication and discussion, the professor ought to take the initiative in making connections between the power struggles depicted in early Roman society and ones in other, later societies. Over time, students typically are able to do this more and more on their own.

Problem:

Because Livy apparently used as the source for his early history what amounts to annual government reports, his narrative at points seems like a diary that presents a disconnected series of events. Moreover, because the original source documents report similar categories of activity, such as that year's military campaigning, the effect at some points is repetitive.

Suggested Solution:

Not all of the text is equally useful. When this text was taught at Wright Community College, the last book, Book Five, was not assigned because it concerned the sack of Rome by the Gauls and hence was not relevant to the semester's focus on the social and economic class conflicts of early Roman society.

The writing assignments and class discussions grew out of individual in-depth examinations of one book of the text at a time. Thus there were four writing assignments that required analysis and interpretation of important questions raised by each of the four books, as well as a research paper that considered the first four books as a whole.

Final Note:

In the module that follows, some of the skill exercises have been omitted. These include the exercises concerned with “works cited” formatting and parenthetical citation. This was done because the reprinting of supplementary materials here made the module rather lengthy, and because similar exercises of this kind can be gleaned from the English 101: Classical Rhetoric module contributed by Professor Bruce Gans elsewhere on this web site.

Overview of the Course

Texts

Titus Livy. *The Early History of Rome* (Books 1–5 of Livy's *History of Rome*). Translated by Aubrey de Selincourt. Penguin Classics, 2002.

Cheryl Glenn et al. *The Writer's Harbrace Handbook*. Brief Edition with CD-ROM. Heinle/Thomson Learning, 2002.

Course Objectives

What students must be able to do by the conclusion of the course:

- Write a grammatically proficient, well-organized, logical, persuasive essay.
- Demonstrate proficiency in basic academic research and produce an 8–10 page research paper, turned in on time, that meets MLA documentation and mechanics requirements, and which integrates all secondary sources in the paper's exposition.

Special Notes

About homework assignments: To pass *any primary source reading assignment* that you receive, you are required to:

- Read and thoroughly underline every main idea and important point in the assigned text.

- Produce a one-paragraph summary of the theme (that is, the message or meaning the author is trying to convey through the selection).
- Reminder: Students will be marked pass or fail in class on whether they have done this assignment completely, and students will be expected to read it aloud when called upon. These paragraphs are designed to give students the practice they need to write summaries and paraphrases for their research papers and in-class exams. Indeed, since summaries and paraphrases are required sections of all student research papers, each student will therefore be doing part of his or her research paper by executing one of these assignments.
- If you have any questions concerning how to find a main idea or write a summary, it is your responsibility to follow up with the instructor after he has *finished explaining in class how to do it*.

About in-class and take-home essay exams:

- *If you do write on the computer, you must bring a floppy disk to save your work.* You are strongly encouraged to use a word processor for in-class essay exams, but if you are not proficient on a computer and can do better work writing your essay by hand, you are permitted to do so.
All take-home essay exams *must* be handed in *typed* in accordance with standard college practice.
- Each student will do a research paper based on the literature assignments which the class will be studying, and will compose in-class essays upon the literature assignments during the semester. Each literature assignment will be analyzed by the professor and discussed with students. This system is designed to help prepare you to write your in-class essays comfortably and knowledgeably. It will also increase your reading and analytical skills, an important goal of the course. A third advantage is that one set of these discussions will directly assist you in understanding the book *your* research paper is being based upon.

Plagiarism detected on a student research paper will result in an automatic failing grade for that paper. A research paper that is plagiarized will result in the student failing the course. The burden of proof in such instances will rest on the student. If the student disputes the charge of plagiarism, he or she will be required to produce all notes and rough drafts of the research paper to prove the authenticity of the work. For this reason, it is very important that the student hold on to all notes and rough drafts. The student will also be required to sit down with the professor and recompose a selection from the paper from scratch that reproduces the same level of rhetoric and grammar proficiency.

Syllabus

Week One

Orientation: Course work and requirements (in-class essays, research paper draft, and final 8–10 page paper).

Grading and class policies.

Role of assigned texts and individual components of course explained.

In-class writing sample generated.

Homework:

The Writer's Handbook: Chapter 1: Reading and Writing Critically

Review texts; a research topic list is provided in the handout

Lecture and discussion: Stages of research in and writing an 8–10 page research paper

• Argumentation	• Avoiding plagiarism
• Primary and secondary sources	• Summaries, paraphrases, notation
• Generating and refining research	• Parenthetical citations
• Library research	• The outline and first draft
• Reading analytically, note-taking with index cards	• “Works cited” page
• Evaluating sources	• Mechanics and proofreading

Week Two

Lecture and discussion: Writing in-class essay papers.

(Note: The organization and logic for the in-class persuasive essay and the research paper are fundamentally identical. To best prepare students to write both papers, the smaller in-class essay form will be discussed first.)

- Writing without anxiety and with maximum efficiency: pre-writing explained.
- Minimum length and grammar proficiency standards discussed.
- Handout containing rules of organization and development reviewed.
- Principles of logic and rules of evidence (handout)

Homework:

Book One: *Early History of Rome* by Livy. Basis of research paper and first in-class writing exam

Writer's Handbook: Chapter 2: Planning and Drafting Essays

Week Three

Lecture and discussion on first reading assignment.

Homework:

Writer's Handbook: Chapter 8: Writing under Pressure

Writer's Handbook: Chapter 9: Writing about Literature

Week Four

First in-class writing exam. (Note: *Students are encouraged to use dictionaries.*)

- Review of most common grammar, logic, and content problems in first exams.
- Grammar review.
- Rewrite procedure reviewed
- Rewrites checked.

Homework:

Book Two of *Early History of Rome* by Livy for research project and basis for second in-class writing exam

Writer's Handbook: Chapter 5: Writing Arguments

Week Five

Lecture and discussion: Choosing research topics:

- Suggested topics list explained.
- Avoiding topics that are too broad, too narrow, or too vague.
- Generating topics by learning how to analyze and interpret great ideas or literature.
- Sources of topics from literature: theme versus plot, the conflicts within a person, with another, or with society, or nature, or the moral order. Symbols, metaphors, and allegories.
- Possible trip to LRC to familiarize students with computer center.

Reading homework checked in class. Basis of generating topics from literature.

Homework:

Writer's Handbook: Chapter 6: Research: Finding and Evaluating Sources

Reading assigned on primary source for research paper

Student to choose preliminary research topic

Lecture and discussion: Conducting library research

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| • The librarian's role | • References | • Photocopying articles |
| • The circulation desk, reference and reserve desk | • Encyclopedias | • Microfilm |
| • Card catalogue: author, title and subject cards | • Encarta | • CD-ROMS: |
| • Note-taking and index cards | • Syntopicon | • Infotrac |
| • Classification systems | • Classical and medieval literary criticism | • ProQuest Full text |
| • Library of Congress | • <i>Reader's Guide to Periodical Literature</i> | • Academic Abstracts |
| • Dewey decimal | • The interview as research | • Internet |
| | | • Search engines |
| | | • Searchbank |
| | | • Muse-Humanities |

Lecture and discussion: How to construct the research thesis

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|---|-----------------------------|--------------------------|
| • Supporting claims from primary and secondary sources. | • Structural analysis. | • Comparison |
| • Defining key terms | • Cause and effect analysis | • Psychological analysis |
| | | • Process analysis |

Homework:

Writer's Handbook: Chapter 3: Revising and Editing Essays

Scavenger Hunt (see handout): The purpose of this assignment is to give students practical experience in conducting research and to do it in carefully planned stages. To this end, each student is to find *at least three of the six sources listed below and enter them on the Scavenger Hunt form. To get a passing grade for this assignment, all the information requested in the Scavenger Hunt form must be supplied.*

- At least one citation from an encyclopedia or other reference work that discusses the contribution your author made to literary history. Discuss the place the work you are researching for your paper occupies in intellectual or literary history. Also discuss the work's major themes and its importance in the author's body of work. This summary will be incorporated into your 8–10 page final draft.
- One citation from the *Reader's Guide to Periodical Literature*.
- One citation from the Internet.
- One citation from a book of criticism. An introduction or afterword included in an edition of your primary sources is also acceptable.
- One citation from a literary journal.
- An abstract or article from Infotrac, Academic Abstracts, or the Muse databases.

Week Six

Summaries from second literature reading assignment reviewed.

Lecture and discussion on second reading assignment, to help student doing research papers on the materials.

Homework:

Bibliography cards for research paper, to be due at midterm

Week Seven

Second essay exam.

Review of essay exam strengths and weaknesses.

Homework:

Logical fallacy exercise (handout). Three-sentence answers for each question required.

Week Eight

Lecture and discussion:

- Logical fallacy exercise reviewed (handout).
- Discussion concerning importance of documenting sources and how to do it.
- What plagiarism is and how to avoid it.
- Note card techniques reviewed: bibliography summary, paraphrase, direct and indirect quotations, personal comment.

Homework:

Note card exercise handout

Writer's Handbook: Chapter 7: Research: Using and Citing Sources

Week Nine

Lecture and discussion:

- Creating the first draft of the research paper.
- Handout: sample first four paragraphs of research paper reviewed.
- Handout: sample outline from packet reviewed.
- The outline as a tool of organization and how to draft one.

Homework:

Outline exercise

Week Ten

Lecture and discussion:

- Outline exercise reviewed
- Techniques and rules for integration of quotations, including ellipses, brackets, etc.
- Rules for parenthetical citations.
- Rules for “works cited” page.

Homework:

Parenthetical citation exercise

“Works cited” exercise

Week Eleven

Lecture and discussion.

Parenthetical citation and integration of quotation exercise.

“Works cited” exercise.

Homework:

Writer's Handbook: Chapter 4: Document Design

Reading assignment in primary text. Underlining and summary required.

Writing assignment to be completed at home:

First 350 words of the research paper

One full page outline-abstract

“Works cited” page

Week Twelve

Lecture and discussion: Analysis of third primary source assignment.

Primary source underlining and summaries checked.

Homework:

Writer's Handbook: Chapter 3: Revising and Editing Essays

Writer's Handbook: Chapter 4: Document Design

Book Three of *Early History of Rome* by Livy. Basis for in-class discussion, writing exam, and research paper

Week Thirteen

Research paper draft for grade due as third graded essay. The draft must be typed and prepared at home and must include at a minimum:

- First 350 words of the research paper.
- One full page outline-abstract.
- “Works cited” page.

Review of problems with third writing assignment.

Review of grammar and logic problems in graded exams.

Final bibliographic note cards checked.

Homework:

Fourth primary source reading assignment for in-class exam

Week Fourteen

Fourth essay exam.

Lecture and discussion: Review of common problems in papers.

Lecture and discussion: Revising and editing: mechanics and form for research paper.

- Handout reviewed covering 25 most important points.
- Consistent tone, person, number, tense, active voice, etc.
- Eliminating wordiness.

Homework:

Book Four of *Early History of Rome* by Livy

Week Fifteen

Lecture and discussion: Analysis of fourth reading assignment for final exam.

Research papers due.

Week Sixteen

Follow-up work on research papers.

Final exam.

Sample Research Topics

Choose the topic that seems most interesting and put down your name and topic number on the signup sheet when it is passed around. *Very helpful hint:* Strongly consider using as secondary sources the authors in the *Synopticon*. Located at the Reserve Desk at the LRC. Look up topics like love, the individual, human nature and so on.

The Great Books themes this semester are *Time* and *Power and Passion*. You may receive five extra credit points on our final paper if you choose to write on one of these themes.

Define power. Be sure to make sure your definition includes some of the major forms of power—military, societal, ethical, emotional, and inner power, for example.

1. What does it mean to be powerful and powerless, and what examples of it do you see in the text?
2. What is the “power” of the mythic stories about Rome’s origins? What are some of the effects of this power, and what are its shortcomings?
3. Analyze the power struggle between the plebeians and the aristocracy. What form of power does each side have, and what power does each side lack? What do they want to do with “power,” and why? What power do they use, and what power do they fail to use?
4. How does Livy view power? As something good or bad or merely necessary? Who does he think should have power, and how much and why? Do you agree with the author or disagree? Explain.
5. How has the conflict between the plebeians and the aristocracy repeated itself over time? You may, for example, use American society and political parties of the present day for your analysis.
6. How did time influence the outcome of the struggles between the two classes? In other words, what sorts of changes took place in the conflict over time to change and resolve it? In other words, what psychological and material forces affect events with the passage of time?
7. How have the conflicts between the two social classes affected the way in which our Founding Fathers constructed our Constitution and Bill of Rights?
8. Do you see a repetition of these same mythical stories in other countries over time? Give examples, and show how each set of myths functions in their respective societies. In other words, what unchanging pattern of psychological needs of human beings of any era is revealed through the invention of these stories over time?

Here are some other topics for research papers for you to consider:

1. What is the author saying about human nature? Select one or more of the characters to make your point.
2. What is the author saying about society? Does the author approve or disapprove of it? In what way exactly?
3. What psychological analysis about human beings is the author offering?

Sample Exam and Discussion Questions

Book One of Livy's *History of Rome*

1. Define power. You are encouraged to do this by mentioning its several forms. Then select one of the people mentioned in the first book of Livy's *History of Rome* and argue in what way that person was the most powerful.
2. Define power. You are encouraged to do this by mentioning its several forms. Based on an examination of the specific acts discussed in the book, discuss which is more truly powerful: law, justice, or physical force.
3. Analyze the brief speech by Turnus on page 91 by discussing which of the rhetorical techniques reviewed in the handout it relies upon. As you do this, evaluate why the speech was or was not effective and valid.
4. Select the life of a tyrant. Discuss the things this person does to acquire and expand his power. Then analyze whether you feel the things that power enables a person to do under circumstances of nearly absolute power are worth the risks they involve—such as potential revolt.
5. Define justice and apply it to the social organization drawn up by Servius on pages 82–83.

Book Two of *History of Rome*

1. The theme for this semester is power. One example of power at work was the class conflict concerning what we would call the bankruptcy laws of early Roman society. Describe the laws and the situation they produced. Discuss the reasons aristocrats had for being so committed to enforcing them. Argue whether you think the aristocrats were right, and whether the way they behaved and thought in that situation can be seen in the wealthy in our society today. What role if any do you think government has in class conflicts like the one Livy describes?
2. Analyze the role that power played in the thinking and actions of the aristocrats and the commoners in the events that led to the latter's withdrawing to a Sacred Hill and withholding military service, and which then led to a new agreement. Keep in mind that what the commoners did was hold what we would today call a strike, and they did this knowing that Rome was about to be attacked and that without their

service there would be no army to protect the town. Be sure that your discussion of the use and the effect of power on others takes this into account.

3. Compare the conflict over the bankruptcy laws and the use of military service with the problem concerning proposals for land distribution which the Senate blocked. What similar psychology and uses of power do we find in these conflicts? Can we make any general conclusions about the nature or inevitability of class conflict based on these incidents? If you like you may also include in your analysis the story concerning Coriolanus and the setting of the price of grain.
4. Argue what you feel are the characteristics of a good law and a bad law. Use as one example the law that limits the term of office of the consuls to one year. Discuss why it does or does not meet your definition. To do this, give an example of how in practice it worked well or poorly in the running of Roman society. Mention the reason behind its passage and what it says about Roman thinking about human nature and power. In evaluating this law, keep in mind that later on the Romans invented the office of tribune, and think about the reasons they did so.

Book Three of *History of Rome*

1. The theme for this semester is power. One example of power at work was the episode concerning the usurpation of power by Appius and the ten decemvirs. Discuss one of the following:
 - a. List the major forms their abuse of power took, and explain what this reveals about why unjust men want power.
 - b. Analyze the motives and actions of the aristocracy during this period of tyranny. Then explain what this reveals about how socially and politically powerful people rank their own self-interest and the greater good of their society.
2. Try to define “justice” in a sentence. Then examine the tyranny of Appius and the decemvirs and explain the role justice played in resolving it. Why was the situation irresolvable and peace impossible as long as there was no justice in the legal system? That is, why is justice of great *practical* value in keeping a society functioning smoothly? To do this you might want to talk about how justice is an expression of a need in human nature.
3. Compare the speeches given by Marcus Horatius Barbatus on page 241 and the speech of Cornelius Maluginensis on pages 242–243. Which one was more persuasive and why? Point to particular points each makes. What rhetorical techniques does each one use? What strategies in one of the speeches might be said to be the sort of thing that gives politicians so poor a reputation?

Book Four of *History of Rome*

The theme for this semester is power. One example of a struggle for power is in Book Four of Livy’s *History of Rome*. It is reflected in the two speeches concerning the twin proposals to permit intermarriage between the nobility and the commoners and to permit the consuls to

be elected from the plebeian class. The speech opposing the measure is attributed by Livy to “the consuls” and is found on pages 288–290. The speech by Canulius in support of these measures can be found on pages 290–294.

1. Analyze one or both speeches. Identify the major warrants and claims made, and argue why each one is or is not valid and true.
2. Analyze one or both speeches as rhetoric. Identify the different forms of appeals that are being used, and argue whether each one was used appropriately and legitimately—that is, for example, was it demagogic and irrational or truly deliberative and judicial?
3. Why were the twin proposals so hotly contested by both sides, in your opinion? That is, was there something in terms of practical power at stake? You may consider in your answer the question of how social roles and status were to be defined, and what sort of legislation was expected to be passed if the proposal did—or did not—pass.
4. The Roman nobility and the plebeians fit James Madison’s definition of faction in “The Federalist No. 10” where he defines it as “a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.” Madison argues that “the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*.” His suggested solution was that a republic be established in which legislators would be elected and “must be raised to a certain number, in order to guard against the cabals of a few and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude.”

By the end of Livy’s Book Four, do you believe that the Romans were successful in devising a republic which was finally able to solve the problems of social breakdown and civil war that faction had produced? Or was their final system ultimately still a failure? What was it about their final system that solved or failed to solve the problem?

**Roster of Characters and Concepts for Teaching the First Book of Livy's
*History of Rome***

1. Aeneas
 - a. Ancestry and lineage
2. Romulus
 - a. Ancestry and lineage
 - b. Attitudes about who is welcome to settle in Rome and its meaning
3. Numa
 - a. Compare his role in creation of legal code and how America got its legal code
4. Horatio
 - a. Moral and physical virtues and vices and what it says about Roman values
5. Scaevola
 - a. Moral and physical virtues and vices and what it says about Roman values
6. Hercules
7. Tarquin the Proud (aka Superbus)
8. Sevius Tullius
9. Lucretia
10. Census
11. How Rome was populated
12. Rape of Sabine women and its aftermath
 - a. Social attitudes toward being kidnapped, raped
13. How society was organized
14. What was the basis of their religion
 - a. What was it supposed to accomplish
 - b. What were the rituals involved
 - c. When was it actively resorted to
 - d. Note parallels between myths of Roman heroes and gods and Christianity

Supplementary Materials

An experienced professor is likely to be concerned in assigning Great Books like Livy's *History of Rome* to minority and non-traditional community college students. Many students will need generous help in studying this text because of the trepidation and anxiety they feel, which arises from their being far less familiar with the ancient world and ancient societies than they are with the outer-space societies of the movies and science fiction.

The excerpts below should be helpful in helping students overcome that handicap. They have the following purposes:

- They provide a spur to class discussions
- They provide a potential basis for paper topics
- They provide secondary sources for research and in-class papers
- They give students who consider democracy self-evidently superior to any other form of government the background to enable them to see how the rich are able to justify their dominant role on ideological grounds
- They show class conflict as it grows inevitably out of human nature, for Great Books texts in the end are most valuable as illuminations of human nature and are of little utility if limited to supporting a particular ideology

Note: These excerpts are *not* intended to be the last word in teaching Livy. Their purpose is to give faculty and students brief, highly manageable, “off the shelf” tools that can provide exciting illumination of the questions the text contains. If you have materials you consider to be more useful and stimulating, then by all means use them and let us know about them so we can pass on the good word.

Studying the first four books of Livy is an especially valuable way to look at the problem which the struggle for power and the means used to acquire and keep it poses to every society. This is part of the great opportunity the study of Livy presents: the chance to study perennial problems of human nature with greater objectivity than would be the case with a conflict unfolding in one's own society where family, friends, and the media have such a great impact on a student's views. It is also a great opportunity for a student to *gain perspective* on universal human problems by seeing them played out repeatedly through the centuries, rather than as something unique to one's own lifetime. The dynamics of this universal problem of class conflict as Livy presents it played an important role in how the Founding Fathers decided to design our Constitution and Bill of Rights.

Excerpt from “The Federalist No. 10” by James Madison

(*Note: A careful review of this selection will provide especially powerful views on human nature as it is involved in questions of power and self-interest, as well as referring to the precise sources of class conflict presented in Livy.*)

AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority . . .

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these

on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful . . .

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union . . .

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters . . .

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic—is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase this security? Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States . . . A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

PUBLIUS

(Note: Thanks to Dan Melton of Arapahoe Community College for recommendations on *The Federalist Papers*)

Excerpts from Aristotle's *Politics*

(Translated by Benjamin Jowett)

(*Note:* It goes almost without saying that Aristotle is a great and provocative thinker but a poor stylist, to put it mildly, and students therefore ought to have the benefit of a professor's help in a close reading of his work.)

Part XI

. . . The principle that the multitude ought to be supreme rather than the few best is one that is maintained, and, though not free from difficulty, yet seems to contain an element of truth. For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse. For each individual among the many has a share of virtue and prudence, and when they meet together, they become in a manner one man, who has many feet, and hands, and senses; that is a figure of their mind and disposition. Hence the many are better judges than a single man of music and poetry; for some understand one part, and some another, and among them they understand the whole. There is a similar combination of qualities in good men, who differ from any individual of the many, as the beautiful are said to differ from those who are not beautiful, and works of art from realities, because in them the scattered elements are combined, although, if taken separately, the eye of one person or some other feature in another person would be fairer than in the picture.

Whether this principle can apply to every democracy, and to all bodies of men, is not clear . . . what power should be assigned to the mass of freemen and citizens, who are not rich and have no personal merit—are both solved. There is still a danger in allowing them to share the great offices of state, for their folly will lead them into error, and their dishonesty into crime. But there is a danger also in not letting them share, for a state in which many poor men are excluded from office will necessarily be full of enemies. The only way of escape is to assign to them some deliberative and judicial functions. For this reason Solon and certain other legislators give them the power of electing to offices, and of calling the magistrates to account, but they do not allow them to hold office singly. When they meet together their perceptions are quite good enough, and combined with the better class they are useful to the state (just as impure food when mixed with what is pure sometimes makes the entire mass more wholesome than a small quantity of the pure would be), but each individual, left to himself, forms an imperfect judgment.

On the other hand, the popular form of government involves certain difficulties . . . For a right election can only be made by those who have knowledge; those who know geometry, for example, will choose a geometrician rightly, and those who know how to steer, a pilot; and, even if there be some occupations and arts in which private persons share in the ability to choose, they certainly cannot choose better than those who know. So that, according to this argument, neither the election of magistrates, nor the calling of them to account, should be entrusted to the many.

Yet possibly these objections are to a great extent met by our old answer, that if the people are not utterly degraded, although individually they may be worse judges than those who have special knowledge—as a body they are as good or better. Moreover, there are some arts whose products are not judged of solely, or best, by the artists themselves, namely those arts whose products are recognized even by those who do not possess the art; for example, the knowledge of the house is not limited to the builder only; the user, or, in other words, the master, of the house will be even a better judge than the builder, just as the pilot will judge better of a rudder than the carpenter, and the guest will judge better of a feast than the cook.

This difficulty seems now to be sufficiently answered, but there is another akin to it. That inferior persons should have authority in greater matters than the good would appear to be a strange thing, yet the election and calling to account of the magistrates is the greatest of all. And these, as I was saying, are functions which in some states are assigned to the people, for the assembly is supreme in all such matters. Yet persons of any age, and having but a small property qualification, sit in the assembly and deliberate and judge, although for the great officers of state, such as treasurers and generals, a high qualification is required. This difficulty may be solved in the same manner as the preceding, and the present practice of democracies may be really defensible. For the power does not reside in the dicast, or senator, or ecclesiast, but in the court, and the senate, and the assembly, of which individual senators, or ecclesiasts, or dicasts, are only parts or members. And for this reason the many may claim to have a higher authority than the few; for the people, and the senate, and the courts consist of many persons, and their property collectively is greater than the property of one or of a few individuals holding great offices . . .

The discussion of the first question shows nothing so clearly as that laws, when good, should be supreme; and that the magistrate or magistrates should regulate those matters only on which the laws are unable to speak with precision owing to the difficulty of any general principle embracing all particulars. But what are good laws has not yet been clearly explained; the old difficulty remains . . .

Part XII

. . . the greatest good . . . in the highest degree . . . is justice, in other words, the common interest . . . Here is a difficulty which calls for political speculation. For very likely some persons will say that offices of state ought to be unequally distributed according to superior excellence, in whatever respect, of the citizen, although there is no other difference between him and the rest of the community; for that those who differ in any one respect have different rights and claims . . . [T]he rival claims of candidates for office can only be based on the possession of elements which enter into the composition of a state. And therefore the noble, or free-born, or rich, may with good reason claim office; for holders of offices must be freemen and taxpayers: a state can be no more composed entirely of poor men than entirely of slaves. But if wealth and freedom are necessary elements, justice and valor are equally so; for without the former qualities a state cannot exist at all, without the latter not well.

Part XIII

. . . The rich claim because they have a greater share in the land, and land is the common element of the state; also they are generally more trustworthy in contracts. The free claim under the same tide as the noble; for they are nearly akin. For the noble are citizens in a truer sense than the ignoble and good birth is always valued in a man's own home and country. Another reason is, that those who are sprung from better ancestors are likely to be better men, for nobility is excellence of race. Virtue, too, may be truly said to have a claim, for justice has been acknowledged by us to be a social virtue, and it implies all others. Again, the many may urge their claim against the few; for, when taken collectively, and compared with the few, they are stronger and richer and better. But, what if the good, the rich, the noble, and the other classes who make up a state, are all living together in the same city, Will there, or will there not, be any doubt who shall rule? No doubt at all in determining who ought to rule in each of the above-mentioned forms of government. For states are characterized by differences in their governing bodies—one of them has a government of the rich, another of the virtuous, and so on. But a difficulty arises when all these elements coexist. How are we to decide? Suppose the virtuous to be very few in number: may we consider their numbers in relation to their duties, and ask whether they are enough to administer the state, or so many as will make up a state?

Objections may be urged against all the aspirants to political power. For those who found their claims on wealth or family might be thought to have no basis of justice; on this principle, if any one person were richer than all the rest, it is clear that he ought to be ruler of them. In like manner he who is very distinguished by his birth ought to have the superiority over all those who claim on the ground that they are freeborn. In an aristocracy, or government of the best, a like difficulty occurs about virtue; for if one citizen be better than the other members of the government, however good they may be, he too, upon the same principle of justice, should rule over them. And if the people are to be supreme because they are stronger than the few, then if one man, or more than one, but not a majority, is stronger than the many, they ought to rule, and not the many.

All these considerations appear to show that none of the principles on which men claim to rule and to hold all other men in subjection to them are strictly right. To those who claim to be masters of the government on the ground of their virtue or their wealth, the many might fairly answer that they themselves are often better and richer than the few—I do not say individually, but collectively. And another ingenious objection which is sometimes put forward may be met in a similar manner. Some persons doubt whether the legislator who desires to make the justest laws ought to legislate with a view to the good of the higher classes or of the many, when the case which we have mentioned occurs. Now what is just or right is to be interpreted in the sense of 'what is equal'; and that which is right in the sense of being equal is to be considered with reference to the advantage of the state, and the common good of the citizens. And a citizen is one who shares in governing and being governed. He differs under different forms of government, but in the best state he is one who is able and willing to be governed and to govern with a view to the life of virtue . . .

Book 4, Part VIII

. . . For polity or constitutional government may be described generally as a fusion of oligarchy and democracy . . . [In] oligarchy . . . birth and education are commonly the

accompaniments of wealth. Moreover, the rich already possess the external advantages the want of which is a temptation to crime, and hence they are called noblemen and gentlemen. And inasmuch as aristocracy seeks to give predominance to the best of the citizens, people say also of oligarchies that they are composed of noblemen and gentlemen. Now it appears to be an impossible thing that the state which is governed not by the best citizens but by the worst should be well-governed, and equally impossible that the state which is ill-governed should be governed by the best. But we must remember that good laws, if they are not obeyed, do not constitute good government. Hence there are two parts of good government; one is the actual obedience of citizens to the laws, the other part is the goodness of the laws which they obey; they may obey bad laws as well as good. And there may be a further subdivision; they may obey either the best laws which are attainable to them, or the best absolutely.

Part XI

. . . Now in all states there are three elements: one class is very rich, another very poor, and a third in a mean. It is admitted that moderation and the mean are best, and therefore it will clearly be best to possess the gifts of fortune in moderation; for in that condition of life men are most ready to follow rational principle. But he who greatly excels in beauty, strength, birth, or wealth, or on the other hand who is very poor, or very weak, or very much disgraced, finds it difficult to follow rational principle. Of these two the one sort grow into violent and great criminals, the others into rogues and petty rascals. And two sorts of offenses correspond to them, the one committed from violence, the other from roguery. Again, the middle class is least likely to shrink from rule, or to be overambitious for it; both of which are injuries to the state.

Again, those who have too much of the goods of fortune, strength, wealth, friends, and the like, are neither willing nor able to submit to authority. The evil begins at home; for when they are boys, by reason of the luxury in which they are brought up, they never learn, even at school, the habit of obedience. On the other hand, the very poor, who are in the opposite extreme, are too degraded. So that the one class cannot obey, and can only rule despotically; the other knows not how to command and must be ruled like slaves. Thus arises a city, not of freemen, but of masters and slaves, the one despising, the other envying; and nothing can be more fatal to friendship and good fellowship in states than this: for good fellowship springs from friendship; when men are at enmity with one another, they would rather not even share the same path. But a city ought to be composed, as far as possible, of equals and similars; and these are generally the middle classes. Wherefore the city which is composed of middle-class citizens is necessarily best constituted in respect of the elements of which we say the fabric of the state naturally consists. And this is the class of citizens which is most secure in a state, for they do not, like the poor, covet their neighbors' goods; nor do others covet theirs, as the poor covet the goods of the rich; and as they neither plot against others, nor are themselves plotted against, they pass through life safely. Wisely then did Phocylides pray—'Many things are best in the mean; I desire to be of a middle condition in my city.'

Book 5, Part I

Democracy, for example, arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal.

Oligarchy is based on the notion that those who are unequal in one respect are in all respects unequal; being unequal, that is, in property, they suppose themselves to be unequal absolutely. The democrats think that as they are equal they ought to be equal in all things; while the oligarchs, under the idea that they are unequal, claim too much, which is one form of inequality.

. . . There is also a superiority which is claimed by men of rank; for they are thought noble because they spring from wealthy and virtuous ancestors. Here then, so to speak, are opened the very springs and fountains of revolution; and hence arise two sorts of changes in governments; the one affecting the constitution, when men seek to change from an existing form into some other, for example, from democracy into oligarchy, and from oligarchy into democracy, or . . . without disturbing the form of government, [one faction tries] to get the administration into their own hands . . . Everywhere inequality is a cause of revolution, but an inequality in which there is no proportion—for instance, a perpetual monarchy among equals; and always it is the desire of equality which rises in rebellion.

[M]en agree that justice in the abstract is proportion, but they differ in that some think that if they are equal in any respect they are equal absolutely, others that if they are unequal in any respect they should be unequal in all. Hence there are two principal forms of government, democracy and oligarchy; for good birth and virtue are rare, but wealth and numbers are more common. In what city shall we find a hundred persons of good birth and of virtue? Whereas the rich everywhere abound. That a state should be ordered, simply and wholly, according to either kind of equality, is not a good thing; the proof is the fact that such forms of government never last. They are originally based on a mistake, and, as they begin badly, cannot fall to end badly. The inference is that both kinds of equality should be employed; numerical in some cases, and proportionate in others.

Still democracy appears to be safer and less liable to revolution than oligarchy. For in oligarchies there is the double danger of the oligarchs falling out among themselves and also with the people; but in democracies there is only the danger of a quarrel with the oligarchs. No dissension worth mentioning arises among the people themselves. And we may further remark that a government which is composed of the middle class more nearly approximates to democracy than to oligarchy, and is the safest of the imperfect forms of government.

The distribution of offices according to merit is a special characteristic of aristocracy, for the principle of an aristocracy is virtue, as wealth is of an oligarchy, and freedom of a democracy. In all of them there of course exists the right of the majority, and whatever seems good to the majority of those who share in the government has authority. Now in most states the form called polity exists, for the fusion goes no further than the attempt to unite the freedom of the poor and the wealth of the rich, who commonly take the place of the noble. But as there are three grounds on which men claim an equal share in the government, freedom, wealth, and virtue (for the fourth or good birth is the result of the two last, being only ancient wealth and virtue), it is clear that the admixture of the two elements, that is to say, of the rich and poor, is to be called a polity or constitutional government; and the union of the three is to be called aristocracy or the government of the best, and more than any other form of government, except the true and ideal, has a right to this name.

Thus it is manifest that the best political community is formed by citizens of the middle class, and that those states are likely to be well-administered in which the middle class is large, and stronger if possible than both the other classes, or at any rate than either singly; for the addition of the middle class turns the scale, and prevents either of the extremes from being dominant. Great then is the good fortune of a state in which the citizens have a moderate and sufficient property; for where some possess much, and the others nothing, there may arise an extreme democracy, or a pure oligarchy; or a tyranny may grow out of either extreme—either out of the most rampant democracy, or out of an oligarchy; but it is not so likely to arise out of the middle constitutions and those akin to them. I will explain the reason of this hereafter, when I speak of the revolutions of states. The mean condition of states is clearly best, for no other is free from faction; and where the middle class is large, there are least likely to be factions and dissensions. For a similar reason large states are less liable to faction than small ones, because in them the middle class is large; whereas in small states it is easy to divide all the citizens into two classes who are either rich or poor, and to leave nothing in the middle. And democracies are safer and more permanent than oligarchies, because they have a middle class which is more numerous and has a greater share in the government; for when there is no middle class, and the poor greatly exceed in number, troubles arise, and the state soon comes to an end. A proof of the superiority of the middle class is that the best legislators have been of a middle condition; for example, Solon, as his own verses testify; and Lycurgus, for he was not a king; and Charondas, and almost all legislators.

These considerations will help us to understand why most governments are either democratical or oligarchical. The reason is that the middle class is seldom numerous in them, and whichever party, whether the rich or the common people, transgresses the mean and predominates, draws the constitution its own way, and thus arises either oligarchy or democracy. There is another reason—the poor and the rich quarrel with one another, and whichever side gets the better, instead of establishing a just or popular government regards political supremacy as the prize of victory, and the one party sets up a democracy and the other an oligarchy. Further, both the parties which had the supremacy in Hellas looked only to the interest of their own form of government, and established in states, the one, democracies, and the other, oligarchies; they thought of their own advantage, of the public not at all. For these reasons the middle form of government has rarely, if ever, existed, and among a very few only. One man alone of all who ever ruled in Hellas was induced to give this middle constitution to states. But it has now become a habit among the citizens of states, not even to care about equality; all men are seeking for dominion, or, if conquered, are willing to submit.

(Note: Thanks to University of Chicago Professor Herman Sinaiko for recommendations on Aristotle.)

The Twelve Tables (c. 450 BCE)

(*Note:* The value of the Twelve Tables is twofold. One, it is the document that emerged from the prolonged and often violent struggle between the nobility and the plebeians that Livy describes in detail in Book Four. Examining it shows students just where the two sides stood after the dust settled. Secondly, like passages in Exodus and Leviticus with regard to the Hebrews, the Twelve Tables provide important insights into how the early Romans lived and thought.)

Cicero, *De Oratore*, 1.44: “Though all the world exclaim against me, I will say what I think: that single little book of the Twelve Tables, if anyone look to the fountains and sources of laws, seems to me, assuredly, to surpass the libraries of all the philosophers, both in weight of authority, and in plenitude of utility.”

Table I

1. If anyone summons a man before the magistrate, he must go. If the man summoned does not go, let the one summoning him call the bystanders to witness and then take him by force.
2. If he shirks or runs away, let the summoner lay hands on him.
3. If illness or old age is the hindrance, let the summoner provide a team. He need not provide a covered carriage with a pallet unless he chooses.
4. Let the protector of a landholder be a landholder; for one of the proletariat, let anyone that cares, be protector.
- 6–9. When the litigants settle their case by compromise, let the magistrate announce it. If they do not compromise, let them state each his own side of the case, in the *comitium* of the forum before noon. Afterwards let them talk it out together, while both are present. After noon, in case either party has failed to appear, let the magistrate pronounce judgment in favor of the one who is present. If both are present the trial may last until sunset but no later.

Table II

2. He whose witness has failed to appear may summon him by loud calls before his house every third day.

Table III

1. One who has confessed a debt, or against whom judgment has been pronounced, shall have thirty days to pay it in. After that forcible seizure of his person is allowed. The creditor shall bring him before the magistrate. Unless he pays the amount of the judgment or some one in the presence of the magistrate interferes in his behalf as protector the creditor so shall

take him home and fasten him in stocks or fetters. He shall fasten him with not less than fifteen pounds of weight or, if he choose, with more. If the prisoner choose, he may furnish his own food. If he does not, the creditor must give him a pound of meal daily; if he choose he may give him more.

2. On the third market day let them divide his body among them. If they cut more or less than each one's share it shall be no crime.
3. Against a foreigner the right in property shall be valid forever.

Table IV

1. A dreadfully deformed child shall be quickly killed.
2. If a father sell his son three times, the son shall be free from his father.
3. As a man has provided in his will in regard to his money and the care of his property, so let it be binding. If he has no heir and dies intestate, let the nearest agnate have the inheritance. If there is no agnate, let the members of his gens have the inheritance.
4. If one is mad but has no guardian, the power over him and his money shall belong to his agnates and the members of his gens.
5. A child born after ten months since the father's death will not be admitted into a legal inheritance.

Table V

1. Females should remain in guardianship even when they have attained their majority.

Table VI

1. When one makes a bond and a conveyance of property, as he has made formal declaration so let it be binding.
3. A beam that is built into a house or a vineyard trellis one may not take from its place.
5. *Usucapio* of movable things requires one year's possession for its completion; but *usucapio* of an estate and buildings two years.
6. Any woman who does not wish to be subjected in this manner to the hand of her husband should be absent three nights in succession every year, and so interrupt the *usucapio* of each year.

Table VII

1. Let them keep the road in order. If they have not paved it, a man may drive his team where he likes.

9. Should a tree on a neighbor's farm be bent crooked by the wind and lean over your farm, you may take legal action for removal of that tree.
10. A man might gather up fruit that was falling down onto another man's farm.

Table VIII

2. If one has maimed a limb and does not compromise with the injured person, let there be retaliation. If one has broken a bone of a freeman with his hand or with a cudgel, let him pay a penalty of three hundred coins. If he has broken the bone of a slave, let him have one hundred and fifty coins. If one is guilty of insult, the penalty shall be twenty-five coins.
3. If one is slain while committing theft by night, he is rightly slain.
4. If a patron shall have devised any deceit against his client, let him be accursed.
5. If one shall permit himself to be summoned as a witness, or has been a weigher, if he does not give his testimony, let him be noted as dishonest and incapable of acting again as witness.
10. Any person who destroys by burning any building or heap of corn deposited alongside a house shall be bound, scourged, and put to death by burning at the stake provided that he has committed the said misdeed with malice aforethought; but if he shall have committed it by accident, that is, by negligence, it is ordained that he repair the damage or, if he be too poor to be competent for such punishment, he shall receive a lighter punishment.
12. If the theft has been done by night, if the owner kills the thief, the thief shall be held to be lawfully killed.
13. It is unlawful for a thief to be killed by day . . . unless he defends himself with a weapon; even though he has come with a weapon, unless he shall use the weapon and fight back, you shall not kill him. And even if he resists, first call out so that someone may hear and come up.
23. A person who had been found guilty of giving false witness shall be hurled down from the Tarpeian Rock.
26. No person shall hold meetings by night in the city.

Table IX

4. The penalty shall be capital for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.
5. Treason: He who shall have roused up a public enemy or handed over a citizen to a public enemy must suffer capital punishment.
6. Putting to death of any man, whosoever he might be unconvicted, is forbidden.

Table X

1. None is to bury or burn a corpse in the city.
3. The women shall not tear their faces nor wail on account of the funeral.
5. If one obtains a crown himself, or if his chattel does so because of his honor and valor, if it is placed on his head, or the head of his parents, it shall be no crime.

Table XI

1. Marriages should not take place between plebeians and patricians.

Table XII

2. If a slave shall have committed theft or done damage with his master's knowledge, the action for damages is in the slave's name.
5. Whatever the people had last ordained should be held as binding by law.

(From: Oliver J. Thatcher, ed., *The Library of Original Sources* [Milwaukee: University Research Extension, 1901], vol. 3: *The Roman World*, pp. 9–11. Scanned by J. S. Arkenberg, Department of History, California State, Fullerton. Professor Arkenberg has modernized the text.

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Discourses on Livy by Machiavelli

(*Note:* Machiavelli brings a uniquely valuable perspective to the events narrated in Livy. For Machiavelli was above all concerned with the establishment of a democratic republic in Florence, his home, and he therefore looks at the power struggles in early Rome with an eye to the consequences of having an unjust constitution and the pain and violence involved in rectifying it—the very problem acted out in Livy. Anyone observing societies today suffering from unjust constitutions and attempting to evolve a more just society can readily see that what Livy and Machiavelli observed centuries and millennia earlier are relevant today.)

Chapter Two: Of Republics There Are, and of Which Was the Roman Republic

I want to place aside the discussion of those cities that had their beginning subject to others, and I will talk of those which have had their beginning far removed from any external servitude, but which (were) initially governed themselves through their own will, either as Republics or as Principalities; which have had (as diverse origins) diverse laws and institutions. For to some, at the beginning or very soon after, their laws were given to them by one (man) and all at one time, as those which were given to the Spartans by Lycurgus: Some have received them by chance, and at several times, according to events, as Rome did. So that a Republic can be called fortunate which by chance has a man so prudent, who gives her laws so ordered that without having need of correcting them, she can live securely under them. And it is seen that Sparta observed hers (laws) for more than eight hundred years without changing them and without any dangerous disturbance: and on the contrary that City has some degree of unhappiness which (not having fallen to a prudent lawmaker) is compelled to reorganize her laws by herself. And she also is more unhappy which has diverged more from her institutions; and that (Republic) is even further from them whose laws lead her away from perfect and true ends entirely outside of the right path; for to those who are in that condition it is almost impossible that by some incident they be set aright. Those others which do not have a perfect constitution, but had made a good beginning, are capable of becoming better, and can become perfect through the occurrence of events. It is very true, however, that they have never been reformed without danger, for the greater number of men never agree to a new law which contemplates a new order for the City, unless the necessity that needs be accomplished is shown to them: and as this necessity cannot arise without some peril, it is an easy thing for the Republic to be ruined before it can be brought to a more perfect constitution. The Republic of Florence gives a proof of this, which because of the incident of Arezzo in (the year) one thousand five hundred and two (1502) was reorganized, (and) it was disorganized by that of Prato in (the year) one thousand five hundred and twelve (1512).

Wanting therefore to discourse on what were the institutions of the City of Rome and what events brought her to her perfection, I say, that some who have written of Republics say there are (one of) three States (governments) in them called by them Principality (Monarchy), of the Best (Aristocracy), and Popular (Democracy), and that those men who institute (laws) in a City ought to turn to one of these, according as it seems fit to them. Some others (and wiser according to the opinion of many) believe there are six kinds of Governments, of which those are very bad, and those are good in themselves, but may be so easily corrupted that they also become pernicious. Those that are good are three mentioned

above: those that are bad, are three others which derive from those (first three), and each is so similar to them that they easily jump from one to the other, for the Principality easily becomes a tyranny, autocracy easily become State of the Few (oligarchies), and the Popular (Democracy) without difficulty is converted into a licentious one (anarchy). So much so that an organizer of a Republic institutes one of those three States (governments) in a City, he institutes it for only a short time, because there is no remedy which can prevent them from degenerating into their opposite kind, because of the resemblance that virtue and vice have in this instance.

These variations in government among men are born by chance, for at the beginning of the world the inhabitants were few, (and) lived for a time dispersed and like beasts: later as the generations multiplied they gathered together, and in order to be able better to defend themselves they began to seek among themselves the one who was most robust and of greater courage, and made him their head and obeyed him. From this there arose the knowledge of honest and good things; differentiating them from the pernicious and evil; for seeing one man harm his benefactor there arose hate and compassion between men, censuring the ingrates and honoring those who were grateful, and believing also that these same injuries could be done to them, to avoid like evils they were led to make laws, and institute punishments for those who should contravene them; whence came the cognition of justice. Which thing later caused them to select a Prince, not seeking the most stalwart but he who was more prudent and more just. But afterwards when they began to make the Prince by succession and not by election, the heirs quickly degenerated from their fathers, and leaving off from works of virtue they believed that Princes should have nothing else to do than surpass others in sumptuousness and lasciviousness and in every other kind of delight. So that the Prince began to be hated, and because of this hate he began to fear, and passing therefore from fear to injury, a tyranny quickly arose. From this there arose the beginnings of the ruin and conspiracies; and these conspiracies against the Prince were not made by weak and timid men, but by those who because of their generosity, greatness of spirit, riches, and nobility above the others, could not endure the dishonest life of that prince.

The multitude therefore following the authority of these powerful ones armed itself against the Prince, and having destroyed him, they obeyed them as their liberators. And these holding the name of chief in hatred, constituted a government by themselves, and in the beginning (having in mind the past tyranny) governed themselves according to the laws instituted by them, preferring every common usefulness to their conveniences, and governed and preserved private and public affairs with the greatest diligence. This administration later was handed down to their children, who not knowing the changeability of fortune (for) never having experienced bad (fortune), and not wanting to remain content with civil equality, they turned to avarice, ambition, violation of women, caused that aristocratic government (of the Best) to become an oligarchic government (of the Few) regardless of all civil rights: so that in a short time the same thing happened to them as it did to the Tyrant, for the multitude disgusted with their government, placed itself under the orders of whoever would in any way plan to attack those Governors, and thus there arose some one who, with the aid of the multitude, destroyed them. And the memory of the Prince and the injuries received from him being yet fresh (and) having destroyed the oligarchic state (of the Few), and not wanting to restore that of the Prince, the (people) turned to the Popular state (Democracy) and they organized that in such a way, that neither the powerful Few nor a Prince should have any authority. And because all States in the beginning receive some reverence, this Popular State maintained itself for a short time, but not for long, especially

when that generation that had organized it was extinguished, for they quickly came to that license where neither private men or public men were feared: this was such that every one living in his own way, a thousand injuries were inflicted every day: so that constrained by necessity either through the suggestion of some good man, or to escape from such license, they once again turn to a Principality; and from this step by step they return to that license both in the manner and for the causes mentioned (previously).

And this is the circle in which all the Republics are governed and will eventually be governed; but rarely do they return to the same (original) governments: for almost no Republic can have so long a life as to be able often to pass through these changes and remain on its feet. But it may well happen that in the troubles besetting a Republic always lacking counsel and strength, it will become subject to a neighboring state which may be better organized than itself: but assuming this does not happen, a Republic would be apt to revolve indefinitely among these governments. I say therefore that all the (previously) mentioned forms are inferior because of the brevity of the existence of those three that are good, and of the malignity of those three that are bad. So that those who make laws prudently having recognized the defects of each, (and) avoiding every one of these forms by itself alone, they selected one (form) that should partake of all, they judging it to be more firm and stable, because when there is in the same City (government) a Principality, an Aristocracy, and a Popular Government (Democracy), one watches the other.

Among those who have merited more praise for having similar constitutions is Lycurgus, who so established his laws in Sparta, that in giving parts to the King, the Aristocracy, and the People, made a state that endured more than eight hundred years, with great praise to himself and tranquillity to that City. The contrary happened to Solon who established the laws in Athens, (and) who by establishing only the Popular (Democratic) state, he gave it such a brief existence that before he died he saw arise the tyranny of Pisistratus: and although after forty years his (the tyrants) heirs were driven out and liberty returned to Athens, for the Popular state was restored according to the ordinances of Solon, it did not last more than a hundred years, yet in order that it be maintained many conventions were made by which the insolence of the nobles and the general licentiousness were suppressed, which had not been considered by Solon: none the less because he did not mix it (Popular state) with the power of the Principate and with that of the Aristocracy, Athens lived a very short time as compared to Sparta.

But let us come to Rome, which, notwithstanding that it did not have a Lycurgus who so established it in the beginning that she was not able to exist free for a long time, none the less so many were the incidents that arose in that City because of the disunion that existed between the Plebs and the Senate, so that what the legislator did not do, chance did. For, if Rome did not attain top fortune, it attained the second; if the first institutions were defective, none the less they did not deviate from the straight path which would lead them to perfection, for Romulus and all the other Kings made many and good laws, all conforming to a free existence. But because their objective was to found a Kingdom and not a Republic, when that City became free she lacked many things that were necessary to be established in favor of liberty, which had not been established by those Kings. And although those Kings lost their Empire for the reasons and in the manner discussed, none the less those who drove them out quickly instituted two Consuls who should be in the place of the King, (and) so it happened that while the name (of King) was driven from Rome, the royal power was not; so that the Consuls and the Senate existed in forms mentioned above, that is the Principate and the Aristocracy. There remained only to make a place for Popular government for the reasons to be mentioned below, the people rose against them: so that in

order not to lose everything, (the Nobility) was constrained to concede a part of its power to them, and on the other hand the Senate and the Consuls remained with so much authority that they were able to keep their rank in that Republic. And thus was born (the creation) of the Tribunes of the plebs, after which creation the government of that Republic came to be more stable, having a part of all those forms of government. And so favorable was fortune to them that although they passed from a Monarchical government and from an Aristocracy to one of the People (Democracy), by those same degrees and for the same reasons that were discussed above, none the less the Royal form was never entirely taken away to give authority to the Aristocracy, nor was all the authority of the Aristocrats diminished in order to give it to the People, but it remained shared (between the three) it made the Republic perfect: which perfection resulted from the disunion of the Plebs and the Senate, as we shall discuss at length in the next following chapters.

Chapter Thirty-Seven: What Troubles the Agrarian Law Brought Forth in Rome; And How Troublesome It Is to Make a Law in a Republic Which Greatly Regards the Past but Contrary to the Ancient Customs of the City

(*Note.* One of the greatest intellectual gifts study of the Great Books offers is seeing how basic problems of human existence have been discussed by the finest thinkers over millennia, forming the Great Conversation which students will be stimulated and enlarged by entering into themselves. The following is a chapter in which Machiavelli discusses the land redistribution proposals that Livy shows caused such violent social conflict in early Rome.)

It was the verdict of ancient writers that men afflict themselves in evil and weary themselves in the good, and that the same effects result from both of these passions. For whenever men are not obliged to fight from necessity, they fight from ambition; which is so powerful in human breasts, that it never leaves them no matter to what rank they rise. The reason is that nature has so created men that they are able to desire everything but are not able to attain everything: so that the desire being always greater than the acquisition, there results discontent with the possession and little satisfaction to themselves from it. From this arises the changes in their fortunes; for as men desire, some to have more, some in fear of losing their acquisition, there ensues enmity and war, from which results the ruin of that province and the elevation of another. I have made this discussion because it was not enough for the Roman Plebs to secure themselves from the Nobles through the creation of the Tribunes, to which (desire) they were constrained by necessity, that they soon ((having obtained that)) begun to fight from ambition and to want to divide with the Nobles their honors and possessions, as things more esteemed by men. From this there arose the plague that brought forth the contentions about the Agrarian law, and in the end was the cause of the destruction of the Roman Republic. And because well-ordered Republics have to keep the public (State) rich and its Citizens poor, it was apparent that there was some defect in that law in the City of Rome, which either was now drawn in the beginning in such a way that it required to be redrawn every day, or that it was so long deferred in the making that it became troublesome in regard to the past, or if it had been well ordered in the beginning, it had become corrupted in its application. So that whatever way it may have been, this law could never be spoken of in Rome without that City going upside down (from turmoil). This law had two principal articles. Through the first it provided that each Citizen could not possess more than so *many jugeri of land*, through the other that the fields which were taken from the enemy should be

divided among the Roman people. This, therefore, came to make two strong offenses against the Nobles, for those who possessed more land than the law permitted (of whom the Nobles were the greater part) had to be deprived of it, and by dividing the possessions of the enemy among the Plebs, it deprived them (Nobles) that means of enriching themselves. Since this offense came to be against the powerful men, and who thought that by going against it they were defending the public, whenever (as I have said) this was brought up, that City would go upside-down, and the Nobles with patience and industry temporized, either by calling out the army, or by having that Tribune who proposed it opposed by another Tribune, or sometimes by yielding in part, or even by sending a Colony to that place that was to be distributed, as happened in the countryside of Antium, about which a dispute spring up from this law; a Colony drawn from Rome was sent to that place, to whom the said countryside was assigned. Concerning which Titus Livius used a notable remark, saying that it was difficult to find in Rome one who would give his name to go to the said Colony; so much more ready were the Plebs to defend the things in Rome than to possess them in Antium.

This mood concerning this law thus troubled them for a time, so that the Romans begun to conduct their armies to the extreme parts of Italy, or outside of Italy, after which time it appeared that things settled down. This resulted because the fields that the enemies of Rome possessed being far removed from the eyes of the Plebs, and in a place where it was not easy to cultivate them, became less desirable; and also the Romans were less disposed to punish their enemies in such a way, and even when they deprived them of some land from their countryside, they distributed Colonies there. So that for these reasons this law remained, as it were, dormant up to the time of the Gracchi, by whom it being revived, wholly ruined the liberty of Rome; for it found the power of its adversaries redoubled, and because of this (revival) so much hate developed between the Plebs and the Senate, that it came to arms and bloodshed beyond every civil limit and custom. So that the public Magistrates not being able to remedy them, nor either faction having further confidence in them, recourse was had to private remedies, and each of thy factions decided to appoint a chief (for themselves) who would defend them. In these troubles and disorders the Plebs came and turned to Marius with his reputations, so that they made him Consul four times; and with few intervening intervals that his Consulship continued so that he was able by himself to make himself Consul another three times. Against which plague the Nobility, not having any remedy, turned their favor to Sulla, and having made him Head of their party, arrived at civil war, and after much bloodshed and changes of fortune, the Nobility remained superior. Later, in the time of Caesar and Pompey, these moods were revived, for Caesar making himself Head of the party of Marius, and Pompey of that of Sulla; (and) coming to arms Caesar remained superior, who became the first Tyrant in Rome, so that City was never again free.

Such, therefore, was the beginning and the end of the Agrarian law. And although elsewhere we showed that the enmity in Rome between the Senate and the Plebs should maintain Rome free, because it gave rise to those laws which favored liberty, and therefore the result of this Agrarian law may seem different from such a conclusion, I say that I do not on that account change my opinion, for so great is the ambition of the Nobles, that if it is not beaten down in various ways and means in a City, it will soon bring that City to ruin. So that if the contentions about the Agrarian law took three hundred years in bringing Rome to servitude, she would perhaps have been brought to servitude much sooner if the Plebs with this law and their other desires had not always restrained the ambitions of the Nobles. It is also to be seen from this how much more men esteem property than honors, for the Roman

Nobility, always yielded without extraordinary trouble to the Plebs in the matter of honors, but when it came to property, so great was its obstinacy in defending it, that the Plebs in order to give vent to their appetites had recourse to those extraordinary proceedings which were discussed above. The movers of these disorders were the Gracchi, whose intentions should be praised more than their prudence. For to want to remove an abuse that has grown up in a Republic, and enact a retrospective law for this, is a badly considered proceeding, and ((as was discussed above at length)) does nothing else than to accelerate that evil which leads to that abuse; but by temporizing with it, either the evil comes much later, or by itself in time ((before its end comes)) it will extinguish itself.

(Jon Roland, digital editor. This rendition of Machiavelli's *Discourses* is taken from a translation attributed to Henry Neville, first published in 1675, and reprinted in 1772.)

Useful Web Sites on Early Roman Civilization

Many good web sites exist that can provide vivid graphics which show students the cultural and physical context of early Rome. The following list provides some worthwhile sites, but a Google search of “early Rome” under the Images tab will also bring ample results.

<http://www.mmdtkw.org/ALRIAncRomUnit10Slides.html>

This site contains some eye-opening examples of how Roman government, religion, and architecture were directly adopted by the United States for central political purposes.

<http://www.utexas.edu/courses/romanciv/romancivimages2/daytwocaptions.html>

This site has outstanding photos of early Roman life, including archaeological monuments and re-creations of early Roman settlements and villages. Start the tour with the link to “model sheep’s liver used for divination.”

<http://abacus.bates.edu/~mimber/Rciv/maps/Rome.plan.early.jpg>

A useful map of early Rome which will help students follow the various scenes of the conflicts they will be reading about.

<http://historylink102.com/italy/roman-forum-2.htm>

Outstanding pictures of ruins of ancient Rome. Gives students some idea of the setting for Rome towards the end of the narrative. Images Copyrighted by Historylink101.com and found at Italy and Rome Picture Gallery.

<http://www.library.csi.cuny.edu/siias/roman.html>

Scroll down to the brief section entitled “Early Rome” for some artifacts that strikingly illuminate the nature of daily life of the Romans in this period.

<http://classics.furman.edu/~rprior/courses/RC/RCunit1.htm>

More first-rate artifacts, graphics, and maps under the Early Rome section.