

never an issue in the play. What *is* essential here is the closeness of the association between them. So important is this that Aeschylus goes beyond the expectations of his audience in placing the Atreidae in one palace (on this cf. Fraenkel on 400). The close association leads to Agamemnon's direct involvement in avenging Paris' crime: the disappearance of Menelaus leaves Agamemnon unwontedly alone in his moment of danger; and after the murder, the affinity between the fateful sisters who are the wives of the two brothers is stressed (1470–71). And behind all is the crucial fact that everything that happens is in some sense due to the sin of their common father, Atreus himself. Much of this will only become clear as the play develops, but it is important that, from the very first mention of the Atreidae, Aeschylus should impress their close association on his audience, and the repeated $\delta\iota$ - compounds are a natural part of this, not an indication of the opposite.

Second, the attempt to emphasize the place of Ares in the trilogy. I am inclined to regard some of the discussion of Ares in the *Agamemnon* as over-subtle, but I confine myself here to the treatment of the *Eumenides*. Having argued the importance of Ares in what has gone before, Miss Smethurst seeks to support it by Athena's "Foundation Speech." "Athena duly honors Ares with the Areopagus for his part, as she establishes a spot in memory of the war god . . . She emphatically repeats the name of Ares three times in her speech . . . to make clear that the hill and the court are a visible monument to honor him."

This is surely not supported by an examination of the language itself. Athena is not establishing a spot in memory of the war god: she is, as she carefully explains, establishing a court on a hill already named after Ares, and interrupts her speech to explain the origin

of the name—an origin which has no connection with the process of establishing the court. The three references to Ares are simply required by the aetiology, which would in fact be awkward to express without such repetition.

And beyond the language, one must consider the situation in which Aeschylus found himself at the moment of writing. The Council of the Areopagus, an institution recently the center of public controversy, was in a sense the anchor of his whole trilogy: neither it nor its name could be avoided. But the traditional account of its name, the trial of Ares, was precisely what Aeschylus could not allow to stand if the primacy of Orestes' trial, so essential to his thesis, was to be established. Hence Aeschylus was driven to provide his audience with an alternative myth. Aeschylus can indeed sometimes make a virtue of necessity and achieve an alteration of myth which is programmatic, as in the Prologue to the *Eumenides*, but it is very hard to see that he has achieved it here. Subjectively, one might be tempted to say that his explanation reads awkwardly, but subjectivity is what I have tried to combat in this note; and so I stress instead the need to consider what an Athenian audience would accept. And on this basis, the honor for Ares which Miss Smethurst claims to find here does not exist. That sacrifices to Ares are said to have been offered by Amazons attacking *κατὰ φθόρον* the Athens of Theseus, the folk hero of fifth-century Athenians, and offered, moreover, on a hill from which the Persians had within living memory assaulted the Acropolis (Herod. 7. 52. 1), could have done little or nothing to bring any honor to this most unloved of Greek gods.

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ACIES: VIRGIL *GEORGICS* 1. 395

In the phrase, "nam neque tum stellis acies obtunsa videtur" (*Georg.* 1. 395), *acies* has been variously translated as "brilliance,"

"beam, ray of light," "sharp outline," and "bright edge."¹ An attempt will be made here to show that by *acies* Virgil means "sharp

1. "Brilliance," *Virgil: Georgics I and IV*, ed. H. H. Huxley (Norwich, 1963), p. 117. "Beam or ray of light," *Oxford Latin*

Dictionary (Oxford, 1968), p. 28. "Here it indicates that the stars are brilliant with a sharp edge, not blurred or blunted

brilliance," and that the sharpness refers to a then common conception that beams of light were tangibly incisive and thus able to produce sharp outlines.

Although various definitions have been given, it is generally agreed that Virgil was imitating Aratus, specifically, ἦμος δ' ἄστερόθεν καθαρὸν φάος ἀμβλύνηται (*Phaen.* 1013): "when the pure light of the stars is blunted." In his translation of this passage from Aratus, Avienus seems to draw upon Virgil when he uses *acies* for φάος in "aciem astris aurea luna retundit" (Avien. *Arat. Phaen.* 514), "the golden moon dulled the sharp brilliance of the stars."

Aratus *Phaenomena* 1013–16 echoes lines 469–72 of the same poem.² Ἀλλὰ τὰ γε κνέφαος διαφαίνεται ὀξέα πάντα (472) and 1013, quoted above, suggest the following correspondences between Aratus' words and Virgil's: ἀστερόθεν–*stellis*, ὀξέα–*acies*, ἀμβλύνηται–*obtusa*, and διαφαίνεται–*videtur*. *Phaenomena* 469 also contains the word ἀστέρας, which is antecedent to and governs τὰ γε ὀξέα.

F. Skutsch says that Virgil abbreviates many of Aratus' descriptions of weather signs and treats them in a kaleidoscopic fashion.³ This seems to be corroborated by Virgil's bringing together two different lines of Aratus and compressing them into the phrase *acies obtusa*.

Although Virgil's immediate source seems to be Aratus, there is a long Greek and Latin tradition linking the ideas of sharpness, light, and sight. Perhaps a brief look at this tradition will also help define *acies* as Virgil uses it in this context.

Both φάος and *acies* can mean sight; and both sight and light can be sharp, ὀξύς or *acer*. In both Greek and Latin tradition, sight was not only sharp in the sense that it was keen, but it could also be sharp by virtue of the brightness emitted from the eye itself. Homer says, ὅσσε δέ οἱ πυρὶ λαμπετόωντι

εἵκτην (*Il.* 1. 104) and δεινὴ δέ οἱ ὅσσε φάανθεν (*Il.* 1. 200). Φάανθεν contains the idea of φάος and δεινὴ could be translated *acres*. Virgil uses these Homeric phrases more directly when he says, "stant lumina flamma" (*Aen.* 6. 300) and "oculis micat acribus ignis" (*Aen.* 12. 102). In this connection W. S. Barrett says: "The conception of a beam of light as a missile is as old as Homer (*Od.* 5. 479, 19. 441 οὔτε μιν ἥελιος φάεθων ἀκτίσιν ἔβαλλεν)." Homer also speaks of the sun's sharp light, ἀνγὴ . . . ὀξεῖα (*Il.* 17. 371–72). *Acies* might be equivalent to ἀνγὴ ὀξεῖα.

Archilochus describes Sirius as shining brightly (piercingly): Σείριος ὀξύς ἐλλάμπων (*Frag.* 61 Edmonds).

In antiquity, there is a relationship between the notion of the bright eye or organ of perception and that of the bright object or object perceived. Democritus describes perception as the result of the meeting of emissions (ἀπορροαί) to form a solid impression (ἐντύπωσις) which enters the eye.⁵

Socrates, while arguing with Meno, refers to Empedocles' theory that objects are visible because of emissions from them commensurate with passages in the eye and that color is one such emission (*Plat. Meno* 76C).

Aristotle refutes Empedocles' ray theory which claims that light is totally emitted from objects: why then, he asks, are we unable to see in the dark (*Sens.* 2. 437b10)?

Like Homer, Empedocles calls the sun "sharp-missiled": ὀξυβελῆς (*Frag.* 40D.-K.). He also calls the moon "bright-eyed": γλαυκῶπις μῆνη (*Frag.* 42D.-K.).

Aristotle says, "According to Democritus and the majority of natural philosophers, all perception is tangible" (*Sens.* 4. 442a29). Sharp brilliance is a tangible quality of light; it has an impact which can either cut or be blunted.

Pindar joins the tradition about an emission from the eyes: τὰς δὲ Θεοξένου ἀκτίνάς ποτ' ὅσσω μαρμαρίζουσας δρακεῖς (*Frag.* 123. 2 Snell). He also refers to the sun as "fostering

(*obtusa*)," Virgil: *Bucolics and Georgics*, ed. T. E. Page (London, 1898), *ad loc.* "For then the stars' bright edge is seen undimmed," *Eclogues, Georgics and Aeneid*, trans. H. Rushton Fairclough (London, 1916), p. 109.

2. This point was suggested to me by P. Colacides of the University of California, Irvine.

3. F. Skutsch, *Aus Vergils Frühzeit* (Leipzig, 1901), p. 107.

4. W. S. Barrett, *Euripides: Hecuba* (Oxford, 1964), p. 260.

5. *Presocratic Philosophers*, ed. G. S. Kirk and J. E. Raven (Cambridge, 1963), p. 423.

father of the sharp (piercing) rays": ὀξεῖαν δ' γενέθλιος ἀκτίνων πατήρ (*Ol.* 7. 70).

Aristophanes uses almost the same words as Homer when he speaks of the eyes brightly flashing: οὐ δεινότατοι μὲν ἀπ' ὀφθαλμῶν Κύννης ἀκτῖνες ἔλαμπον (*Vesp.* 1032). A red cloak also appears sharply brilliant: ἔχοντα καὶ φοινίκιδ' ὀξεῖαν πάνυ (*Pax* 1173).

Euripides describes the brilliance of stars as an arrow or missile (βέλος) shot through the air (*Hipp.* 530). He also uses a word which can mean "bows and arrows" or simply "arrows" for "sunbeams": τόξα θ' Ἡλίου (*HF* 1090). Virgil applies the "bow" idea to light and color when he says that the rainbow shoots its colors athwart the sun: "ceu nubi-bus arcus / mille iacit varios adverso sole colores" (*Aen.* 5. 88–89).

Ennius follows in the tradition by describing dawn in terms of rays which can strike blows: "exin candida se radiis dedit icta foras lux" (*Ann.* 90 Vahlen).

The missile image is carried on by Lucretius when he mentions the sun's rays and "day's bright missiles": "non radii solis neque lucida tela diei / discutiant" (1. 147–48). It is thus possible to propose the equation: *tela diei* = Ἡλίου ὀξυβελής = τόξα θ' Ἡλίου. This may be related to *acies* when *acies* is used to mean a projected sharp brilliance which can be blunted (*obtunsa*).

Lucretius says that eyes emit brilliance: "ex oculis micat acribus ardor" (3. 289). He also claims that objects tangibly emit sharp light: "praeterea splendor quicumque est acer ad-

urit / saepe oculos ideo quod semina possidet ignis / multa dolorem oculis quae gignunt in-sinuando" (4. 329–31). *Acer splendor* may be a translation of Homer's αὐγὴ ὀξεῖα.

In the above examples, the quality of sharpness is linked with that of searing heat. Both are emissions, as shown by *quae gignunt in-sinuando*. Both are sharp and both can be blunted, and this is what matters in defining *acies obtunsa*.

In addition, Lucretius describes a tower seen from a distance (4. 353–64). The sharp effluences are blunted in the transmission, so that the transmitted impression of the object appears blurred: "angulus optunsus quia longe cernitur" (4. 355), a phrase similar to "nam *acies obtunsa videtur*." *Acies* appears in this same passage (4. 357) to describe the eye as it receives the striking (*ictus*) of the emission. Even if this passage did not directly influence Virgil, it at least helps to define *acies*. *Angulus* suggests a tangible sharp emission which Virgil applies to light or brilliance by using *acies*. Both can be dulled.

Aratus' τὰ γε ὀξέα, equated with his φάος ἀστερόθεν, leads to Virgil's compressed *acies*. But, in addition to Aratus, Virgil draws on an extensive literary and scientific tradition for his use of *acies*. This tradition helps define *acies* in the phrase, "nam neque tum stellis *acies obtunsa videtur*" (*Georg.* 1. 395) as "the sharp (projected) brilliance of starlight."

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THE USE OF *LIBERO-DAMNO* AND *ABSOLVO-CONDEMNO* IN THE JUDICIAL PROCEEDINGS OF THE LATE REPUBLIC

Since Mommsen's time it has been customary to draw a distinction between the two pairs of judicial terms *libero-damno* and *absolvo-condemno*. However, the meanings of *libero* and *absolvo* as well as of *damno* and *condemno* are apparently identical. In *Römisches Staatsrecht* Mommsen stated that *libero*

and *damno* (or abbreviations thereof) were the words used by the citizens in judicial assemblies (*iudicia populi*) when they voted to acquit or condemn a defendant.¹ He suggested that, in contrast, *absolvo* and *condemno* were the words used by the jurors for acquittal and condemnation in the *quaestiones*. He based his

1. *Röm. Staatsr.*³ (Leipzig, 1887), III. 1, 402 and n. 4. Also see his *Geschichte des römischen Münzwesens* (Berlin, 1860), p. 636, n. 497.