

comparison with our original line (*Ars am.* 1. 114) as the major MSS have it, i.e., "rex populo praedae signa petenda dedit," it will seem reasonable, I think, that *pudenda* might well be read there in place of the impossible *petenda*.

S. G. Owen rightly states<sup>4</sup> that the *Remedia amoris* "followed soon after the *Ars*," and bases this dating on *Rem. am.* 155–56: "ecce fugax Parthus, magni nova causa triumphi, / iam videt in campis Caesaris arma suis." It is my suggestion that *Rem. am.* 432 ("vidit in inmundo signa pudenda toro") may contain elements (*signa pudenda*) of *Ars am.* 1. 114, as Ovid wrote it, and that *petenda* was later substituted in the latter for *pudenda* through scribal error stemming, perhaps, from the similarity in sound of the two words. To the ear, the two differ but slightly. Mass production of MSS by means of dictation must often have led to such blunders and it is surely true that

the single copyist, working by himself, must often have "thought" the sound of the word he was transcribing and have done a poor job of "dictating" to himself.

Looking again at *Ars am.* 2. 406 and 3. 84, the presence of *praeda pudenda* in both passages (ostensibly written after *Ars am.* 1. 114) is further cogent inducement to assume *pudenda* for *petenda* in *Ars am.* 1. 114.

It might also be pointed out that *pudenda* appears in precisely the same line position as that which it would occupy if read, as is suggested, in *Ars am.* 1. 114, twelve times in the total of Ovid's production.<sup>5</sup>

It is therefore earnestly proposed that *Ars am.* 1. 114 be read as follows: "rex populo praedae signa pudenda dedit."

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4. *OCD*, s.v. "Ovid," p. 631.

5. *A Concordance of Ovid*, ed. by Deferrari, Barry, and McGuire (Washington, 1939), s.vv. "pudendus" and "pudeo."

### THE POLITICS OF M'. GLABRIO, *COS.* 67

Modern discussions of the tribunate of Cornelius in 67 have rightly stressed its background of Pompey and the political conflict involving tribunician rights and powers.<sup>1</sup> Cornelius, as a *popularis* and former quaestor of Pompey, was naturally opposed by the Optimate senators, including the consul, C. Piso, whose anti-Pompeian actions are well known.<sup>2</sup> What, however, of the other consul, M'. Acilius Glabrio? It seems to be tacitly assumed that he shared his colleague's political beliefs, but on investigation he is more likely to have been on the other side.<sup>3</sup>

Two men undoubtedly influenced Glabrio as a youth. One was, of course, his father, the tribunician author of the *lex Acilia*, which gave equestrians the right of forming juries in the extortion court. The circumstances and even the date of this law have been disputed, and it has recently been argued that the elder Glabrio, like Livius Drusus, was a conservative acting in the interests of the Senate.<sup>4</sup> Hands's argument that the *lex Acilia* is actually more pro-senatorial than Gracchus' original intention of mixed senatorial and equestrian juries is unconvincing, and the fact that the tribune

1. See in particular A. Ward, "Politics in the Trials of Manilius and Cornelius," *TAPA*, CI (1970), 545–56; and R. Seager, "The Tribunate of Cornelius: Some Ramifications," *Hommages à Marcel Renard* (Paris, 1969), II, 680–86.

2. In addition to his opposition to Cornelius in 67, Piso spoke against the *lex Gabinia*, then prevented Pompey from recruiting for the pirate war in his province of Gallia Narbonensis (Dio 36. 24 and 36. 37; Plut. *Pomp.* 27). He also tried to prosecute Manilius, and refused to accept Lollius Palicanus as a consular candidate (Val. Max. 3. 8. 3; cf. Cic. *Att.* 1. 1. 1); Palicanus as tribune in 71 had worked closely with Pompey.

For a discussion of Piso and the anti-Pompeian attitude of other Pisones, see E. Gruen, "Pompey and the Pisones," *Calif. Stud. in Class. Ant.*, I (1968), 155–70.

3. Glabrio's politics are explicitly stated by W. McDonald, "The Tribunate of Cornelius," *CQ*, XXIII (1929), 196–208: "The optimatist candidates, C. Calpurnius Piso and M'. Acilius Glabrio, were successful (in 67) . . ." This statement has not been challenged.

4. A. R. Hands, "The Political Background of the 'Lex Acilia de repetundis,'" *Latomus*, XXIV (1965), 225–37.

apparently progressed no further in his political career despite his nobility seems to indicate that he lacked senatorial support after 121.<sup>5</sup>

If Glabrio's father could not therefore be regarded as an Optimate, what of the other major influence in his life? This was his maternal grandfather Scaevola, probably Quintus the Augur, who brought him up after his father's death.<sup>6</sup> Quintus' politics are not easy to determine. He was himself married to Laelius' daughter and was a member of the Scipionic circle, but of his two cousins at least one, P. Crassus Mucianus, was firmly in the Gracchan camp.<sup>7</sup> Most likely Quintus took a middle course as befitted a jurist—approval of Tiberus' agrarian law, but disapproval of the violence it engendered on both sides.<sup>8</sup> As for his attitude to the younger Gracchus, the fact that he was acquitted of extortion by an equestrian jury, probably in 119, indicates equestrian support, unlikely had he been identified as definitely anti-Gracchan.<sup>9</sup>

Glabrio's family background therefore was liberal rather than staunchly conservative, as indicated by his marriage to the daughter of M. Aemilius Scaurus, consul in 115 and *princeps senatus*, for Scaurus' politics were flexible.<sup>10</sup> Aemilia was a fine catch, but the marriage ended dramatically, for in 83 she was removed from her husband by her new stepfather Sulla (probably supported by his wife Metella) and, although pregnant, given to the up-and-coming Pompey.<sup>11</sup> This incident can hardly have endeared Sulla and the Metelli

(or Pompey either, for that matter) to Glabrio, particularly since Aemilia died in childbirth almost immediately afterward.

It is not surprising, therefore, to find Glabrio unsympathetic to Verres in 70, since behind Verres were the Metelli and the major Sullan supporters with the notorious exception of Pompey, who had now, characteristically, changed sides.<sup>12</sup> As praetor in charge of the extortion court, Glabrio found himself in the center of events, and his action in allowing Cicero to vary the normal procedure for speeches in the *actio prima* undoubtedly favored Cicero, as he himself states. He also gave Cicero written authority to collect witnesses in Sicily.<sup>13</sup> Moreover, the fact that the Metelli were interested in delaying the trial until 69, when M. Metellus would be president of the court, clearly indicates that Glabrio was regarded as unfriendly.

It is likely that Glabrio was also motivated by *pietas* both for his father and for his grandfather (of whom Cicero reminds him in the course of the trial).<sup>14</sup> Verres' obvious guilt could hardly appeal to the grandson of an eminent jurist, while underlying the trial was the question of who should form the juries in the courts, and Glabrio would presumably have been interested in seeing the restoration of his father's arrangement.

All this does not necessarily, of course, make Glabrio pro-Pompeian. It does, however, I believe, mean he was likely to be anti-Optimate in 67, since Cornelius' most bitter opponents were Sullani, and to a large extent the same

5. For a preferable analysis of both the law and its author, see E. Badian, "Lex Acilia Repetundarum," *AJP*, LXXV (1954), 374–84.

6. Cic. *Brut.* 239. Badian, *op. cit.*, suggests that Glabrio was born about 112.

7. Mucianus was married to Ap. Claudius Pulcher's sister, and his daughter married C. Gracchus. Moreover, he was elected to the agrarian commission after Tiberius' death. Recent research suggests that Mucianus' brother Scaevola, consul in 133, was less strongly committed. See in particular A. H. Bernstein, "Prosopography and the Career of Publius Mucius Scaevola," *CP*, LXVII (1972), 42–46.

8. Quintus' moderation is seen in his refusal in 88 to join in proscribing Marius because he had saved Italy from the Germans (Val. Max. 3. 8. 5). See Hands, *op. cit.*, for an argument that he was probably pro-Scipionic in 133.

9. For the importance of the new class of jurors at this time, see E. Badian, "P. Decius P.f. Subulo," *JRS*, XLVI

(1956), 91–96 (cf. *Historia*, XI [1962], 214–15). In the same year Subulo, who had unsuccessfully prosecuted L. Opimius for the murder of C. Gracchus, was acquitted, and C. Carbo, who had defended Opimius, was prosecuted and committed suicide.

10. A. R. Hands, "Sallust and *dissimulatio*," *JRS*, XLIX (1959), 56–60.

11. Plut. *Sull.* 33 (who blames only Sulla), *Pomp.* 9 (Sulla and Metella).

12. For an interpretation of the trial as a contest of strength between Pompey and the Metelli, see E. Badian, *Foreign Clientelae* (Oxford, 1958), pp. 282–84.

13. Cic. *Verr.* 1. 1. 55, 2. 2. 64.

14. *Verr.* 1. 1. 52. His reference to the "lex Acilia qua lege populus Romanus de pecuniis repetundis optimis iudiciis severissimisque iudicibus usus est" must have rung oddly in the ears of his senatorial audience.

people who supported Verres.<sup>15</sup> Indeed, in the sources it is Piso who is emphasized as the Optimate consul. Dio admittedly says that the bribery law suggested by the senate to counter Cornelius' proposal was introduced by both consuls, although Cicero in 63 refers to it as the *lex Calpurnia*,<sup>16</sup> but it was Piso who objected to Cornelius' attempt to introduce a law "ne quis nisi per populum legibus solveretur," designed to prevent the consular bribery law, and who was as a result attacked by the crowd.<sup>17</sup> Similarly it was Piso who was attacked for his opposition to Gabinus' pirate law.<sup>18</sup> Glabrio's attitude to Piso is unknown, but there is the vague possibility of jealousy if Cicero is right in saying that Piso, an exact contemporary of Glabrio, was a better orator.<sup>19</sup>

What *is* known is Glabrio's attitude to the staunch Optimate L. Lucullus. It was Gabinus who assigned Bithynia and Pontus to Glabrio as his proconsular provinces, and his arrival there encouraged Lucullus' troops to mutiny; later Glabrio refused to leave Bithynia to help Lucullus in Cappadocia.<sup>20</sup> Indeed, it is tempting to see in Glabrio's behavior a desire to make it easy for the Mithridatic command to be transferred to Pompey (although it subsequently meant the loss of his own province). There is one other interesting piece of evidence. Dio reports that during his consul-

ship Glabrio ordered the chair of the praetor Lucullus to be broken because Lucullus did not rise in Glabrio's presence.<sup>21</sup> It has been assumed that Dio has the wrong name, and the praetor is really L. Luceius,<sup>22</sup> but is it possible that the error arose because Glabrio's opposition to Lucullus was well known?

Nothing of importance is known of Glabrio after his return from Bithynia. He attended the senate and spoke on important occasions, and was regarded by Cicero as a consular whose opinion was worth mentioning.<sup>23</sup> He was also a pontifex in 56.<sup>24</sup> His activities during the civil war (if he was still alive) are unfortunately unknown, and the identity of the M. Acilius Glabrio who was suffect consul in 33 is uncertain.<sup>25</sup>

Obviously it is impossible to say definitely that Glabrio was a *popularis*, but his own actions, as well as those of his father, indicate he was not an Optimate, like his consular colleague. It is, I think, very likely that Cornelius had Glabrio's sympathy, if not his active support. Asconius says that Cornelius at his trial won the support of most of the senators "exceptis eis qui erant familiares principum civitatis."<sup>26</sup> There is no reason to believe Glabrio was such a *familiaris*.

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15. The *principes civitatis* who appeared against him at his trial in 65 were Q. Hortensius, Q. Catulus, Q. Metellus Pius, M. Lucullus and M'. Lepidus (Asconius p. 60 Clark). For biographical details of all men, and an argument that Lepidus is actually Mam. Lepidus Livianus, see G. V. Sumner, "Manius or Mamercus?" *JRS*, LIV (1964), 41-48.

16. Dio 36. 38; Cic. *Mur.* 46.

17. Ascon. p. 58 Clark. Asconius and Dio differ in the sequence of events in 67. A sensible reconstruction is given by W. McDonald, *op. cit.*, pp. 196-208.

18. Dio 36. 24; Plut. *Pomp.* 25; cf. *Pomp.* 27.

19. Cic. *Brut.* 239.

20. Dio 36. 14. 4 and 36. 17; Cic. *Leg. Man.* 5 and 26; Sall. *Hist.* 5. 13M. The main troublemaker in Lucullus' army was, of course, Clodius, and it is very likely he was acting in Pompey's interests.

21. Dio 36. 41. 2. Interestingly, Glabrio's father-in-law Scaurus behaved similarly as consul with the praetor Decius Subulo (*Vir. Ill.* 72. 6), probably at the instigation of the Metelli. See E. Badian, *op. cit.* (n. 9), p. 91.

22. T. R. S. Broughton, *MRR*, II, 143.

23. Cic. *Att.* 12. 21, *Q. fr.* 2. 1. 1, *Phil.* 2. 12.

24. Cic. *Har. resp.* 6. 12.

25. For a discussion of the problem, see Broughton, *MRR*, Supp., p. 1; and M. Grant, *From Imperium to Auctoritas* (Cambridge, 1946), p. 17. Glabrio's son Manius is also unknown except for his appearance in 54 on behalf of M. Scaurus at his trial for *repetundae*. The reason was certainly the marriage connection: Scaurus was the son of the *princeps senatus*, and was (or had been) young Glabrio's uncle by marriage (Ascon. p. 28 Clark). The trial has been discussed by E. Courtney, "The Prosecution of Scaurus in 54 B.C.," *Philologus*, CV (1961), 151-56. His conclusion (p. 155) is "the defence is Sullan through and through." It is also, however, connected, even if indirectly, by blood or marriage, and young Glabrio is there, I believe, for the latter reason.

26. Ascon. p. 61 (Clark). It is perhaps significant that the tribune who vetoed Cornelius' bill in 67, P. Globulus, changed sides and appeared on behalf of Cornelius in 65.