

PROPERTIUS 2. 29A¹

WHEN Propertius tells Cynthia in 2. 29A that, on his drunken way to another woman (line 14) the previous night, he was seized and hauled back to Cynthia by a band of Cupids, it is fairly clear that the poet is giving dramatic embodiment to the erotic commonplace² that the lover fired by wine is unable to stay away from his mistress but is dragged back to her perforce by love.

The nature of the drama in which the *topos* is embodied is, however, not at all clear. Most commentators have seen it as nothing more than a fantasy or fairy-tale having no connection whatsoever with real life. Two,³ while recognizing that elements of fantasy are present, nevertheless have felt that the action of the drama is derived from real life with the Cupids playing a real-life role.

I believe that those who have seen 2. 29A as merely fantasy are incorrect. This is not to say that pure fantasy does not occur in Propertius' work. But when it does it takes place in a dream or fantasy landscape.⁴ In 2. 29A the scene is the streets of Rome and this realistic setting suggests that, as in another realistic setting (3. 1. 9–12) Propertius although giving rein to his fantasy links it with reality by taking on himself the role of *triumphator*, so here it is more likely that the characters in a drama with a real setting will have real-life roles to play. How easily the ancient mind could think of Cupids in these terms can be seen from, e.g., *A.P.* 16. 200 (Moschus) where Eros is a ploughman and such graphic representations as the paintings of the house of the Vettii at Pompeii where Cupids are portrayed in a number of everyday roles.⁵

What precise role, then, are the Cupids playing in 2. 29A? Rothstein (ad loc.) believed that they were robbers. This role is inconsistent with the events of the poem as well as relying on a false parallel. G. Luck has suggested recently that they are *vigiles*.⁶ This suggestion is close to the truth but not quite correct. Firstly, if they are *vigiles*, they have no reason to arrest Propertius. He is drunk but not disorderly. Secondly they cannot be *vigiles* because they have a personal contractual relationship with Cynthia (lines 9, 20) inconsistent with their being public officials. Thirdly the procedure they adopt, i.e. to take their prisoner to the house of a private citizen and there release him on a promise of good behaviour, is not the procedure of the *vigiles*.

The role I wish to suggest for the Cupids provides also a correlative role for Propertius. I believe that in 2. 29A Propertius is representing himself as a *fugitiuus* (in the sense of a slave who has run away)—and the Cupids as *fugitiuarii*—persons who either made the catching of *fugitiui* their profession or were appointed by owners *ad hoc* to catch a particular runaway.

These suggestions are not alien to ancient erotic thought. The images of the lover as his beloved's slave and *amor* as *seruitium*, besides being favourites of

¹ I am indebted to Professor I. M. Campbell and Professor W. A. J. Watson for advice on this article.

² Cf., e.g., *A.P.* 5. 93 (Rufinus); *A.P.* 12. 118 (Callimachus).

³ Rothstein and G. Luck (see below).

⁴ e.g. 3. 3; 2. 26A.

⁵ For such representations cf. W. Helbig, *Untersuchungen über die Campanische Wandmalerei*, Leipzig, 1873, pp. 76, 223, 237f.

⁶ *Gnomon*, 39 (1967), pp. 700f. and *The Latin Love Elegy*, 2nd ed. (1969), pp. 15f. Cf. Camps ad loc.

Propertius, are universal there. The representation of the lover as a runaway slave is not so common but does appear. Alcibiades δραπετεύει from Socrates in Plutarch, *Alcibiades*, 6. Marx believed that in Lucilius 854 f.

cum manicis catulo collarique ut fugitium
deportem

the speaker was a *meretrix* and the victim her *amator*.¹ More common is the image of the lover's soul as a runaway slave. Examples can be found in *A.P.* 12. 73 (Callimachus), translated by Q. Lutatius Catulus (Fr. 1 Morel), and *A.P.* 12. 82 (Meleager) and the notion is potent in Apuleius' *Cupid and Psyche*. In some of these cases it is Cupid who is cast as the catcher of the runaway.

Many features of Propertius 2. 29A can be profitably annotated in terms of the roles of *fugitiuus*—*fugitiuarius*.

1. Hesterna, mea lux, cum potus nocte uagarer,
 nec me seruorum duceret ulla manus. lines 1 f.

On the occasion described in 2. 29A Propertius is alone, in contrast with another of his drunken nocturnal promenades in 1. 3, where he is accompanied by slaves (line 10). The implication of 2. 29A, line 2, namely that Propertius normally in such circumstances had slave attendants might seem also to imply that in this elegy he is representing himself as a free man, the absence of slaves being mentioned to explain how he fell among thieves or policemen. If this were so, it would refute the hypothesis of this article. I believe, however, that line 2 has a very different function. The normal elegiac *persona* is that of a free man of enough substance to have slave attendants. Propertius and his readers took this for granted. The function of line 2 is to destroy this assumption as far as this particular elegy is concerned. Once the reader realizes that the normal elegiac *persona* is in this respect in abeyance he is prepared for the further realization that Propertius is dramatizing the commonplace elegiac *servitium amoris* in 2. 29A. Thus line 2 ensures that the reader's expectation of the normal elegiac *persona* would not automatically make him imagine slave-attendants accompanying Propertius and so impede his recognition of Propertius as a *fugitiuus* in this particular elegy.

2. quorum alii faculas, alii retinere sagittas,
 pars etiam uisa est uincla parare mihi.
 sed nudi fuerant. . . .

.
dixit, et in collo iam mihi nodus erat. lines 5-7 and 10

The Cupids as love-gods are naked and characteristically carry arrows and torches. *Vincla* are not equipment proper to them as love-gods but suit their character as *fugitiuarii*. The much discussed *sed* (line 7) is therefore probably a simple adversative linking *uincla* (an unusual attribute of Cupids) and nudity (a normal characteristic). The binding of *fugitiui* by *fugitiuarii* is standard practice. Cf.

ἦν τὸν γ' ἔλῃς τῆνον, δῆσας ἄγε μὴδ' ἐλεήσης.

Moschus 1. 1 ("Ἔρως Δραπέτης)

¹ C. Cichorius, *Untersuchungen zu Lucilius*, pp. 158 f. conjectures that the speaker is an older male adviser but does not challenge

Marx's opinion that the person compared to a *fugitiuus* is some kind of *amator*.

5 ... ἐπιτρέπω δοῦλόν μου
6 δράσαν-
7 τα
9 δι[α]δήσας δέσμιον ἀγαγεῖν

P. Oxy. 1423, fourth cent. A.D. (authorization for the arrest of a *fugitiuus*)

10 [ἐξουσίας σοι] οὔσης ὅσα κάμοι παρόντι ἔξεστιν
[.....]ασθαι καὶ εἴργιν καὶ μαστιγοῖν

P. Oxy. 1643, A.D. 298 (appointment of a representative to arrest a *fugitiuus*)

. diligens custodia etiam uincire permittit
(i.e. *fugitiuus captos*) *Dig.* xi. 4. 1. 7

The *nodus* placed around Propertius' neck recalls strongly the *collare* of Lucilius 854.¹

3. atque ita mi iniecto dixerunt rursus amictu. line 21
 me O mi Canter *in lecto O iniecto s* *duxerunt NF₄LPΔ dixerunt F₁S Canter* *amictu O*
 amicae Fischer

This line implies that on being seized by the Cupids, Propertius was stripped by them. Stripping *fugitiui* was such a characteristic action of *fugitiuarii* that it produced a proverb found in a papyrus:

]ταφθαρώ γυμνὸς ὥσπερ οἱ δραπεταὶ *Cair. Zen.* 59. 474²

The purpose of stripping *fugitiui* was both to recover the property which they normally stole from their masters on running away and to reveal *notae*, bodily marks by which they could be recognized.³

In the case of Propertius such *notae* would, in fact, be otiose. The Cupids already recognize him.

‘Arripite hunc!’ inquit, ‘iam bene nostis eum.’ line 8

As love-gods they recognize him because he is a lover and a love-poet and therefore an old familiar of theirs. There are two possible explanations of their recognizing him qua *fugitiuarii*. The first of these is that they recognized him by the normal method by which a *fugitiuus* was recognized, i.e. by the description (εἰκόν) of the runaway which was posted or read in public or given to the *fugitiuarii*.⁴ The second and more likely explanation is that Cynthia appointed them as *fugitiuarii* because in their capacity as love-gods they were well acquainted with Propertius. This latter explanation suits better the language of line 8 and conforms with a type of slave-catching known from

5 ἀποσ[υ]νίστημί σε κατὰ τόδε τὸ
 [ἐπίσταλμα ὧς]τε
 ἀναζητῆσαι δοῦλόν μου ...
 δν καὶ σὺ αὐτὸς γνωρίζεις *P. Oxy.* 1643 (see above)

where the *fugitiuarius* is appointed for just this reason.

¹ See above and Marx ad loc.

² Cf. also *Paneg. Lat.* 11 (xii). 43. 3.

³ Cf. *Dig.* 11. 1. 8 and the *eikónes* (n. 12).

⁴ For these procedures and others connected with *fugitiui* cf. Xen. *Mem.* 2. 10; Moschus 1; refs. in F. Pringsheim, *The Greek*

Law of Sale, Weimar 1950, p. 527, and R. Taubenschlag, *The Law of Graeco-Roman Egypt in the Light of the Papyri*, 2nd ed. (Warsaw, 1955), pp. 83–5; Bruns, *Fontes*, 1. 362 f.

It will be observed that the thesis of this article has some bearing on the disputed readings of line 21. *amictu* (*O*), together with the correction *iniecto*, seems certain in view of the standard stripping of *fugitiui*. The problem of whether to read *me* (*O*) *duxerunt* (*NF₄LPΔ*), which is backed by the best manuscript authority, or *mi* (*Canter*) *dixerunt* (*F, s Canter*) is more difficult. The frequency with which ἀγελν is used of *fugitiuarii* dealing with *fugitiui*¹ is strong on the side of the manuscripts. On the other hand the Cupids have already brought Propertius to Cynthia's house (line 20) and apparently have finished dealing with him and have let him go (line 19). It is hard to see what further leading of Propertius by the Cupids could be taking place. Moreover, the reading *duxerunt* leaves line 22 hanging in the air. Since in Propertius' work, the formula *i (ite) et . . .* is never a mode of self-address, we should, in any case, conclude that the speaker here was one of the Cupids. But the unheralded introduction of direct speech does not occur elsewhere in 2. 29A (cf. lines 8, 11). ἀγελν is therefore irrelevant and *mi dixerunt* should be read.

4. iam certos spondet amores. line 19

Since in terms of the characters' roles *amor* = *seruitium*, line 19 includes an admission on Propertius' part that he is Cynthia's slave. On capture, *fugitiui* were questioned about who they belonged to and *fugitiui* who tried to pretend to be free were treated differently from those who did not.

fugitiui simplices dominis reddendi sunt; sed si pro liberis se gesserint, grauius coerceri solent. Dig. 11. 4. 2

Propertius admits his status and owner. The Cupids then cease to trouble him and, according to practice, deliver him at his mistress's house which, with the preternatural swiftness of Alexandrian narrative technique, they reach in the next line.

5. 'I nunc et noctes disce manere domi.' line 22

Propertius has been out at night (cf. line 1) and the Cupids, as a last word, tell him to stay at home at night. The erotic significance of the precept is obvious. But it also relates to Propertius' status as a *fugitiuus*, cf.

illud enim, quod plerumque ab imprudentibus, inquit [i.e. Proculus], dici solet, eum esse fugitium, qui nocte aliqua sine uoluntate domini emansisset, non esse uerum, sed ab affectu animi cuiusque aestimandum.

Dig. 21. 1. 17. 4

Propertius or the Cupids appear to share the view of the *imprudentes* which Proculus denied.

6. The imprecise or amateur use of a legal notion in line 22 is parallel to the three other legalistic references in the poem, which, because of their difficulties, I have retained until last.

(a) iam certos spondet amores. line 19

In strict legal terms, formal undertakings (*stipulationes*) could not be given by or to slaves, not even when the agreement involved their own masters.

praeterea inutilis est stipulatio, si ab eo stipuler, qui iuri meo subiectus est, item si is a me stipuletur. seruus quidem et qui in mancipio est et filia

¹ Cf. examples cited above.

familias et quae in manu est, non solum ipsi, cuius iuri subiecti subiectaeque sunt, obligari non possunt, sed ne alii quidem ulli. Gaius, *Instit.* 3. 104

Still less could a slave make that kind of stipulation which employed the word *spondeo*. This was specially reserved for Roman citizens, other forms of stipulation being available to free non-citizens as well as Roman citizens.¹ If Propertius meant to use the word *spondet* to refer to *sponsio* in its technical sense he was, therefore, guilty of two-fold error.

The conclusion therefore, suggests itself that Propertius was being non-technical and simply using *spondet* to mean 'he promises' without any legal over-tones. But this cannot be the case. What simultaneously proves that Propertius intended *spondet* to be taken in its technical sense and also explains his legal mistakes is that *certos* contains another legal allusion. *Sponsio* is the oldest form of *stipulatio* and *stipulationes* were originally for *certa pecunia*, then for *certa res* and only then for *incerta* and services.² Although this development from *certa* to *incerta* had already taken place by Propertius' time, the traditional association of *sponsio* with *certa* was not forgotten. Propertius was therefore aiming at a pun on *certos* and he was so intent on his pun that he did not notice that he was committing the double legal solecism of a slave's *sponsio*.

(b) hic erat, hunc mulier nobis irata locauit.

et iam ad mandatam uenimus ecce domum. lines 9 and 20

Propertius is alluding in these lines to a contract between Cynthia and the *fugitiuarii* for his own recapture. But whereas in line 9 he seems to imply that the contract was *locatio-conductio*, in line 20 it appears that it was *mandatum*. In strict legal terms a single contract could not be described as both *locatio-conductio* and *mandatum*. Therefore, since it appears that *mandatum* was the normal contract between slave owner and *fugitiuarius*,³ the reference of line 20 will be correct and that of line 9 another Propertian legal confusion. However, the confusion is highly explicable. Although *mandatum* and *locatio-conductio* are technically very different types of contract, in practical terms they often overlap, especially where semi-menial services are the subject of contract. Modern civil lawyers cannot always be sure what category a particular recorded contract fell into.⁴ So Propertius can be forgiven for a similar confusion which in no way detracts from the deliberateness of his allusions or implies any real confusion in his mind.

It will be observed that the discussion of *mandatam* (line 20) as an allusion to the legal contract *mandatum* supports Passerat's interpretation of it (accepted by Enk ad loc.) as against the interpretation of Phillimore favoured by Shackleton Bailey.⁵

¹ Cf. Gaius, *Instit.* 3. 93.

² Cf. Buckland, *Text-Book of Roman Law*, 3rd ed. (1963), p. 434.

³ e.g. *Dig.* xlviii. 15. 2. 1, 2.

⁴ Cf. J. Crook, *Law and Life at Rome*, pp. 203 ff., 239 ff.

⁵ G. Luck's suggestion that the Cupids are *vigiles* might seem to be capable of revival with the addition of the hypothesis that Propertius is a *fugitiuus*, and certain legal texts might appear to provide supporting

evidence, i.e. *Rend. Harr. Pap.* 62; *Dig.* i. 15. 4 and the texts discussed by Buckland, *The Roman Law of Slavery*, p. 268. But the objection that the private relationship between Cynthia and the Cupids is incompatible with the latter's being public officials still remains. Moreover, the legal texts in which particular (and late) instructions are given to *vigiles* to search for *fugitiui* suggest that it was not normally their duty to do so.

It might appear that the interpretation of 2. 29A given above which seems to suggest that it is a rendering of a scene from contemporary life, conflicts with Rothstein's belief that the poem is Hellenistic in subject-matter and inspiration. This is not the case.

First of all, the *fugitiuus*—*fugitiuarii* allegory in 2. 29A links the poem with a field of Hellenistic literature exemplified not only by the *ψυχῇ δραπετής* poems mentioned above but also by, e.g., Moschus 1 where Eros himself is a fugitive and *A.P.* 5. 178 Meleager where love is sold as a slave.

Secondly, although there is no reason to doubt that there were *fugitiuarii* in Augustan Rome (and indeed Propertius could not have expected his audience to understand his legal allusions if the institution had not been contemporary) nevertheless the plentiful Hellenistic evidence for *fugitiuarii*, when contrasted with the lateness of most Roman texts dealing with them, suggests strongly that Propertius derived his allegory not from contemporary life or literature but from the same Hellenistic sources from which so much of his other material derives.

At the same time, it is difficult to believe that Propertius simply took over the poem as a whole from some Hellenistic source. The essentially Roman ethos of the legalistic situation conceived by Propertius guarantees that here, as elsewhere, he is an original adaptor and not merely an imitator.

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