

moving during such an atom, it would have to traverse different spatial intervals during different temporal subintervals; but a time *atom* has no such subintervals.

The crows' how-question is particularly apposite, then. Because of Diodorus' doctrine of temporal and spatial minima, the 'natural' answer cannot be given to their question *how* they will come to be at that very place they will later occupy. That is, Diodorus cannot admit that the crows get from one place to an adjacent minimal place by means of a continuous process or *κίνησις* of moving (*κινεῖσθαι*) that results in the crows' gradually occupying less and less of the first place while occupying more and more of an adjacent minimal place. Rather, the crows simply are at rest in the first place during one time atom and, during the next time atom, they find themselves at rest at the adjacent minimal place. The crows' question, natural though it may be, is a question that Diodorus cannot answer.

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GLADIATORS IN THE THEATRE

While restating the correct interpretation of the prologue to the *Hecyra* of Terence in *CQ* 32 (1982), 134 F. H. Sandbach has this to say: 'Possibly the widespread view which the translators and I reject has been encouraged by disbelief that the theatre could be used for gladiatorial combat. It is true that there is no reliable evidence for such use at Rome, for Donatus' statement "hoc abhorret a nostra consuetudine uerumtamen apud antiquos gladiatores in theatro spectabantur" may be no more than inference from Terence's text.' There is, in fact, a certain amount of evidence for gladiatorial combats in the theatres at Rome, that is at venues where *ludi scaenici* were performed, which it is difficult to regard as unreliable and which is consistent with what we know of the relationship between the theatre and gladiatorial games.

(a) Gladiatorial shows, funeral games and the Roman Forum

Gladiatorial shows were first introduced to Rome as part of the previously scenic *ludi funebres* in 264 B.C.¹ Valerius Maximus states that these shows were held in the *Forum Boarium*, but we learn from Polybius that in his day it was the Roman *forum* and the *rostra* which were the focal points for ceremonies honouring the dead.² In the earliest example of private funeral games where the venue of the gladiatorial contests is recorded, the games of M. Aemilius Lepidus in 216 B.C., it is the *forum Romanum*.³ Funeral games and a gladiatorial show were celebrated to commemorate the death of Valerius Laevinus in 200 B.C. In this case the *ludi funebres* are specifically stated to have taken place in the *forum*, and there is no reason to assume that there was a separate venue for the gladiatorial show.⁴ In 183 on the death of Publius Licinius there was a distribution of meat, gladiatorial combats, funeral games and subsequently a banquet. The banquet was held in the *forum*, as presumably were the other events.⁵

¹ Livy, *Epit.* 16; Valerius Maximus 2.4.7. For *ludi scaenici* as funeral games see Livy 41.28.11 and L. R. Taylor 'The Opportunities for Dramatic Performances in the time of Plautus and Terence', *TAPA* 68 (1937), 299.

² Polybius 6.53.

³ Livy 23.30.15.

⁴ Livy 31.50.4. The *forum* was used for gladiatorial shows for the next 200 years: Plut. *Gaius Gracchus* 12; Suetonius, *Julius* 39.1; Dio 43.23.3; Suetonius, *Augustus* 43, etc. See K. E. Schneider, *R. E. Suppl.* III, 760–2.

⁵ Livy 39.46.2–3. Compare the similar ceremonies in honour of Flamininus in 174 B.C., Livy 41.28.11.

At this period there was no permanent theatre and temporary theatres were set up in the neighbourhood of the appropriate deities for the *ludi scaenici* which accompanied festivals in honour of the Gods.⁶ Once the *forum* became accepted as the appropriate venue for the paying of honours to the dead it was natural that both gladiatorial shows and *ludi funebres* should take place there, and as seating accommodation was provided for the *ludi scaenici* in the temporary theatres so provision was made for the spectators in the Roman Forum. Plutarch tells us of a temporary *cavea* or *theatrum* erected in the *forum* for a gladiatorial show in 122 B.C., and Cicero speaks of *spectacula*, seats, at a gladiatorial *consessus* in honour of Metellus Pius.⁷ There is no reason to suppose that this provision of seating accommodation in the *forum* was restricted to the gladiatorial shows. In any case when Cicero in 43 B.C. moved a motion to honour the recently deceased Servius Sulpicius Rufus it included a recommendation that a bronze statue of Rufus be erected on the *rostra* and an area ten feet in diameter round the statue be made available to his children and their descendants for watching 'the games and the gladiators'.⁸

In the light of the continuing close association of gladiatorial shows and *ludi funebres* with the Roman *forum* it becomes much easier to accept the evidence of Terence that the *Hecyra* and consequently the *Adelphi* shared a venue with gladiatorial games when the last respects were being paid to Aemilius Paullus in 160 B.C. and that that venue was the Roman *forum*.

(b) *Gladiators in the theatres not associated with ludi funebres*

Ennodius informs us that Rutilius and Manlius (consuls in 105 B.C.) introduced gladiatorial combats *inter theatrales caveas*.⁹ Even if Ennodius is correct and if this is taken in a literal sense to mean 'in the theatres' it remains clear that whatever the situation in 105 B.C. gladiators were still not normally part of the regular Roman religious festivals in the time of Augustus,¹⁰ although Augustus himself exhibited them in the Panathenaic festival in Athens.¹¹ The first explicit evidence for making *ludi scaenici* and gladiatorial *munera* simple alternatives at an annual religious festival comes from outside Rome, in the colony established in 44 B.C. at Urso. Unfortunately the venue for these presentations is only given for the one day on which they were devoted to Venus and on that day they were to be held either in the *circus* or the

⁶ J. Hanson, *Roman Theatre Temples* 13ff.

⁷ Plutarch, *Gaius Gracchus* 12; Cicero, *pro Sestio* 124; cf. Dio 43.22.3 (46 B.C.).

⁸ Cicero, *Philippics* 9.16, 'circumque eam statuam locum ludis gladiatoribusque liberos posterosque eius quoquo versus pedes quinque habere quod is ob rem publicam mortem obierit'. For the phrase *ludis gladiatoribusque* cf. *pro Sestio* 106. For a possible parallel at Urso see n. 12 below.

⁹ Panegyric in Theod. 284.15 Hartel, 85 p. 213.25 Vogel 'Rutilium et Manlium conperimus gladiatorum conflictum magistrante populis providentia contulisse, ut inter theatrales caueas plebs diuturna pace possessa quid in acie gereretur agnosceret.' Cf. Valerius Maximus 2.3.2 'Armorum tractandorum meditatio a P. Rutilio consule Cn. Malli collega militibus est tradita: is enim nullius ante se imperatoris exemplum secutus ex ludo C. Aureli Scauri doctoribus gladiatorum arcessitis uitandi atque inferendi ictus subtiliorem rationem legionibus ingenerauit uirtutemque arti et rursus artem uirtuti miscuit, ut illa impetu huius fortior, haec illius scientia cautior fieret.' F. Buecheler argues that the two statements are independent 'Die staatliche Anerkennung des Gladiatorenspiels', *RhM* 38 (1883), 476-9 while G. Ville argues that the Ennodius passage is derived from Valerius Maximus, 'Les jeux de gladiateurs dans l'Empire Chrétien', *MEFR* 72 (1960), 305-7.

¹⁰ Dio 54.2.

¹¹ Dio 54.28.

forum.¹² However the remarkable edifice constructed by Curio to stage games in honour of his father was designed for displays of both *ludi scaenici* and gladiators and firm evidence for a gladiatorial show in the theatre of Pompey on the Ides of March 44 B.C. is found in the accounts of Caesar's murder given by Nicolaus of Damascus, Appian and Dio.¹³ Thus there is enough evidence to make it clear that before the building of a permanent amphitheatre the Romans saw no anomaly in presenting gladiatorial shows at the same venue as other forms of entertainment which we more usually associate with 'the theatre'.

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¹² FIRA 1.182.LXX, 'Il viri...in suo mag(istratu) munus ludosue scaenicos Iovi Iunoni Minervae deis deabusq(ue) quadriduom m(aiore) p(arte) diei, quot eius fieri poteret, arbitratu decurionum faciunto...'. cf. LXXI. 'Aediles...munus ludos scaenicos...et unum diem in circo aut in foro Veneri faciunto.'

¹³ Pliny, *N.H.* 36.24.116–20; Nicolaus 81, 92, 94, 98, cf. 49; Appian, *B.C.* 2.118; Dio 44.16. See also N. Horsfall, 'The Ides of March: Some New Problems', *Greece and Rome* 21 (1974), 195–6. *Contra* Horsfall (p. 195 n. 3) Cicero, *ad fam.* 7.1.3. does not prove that gladiatorial combats took place in the theatre to celebrate its opening. *Contempseris* indicates that Marius had shown his distaste for gladiators on an earlier occasion, while neither Dio 39.38 nor Plutarch, *Pompey* 52, mentions gladiators, either in the theatre or in the Circus.

CICERO, *AD ATT.* 1.14.5

Fufius tertium concessit.

territus concessit Graevius: tr. *tum concessit Manutius*: tribunus intercessit *Shackleton Bailey*

Constans, who defends the unanimous reading of the manuscripts, explains 'tertium' as a reference to two previous *senatus consulta* which Fufius¹ did not veto (*ad Att.* 1.13.3).² The problem with this interpretation is that Fufius is not even mentioned in the passage Constans cites; in fact, this letter marks Fufius' first appearance in the correspondence. On the basis of what is preserved it is difficult to see how Atticus could have divined such a meaning in Cicero's 'tertium'. Scholars have preferred to emend. The proposals of Graevius and Manutius have been criticized by Shackleton Bailey on the grounds that 'concessit' cannot mean 'non intercessit' in the absence of any mention of previous intercessory action on Fufius' part.³ However, in view of Cicero's description of the tribune in *ad Att.* 1.14.1, Atticus would have been no less puzzled if Fufius' failure to veto went unexplained. No earlier allusion to Fufius is necessary. Both 'territus' and 'tum' provide an explanatory context for Fufius' behaviour which makes the word play in 'concessit' understandable and perfectly acceptable.

Shackleton Bailey's own suggestion⁴ does not suit the context of the letter, as Ph. Moreau demonstrates in some detail.⁵ In addition to the arguments (chiefly historical) adduced by Moreau, it is important to notice that Shackleton Bailey's reading fails to conform to the confident and victorious mood of the letter or to the plot of the relevant paragraph (1.14.5): once Cato's intrusion has focused the resentment of the

¹ Q. Fufius Calenus (cos. 47), who was tr. pl. in 61; for his career see T. R. S. Broughton, *MRR* ii.567.

² L.-A. Constans, *Cicéron. Correspondance* (Paris, 1962), i.283.

³ D. R. Shackleton Bailey, *Cicero's Letters to Atticus* (Cambridge, 1965), i.311.

⁴ Shackleton Bailey's reading is based on a much older, though long neglected, emendation: 'trib. pl. intercessit' ('Pantagathus ap. Ursinum' in Watt's apparatus, *M. Tulli Ciceronis Epistulae*, vol. II, *Epistulae ad Atticum* [Oxford, 1965], ad loc.).

⁵ Ph. Moreau, *Clodiana religio. Un procès politique en 61 av. J.-C.* (Paris, 1982), 117–18.