

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.

Senate against Clodius' supporters and his tactics, Cicero depicts Clodius' position as increasingly abject. If Fufius' veto were a definite historical fact, it would be necessary to accept 'intercessit' regardless of tone or story line. Since this is not the case, attention must be paid to the careful composition of the letter and the exuberant context of the sentence in question.

There is a serious problem with Manutius' reading, however.⁶ As it is usually understood, 'there is a special force in *tum*. Fufius *then* yielded, but reserved himself till the bill should be brought before the *comitia* when he could interpose his *veto*'.⁷ In other words, 'tum' suggests that Fufius' inactivity was understood by Cicero as merely temporary, and that Cicero meant Atticus to appreciate this threat. The ominous 'tum' finds apparent support in *ad Att.* 1.16.2, where Fufius' potential veto is mentioned in explaining Hortensius' manoeuvres. But Fufius' behaviour in July of 61 need not have been foreseen by Cicero as he wrote to Atticus on February 13; indeed, it could not have been. In view of his jubilant (and mistaken) anticipation of Clodius' downfall, it is psychologically impossible that Cicero felt such apprehensions.⁸ To emend his letter so that it depicts an attitude for which there is no evidence and no probability is a dangerous step. The triumphant tone of the paragraph, which is plainly eager to portray Clodius' position as the worst possible, will not permit 'tum',⁹ not, at any rate, in this sense.

What the passage requires is a phrase which provides a circumstantial description permitting the play on 'intercedere' and at the same time highlighting the success of the Senate's good forces.¹⁰ If 'tum' is the correct reading, then it must indicate merely the sequence of the Senate's vote and Fufius' acceptance of that vote. This seems too flat for its spirited context, though flatness is not an insurmountable objection. I suggest 'Fufius tr. etiam concessit': 'Even the tribune Fufius yielded [to the Senate's overwhelming vote against Clodius].' Palaeographically 'tr. etiam' is at least as likely as 'tr. tum' or 'territus'. The explicit reference to Fufius' office prepares Atticus for the coming word play ('concedere'/'intercedere'), an anticipation absent from Graevius' reading.¹¹ The use of 'etiam' = 'quoque' is common in Cicero's letters,¹²

⁶ This is easily the most popular reading, found e.g. in the Oxford text of W. S. Watt (op. cit.). It is accepted and defended by R. Y. Tyrrell and L. C. Purser, *The Correspondence of Cicero*³ (Dublin, 1904), i., ad loc., who provide Munro's palaeographical explanation.

⁷ Tyrrell and Purser (op. cit.), 202.

⁸ In fact, Cicero failed to take Fufius' veto entirely seriously in July, as *ad Att.* 1.16.2 demonstrates. He disdainfully ascribes the fear of Fufius' veto to Hortensius.

⁹ This is not to suggest that Fufius in fact had no plans to exercise his veto at another time. What is relevant is not what he actually intended, but what Cicero believed had been achieved during that particular meeting of the Senate and what Cicero wished Atticus to believe was the situation at Rome.

¹⁰ Graevius' 'territus' meets these requirements, but has not found a receptive audience.

¹¹ 'Tribunus plebis' is far more common in Cicero's correspondence than simply 'tribunus', though the latter does occur, e.g. *ad Fam.* 8.5.3; *ad Att.* 4.18.4. The frequency of 'tr. pl.' and its previous occurrence in *ad Att.* 1.14.1, also in reference to Fufius, may help explain the corruption, if a scribe, not finding 'pl.', confused 'tr.' with what follows it. I am grateful to Mr A. Kershaw for this suggestion.

¹² Although 'etiam' usually precedes its noun in such instances, it can follow for special effect, particularly 'in eis quae c. admiratione vel indignatione commemorantur' (*TLL* s.v. *etiam*, col. 925). In Cicero's correspondence this usage is frequent with pronouns; parallels with proper nouns include *ad Att.* 6.1.4 ('Deiotarus etiam'); 11.16.2 ('Achaici etiam'); 12.7.2 ('Dolabella etiam'). When 'etiam' is used with phrases it most commonly intervenes, e.g. *Brutus* 95; *Pis.* 56; *Mil.* 3. But this is by no means invariable, and among the passages which support my suggestion are *ad Fam.* 2.15.5 ('trans montem Taurum etiam'); *Brutus* 135 ('flamen Albinus etiam'); *De Oratore* 1.206 ('nam Antonio dicente etiam').

and the emended text not only explains Fufius' inactivity, but stresses the forlorn state into which the Clodian forces have fallen.

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HYGINUS, *FABULA* 89 (LAOMEDON)

Neptunus et Apollo dicuntur Troiam muro cinxisse; his rex Laomedon uouit quod regno suo pecoris eo anno natum esset immolaturum. id uotum auaritia fefellit. alii dicunt *†parum* eum promississe.¹

The story that Neptune and Apollo together built the walls of Troy for Laomedon is well known from Homer.² At the end of their year's service the perfidious king refused to pay the agreed wages. Ovid tells the familiar story in one of his transitional sections in the *Metamorphoses*.³ Hyginus' account poses the textual problem indicated above. H. I. Rose comments on '*parum*' as follows: '*procul dubio corruptum hoc neque arridet Schmidtii coniectura promississe. fuitne partum equarum? hoc enim plerumque narratur, equos quos a Ioue accepisset promississe Laomedontem mercedis nomine... sed Herculi; quod facile ad deos mercennarios transferri potuit; atque non equos sed equas fuisse tradit Apollod. II, 104*'.⁴ Rose rightly rejects Schmidt's emendation '*promississe*'. '*Promississe*' has every sign of soundness and the difficulty lies, as Rose sees, with '*parum*'. Rose's own conjecture '*partum equarum*', however, will not do. Apart from the oddity of the expression, one would need a good deal more persuasion than Rose offers to accept that the well-known promise of Zeus' horses which Laomedon made to Hercules (Hom. *Il.* 5.648–51, Ov. *Met.* 11.213–15) was transferred from Hercules to Neptune and Apollo. There is no suggestion anywhere in the sources that Laomedon promised to give Neptune and Apollo the famous horses as payment for building the walls.⁵

Make a small change and the whole trouble disappears. Move one letter and replace another: for *parum* read *aurum*. Ovid, *Met.* 11.204 suggested and explains this conjecture ('*aedificat muros pactus pro moenibus aurum*'). By prompting us to restore *aurum* to the text of *Fabula* 89 Ovid has done a service across the centuries to its author the 'tenuous ghost, about whose life, even about whose full name, nothing is known'.⁶

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¹ Text as edited by H. I. Rose (Leyden, 1934), p. 65. J. Micyllus published the *editio princeps* of Hyginus' *Fabulae* from a single manuscript, written c. A.D. 900. Fragments of this manuscript were discovered in bindings at Regensburg in 1864 and at Munich in 1942. Micyllus was a negligent and uncritical transcriber of the difficult Beneventan script: see M. D. Reeve on 'Hyginus: *Fabulae*' in *Texts and Transmission*, ed. L. D. Reynolds (Oxford, 1983), pp. 189–90. It is on this insecure foundation that the task of establishing the text of the *Fabulae* has to proceed.

² Hom. *Il.* 7.452–3. At *Il.* 21.441–57 Neptune alone built the walls while Apollo served as Laomedon's herdsman.

³ Ov. *Met.* 11.199–210.

⁴ H. I. Rose, op. cit. p. 66 (footnote).

⁵ See Hom. *Il.* 21.450–7, Apollod. 2.5.9, Hor. *Carm.* 3.3.21, Ov. *Met.* 11.199–204.

⁶ Mary A. Grant, *The Myths of Hyginus* (Lawrence, 1960), University of Kansas Press, p. 1.