

precisely because of the possibility of confusion, having initially referred to the silver army as 'his' and the golden army as 'illis'. Thus '**his** vaginae argenteae, baltea argentea; auratae vaginae, aurea baltea **illis** erant' and '**his** dextrum cornu datum; **illi** in sinistro' should be considered as parallel phrases where 'hic' always refers to the silver corps (picking up 'argentatis') and 'ille' to the gold (picking up 'auratis militibus'). In this case the silver army appears on the right wing, and the gold on the left. Given 9.40.9 this interpretation is much to be preferred.

Having accepted Conway and Walters' restoration of the quotation of Livy found in Nonius, we turn to 'erant et equorum inaurata tapeta', which is much less secure. In Probus this quotation is ascribed to Lucilius in R (Lindemann's apograph of a lost Vatican MS: cf. Keil, *GL* IV xi-xii) but to Virgil in B (Vienna, Österreichische Nationalbibliothek 17),<sup>4</sup> while the commentator on Donatus quotes from Livy (though Keil emends to 'apud Lucilium' in order to make the passage agree with Probus). Such a phrase appears nowhere in Virgil, and an origin in Lucilius would require 'aurata' for 'inaurata' to maintain the hexameter. Thus Conway and Walters are probably right to think that the commentator on Donatus gave the correct source i.e. Livy. But they are wrong to assume that it belongs in 9.40. Unlike the quotation in Nonius, it is not ascribed to a particular book but is found merely 'apud Livium'. There is therefore a very strong possibility that this quotation comes from a lost portion of Livy. But probability is not the only argument against its restoration here. That it cannot be placed at 9.40 should be clear from the context of the passage. Livy is discussing two corps of Samnite infantry and nowhere mentions cavalry, so an insertion mentioning horse furniture, whatever its colour or manufacture, is singularly inappropriate.

In conclusion, we can accept the possibility that 'auratae vaginae, aurata baltea illis erant' should be restored to Livy 9.40.3, with the qualification that the restored text should be understood to mean that the Samnite silver army appears on the right wing and the gold army on the left. 'erant et equorum inaurata tapeta', however, should no longer be considered an acceptable restoration on grounds of both probability and context.

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<sup>4</sup> 'ablatiuo...codex *Lavantinus*' (i.e. St Paul in Carinthia Stiftsbibliothek 2.1) in Keil's apparatus is, of course, merely a reference to the commentator on Donatus.

#### PS-SENECA, *OCTAVIA* 889 AND VERGIL, *AENEID* 12.539FF.\*

At 876ff. Octavia's partisans lament the ruinous intervention of the Roman mob in support of the heroine's legitimate claims against Poppaea. A series of paradigmatic figures illustrates the sentence 'o funestus multis populi dirusque fauor': the two Gracchi, first, then Livius Drusus, the *tribunus plebis* of 91 B.C., stabbed to death in his house in the year of his tribunate. The gallery of historical characters suits the Roman atmosphere of the play, the fallen heroes of Republican times are presented as noble and disinterested figures, struck by disaster and evil fortune. This is the description of Livius' fate (887-90; text and colometry given as in Zwierlein's OCT):

te quoque, Liui, simili leto  
Fortuna dedit,  
quem neque fasces texere, suae  
nec tecta domus

\* I am grateful to the Editor and to the anonymous referee of *CQ* for some suggestions and improvements. E. Fantham also made useful comments.

*suae* at line 889 is a correction suggested by Wilamowitz, and first accepted by Leo, in his 1878–9 edition of the plays, then by Richter (1902) and, most recently, by Zwierlein. Wilamowitz raised an objection against the previously unquestioned reading *sui* (*tui* of some *recentiores* is an adjustment aimed at eliminating the odd change of person)<sup>1</sup> for reasons of historical accuracy: the *tribuni plebis* not being known for having had *lictors*, and, in fact, being the only Roman magistracy for which our sources explicitly state the absence of *lictors* and *fasces*.<sup>2</sup> The conjecture of Wilamowitz, therefore, seems to deserve, at first sight, serious consideration;<sup>3</sup> nor does any evidence support the hypothesis that the author of *Octavia* may have had in mind some later development of this magistracy, which could be supposed to have led eventually to the assignation of the same *insignia* to all Senatorial offices.<sup>4</sup> The postposition of ‘*nec*’ (in ‘*suae / nec tecta domus*’) is certainly acceptable in the *Octavia*;<sup>5</sup> to refer ‘*suae*’ to ‘*domus*’ in the following line is less so, on the other hand, because syntactical and metrical units tend to coincide in anapaestic sequences.<sup>6</sup>

Since Leo, editors and commentators who have wished to retain the paradoxos (Giardina, Ballaira, Herzog–Hauser) have tried to explain the anomaly of *fasces* given to a tribune by referring to Livius’ status as a *pontifex*.<sup>7</sup> The argument is a weak one. It appears that special *lictors* assisted the *pontifices* in the discharge of certain sacred duties, but they certainly did not act as a permanent bodyguard for the whole *collegium*. If these *lictors* were also employed as *apparitores*, their services must have been restricted to the *pontifex maximus* alone.<sup>8</sup> Livius Drusus, at any rate, is not known to have been *pont. max.*, and the very office of the tribunate must have been felt as incompatible with the presence of *lictors*, deprived as it was of *imperium*. So far, all one can say is that *fasces* are mentioned elsewhere in the Senecan corpus in a rather loose way to symbolize the authority of the Roman magistrates, at *Pha.* 983–4,

<sup>1</sup> The sudden change of person is admittedly difficult; but cf. Verg. *Aen.* 10.390–2 ‘uos etiam, gemini, Rutulis cecidistis in aruis / ... simillima proles / indiscreta suis’; Sil. *Pun.* 3.611–13 ‘nam te [sc. Domitianum] longa manent nostri consortia mundi. / huic [Domitiano] laxos arcus olim Gangetica pubes / summittet’; id. 4.235–6 ‘occidis et tristi, pugnax Lepontice, fato. / nam dum frena ferox obiecto corpore prensat ...’ [subject: Leponticus]. On the other hand, the relative pronoun seems to lead more naturally from a direct address to a third person narrative: cf. Ov. *Met.* 5.111–16 ‘tu quoque Lampetide (sc. cecidisti) ... quem procul adstantem ... / Paetalus indirens ... dixit / ... et laeue mucronem tempore fixit’.

<sup>2</sup> On the *insignia* of the tribunate see Th. Mommsen, *Römisches Staatsrecht* (Leipzig, 1887), I, p. 381, n. 3: Plutarch, *Quaest. Rom.* 81. On the tribunate in the early Imperial age cf. H. Göll, *RhM* 13 (1858), 111.

<sup>3</sup> The anonymous playwright is otherwise very reliable on historical matters, and transmits precise information not known to us from other sources. The *Octavia* is also accurate on details of Imperial nomenclature (cf. G. Nordmeyer, *Jahrbuch. f. class. Philol.* Suppl.-Bd. 19 [1892–3], pp. 257–317).

<sup>4</sup> This was F. Bücheler’s hypothesis, quoted by Nordmeyer, op. cit., p. 314, n. 1. At that stage even candidates for the tribunate would be nominated among Senators, and elected in the Senate: cf. G. Niccolini, *Il tribunato della plebe* (Milan, 1932), pp. 162ff.; R. Talbert, *The Senate of Imperial Rome* (Princeton, 1984), pp. 341–5.

<sup>5</sup> On this see O. Zwierlein, *Kritischer Kommentar zu Senecas Tragödien* (Mainz, 1986), p. 475.

<sup>6</sup> The so-called *Kongruenz-Gesetz* in anapaests is based on the ancient metricians; cf. e.g. Marius Victorinus, *G.L.K.* VI, p. 77 ‘anapaesticum melos binis pedibus amat sensum includere’; Atilius Fortunatianus, *G.L.K.* VI, p. 285 ‘sicuti in ceteris metris uitiosum sit, si singuli pedes partem orationis finiant, ita hic [sc. in anapaestis] bonum quod in aliis contrarium sit’. Still, there are frequent exceptions: cf. *Oct.* 892–3 ‘modo cui patriam reddere ciues / aulam ... uolueret’.

<sup>7</sup> Cf. Cic. *de domo sua* 120; *CIL* I<sup>2</sup>, 1, p. 199 = Dessau, *ILS* n. 49.

<sup>8</sup> Cf. Mommsen, op. cit. I, pp. 389ff.; G. J. Szemler, in *P.-W.* Suppl.-Bd. xv (1978), coll. 339–40.

'tradere turpi fasces populus gaudet' and at *Oct.* 678–9, 'dedit... fasces dignis ciuibus olim' (cf. Ballaira's note at *Oct.* 889).

Nonetheless, I think, we can find good reasons for retaining the transmitted reading if we consider the literary texture of the passage. Republican political history, in the lyrics of the *Octavia*, is mythicized and transfigured by literary echoes. The gallery of the fallen Republican heroes imitates and recalls the epic catalogue of warriors killed in battle, in features such as the organization of the list. Compare for example *Aen.* 2.426ff., 'cadit et Rhipeus, iustissimus unus / ... pereunt Hypanisque Dymasque / confixi a sociis; nec te tua plurima, Panthu, / labentem pietas nec Apollinis infula texit'. Indeed, the lament over Livius' death invites comparison with a specific Vergilian passage. In *Aen.* 12.500, just before Aeneas and Turnus finally engage in single combat, a long list of Trojans and Latins who have been unfortunate enough to meet the two enraged chiefs is recorded. I would draw attention in particular to 539–44:

dextera nec tua te, Graium fortissime Cretheu,  
eripuit Turno, nec di texere Cupencum,  
Aenea ueniente, sui: dedit obuia ferro  
pectora, nec misero clipei mora profuit aerei.  
te quoque Laurentes uiderunt, Aeole, campi  
oppetere... 540

We have a pathetic apostrophe, very much as in the *Octavia* passage ('te quoque Laurentes... campi' corresponding to 'te quoque, Liui' etc.);<sup>9</sup> the expression 'leto dedit' is Vergilian too (*Aen.* 5.806; 11.172; 12.328). And then lines 540–1 'nec di texere Cupencum... sui' = *Oct.* 887 'quem neque fasces texere sui'.

The author of the *Octavia* follows a tradition favourable to Livius, one which was probably established at the time of Tiberius: the tribune belonged to the emperor's ancestry.<sup>10</sup> The tribune Livius recalls the unlucky *sacerdos* Cupencus (Cupencus is the Sabine for *sacerdos*, as we are informed by Servius), 'whom his gods did not shield from Aeneas', very much as the venerability of Livius' position and former life did not shield him from his murderer. The emphatic *sui* is to be retained as an intentional imitation of Vergil aimed at increasing the *pathos* of the episode.

It is of course conceivable that the poet of *Octavia*, in adapting the Vergilian passage to his context, might have changed the original wording 'di...sui' into 'neque fasces...suae nec tecta domus', for the sake of historical precision (and then some scribe, misled by *fasces*, unawares restored the Vergilian *sui*). On this I have two points. The first is that *fasces...sui* intends to be an analogue of *di...sui*: a parallel is established between two human beings (Cupencus and Livius Drusus) and two entities set above them, 'di' and 'fasces', which were supposed to protect their persons but have failed to do so. My second point is that the text we read if we accept Wilamowitz' suggestion is not satisfactory in sense. *quem neque fasces texere* (if *sui* be changed into *suae*) must be understood to mean 'whom the authority of the other magistrates did not protect from murder'.<sup>11</sup> But the guarantee of individual liberties, in the Roman state, was committed to other institutions than a magistrate's lictors.

<sup>9</sup> On apostrophes in the *Aeneid* see S. J. Harrison (Oxford, 1991), on 10.139.

<sup>10</sup> See F. Münzer in *P.-W.* xiii.1 (1926), col. 860; Vell. Pat. 2.13.1–15; the same pair, Gracchi and Livius, is in Sen. *Cons. ad Marc.* 16.3; also, with the addition of Saturninus, in Tac. *Ann.* 3.27.3.

<sup>11</sup> R. Helm (*Sitzungsb. Preuss. Akad.*, philol.-hist. Kl. 16 [1934], p. 318, n. 1) argues that 'domus' would be too bare without the specification 'suae'; but one does not see how this does not apply to 'fasces' as well. Moreover, as the anonymous referee of *CQ* suggests, 'sui' can be taken to include 'suae', which does not apply the other way round.

Lictors and fasces were rather a symbol of a magistrate's coercitive powers (punishment of culprits, execution of prisoners),<sup>12</sup> and, on certain early occasions, the actual vehicle for it. Otherwise, the lictors are the escort of the magistrate, the guarantee of a magistrate's indemnity while in office.

On the whole, I think we will have to accept the historical inaccuracy of assigning 'fasces' to a tribune. Tribunes of the plebs were untouchable, *sacrosancti*, hence, perhaps, the confusion. It may also be suggested that an author of the early Imperial age would have thought of the lictors of the *princeps*, who associated, since Augustus, *imperium* (hence the 'fasces') and *tribunicia potestas*.<sup>13</sup>

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<sup>12</sup> Mommsen, op. cit. I, p. 379 ('Die Fasces als Abzeichen der Coercition'). Tribunes exercise some form of coercion by employing *ὑπηρέται* (as distinct from *ῥαβδούχοι*) at Dio 60.12.2; 60.28.1.

<sup>13</sup> On *fasces* decreed to the emperors cf. Mommsen, op. cit. III, pp. 387-8.