

forceful representation of supernatural labour pains, which evidently recalls genuine Pythagorean imagery. Two certain conclusions may be drawn:<sup>7</sup> first, we have here an authentic gem preserved in the obscurity of a neglected Homeric scholium;<sup>8</sup> second, we should elucidate Ennius by reference to Pythagoras rather than by clinging to the dogmatic assertions of blinkered pedantry.

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<sup>7</sup> After a series of attacks (*RFIC* 119 [1991], 5–43; *RFIC* 121 [1993], 101–9; *Belfagor* 51 [1996], 76–9; *Paideia* 51 [1996], 229–41), Sebastiano Timpanaro seeks to deny independent value to the new *testimonium*, thus forgetting (1) that ‘diffidenza verso testimonianze tarde’ is not allowed by editors of Pythagorean fragments, cf. e.g. Cardini’s quotations of Iamblichus (fifty-three times!), Porphyry (thirty times!), and Proclus (nineteen times!) as primary sources; and (2) that the Homeric *scholia exegetica* ‘originem traxisse ab exemplis, quae e commentariis primo ante Chr. n. saeculo compositis pendebant’ (Erbse I, p. 13). Timpanaro now informs us (*Paideia*, 236) that he has given up his tears-of-joy dogma, thus jettisoning the sixty-three pages he devoted to the subject. *Quid plura?*

<sup>8</sup> I disinterred it in ‘Riflessioni di uno psicopatico. *Somnia Pythagorea* o allucinazioni?’, *Da Callimaco a Nonno. Dieci studi di poesia ellenistica* (Florence, 1995), pp. 74–100. Giovanni Pascoli’s old statement (*Epos*<sup>2</sup> p. L) only goes to show that a great poet’s intuition and sound classical scholarship may sometimes reach the same conclusions by very different routes.

#### A TRAGIC FRAGMENT IN CICERO, *PRO CAELIO* 67?

It is appropriate that this speech should be full of quotations from Roman drama. These offered the jurymen some compensation for their enforced absence from the theatrical performances of the Ludi Megalenses; on the very day (4 April 56 B.C.) when Cicero demolished Clodia’s reputation in court, her brother Clodius, as curule aedile, was nearby presiding at the opening of the Ludi.<sup>1</sup> Brother and sister both had a strong interest in the stage; in *Pro Sestio* 116<sup>2</sup> Clodius is described as ‘ipse ille maxime ludius, non solum spectator sed actor et acroama, qui omnia sororis embolia novit’.<sup>3</sup> In *Pro Caelio* 18 Cicero takes up Crassus’ quotation of Ennius’ *Medea*, ‘utinam ne in nemore Pelio . . .’ and ends by calling Clodia ‘the Medea of the Palatine’.<sup>4</sup> Clodius is made to address his sister in a trochaic septenarius, ‘quid clamorem exorsa verbis parvam rem magnam facis?’.<sup>5</sup> A harsh parent is represented by a quotation from Caecilius,<sup>6</sup> a gentle one by Micio from Terence’s *Adelphoe*.<sup>7</sup>

<sup>1</sup> For the date, see R. G. Austin, *M. Tulli Ciceronis Pro M. Caelio Oratio*<sup>3</sup> (Oxford, 1960), Appendix IV; T. P. Wiseman, ‘Clodius at the theatre’, in *Cinna the Poet and other Roman Essays* (Leicester, 1974), pp. 159–69.

<sup>2</sup> Quoted by Wiseman, *Catullus and his World: a Reappraisal* (Cambridge, 1985), p. 27 (‘Nobilium Ludi’).

<sup>3</sup> R. G. M. Nisbet suspects an indecent pun here. For the company kept by Clodia, see Nisbet, *Collected Papers* (Oxford, 1995), p. 398.

<sup>4</sup> This was not the only reference to the Argonautic myth in this trial; Atratinus called Caelius ‘pulchellulum Iasonem’, and was himself cast as ‘Pelias cincinnatus’ by Caelius (see Austin on 18.6 ‘Palatinam Medeam’ and Wiseman [n. 2 above], p. 77).

<sup>5</sup> *Pro Caelio* 36.

<sup>6</sup> *Pro Caelio* 37, quoting Caecilius 224–35 Warmington (*Remains of Old Latin* I, pp. 546–8).

<sup>7</sup> *Pro Caelio* 38, quoting *Adelphoe* 120–1. For quotations from early Latin poetry in Cicero’s speeches of 56–54 B.C. see D. R. Shackleton Bailey, *Selected Classical Papers* (Michigan, 1997), pp. 179–80 (in an article reprinted from *ICS* 8 [1983], 239–49, where the paragraph appears on pp. 242–3).

Clodia herself is called (64) 'veteris et plurimarum fabularum poetriae'—this phrase should not be taken to mean that she had actually written plays—and in 65 the whole affair at the baths is likened to a mime with no satisfactory conclusion ('mimi . . . exitus in quo clausula non invenitur').

I would like to suggest that *Pro Caelio* 67 may contain an unrecognized allusion to a Roman tragedy,<sup>8</sup> with more than a hint of verbatim quotation. Cicero proposes to ask the witnesses who concealed themselves at the baths (in order to observe the handover of poison) the following question:

alveusne ille<sup>9</sup> an equus Troianus fuerit qui tot invictos viros muliebree bellum gerentis tulerit ac texerit?

First consider 'invictos viros'. The grandiose and somewhat archaic tone of 'invictus' in the sense *OLD* 2 'that cannot be defeated', 'invincible', may be seen from Horace, *Epodes* 13.12 'invicte, mortalis dea nate puer Thetide'.<sup>10</sup> The phrase 'invictos viros' would fit the end of an iambic line and might be an exact quotation, to which 'tot' also belongs;<sup>11</sup> perhaps also the relative pronoun 'qui'. Beyond that one cannot go with any confidence, but the tragedian may have coupled some tense of the verbs *fero* and *tego*.<sup>12</sup>

The answer to Cicero's question, whether it was an 'alveus' or an 'equus Troianus', may be that, in the tragedy, it was both. 'Alveus' could well be applied to the Trojan Horse in the sense (*OLD* 2) of a ship's hull or hold.<sup>13</sup> For the image of the Horse as a ship, compare Euripides, *Troades* 538–9 ναὸς ὥσει / σκάφος κελαινόν, Triphiodorus 185 ἱππεῖν . . . ὀλκάδα, and perhaps Virgil, *Aeneid* 2.240 'inlabitur'.<sup>14</sup> So the word 'alveus' could have occurred in the old poet's text, and thus have helped Cicero to move his hearers' thoughts towards tragedy. With the reservations expressed in the previous paragraph, one could quite easily adapt Cicero's words to an iambic sequence: 'equus / <e.g. immanis>,<sup>15</sup> alveo<sup>16</sup> qui tot invictos viros / ferat tegatque'.<sup>17</sup>

<sup>8</sup> For the continuing influence (down to the Augustan period) of old Latin tragedy, see Jasper Griffin, *Latin Poets and Roman Life* (London, 1985), pp. 208–9.

<sup>9</sup> Wiseman (n. 2 above), p. 29 sees in 'alveus . . . ille' (which he translates 'the famous tub') an allusion to an adultery mime in which the lover concealed himself in such a receptacle. I am not sure about this—the lover is not immediately relevant to the context. In any case the Trojan Horse suggests tragedy.

<sup>10</sup> Cf. Ennius, var. 3 Vahlen<sup>2</sup> = *Scipio* 7 Warmington 'Scipio invicte'.

<sup>11</sup> Both 'tot' and 'invictos' are picked up with equal emphasis in the next sentence, 'tot viri ac tales [sc. invicti]'.

<sup>12</sup> With *fero* in the sense of supporting, bearing the weight of (cf. *OLD* 12). Professor Nisbet remarks that the alliteration 'tulerit ac texerit' suits a reminiscence of Tragedy. See n. 17 below.

<sup>13</sup> Cf. Pacuvius 277 Warmington 'compagem alvei' (of a boat built by Ulysses), *Aeneid* 6.412–13 'accipit alveo / ingentem Aenean' (the hero boarding Charon's raft).

<sup>14</sup> For the converse presentation of a ship as a horse, cf. Plautus, *Rudens* 268–9 'nempe equo ligneo per vias caerulas / estis vectae'. Often the Horse is spoken of as being pregnant with armed men (e.g. Ennius, *Andromacha* 72 Jocelyn = Tragedies 80–1 Warmington 'gravidus armatis equus', *Aen.* 2.238 'feta armis', Lucr. 1.476–7), and in that connexion 'alvus' may be used (e.g. *Aen.* 2.401 'nota conduntur in alvo'). *Alveus* and *alvus* share some meanings and may on occasion have been regarded as interchangeable (in *Aen.* 6.516 'armatum peditem gravis attulit alvo', the variant 'alveo' is quite well supported). For traditions about the Trojan Horse, see R. G. Austin on *Aen.* 2.15 and in *JRS* 49 (1959), 16–25.

<sup>15</sup> Cf. *Aen.* 2.150 'immanis equi'.

<sup>16</sup> Assuming scansion of 'alveo' as a spondee with synzesis (cf. *Aen.* 6.412, 7.33, and 303). Otherwise perhaps 'alvo' (see n. 14 above).

<sup>17</sup> I have chosen the present subjunctives on a hypothesis that these words may discuss the feasibility of building a horse large enough to contain so many armed warriors.

Perhaps Cicero has also dropped a broad hint about the identity of this play, since *Equus Troianus* was the title of at least one Latin tragedy, well known at this time. In the year after Caelius' trial, Pompey celebrated the dedication of his own theatre<sup>18</sup> with a particularly lavish production of an *Equus Troianus*. When referring to this, Cicero does not name the author (*Ad Fam.* 7.1 = 24 S.-B.2): 'quid enim delectationis habent sescenti muli in *Clytaemestra*<sup>19</sup> aut in *Equo Troiano* creterrarum<sup>20</sup> tria milia . . .?'. In November 54 B.C. Cicero was equally confident that his friend Trebatius would be familiar with the play (*Ad Fam.* 7.16 = 32 S.-B.1): 'in *Equo Troiano* scis esse in extremo "sero sapiunt"'.<sup>21</sup> Naevius definitely wrote an *Equus Troianus*,<sup>22</sup> and that may be the play to which Cicero refers. But perhaps Naevius would be too old-fashioned for Pompey's spectacular;<sup>23</sup> there might have been an otherwise unattested play by a more recent tragedian, such as Accius.<sup>24</sup>

I suspect that 'muliebre bellum' in *Pro Caelio* 67 likewise comes verbatim from the tragedy. These words, which could start an iambic line, suit both the Trojan war (fought over a woman) and the operations of Clodia's young men (instigated by a woman).<sup>25</sup> But in a tragedy entitled *Equus Troianus* the phrase might suggest a rather different point—not unwelcome to Cicero for his speech—that hiding in the Horse was a cowardly tactic, unworthy of true heroes.<sup>26</sup> Epeios, maker of the Horse, was sometimes stigmatized as a coward (cf. Callimachus, fr. 197.2 *φυγαίχμα*; Lycophron, *Alexandra* 944 *πτῶκα δ' ἐν κλόνῳ δορός*; and the proverb 'Ἐπειοῦ δειλότερος'). In Quintus of Smyrna 12.67ff. Neoptolemus (supported by Philoctetes) violently objects to the plan, *ὦ Κάλχαν, δῆϊοισι καταντίον ἄλκιμοι ἄνδρες! μάρνανται κτλ.* Malcolm Campbell<sup>27</sup> comments, 'The motif of Neoptolemus' opposition is unexampled in the (woefully few) treatments available to us. It may be stated with absolute confidence that it is not new.'<sup>28</sup> The phrase 'muliebre bellum' could well come from Neoptolemus'

<sup>18</sup> For the accompanying festivities, see Nisbet's edition of Cicero, *In Pisonem* (Oxford, 1961), Appendix VIII.

<sup>19</sup> This play was by Accius (234–47 Warmington).

<sup>20</sup> This form may have occurred in the play (see W. Clausen, *CQ* NS 13 [1963], 85), and perhaps referred to captured Trojan spoils (cf. *Aen.* 2.765 'crateresque auro solidi', Jocelyn [n. 22 below], 140 n. 29).

<sup>21</sup> Perhaps, more fully, 'sero sapiunt Phryges' (see Shackleton Bailey, ad loc.). Cicero goes on to quote 'usquequaque sapere oportet; id erit telum acerrimum'. The source is unknown (Warmington, *Remains of Old Latin* II, p. 623); if from the same play, perhaps from a debate on the relative worth of intelligence (*sapere*) and military prowess (*telum acerrimum*), such as I postulate (below) between Ulysses (who might be the speaker) and Neoptolemus?

<sup>22</sup> Probably reflected in Plautus, *Bacchides* 925ff. (cf. H.D. Jocelyn, *HSCP* 73 [1969], 135–52). We have only one quotation expressly ascribed to Naevius, *Equos Troianus* (16 Warmington, *Remains of Old Latin* I, pp. 116–17—see his note ad loc. and on pp. 11 and 623 for further possible fragments from this or other plays of the same name).

<sup>23</sup> A point made to me by Professor Nisbet. Horace, it is true, speaks of Naevius as 'paene recens' (*Epist.* 2.1.53), but he may have in mind the epic *Bellum Poenicum*, which could have remained on the school curriculum, like Livius Andronicus' *Odyssey*.

<sup>24</sup> Note the coupling of an *Equus Troianus* with a play definitely by Accius in Cic., *Ad Fam.* 7.1.2 (above, n. 19).

<sup>25</sup> A corresponding Greek phrase, *γυναικεῖον . . . πόλεμον* in the anonymous *Anth. Pal.* 7.352.6 means 'a war fought against women'.

<sup>26</sup> As Philip Hardie on *Aeneid* 9.617 puts it, 'the charge of being a "woman" is an age-old rebuke to male pride' (comparing particularly *Iliad* 8.163, Hector to Diomedes, *γυναικὸς ἄρ' ἀντὶ τέτυξο*).

<sup>27</sup> *A Commentary on Quintus Smyrnaeus*, Posthomerica XII (Leiden, 1981), p. 25.

<sup>28</sup> Of course there is no likelihood that Quintus read old Latin tragedy. But he could well have

lips. An appropriate person to argue the case for employing the Horse would be Ulysses, who in most versions is the originator of the idea.<sup>29</sup> The *Equus Troianus* may have ended with the reflection 'sero sapiunt Phryges';<sup>30</sup> Troy was captured by superior intelligence rather than brute force.<sup>31</sup>

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been familiar with whatever Greek play(s) lay behind the *Equus Troianus*. Philostratus (*Heroicus* 4.3) shows that elsewhere in the tradition Sthenelus objected to the morality of the Horse as κλοπήν τῆς μάχης (p. 35.16, ed. L. De Lannoy [Leipzig, 1977]). One is reminded (with Malcolm Campbell in his edition of Q.S. 12, p. 25) of Idas' outburst (Ap. Rh. 3.558ff.) against the proposal to enlist Medea's help in order to win the Golden Fleece—it is the association with females (Aphrodite as well as Medea) which particularly riles him, ὦ πόποι, ἥ ῥα γυναιξὶν ὁμόςτολοι ἐνθάδ' ἔβημεν (558).

<sup>29</sup> See Austin on *Aen.* 2.264; cf. *Aen.* 2.44 'sic notus Ulixes?' (although Laocoon has no way of knowing that Ulysses masterminded the whole idea).

<sup>30</sup> See Shackleton Bailey on Cicero, *Ad Fam.* 7.16 = 32 S.-B.1 and n. 21 above.

<sup>31</sup> I am grateful to Professor Nisbet for comments on a first draft of this article.

### ON THE INTERPRETATION OF CICERO, *DE REPUBLICA*<sup>1</sup>

1.39.2: eius autem prima causa coeundi est non tam imbecillitas quam naturalis quaedam hominum quasi congregatio; . . .

Apropos *congregatio* Zetzel remarks 'the metaphor is qualified by *quasi* . . ., as it more properly refers to animals rather than men'. It seems doubtful, however, that in general the *-grego* compounds were at this date felt as vividly metaphorical: *segrego* is used of human beings as early as Plautus and Terence (*Mil.* 1232; *Heau.* 386; other occurrences at *OLD* s.v., 1; Forcellini s.v., II); *aggrego* is commonly so used by Cicero (Zimmermann, *TLL* s.v., I). Moreover, our passage is the first attestation of *congregatio*. Cicero uses the word three times in *De Finibus* (2.109, 3.65, and 4.4), of which the latter two passages also refer to human beings but are without *quasi*. Hence the use of *quasi* in our passage is likely to be related above all to the newness of the term, albeit the etymology may be more strongly felt in a new coinage. Cf. *TLL* 4, 288.26ff.

1.53.1–2: nam aequabilitas quidem iuris, quam amplexantur liberi populi, neque servari potest—ipsi enim populi, quamvis soluti effrenatique sint, praecipue multis multa tribuunt, et est in ipsis magnus dilectus hominum et dignitatum—eaeque quae appellatur aequabilitas iniquissima est. cum enim habetur honos summis et infimis, qui sint in omni populo necesse est, ipsa aequitas iniquissima est; . . .

In this passage the usage of *aequitas* and *aequabilitas* has caused difficulty. Fantham sees this passage as 'claiming that political equality for high and low is not real *aequabilitas* but mere *aequitas*, falling short of a higher concept of fairness, for which the speaker reserves *aequabilitas*'.<sup>2</sup> Zetzel paraphrases (*ad loc.*): 'it is claimed that

<sup>1</sup> These notes are based upon the useful and stimulating volume by J. E. G. Zetzel: *Cicero, De Re Publica: Selections* (Cambridge, 1995). I should like to thank the Editors and the anonymous referee for helpful advice.

<sup>2</sup> E. Fantham, 'Aequabilitas in Cicero's political theory, and the Greek tradition of proportional justice', *CQ* 23 (1973), 285–90, at 287.