

Argive army is on the plain behind him. Eteocles and Aegyptus are in the city. Polynices' companions in the background (*retro* 246) weep in sadness and the groaning armies try to drown his words because the only outcome of his summons must be fratricide. That this is the situation is put beyond doubt by *Th.* 11.369–70 (Antigone to Polynices) *summitte animos: en utraque gentis / turba rogant ambaeque acies*.

(2) *uocat* (248) means not 'shouts' and even less 'prays' (as Mozley) but 'challenges' *prouocat* (cf. *uocatus* at *Th.* 11.287 and 381, and *uocasti* at 389). Aegyptus has already—and emphatically—told Eteocles that his brother is challenging him to single combat (245) and has no need to repeat himself, so his speech must end with *armis* (247) before *ille uocat*.

(3) *nunc tempus* (248) . . . *Capaneus* (249) is too overcharged to be appropriate on the lips of a messenger. Like the preceding *ille uocat* it must be spoken by Eteocles for a number of reasons. First, Eteocles has just made prayer and is restarting sacrifice to Jupiter *merito* . . . *pro fulmine* (205) and so quite appropriately now addresses him a second time (after his first address at 210). Secondly, Jupiter had protected Thebes by killing Capaneus—someone who is even more worthy of the same fate must be someone also fighting for Argos, in fact the sole survivor (discounting Adrastus) of the Seven against Thebes, Polynices. Thirdly, the words are an opening expression of the *alta* . . . *odia* (249–50) which we are next told Eteocles feels towards his brother.

Of twentieth-century scholars J. B. Poynton⁹ came nearest to the truth, clearing the ground of previous misconceptions.

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⁹ *CR* 53 (1940), 13, after E. H. Alton had completely misunderstood the situation in *CQ* 17 (1923), 185.

RELATIO VS. ORATIO: TACITUS, ANN. 3.12 AND THE SENATUS CONSULTUM DE CN. PISONE PATRE

Tiberius' speech at the outset of the trial of Cn. Calpurnius Piso, as Tacitus reports it at *Annals* 3.12, sheds light on two discrepancies between *relatio* and response in the recently published *senatus consultum de Cn. Pisone patre* (hereafter *SCPP*).¹

The *SCPP* was published throughout the Empire, according to its publication order, *quo facilius totius actae rei ordo posterorum memoriae tradi posset atque hi scire<nt> quid et de singulari moderatione Germ(anici) Caesa(ris) et de sceleribus Cn. Pisonis patris senatus iudicasset* (lines 165–8). Besides the senate's judgements about Germanicus' *moderatio* and Piso's *scelera*, the body of the document also contains thanks to the immortal gods and to Tiberius (12–22), a list of posthumous punishments for Piso (71–108), verdicts on other defendants (109–23), and commendations for members of the imperial family and for the equestrian *ordo*, the *plebs*, and the soldiers (123–65). The punishments and verdicts respond to the *relationes* of lines 6–11, which ask the senate's view on the cases of Piso and his son and wife, and its judgement about his *comites*, but the thanks and commendations were added by the senate on its own initiative. Reference to Germanicus' *moderatio* might seem to be of a piece with the commendations of the *virtutes* of Livia and Drusus, Agrippina,

¹ Published in complementary Spanish and German editions: A. Caballos, W. Eck, F. Fernández, *El senadoconsulto de Gneo Pisón padre* (Sevilla, 1996) and W. Eck, A. Caballos, F. Fernández, *Das senatus consultum de Cn. Pisone patre*, Vestigia 48 (Munich, 1996).

Antonia, Livilla, and Germanicus' sons and brother; indeed, *moderatio* is prominent among them (133, 146; cf. *modum probabilem*, 148 and *aequitas*, 135). But what the senate has to say about Germanicus' *moderatio* is not precisely praise but rather part of a judgement about his behaviour towards Piso:

<senatum> a[r]b[ri] singularem moderationem patientiamq(ue) Germanici Caesaris evictam esse feritate morum Cn. Pisonis patris atq(ue) ob id morientem Germanicum Caesarem . . . non inmerito amicitiam ei renuntiass[et] (26–9).

Moreover, this judgement is syntactically inseparable from the itemized list of Piso's *scelera* in lines 29–70, which is introduced by a *qui* whose antecedent is *ei* in line 29. Both parts, the opinion about Germanicus' *moderatio* and the list of Piso's crimes, constitute the portion of the document that replies to the first *relatio*: *qualis causa Cn. Pisonis patris visa esset et an merito sibi mortem conscisse videretur* (6–7; cf. 71 *quas ob res arbitrari senatum non optulisse eum se de[bi]t[ae] poenae sed maiori . . . subtraxisse*). Yet in that *relatio* there is nothing to prompt mention of *moderatio*. Woodman and Martin suggest that it may rather have been Tiberius' trial-opening *oratio*—presumably that which was inscribed in bronze along with *SCC* relating to the trial²—that moved the senate to pronounce on this matter.³ This seems right; I offer a parallel below.

But Woodman and Martin go on to use the suggestion about Tiberius' *oratio*—that it 'treated both Germanicus' *moderatio* and Piso's *scelera*'—to argue for the independence of Tacitus' composition at *Annals* 3.12, on the grounds that 'Tacitus' version of the speech . . . contains no reference to Germanicus' *moderatio*' (p. 139). The word *moderatio* does not appear in the Tacitean speech, it is true, but that speech does make Germanicus' behaviour a topic to be scrutinized, for Tacitus' Tiberius raises the possibility that Germanicus provoked Piso by some *iniquitas* (*aut, si qua fuit iniquitas Germanici*, 3.12.5). I suggest that the real Tiberian *oratio* is reflected in both the *SCPP*, with the senate's affirmation of Germanicus' *moderatio*, and the speech of Tacitus' Tiberius, with its reference to *iniquitas*, which is, after all, an opposite of *moderatio*.

As a parallel I offer the discussion of Piso's rejoicing on Cos (61–8, quoted in part below). The opinion expressed here is again part of the response to Tiberius' *relatio* about Piso's *causa*. But its content in fact responds to a question posed not in the *SCPP* but in Tacitus' version of Tiberius' speech. Tacitus' Tiberius frames the question of Piso's guilt with a striking antithesis: the senators must decide whether Piso rejoiced at Germanicus' death or was responsible for it (*exitu . . . eius laetatus esset an scelere exstinxisset . . . diiudicandum*, 3.12.1). The senate in the *SCPP* declares that Piso rejoiced, period.⁴ In lines 61–8 they provide a catalogue of the signs of his rejoicing that attests to the thoroughness with which the question was considered: *cuius* (sc. *Germanici*) *mortem gavisum esse eum his argumentis senatui apparuerit: quod nefaria sacrificia ab eo facta*, etc. Here again Tacitus' version of the speech—more specifically, the curious way his Tiberius defines 'not guilty' and 'guilty'—provides the missing link between *relatio* and response in the *SCPP*: without the impetus of some such definition it is hard to see why the topic of rejoicing *per se* would have merited

² 168–70 *placere uti oratio, quam recitasset princeps noster, itemq(ue) haec senatus consulta in {h}aere incisa, quo loco Ti. Caes(ari) Aug(usto) videretur, ponere<n>tur*.

³ A. J. Woodman and R. H. Martin, *The Annals of Tacitus, Book 3* (Cambridge, 1996), pp. 138–9.

⁴ Piso's involvement is no more than a deathbed allegation by Germanicus: *mortis fuisse caussam Cn. Pisonem patrem ipse testatus sit* (28).

eight lines; more, e.g., than the crucifixion of a Roman centurion (51–2), more than the use of Tiberius' money for a donative in Piso's name (54–6), about as many as are devoted to the fomenting of war with Parthia (37–45). And if Tiberius' speech in Tacitus' *Annals* explains portions of the senate's verdict in the *SCPP*, Tacitus' composition must reflect something of the substance of Tiberius' actual *oratio*.

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TACITUS, *DIALOGUS* 13.4

At *Dialogus* 13.4, Tacitus makes Maternus decry the good fortune of the orators Vibius Crispus and Eprius Marcellus: 'Nam Crispus iste et Marcellus, ad quorum exempla me uocas, quid habent in hac sua fortuna concupiscendum? Quod timent, an quod timentur? Quod, cum cotidie aliquid rogentur, ii quibus praestant indignantur? Quod alligati *cum* adulatione nec imperantibus umquam satis serui uidentur nec nobis satis liberi? Quae haec summa eorum potentia est? Tantum posse liberti solent'.

In my *OCT* apparatus I commented on the italicized *cum*: 'vix sanum'. And indeed the preposition in such a context seems impossible. Others have agreed, without suggesting a convincing change. *omni*, a favourite substitute, adds nothing. *omnium*, conjectured first by Schulting, is better. But it may be that we should follow a different approach. In this highly antithetical passage¹ Tacitus may have balanced a *cum* clause with a *tum* clause.² If that is right, exactly what he wrote can hardly be recovered. But *exempli gratia* I suggest 'cum <metu tum> adulatione'.³

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¹ Lipsius thought that a second clause might be added to fill out the period in 'ii quibus praestant indignantur'.

² As at *Dial.* 5.2 'Saleium Bassum, cum optimum uirum tum absolutissimum poetam'.

³ For the contrast cf. e.g. *Hist.* 2.87.2 'quidam metu, multi per adulationem'.

AN EMENDATION IN CALPURNIUS FLACCUS

The theme of the second declamation of Calpurnius Flaccus is 'Matrona Aethiopem peperit. Arguitur adulterii'. In one of the excerpts (ed. L. Håkanson [Stuttgart, 1978], pp. 2, 6–10), the accuser is arguing that for a white woman with a white husband to produce a black child is certain proof of adultery, for individual races have fixed physical characteristics to distinguish them. I give the text as argued for by W. S. Watt (*Erano* 94 [1996], 123).

Sua cuique genti etiam facies manet: rutili sunt Germaniae vultus et flava proceritas; Hispaniae <incolae> non eodem omnes colore tinguntur? Ex altera parte, qua convexus et deficiens mundus vicinum inficit orientem, hic effusiora corpora, illic collectiora nascuntur. Diversa sunt mortalium genera, nemo tamen est suo generi dissimilis.

incolae *suppl.* Watt inficit *Schulting*: mittit MSS hic *Schulting, favente Watt*: illic MSS

'Each race has its permanent appearance. Germany exhibits red faces and tall bodies capped by blond hair. Are not the peoples of Spain dyed with one and the same colour? In the other