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Wronging Sempronia*

ABSTRACT

In 133 BC, when Scipio Aemilianus heard of the violent death of his cousin and brother-in-law, Ti. Gracchus, he uttered a line from Homer: 'Thus perish all who attempt such.' In effect, this endorsed the lynching of Gracchus. At a deeper level, it cast Gracchus (in the Homeric context of that quotation) as the tyrant Aegisthus. It may also have suggested an image of moral turpitude, Aegisthus having debauched his cousin Agamemnon's wife. By analogy (if intended), that would have suggested an adulterous union between Gracchus and his sister Sempronia. It is further suggested that gossip arising from this extraordinary insinuation might have prompted a special reading of the claims *circa* 102 BC of L. Equitius to be the bastard son of Gracchus.

Roman polemic could be vicious, intended to inflict lasting harm and constricted only by the degree1 of social superiority of the speaker, or his sense of temerity.[1] Calumniators might pride themselves on the fact that the rhetorical flagellation of allegedly nefarious behaviour was for the moral benefit of the community. Cato the Elder's denunciation of fellow-citizens won him the censorship of 184; indeed, it was the habit of his lifetime, his denigratory observations often couched as moral maxims.[2]

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[1] And temerity would often outstrip taste: see the general comments of Ronald Syme, supported by examples, 'Bastards in the Roman Aristocracy', *PAPhS* 104 (1960) 323-7, at 324.

[2] A selection can be found in Plutarch's *Romaion Apophthegmata* 'Cato the Elder' 1-20 [= *Mor*. 198D-199B]; cf. *Cat. Mai.* 8. For more targeted barbs, see id. 'Cato' 21 [199B] and 29 [199E-F]. On Cato's castigation of fellow-citizens as election winning, Plut. *Cat. Mai*. 16.5-6.

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In the next generation, Lucilius was remembered as having 'cut the whole city to pieces' (Persius, *Sat*. 1.114) – though his victims were often, we may suspect, more politically targeted.[3] Juvenal saw Lucilius as something of an epic hero, his war chariot cutting a swathe through the battlefield of the forum (*Sat*. 1.19–21), informed by contemporary politics and his pen an unsheathed sword (1.165–66), striking the fear of posterity's moral disapprobation into the very bellies of his victims. When Lucilius raged, said Juvenal, his victim blushed, his stomach perspiring in the knowledge of his secret guilt (165–167). That reference to secret guilt (*tacita culpa*) is apropos to the argument that follows. Lucilius' friend, P. Cornelius Scipio Aemilianus, ready to take up Cato's mantle as the uncompromising instructor of the community, drew, in a broad sense, on that well, practising in Spain on those recalcitrants whom he regarded as unworthy – both troops and subordinate officers alike.[4] This suited a national predilection: 'The collective conscience commented, as shamelessly as it pleased, on anyone's life. This was considered not gossip but legitimate censure, *reprehensio*.'[5] In reality, in Rome of the second century BC, it served competitive self-interest – and became almost second nature within the elite.

Obiter dicta, with the element of spontaneity, could be just as ferocious, carrying the expectation of their survival as apophthegms.[6] Malediction, it is just as important to note, was frequent – almost characteristic of public life; Cicero speaks of Rome as a *maledicta civitas* (*Cael*. 38): a body-politic given to, and avid for, slander.[7] The following article wishes to explore one celebrated spontaneous observation on the part of P. Cornelius Scipio Aemilianus, its possible innuendo, and the extent to which a suspicion planted might have become a rumour nurtured.

[3] Cf. C. Connors, 'Epic allusion in Roman satire', in Kirk Freudenburg (ed.), *The Cambridge Companion to Roman Satire* (Cambridge 2005) 123-45, at 128-129 (not suggesting that Lucilius ought to be seen as having a narrow political agenda). See also F. Muecke, 'Rome's first 'satirists': themes and genre in Ennius and Lucilius', in id., 33-47, at 42-3.

[4] On Scipio's friendship with Lucilius, see Hor. *Sat.* 2.1.71-74; Pseudacron. *ad Sat.* 2.1.72; cf. E.S. Gruen, *Culture and National Identity in Republican Rome* (Ithaca NY 1992) 280-283. For Scipio's acerbic tongue, Cic. *de Orat*. 2.267 (on Caprarius); Plut. *Apophth. Scip. Min.* 9, 13, 17, 22 (= *Mor*. 200C-D, 200E-201A, 201C-D, 201E-F). He was a master of irony: Cic. *de Orat*. 2.270.

[5] P. Veyne, 'The Roman Empire', in P. Ariès and G. Duby (eds), *A History of Private Life* I *From Pagan Rome to Byzantium* (Cambridge 1987) 172; cf. A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton 1996) 19.

[6] We know that such 'sayings' were collected in the second century: Cicero's reference to Cato's collection (*Off*. 1.104) seems to suggest that there were others; cf. A.E. Astin, *Cato the Censor* (Oxford 1978) 186-7.

[7] It is not inappropriate to speak of a culture of public abuse. See, e.g., J. Ingleheart, 'Play on the Proper Names of Individuals in the Catullan Corpus: Wordplay, the Iambic Tradition, and the Late Republican Culture of Public Abuse', *JRS* 104 (2014) 51-72, see esp. 54-55 (and nn. 27-28 for further references); cf. the comments of Paul Veyne (n. 5).

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Scipio Aemilianus' Denunciation of Tiberius Gracchus

We begin with the wider context. Scipio disapproved of the political actions of his cousin and brother-in-law, Ti. Sempronius Gracchus (trib. pl. 133) – doubtless his 'methods' rather than Gracchus' original program, since agrarian reform was earlier mooted by Scipio's intimate associate C. Laelius.[8] Cicero, in historical recall, willed Scipio's public disapprobation (delivered in 130/129 under some compulsion to a public meeting) to be unambiguous: Gracchus had been justly killed (*iure caesum*).[9] Velleius Paterculus indicates that Scipio's pronouncement was to a meaningful degree more circumspect: '*if* he was of a mind to seize control of the State, he had been justly killed (*si is occupandae rei publicae animum habuisset, iure caesum*).[10] This has the gravity of a public *sententia*, with words weighed carefully for posterity (and pinpointing the issue of political overreach).[11]

But Scipio had already passed a highly adverse sentence on his cousin – and, although it had been an off-the-cuff apophthegm, Scipio must have known that it would become public (as it did).[12] And it carried the nuance not of political criticism but of moral opprobrium: Gracchus' behaviour had been shameful and disreputable.

In 133, whilst still investing Numantia, Scipio first heard of Gracchus' violent death. His reaction was quick and unequivocally damning – though allusive. He pronounced, in fine voice, an Homeric verse: 'Thus perish all others who attempt such' – or perhaps 'so die all who would wish to imitate him' (Plut. *TG* 21.4). The apophthegm had also been transmitted by Diodorus (34/35.7.3), preserved in the Byzantine *Excerpta de Sententiis*.[13] The utterance was quasi-public. Both surviving sources add the passing detail that the declaration was made loudly: ἐπιβοῆσαι (Diodorus), ἀνεφώνησεν (Plutarch).[14] The item is believed to have been drawn by Diodorus from

[8] However, see the argument of G-Ph. Schietinger, 'Die letzte Schlacht des Scipio Aemilianus. Überlegungen zu seinen innenpolitischen Absichten im Jahr 129 v.Chr', *Tyche* 29 (2014) 165-182, at 169-170 (cautioning against the too ready assumption that [i] Laelius' proposed reform closely paralleled the *lex Sempronia agraria* as later promulgated by Gracchus and [ii] that Scipio stood behind his friend Laelius in this cause).

[9] Cic. *Mil*. 8; cf. *de Orat*. 2.106 (somewhat qualified – *iure caesum videri*). On the date, see J.L. Beness, 'Carbo's Tribunate of 129 and the Associated *Dicta Scipionis*', *Phoenix* 63 (2009) 60-72. This was a judgement that seems to have found its way into Livy, and thence the 'Livian tradition' ([Liv.] *Per*. 59 (*iure caesum videri*); Flor. 2.2 (3.14).7: *quasi iure oppressus est*).

[10] Vell. 2.4.4.

[11] That moderated language did not serve the purpose of softening reception. The People remembered all too well an earlier utterance (with which we shall deal immediately below). On the tensions aroused, see recently Schietinger (n. 8) 165-6 (and the scholarship cited therein).

[12] Plutarch (*TG* 21.4) reports that it was this declaration that partly lost Scipio the goodwill of the people. Its wide dissemination, then, is a given.

[13] *Const. Exc*. 4, p. 387, no. 412.

[14] And, further suggestive of broad circulation, see n. 12.

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Poseidonius, and possibly came to Plutarch via the same source. Although the utterance no doubt became public currency within a short time of reaching Rome, it may also have been vouchsafed in the writings of first-hand witnesses, amongst whom we would suggest was Sempronius Asellio who published a history early in the first century BC based upon his own experiences (see Appendix 1). These multiple channels of relay, we would say, underscore the variant ways in which the item is likely to have been transmitted. The historicity of the pronouncement was not contested; its interpretation was. Its reception in Rome by those favourable to Gracchus was hostile (see above, n. 12); Scipio's judgment produced outrage. In the literary tradition, we suggest, it is likely to have been handled with respect and gravity, an authoritative endorsement of Gracchus' violent end.[15] After 133, Rome was a grievously divided community and this affected memory (anything but collective) and the interpretation of otherwise uncontested historical data. Exegetical interpretations of so resonant a declaration, inevitably partisan, will have been similarly variant.

How much was read into Scipio's words on the occasion of their delivery and subsequently? The line itself came from Homer's *Odyssey* (1.47), and is Athena's pronouncement upon Aegisthus' murder at the hands of Orestes, following Zeus' fuller denunciation of Aegisthus as the *exemplum* of human vice in taking Agamemnon's wife and then slaying the man/her husband, despite explicit divine injunction on both counts (*Od.* 1. 28–43).

Scipio's borrowed judgement is rarely probed by commentators who generally rest content with noting its provenance.[16] Perhaps the resonance of Homeric Greek is considered sufficient.[17] Tiberius Gracchus was, it was surely being suggested, a man who had acted badly – very badly, and had met with just desserts (at the hands of avengers, we might add, led by the *pontifex maximus*).[18]

[15] See, again, Appendix 1.

[16] The fullest discussion of which we are aware is that of Paula Botteri, *Les Fragments de l'histoire des Gracques dans la* Bibliothèque *de Diodore de Sicile* (Genève 1992) 61.

[17] Two examples alone perhaps do not permit us to say that Scipio was accustomed to quoting Homer at significant moments, but it will be remembered that, upon watching Carthage consumed by flames, Scipio recited Hector's lines at *Iliad* 6.448-449; Diod. Sic. 32.24; Appian, *Lib.* 132. (Does this have the imprimatur of Polybius? Probably. See F.W. Walbank, *Polybius. A Historical Commentary on Polybius III* [Oxford 1979] 722-3 – and the item is usually taken as a fragment of Polybius' work [Polyb. 38.22]. Polybius is certainly known to have covered the incident; cf. Polyb. 38.21.)

[18] This is as far as Botteri ([n. 16] 61) would go, reflecting that 'it is difficult to think of a *synkrisis* between Aegisthus and Tiberius Gracchus', but adding that 'one cannot fail to be struck . . . by the allusion to the legitimacy of certain assassinations.' See, however, the remarks to follow.

The sacral aspects of the slaying of Tiberius Gracchus should not be overlooked: see esp. J. Linderski, 'The Pontiff and the Tribune: The Death of Tiberius Gracchus', *Athenaeum* 90 (2002) 339-366 [= *Roman Questions II. Selected Papers* (Stuttgart 2007) 88-114]; E. Badian, 'The Pig and the Priest', in H. Heftner and K. Tomaschitz (eds), *Ad Fontes! Festschrift für Gerhard Dobesch zum fünfundsechzigsten Geburtstag am 15. September 2004* (Wien 2004) 263-72.

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A Political Interpretation of the Allusion

That uncomplicated interpretation of the apophthegm's point and force may satisfy most – and, indeed, no more can be said with absolute confidence. Yet such allusions amongst a learned elite often carried added value: the piquancy of esoteric relevance – and Scipio Aemilianus, being a man of both high culture and savage tongue, might be looked to for such a payload.[19] Such quotations were expected to be alert to, if not play upon, the contexts from which they were drawn.[20] Thus Paula Botteri poses the question: can the choice of this particular line (on the face of it, rather straightforward, if not trite [*en apparence le vers est banal*]) – even if we accept it as a clever device of anti-Gracchan propaganda – be considered coincidental (*le fruit du hasard*)?[21] Professing herself at a loss for any closer comparison of Aegisthus and Gracchus, she takes her enquiry no further than the suggestion registered above (n. 18) – that Scipio was alluding to a deserved death (and the legitimate use of force to terminate an illegitimate reign). The invited comparison, however, bears further thought.

Aegisthus, a figure familiar enough to Latin audiences through the many treatments of the house of Atreus on the Roman stage, was an illegitimate ruler – a *tyrannus*.[22] Aegisthus the tyrant had strode the Roman stage almost from the beginning, proclaiming his *maiestas*, demanding the compliance and subordination of others, and intruding upon sacred places.[23] The parallel with the claims that would later become commonplace with regard to

[19] For Aemilianus' culture, Vell. Pat. 1.13.3; cf. A.E. Astin, *Scipio Aemilianus* (Oxford 1967) 15-16 (and in particular here we might note, as relevant to the discussion which follows, the friendship with Lucilius [see n. 4]).

[20] Carelessness in this regard was considered the height of incompetence: cf. the example of ineptitude at Plut. *Quaest. conviv*. 9.1.3.2 [= *Mor*. 737B]. Cf. E. Champlin, 'Agamemnon at Rome. Roman Dynasts and Greek Heroes', in D. Braund and C. Gill (eds), *Myth, History and Culture in Republican Rome. Studies in Honour of T.P. Wiseman* (Exeter 2003) 295-319, at 299 n. 12.

By way of relevant parallel, see Cic. *Cael.* 18, where Cicero picks up a tag from Ennius' *Medea exsul*: 'Would the timber had ne'er been felled on Pelion's slopes' – a quotation already used (in the same case by Crassus, *pro Caelio* frag. 12 Malc.). At the most superficial level this was an *argumentum remotum*, a chain of causation that had ideally never happened. (On the popularity of this particular trope, see J.L. Beness and T. Hillard, 'Insulting Cornelia', *Antichthon* 47 [2013] 61-79, at 61-2.) But in the hands of a master it took on a double potency; for Cicero, it led the way to the advent of a witch, a dangerous sorceress with murderous intent: the introduction to Clodia as the *Palatina Medea* (loc. cit.).

[21] Botteri (n. 16) 61.

[22] On the familiarity of the Roman audience with the Atreus cycle, see Champlin (n. 20) 295-319, esp. 296-7, 315-8.

Aegisthus was a villain who, in the retelling (at least, as we move from Aeschylus to Sophocles), grew in stature – if stature is to be measured by menacing threat (cf. G. Gellie, *Sophocles: A Reading* [Melbourne 1972] 127-8).

[23] See Livius Andronicus' *Aegisthus*, particularly frags 12-13 Warmington [= Non. 23, 20]; cf. the discussion of this play by A.J. Boyle, *Roman Tragedy* (London and New York 2006) 30-3.

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Gracchus (which were probably in circulation in 133 and which would have been reported to Scipio in Spain before he heard the news of his cousin's death) is clear: Gracchus, it was said, was aiming at some form of *regnum*.[24] At the level of first reception that is surely the note struck (and intended). There is more. Aegisthus, from the very limited amount we know of his appearances on the Roman stage in the second century BC, might well have been known as a populist tyrant. The evidence is spare; indeed, it rests on a single item (out of its precise context). Nonius preserves two lines from Pacuvius' play *Dulorestes* ('Slave-Orestes'): *extemplo Aegisthi fidem / nuncupantes conciebunt populum* ('straightway, those proclaiming the pledge of Aegisthus will incite the *populus*').[25] A single sentence taken out of context hardly allows for the appropriate exercise of hermeneutical rigour, but the potential applicability of this image is striking. The *Dulorestes* was, moreover, a play with which Scipio was more likely than not to have been familiar. And he will have found the association attractive.[26]

Aegisthus, then, was a tyrant – and possibly one with demagogic tendencies bent on overthrowing legitimate authority.[27] We are inclined to think that Scipio expected this to come to his hearer's minds. The allegation of tyranny was more often than not levelled at individuals of a populist bent – as, indeed, was *regnum*.[28] Interestingly, Cicero in the first Book of the *De republica* puts into the mouth of the revered Scipio a version of Plato's definition of a tyrant – from 'an excess of freedom' emerges a tyrant who gratifies the People with the property of private individuals, who is given powers that are then renewed, and who

[24] For the claims of *regnum*, well enough known, see e.g. Cic. *Amic*. 41; Sall. *Iug*. 31.7. Perhaps also tyranny. If we can trust Plutarch (*TG* 19.3), Scipio Nasica on that fateful summer day in 133 called in the Senate for the consul Mucius Scaevola to save the state and 'put down' the tyrant: ὁ δὲ Νασικᾶς ἠξίου τὸν ὕπατον τῇ πόλει βοηθεῖν καὶ καταλύειν τὸν τύραννον. In later Roman rhetoric, the label would be close to synonymous with *rex*, yet both less specific and more perjorative: J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris 1972) 561-2 (see also n. 34, below). The accusation with regard to Gracchus is not registered by Hellegouarc'h, presumably because it is not vouchsafed in Latin. (That does not rule out Plutarch having picked up the report of such a charge from a Latin source.)

[25] Nonius 90, 5 = Pacuvius *Dulorestes* 142-3 (Warmington).

[26] Readers familiar with the fragments of Pacuvius may have concerns that this play is often regarded as one of Pacuvius' last, and that two lines often assigned to the *Dulorestes* are reported in Cicero's *de Amicitia*, set in 129, as having been performed for the first time 'recently'. They may, in consequence, suspect that the play was first performed *after* Scipio left for Numantia in early 134. These concerns are countered in Appendix 2, wherein – for those who hold to a traditional but unlikely chronology of Pacuvian tragedies – alternative options are proposed.

[27] Another line preserved by Nonius (179, 11) is tentatively ascribed to the *Dulorestes* and, it has been suggested, belongs to Aegisthus threatening an individual (Electra?) with imprisonment, privation and torture (*nam te in tenebrica saepe lacerabo fame / clausam et fatigans artus torto distraham*: Pacuvius 131-2 [Warmington], with Nonius explaining that *torto* is used for *tormento*).

[28] Hellegouarc'h (n. 24) 560, with nn. 8-18, and 561, with nn. 11-16.

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surrounds himself with armed men. The state can only be saved if the tyrant is suppressed by the *optimates* (1. 68).[29]

But was there still more? We think it can be taken further. Aegisthus' villainy was remarkably of a more personal kind – and Scipio Aemilianus was likely to be attuned to every nuance. Aegisthus not only betrayed Agamemnon; he was also Agamemnon's cousin. Ti. Gracchus and Scipio were cousins. Could Aemilianus have identified himself with Agamemnon? It is not implausible. Agamemnon, as military supremo, cut a positive figure in the world of Roman symbolism. We must draw our evidence from a slightly later period, though it is clear that the image of Agamemnon carried, in the late Republican Roman mind, no adverse baggage from hostile portrayals by an earlier generation. Pompey was likened to Agamemnon (at least, after he had returned laden with the spoils of the Orient) and seems to have encouraged that line of thought. Before him, Lucullus seems to have exploited the image.[30] As the Romans sought appropriate heroic associations within the confines of republican sensitivities, that of the *primus inter pares* had obvious merits.

Aegisthus was the antithesis of a hero of foreign wars. He lurked behind – his Homeric epithet is *dolometis* (δολόμετις), wily or crafty of mind (*Od.* 3.308), 'deceptively clever', as Robin Mitchell-Boyask renders it.[31] While Agamemnon gathered forces and traversed foreign lands, acquiring noble wealth, Aegisthus devised woeful work at home (3.303-10).

Edwin Judge, rightly suspecting a loaded innuendo, once suggested that Scipio was alluding to his cousin Gracchus as 'the renegade in the house', an acknowledgment of the competition between Aemilianus as the man who had inherited the mantle of Africanus and those who could also make it their proud claim (and did so claim) that they were the grandsons of the same man.[32] Scipio was known to be sensitive on this score, having

[29] We borrow, above, the gloss by T.P. Wiseman, *Remembering the Roman People. Essays on Late-Republican Politics and Literature* (Oxford 2009) 195. How anachronistic – or, alternatively, how historistic – were the utterances of Cicero's Scipio? (Recall that Sempronius Asellio reported that Gracchus travelled about with between four to five thousand men: *Histories* 5, frag. 6 Peter, 7 Chassignet and Cornell [= Gell. *NA* 2.13.4], cited above). It was the terrorising bodyguard that characterised the tyrant: J.R. Dunkle, 'The Greek Tyrant and Roman Political Invective of the Late Republic', *TAPhA* 98 (1967) 151-171, at 164. This is discussed in many places, but cf. R. Seaforth, 'Tragic Tyranny', in K. Morgan (ed.), *Popular Tyranny. Sovereignty and its Discontents in Ancient Greece* (Austin 2003) 95-115, at 100-1 and 113 n. 35 (where Seaforth adjusts the reading of Aeschylus' *Choephori* 1650 accordingly).

[30] Pompey filched the association along with the victories: Champlin (n. 20) esp. 297-303.

[31] *Aeschylus: Eumenides* (London 2009) 20.

[32] On Gracchan claims, Gaius Gracchus, *de legibus promulgatis* frag. 47 Malc. [= Schol. Bob. p. 81, 18-24 Stangl]; cf. [Auct.] *ad Herenn.* 4.22; 42. The competition lies behind Cornelia's famous complaint at Plut. *TG* 8.

For the suspected innuendo, Judge, 'The Mind of Tiberius Gracchus' (unpublished paper, 1966) 30. These suggestions were offered by Judge in lectures delivered at the University of Sydney and at Macquarie University 1967-1980. A part of that paper and

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been adopted into the Scipiones himself (not that adoption in any way made Scipio the less legitimate heir). We know that he carried a burden of doubt, suspicious that the community wondered whether he was the sort of man required to shoulder the expectations and needs of his family (Polyb. 31.23). That said, he was the legitimate heir of Africanus (see Polyb. 31.26–27 for his handling of inheritances and the payment of dowries for his aunts), and the irrefutable pretensions of the Gracchi as the grandsons of Africanus must have irked him (even while he promoted, as duty demanded, their careers). And we might speculate that the Gracchi and their cousin P. Scipio Nasica, through their mothers' genes, physically resembled the great Africanus in a way that Aemilianus, *Africani Minor*, could not. Aemilianus had to assert himself.

An Innuendo of Sexual Depravity and Moral Turpitude?

Can we go still further?[33] We explore the possibility of doing so at two levels. First, there are the insinuations that Scipio may have expected his listeners to discern. Second, there were the potential nuances that awaited interpretative re-readings. At this distance, and given the lack of evidence, it is not possible to disentangle Scipio's intent from later embellishment.

The allusion to Aegisthus, however, bears re-examination. The important question to ask is what sprang to the *Roman* mind at the mention of this villain? A populist tyrant, perhaps. Yes, but something else (almost certainly). Given the scarcity of evidence for the second century (this has been established above), we must turn to the Ciceronian period: Aegisthus was an exemplar of criminal *libido* (Cic. *ND* 3.91).[34]

this particular insight can now be found in Edwin Judge, *Engaging Rome and Jerusalem. Historical Essays for Our Time*, selected and edited by Stuart Piggin (Melbourne 2014) 11-33, at 32-3.

[33] From this point, the speculation becomes more adventurous. Readers may wish to rest content with the possibility that Scipio was equating Gracchus with Aegisthus as a populist tyrant (an observation not to our knowledge previously made) and follow us no further – without us taking personal offence.

[34] His name resonated with depravity – even within a particularly dysfunctional family. He was, *inter alia*, the product of an incestuous union between his father Thyestes and Thyestes' daughter Pelopia. He came to premature maturity at the age of seven when, after an inept attempt at inadvertent parricide (inadvertent in the sense that he was ignorant of his intended victim's identity), he became the willing agent of his father's fratricide by commission (Hyg. *Fab.* 87-88; Apollod., *Epit.* 2.14). His seduction of Clytemnestra was not opportunistic, but planned with murderous forethought (Ath. 1.14b).

In Ciceronian usage, the charge of being a *tyrannus*, more wide-ranging than the accusation of *adpetitio regni* and at the same time more clearly pejorative, carried within its purview a lack of restraint in terms of one's *libido* (Hellegouarc'h, *Le vocabulaire latin* [n. 24] 561-2, esp. 562 n. 3, citing Cic. *2 Verr.* 1. 82). On Antony as the epitome of the lustful tyrant, see T. Stevenson, 'Tyrants, Kings and Fathers in the Philippics', in Stevenson and M. Wilson (eds), *Cicero's Philippics. History, Rhetoric and Ideology* (Auckland 2008) 95-113, at 100 n. 17.

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> *nec cum Aegisthi libidinem aut cum Paridis videmus a deo causam requirimus, cum culpae paene vocem audiamus*
>
> Nor, when we see the lust of Aegisthus or of Paris, do we enquire into divine causation; the guilt practically speaks for itself.[35]

Pompey, according to Suetonius, called Caesar *Aegisthus*, on account of the latter's intimacy with Mucia, Pompey's third wife (and mother of his three children).[36] One has to suspect that this tale has come to Suetonius by way of the 'unauthorised' tradition (to wit, the anti-Caesarian squib written by the two Curiones to which Suetonius had just referred)[37] – and this would explain why Pompey is spoken of as 'groaning' in enunciating the complaint; one can scarcely imagine Pompey engaging in self-diminution, and other evidence suggests that Pompey never publicly proclaimed the reasons for his divorce of Mucia.[38] Whatever one believes to be the case here, the important observation is the symbol that Aegisthus represented. Together with Paris, he was the adulterer *par excellence* (if we may use so inappropriate a phrase to mark their pre-eminence in this respect).[39]

The idea that Aegisthus was, to the Roman mind, first and foremost the adulterer can be provisionally expanded with another *argumentum e silentio*. What is intriguing, in the light of Roger Dunkle's study of the tyrant-figure in Roman invective (see above, n. 29) is the inevitable contemplation of the ways in which Aegisthus *might* have been mentioned (to take one's cue from Dunkle), but is *not*. In Greek tragedy, Aegisthus used an armed bodyguard to impose his will (Aesch. *Ag.* 1650); it was the mark of a tyrant.[40] Antony acts in the same unacceptable fashion, and is thus traduced at *Phil.* 2.8; 15; 19 (as Dunkle points out) – but he is *not* called in that context an Aegisthus. The name of Aegisthus was proverbial, as we have seen in two items of Roman allusion, but not for his clear associations with tyranny. If mythical models of tyranny were required,

[35] Zeus' complaint at *Od.* 1.32-34 has been taken on board! The gods are not to blame for human evil.

[36] Suet. *Div. Iul.* 50.1.

[37] loc. cit. The same tract, or something similar (an *oratio* of Curio the Elder) is cited at *Div. Iul.* 9.2. It is possible that this material came to Suetonius at second hand (B. Baldwin, *Suetonius* [Amsterdam 1983] 113-14), though this is not necessary (A. Wallace-Hadrill, *Suetonius* [London 1983] 63-4).

[38] Plut. *Pomp.* 42.7. And even M. Aemilius Scaurus, Pompey's erstwhile associate, missed the cue in taking up the option of marrying the divorced Mucia (Ascon. *Scaur.* 19-20C).

[39] The association arises again in Ovid's *Rem. Amor.* 161-2. An adulterer with too much time on his hands, Aegisthus is a (military) slaggard: *desidiosus erat*. The association hardly fits the mural-crown-winning Gracchus, unless we speculate that there was here some obscure allusion to the Numantine debacle, a case of military engagement avoided at scandalous cost (with Gracchus back in Rome, while Aemilianus attended to its aggressive remedy – a prolonged siege, no less, to continue the Homeric parallel). The allusion would have been extended and obscure, indeed.

[40] Dunkle (n. 29) 164.

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Phalaris and Peisistratus were the alternative examples that sprang to Cicero's mind (*Att*. 7.20.2), the former being the model of viciousness.[41] Otherwise, it was Aegisthus' uncle, Agamemnon's father, Atreus, who was established by Accius' play (of the same name) as the exemplar – the tyrant Romans loved to hate (Cic. *Off*. 1.97): 'the negative role model of despotic savagery in Late Republican Rome'.[42]

Let us return to Aegisthus the adulterer. Aegisthus not only betrayed his cousin Agamemnon; he also treacherously dishonoured the absent general's bed. The implication is staggering, so staggering that many readers may desert us at this point – but we shall press on. Could Aemilianus have really been suggesting improper relations between his cousin Gracchus and his wife Sempronia (Gracchus' sister)? Such an accusation was not foreign to Roman invective – albeit that it *was* a claim conveying a sense of grave wrongdoing.[43] We referred in the introduction to Cicero's characterisation of Rome as a *maledicta civitas*. The enormity of allegations was sometimes breathtaking, embracing, as these allegations do, such a range of misdemeanours as murder and incest (or both). They could strike at those in the highest echelons of society. One thinks of Clodia Metelli, whose case is too well known to require elaboration here. A woman of the highest nobility accused (informally, in the sense that these were allegations never tested in court) of adultery, incest – and murder. Traducers need only to allude to rumours, hatched in polemic, to activate memories that served their aggressive purposes.[44] (In the exploration of such accusatory claims, there is no suggestion that we are probing the 'truth' of any historical reality other than the ferocity of Roman

[41] *Phalarismós* was, Cicero reports, the phenomenon feared by Atticus (Cic. *Att*. 7.12.2), though here, it must be said, an allusion to the eradication of political enemies lies at its core (Cic. *Off*. 2.25; cf. D.R. Shackleton Bailey, *Cicero's Letters to Atticus* 6 [Cambridge 1968] 302).

[42] I. Gildenhard, 'Greek Auxiliaries: Tragedy and Philosophy in Ciceronian Invective', in J. Booth (ed.), *Cicero on the Attack. Invective and Subversion in the Orations and Beyond* (Swansea 2007) 149-82, at 171.

[43] L. Watson, 'Catullus and the Poetics of Incest', in M. Johnson (ed.), *Catullus in Contemporary Perspective* [a special edition of *Antichthon* 40 (2006)] 35-49; P. Moreau, 'Rome: The Invisible Children of Incest', in V. Dasen and T. Späth (eds), *Children, Memory, and Family Identity in Roman Culture* (Oxford and New York 2010) 311-29; C. Mowbray, 'Captive Audience? The Aesthetics of Nefas in Senecan Drama', in I. Sluiter and R.M. Rosen (eds), *Aesthetic Value in Classical Antiquity*, *Mnem.* Suppl. Monographs on Greek and Latin Language and Literature 350 (Leiden and Boston 2012) 393-420. For the gravity of the allegation, see F. Hickson-Hahn, 'What's So Funny? Laughter and Incest in Invective Humor', *Syllecta Classica* 9 (1998) 1-36, at 1-3, esp. 1 n. 2 (for previous scholarship), a study which finds, not surprisingly, that there was nothing 'funny' in the way that Roman authors used allegations of incest within the humour of invective to castigate a target of polemical diminution. By doing so, they underlined what was considered unacceptable behaviour (see esp. 34-6).

[44] E.g. Cic. *Cael.* 69 (an allusion to an *obscenissima fabula* was sufficient to kindle a remembrance in the minds of jurors – effective, even if Quintilian [6.3.25] judged such a tactic unworthy of a man of gravity); cf. *Cael*. 62 (an allusion to 'that *quadrans* deal').

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polemic and insinuation.) Moreover, in examining the attack upon Clodia, we see the example of a disaffected ex-husband (in this case of one of Clodia's sisters, also accused of adulterous incest), who might even be willing to add his *auctoritas* to gossip that hinged on his own loss. L. Licinius Lucullus produced witnesses from amongst his slave staff to testify to his own wife's infidelity to him with the same brother.[45] What is clear is that, amongst Roman husbands, there was not the same concern with the image of the cuckold that infected the victims of other cultures and ages (and this observation will become more obviously relevant below).[46]

We return to 133 (and Scipio's pronouncement upon Gracchus). If that was the allegation that Scipio intended at the time (or which was subsequently read into the observation), it is an example of calumny that did *not* gain a foothold in historical memory (as it survives).[47]

Circumstances would have conspired to nurture this interpretation of Scipio's dark words, both at the time and subsequently. Between Scipio and Sempronia there was reportedly no affection. The marriage was childless, and Sempronia was 'unloved'.[48] After Scipio's negative assessments of Gracchus, doubtless the relationship did not improve (and if the suggestion here is taken up, one can imagine that domestic relations were

[45] Cic. *Mil.* 73.

[46] S. Treggiari, *Roman Marriage.* Iusti Coniuges *From the Time of Cicero to the Time of Ulpian* (Oxford 1991) 311-12. Not for the Roman husband, it would seem, the painful anguish of unmanning felt by Shakespeare's Othello (III.iii.353); cf. the reading of J. Dusinberre, *Shakespeare and the Nature of Women* (Houndmills, Basingstoke 1975/ 2003) 302-3.

This is slightly complicated by the stories (as told) of Pompey, *gemens*, accusing Caesar of having debauched his (sc. Pompey's) wife. We have, however, addressed that earlier (in the text above n. 38), suggesting that the characterisation of a groaning Pompey is to be explained by the identity of the probable source (see n. 37). The item was not intended sympathetically, but was part of an attack on both Caesar *and* Pompey; we might also note that the Romans were certainly concerned with the accidental product of adultery (a point which Treggiari would also underline); on the Roman stage, we have Atreus' apparent obsession with the pollution of his bed. And note Catullus' concern that a son look like his father and should be easily recognised as such by all (61. 217-221; cf., for the same concept, Hor. *Odes* 4.5.23; Mart. 6.27.3 [the latter recognised by commentators as possibly a reminiscence of the Catullan passage – see e.g. C.J. Fordyce, *Catullus* (Oxford 1961) 253]; it was already an ancient convention [see e.g. P. Green, *The Poems of Catullus* (Berkeley 2005) 235]), to which we might add the joke of 'Julia' at Macrob. *Sat.* 2.5.9. Treggiari's argument is largely based on inference, but her point is well worth taking. Lucullus' readiness to 'go public' in the way that he did is very apropos to this article.

[47] The latter observation (i.e., that the rumour found no purchase in the historical tradition) is evidence neither one way nor the other. We draw attention to the *aenigmata* referred to above.

Plutarch can be seen to have preserved detailed items for which he did not have a full appreciation, lacking the background. For example, his statement at *TG* 8.6 that Gracchus was spurred on by rivalry with a certain Spurius Postumius. The nub of Gracchus' anxiety was Postumius' genealogy: see Judge (n. 32) 32 [33]; L. Hayne, 'The Condemnation of Sp. Postumius Albinus', *AClass* 24 (1981) 61-70.

[48] App. *BC* 1.20.83.

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to all intents and purposes beyond repair). It is clear that the bond between Scipio and his Gracchan kin had been shattered. Private hostilities infected the political arena. In 130, or more probably 129, Gaius Gracchus was amongst those who were publicly calling for Scipio's head (almost literally) and he was probably the one who led the call.[49] The cry was 'Kill the Tyrant!' (Plut. *Apophth. Scip. Min.* 23 [= *Mor.* 201F]). (Who was Aegisthus now?) Plutarch describes those who made this murderous demand in a circumspect way (τῶν . . . περὶ τῶν Γάιον βοώντων) – a reference that might be read as alluding to those associated *with* Gaius Gracchus; to Gracchus *and* those about him; or simply to Gracchus himself? It is almost certain that Plutarch wishes to convey Gaius Gracchus' direct involvement. Whilst it is generally understood that this *peri* + accusative formula may be a periphrastic way of referring to a single individual – if not always the case[50] – the disquieting implication of this being a reference to a homicidally inclined Gaius alone seems to have commended alternative readings, translators preferring a reference to a Gracchan crowd or to 'those who followed Gracchus.' Thus, Alan Astin glosses the passage as a reference to 'a Gracchan mob', implicitly extracting Gaius.[51] That is the one option (i.e. detaching Gracchus from the volatile 'mob'), that is *not* open to us, if we follow Stefan Radt.[52] Wherever a context supplies certainty, the idiom (even when it is intended to convey something closer to its literal sense – i.e. a group) is *always* inclusive of the individual named. Gaius, who had quite possibly been present in Spain when Scipio made his chilling assessment of Tiberius Gracchus' lynching, wanted to see Scipio dead.[53]

[49] On the dating of the outcry, see J.L. Beness, 'Scipio Aemilianus and the Crisis of 129 B.C.', *Historia. Zeitschrift für Alte Geschichte* 54.1 (2005) 37-48, at 39. This chronology is accepted by Schietinger (n. 8) who builds upon it with the interesting hypothesis that Scipio was aiming at a third consulship (that would have given him, in the new circumstances [App. *BC* 1.19.79-80], judicial powers to thwart the Gracchan land commission).

[50] See LSJ, s.v. περί, C.2.

[51] Astin, *Scipio Aemilianus* (n. 19) 240. The Loeb translation by F.C. Babbitt ('the men about Gracchus') heads in the same direction.

[52] S.L. Radt, 'Noch einmal Aischylos, Niobe Fr. 162 N.^{2} (278 M.)', *ZPE* 38 (1980) 47-58. We take the opportunity here of correcting an error of transmission in Beness's earlier article ([n. 49] 40, n. 16).

[53] On Gaius' service under Scipio at Numantia, see Plut. *TG* 13.1. (Against this must be set the evidence also provided by Plutarch [*TG* 20.2], indicating by way of reference to Gaius' appeal for his brother's body, that he was in Rome – at the least shortly after the massacre, if not before).

With regard to the outcry in 129, Plutarch may be designating Gaius and his partisans (as M. Renard ['L'assassinat de Scipion Emilien', *RUB* 37 (1932) 483-98, at 485] and C. Nicolet ['Le de republica [VI, 12] et la dictature de Scipion', *REL* 42 [1964] 212-30, at 224], have interpreted it) or may be referring simply to Gaius (as F. Münzer, *RE* Cornelius 335, col. 1457, and J. Carcopino, *Autour des Gracques* [Paris 1928/1967] 88-9; cf. 98, believed). What is certain, however, is the involvement of Gaius (in Plutarch's mind). It is probable, as Beness suggested earlier (loc. cit. above), that Gaius was throwing back into the faces of his

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We return to the relationship between Scipio and Sempronia. The marriage was never officially terminated (Scipio had made no formal complaint and laid down no formal charge), but the toxic reality of their relationship was public knowledge and fuelled speculation in the light of dramatic developments shortly after the public attacks on Scipio, when the latter, the towering figure of his age, in his fifty-sixth year, unexpectedly died – in his bed – on the eve of delivering a speech on the problems caused by the Gracchan land distributions (App. *BC* 1.20.83).[54] He was said to have been in robust good health ([Liv.] *Per*. 59).[55] The death was mysterious, its explanation vulnerable to conjecture. Foul play was suggested, and Sempronia was one of the parties suspected of his surmised murder.[56] Cornelia, 'mother of the Gracchi', was another.[57] This is not to claim that the allegations of Sempronia's involvement in her husband's premature death were grounded in anything more than public knowledge that the atmosphere in their household was poisonous, but they are an indication that familial relations were (and were known to be) exceptionally unpleasant. Rumour asserted that Sempronia would have been gladdened by Scipio's death. And this was rumour that took hold. Sempronia's reputation in the imperial period was compromised by it,[58] as evidenced by Appian's registration of the suspicion (listing Sempronia as one possible suspect) and the appearance of that allegation in the so-called 'Livian tradition' (where she alone is mentioned in this regard). Orosius,

enemies the charges of *regnum* that had been levelled against his brother, with whose cause he now clearly identified. The charge of aiming at *regnum*, as remarked above (n. 28), had been more readily levelled at those of *popularis* inclination; the latter were now repaying in kind (the charge being of tyranny rather than *regnum*). If Macrobius' commentary on the 'Dream of Scipio' accurately captures (or even reflects) the language and sentiments of the time, namely of 129 BC, Gaius Gracchus (and those about him) might have been angrily taking up the language of those like Scipio's intimate friend Laelius, who bemoaned the absence in Rome of honorific statues commemorating Scipio Nasica – who merited such celebration 'on account of his having killed the tyrant' (*in interfecti tyranni remunerationem*): *In Somn*. 1.4.2. According to Plut. *TG* 21.3, the *demos* had already applied the label of tyrant to Nasica.

54 On his age, see Vell. Pat. 2.4.6.

55 No datum went unchallenged in this volatile situation. According to some, he died naturally, 'being of sickly disposition' (Plut. *Rom*. 27.4).

56 App. *BC* 1.20.83; [Liv.] *Per*. 59; Oros. 5.10.10; *Schol. Bob. Mil*. p. 118 St. [p. 72 Hildebrandt]; cf. Cic. *Rep*. 6.12 (one of the *propinqui*?) and 14.

57 App. *BC* loc. cit.; cf. Oros. loc. cit. (if we were to read the reference there to a plurality of 'women of that seditious family' literally – which is unnecessary).

58 Thus, the rather surprising (at first sight) observation of Marja-Leena Hänninen: 'the picture of Sempronia is actually somewhat negative in the literature of the imperial period' ('*Currus avorum*: Roman Noble Women in Family Traditions', in H. Whittaker [ed.], *In Memoriam. Commemoration, Communal Memory and Gender Values in the Ancient Graeco-Roman World* [Newcastle-upon-Tyne 2011] 42-59, at 45). She means *other* than in the anecdote preserved by Valerius Maximus to which she gives her attention – and which we discuss below. Hänninen does not offer references for this 'negative picture', but these have been supplied above (n. 56) and are discussed above in the text immediately following.

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indeed, goes further, emphasising that amongst this perfidious family, born to the ruin of the fatherland, the impious seditions of its men were matched by the crimes of its women. This embroidery doubtless was Orosius' own editorial elaboration (grist for his mill), but it underlines the material at his disposal. Modern scholarship has paid scarce attention to the accusation, so lacking in proof, so clearly the fruit of partisan polemic and so characteristic of the misogynistic inclination of Roman gossip.[59] Yet it remains indicative of the narrative circulating in the public domain, a narrative that cast Sempronia as a deadly ally of her brothers.[60] Were there some who reflected upon Scipio's apophthegm and mused that Sempronia had now earned her stripes (so to speak) as Clytemnestra?[61]

A Rumour Takes Root in the Popular Imagination?

Some of the discussion above has underlined the extent to which an apophthegm might have taken on a life of its own, the plaything of subsequent exegetical interpretation. A suspicion planted might become a rumour nurtured (and subject, in a bitterly divided community, to interpretations received in radically alternate fashions).

The chief objection to the hypothesis that an incestuous relationship between Gracchus and his sister may have been read into Scipio's characterisation of Gracchus as Aegisthus will be the disbelief that such an allegation, if such an innuendo was intended, either went unnoticed or sank without later trace (and did so in a context beset by polemic, both contemporary and subsequent). Did it? One would think that such an allegation could only be made with hostile intent. But such rumours might take traction across that partisan divide referred to above. There would have been those – and their numbers may have been found amongst

[59] Plutarch seems not have countenanced the slander: *CG* 10.4-5; *Rom.* 27.4.

[60] For further discussion of Sempronia's role (or the roles in which she was cast), see A.-C. Harders, *Suavissima Soror. Untersuchungen zu den Bruder-Schwester-Beziehungen in der römischen Republik* (München 2008) 128-37, underlining the tension between Sempronia's strong ties to her brothers and the expected roles of a wife. In no source does Sempronia appear, as might be expected of a wife, as an intermediary and/or mediator between the two contending parties. The sources that subscribe to her murder of her husband (see in particular the scholiast of Bobbio who actually seems to cast Gaius and Sempronia as partners-in-crime) underline the enormity of Sempronia's choice of allegiance. She was a veritable Fury. Harders characterises her, according to this tradition (which stands in contradistinction to that retailed by Valerius Maximus which Harders proceeds to analyse), as a 'frustrated Fury' (*eine frustriert Furie*). We might rather think – in terms of the hypothesis advanced here – that contemporaries who inclined to that version of events but who were disposed to a more sympathetic reading of her role thought of her as an avenging Fury.

[61] The parallel with the later case of Clodia (discussed above), another woman tagged *Clytemnestra* by those who wished her ill, is striking: Quint. 8.6.53. The allegation of murderer is developed in Clodia's case by Cicero at *Cael.* 59-60; cf. M.B. Skinner, *Clodia Metelli. The Tribune's Sister* (Oxford 2011) 6, 87-9.

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those who performed sympathetic and wishful cult at the places where the Gracchi had been slain (Plut. *CG* 18.2)[62] – who wanted to believe that Gracchus had been survived by an illegitimate son (the three who were born to him by his wife Claudia not surviving);[63] L. Equitius rose to the tribunate in December 100 BC (an office he enjoyed for less than a day) largely on the strength of an alleged birthright. He claimed to be Tiberius Gracchus' bastard.[64] Equitius was described as a monster (*Firmo Piceno monstrum*: Val. Max. 9.15.1), that is, to give *monstrum* its technical force, a prodigy requiring expiation.[65] He made public claim to this filiation at the census of 102/101, and one of the censors, Q. Metellus Numidicus, risked his personal safety in rejecting the profession (Val. Max. 9.7.2).[66] An unnamed tribune – often assumed to be the populist L. Appuleius Saturninus – sought public confirmation from within the family in support of the man's claims. From whom? From Sempronia. Possibly, yes, as the last survivor of the immediate family.[67] Her reception of Equitius was to be celebrated as

[62] Cf. Appian's reference to the multitude (τὸ πλῆθος) who acted, in 100, out of 'longing' for Gracchus (πόθῳ Γράκχου); *BC* 1.32.141.

[63] For Metellus Numidicus' pronouncement on the three sons of Tiberius Gracchus, see Val. Max. 9.7.2. Only one of those seems to have been alive by the end of 133: Gell. *NA* 2.13.4-5. One of them may have still been alive in the 120s, but he was, even by then, apart from the soon-to-die Gaius Gracchus, the last survivor of the extended household (C. Gracchus, frag. 47 Malc. [= *Schol. Bob. Sull.* p. 81 St.]). (Gracchus is talking, of course, of male issue. Our colleague Patrick Tansey believes that the child referred to by Gaius Gracchus was his own son. For a fuller discussion, see Tansey's forthcoming register of Roman political marriages.)

[64] Appian (cited above in n. 62) reports that the *plethos* supported Equitius because of their 'yearning' for Gracchus.

[65] The image is repeated; Valerius seems fascinated by the pretender. At 3.8.6, Equitius is described as *illum nescio quibus tenebris protactum portentum*—a portent drawn from who knows what dark shadow.

[66] If Florus is followed, Equitius either claimed (or was known by) the *tria nomina* C. [Sempronius] Gracchus (2[3.16].4.2, the *only* nomenclature that Florus offers for the individual – though he dismisses the claim, explicitly labelling the man *sine tribu . . . sine nomine*). Cicero (*Rab. perd.* 20) gives his origin as servile; Appian (*BC* 1.32.141) makes him a fugitive slave; the *de viris illustribus* (73.3) has him as a *libertinus*. Cf. F. Cavaggioni, *L. Apuleio Saturnino. Tribunus plebis seditiosus* (Venezia, Memorie, Classe di Scienze Morali, Lettere ed Arti 79, 1998) 37-9.

Based on the ancient testimony cited above, some are prepared to see Equitius as a freedman – or son of one; cf. H. Mouritsen, *The Freedman in the Roman World* (Cambridge 2011) 272 and n. 95 – though Cicero's language is colourful, depicting the man as straight from the fetters and the slave shed (*ille ex compedibus atque ergastulo Gracchus*) and Appian's description of the man as δραπέτης points to the same or a similar source of 'information' (and is quite distinct from his later more precise reference to P. Furius, another tribune of that time, as 'not the son of a free man but a freedman' [*BC* 1.33.147]). Perhaps allowance should be made here for rhetoric. Even in the latter case there is room for uncertainty; Dio (frag. 93.2) accords Furius prior equestrian standing (not, of course, ruling out a libertine ancestry). On this strain of rhetoric, see J.L. Beness and T. Hillard, 'Another Voice Against the 'Tyranny' of Scipio Aemilianus in 129 B.C.?', *Historia* 61.3 (2012) 270-81, at 278-81.

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proof of his descent. What was demanded of her was nothing less than a kiss acknowledging kinship (3.8.6).[68] Valerius Maximus, who has no doubt that the claim was *evidens mendacium* (9.15.1), professes shame at bringing her even the celebrity that inclusion in his *repertorium* will bestow. But he does so, claiming that her rectitude proved her a paragon (in sharp contrast to the portrait purveyed, as we have seen, in the 'Livian tradition'). The result will be *honorata memoria* (3.8.6). In the face of threatening public pressure, though she could not resist the summons to the *rostra* of a tribune, she refused to partake of the shameful charade. Her rejection of his kiss repudiated the *propinquitas* of the man.[69] Of her alleged nephew?

The establishment was shaken by the claim; Equitius' popularity was clearly dangerous. The crowd was baying, but Equitius was not the crowd's quarry – the multitude was crying for his acceptance.[70] It might seem difficult to comprehend why this non-entity (*sine tribu, sine notore, sine nomine*, according to Florus) should have been such a threat, but he was.[71]

[67] Suzanne Dixon (*Cornelia. Mother of the Gracchi* [London and New York 2007] 31) takes Sempronia's appearance here, as extraordinary as it was, to be that of 'the authoritative representative of her birth family' in the wake of Cornelia's probable demise by this point. (Giuseppe Corradi, *Cornelia e Sempronia* [Rome 1946] 34-5, had presumed something similar; Hänninen [n. 58] follows Dixon.) Simply that? The putative 'letter of Cornelia' (Nepos, *de Latinis Historicis* [frag. 59 Teubner] excerpt 2 [= P. Cugusi, *Epistolographi Latini Minores* (Turin 1970) I, 124.4]), whether authentic or not, insinuates that the married Sempronia was *not* considered as a member of her birth family: 'Cornelia' counts Gaius as the last remaining of her *liberi*. Nor did Gaius Gracchus in his public oratory (see the fragment cited above in n. 63) count Sempronia as part of the surviving *familia* of Scipio Africanus and Tiberius Gracchus the Elder. (Such legalism need not, of course, rule out Dixon's understanding of what passed muster in the rough and tumble of politics at this point – her cue is provided by Valerius' remark that Sempronia did nothing to diminish the grandeur of her family [3.8.6], but it does not strengthen it. Dixon has recourse here to the rather elaborative account of R.A. Bauman [*Women and Politics in Ancient Rome* (London 1992) 48-50, 231, with n. 25], which she regards as authoritative. Bauman sees Sempronia as drawn as a witness into a criminal trial [for which there is no evidence] – and, as the only surviving child of Cornelia, the custodian of the 'family papers' [which is, again, speculation, however assertively expressed].)

[68] This was not an exact parallel of the *ius osculi*, which extended to cousins in the sixth degree (Athenaeus 440F; cf. M. Bettini, *Anthropology and the Romans. Kinship, Time, Images of the Soul* [Baltimore 1991] 252 n. 11), of which bibulous women were the antique targets, but it must be acknowledged, all the same, that nothing can be asserted of the precise nature of the alleged relationship on this piece of evidence.

[69] Equitius is depicted as advancing on her with execrable temerity to claim a relationship not his to claim (*exsecrabili audacia ad usurpandam alienam propinquitatem tendentem reppulisti*: Val. Max. 3.8.6).

[70] His supporters, in Valerius Maximus' telling of the story at this point (3.8.6), are the *imperita multitudo* and the *totum forum*.

[71] For the register of Equitius' social poverty, Florus 2.4 (3.16).1. The formula *sine notore* meant that he was deemed without anyone to vouch for him. The date 101 is given by Valerius Maximus' reference to Marius' fifth consulship (and Valerius Maximus is the only source for the incident). Pighius suggested emending the text (or, rather, correcting

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Parallel events would show how effective these 'impostors' might be at arousing the passion of the crowd.[72] In 101 or 100 (the date is disputed) – and presumably following Metellus Numidicus' refusal to accept Equitius amongst the citizen body and the consequent civil disturbance – no less a figure than the consul Marius had incarcerated Equitius. But Marius' *auctoritas* was not enough; the *populus* broke open the gaol and carried Equitius away, triumphantly, on its collective shoulders.[73] In the year 100, it seemed as though he could not be stopped. He was elected to take up tribunician office in 99. But it was decided he had to die. He did not perish, we would argue, during the mayhem that saw the deaths of Saturninus, C. Servilius Glaucia, C. Saufeius and their many confederates. His assassination would occur pointedly and later, on the day he took up office.[74] It was not enough to kill the man; his credentials must also be destroyed. The surviving sources are unanimous: there had never been a bastard son of Tiberius Gracchus.[75] The subject of bastard sons was anathema to the Roman nobility – almost, it would seem, taboo. In this area, it has been argued, even within a high aristocracy so exposed to the public gaze, secrecy prevailed. It is a paradox challenging the very concept of *nobilitas*: '. . . oligarchies have their *arcana*. Many of the activities of the Roman *nobilitas* evaded publicity or are only casually disclosed. Much therefore depends on guess or reconstruction.'[76] The subject, Syme suggests, may have

the author) to read 'sixth consulship'. Shackleton Bailey in his Loeb translation (2, 345, n. 1) implicitly rejects the option of altering the text, but follows in dating the episode to 100. This decision is doubtless based on Valerius' indication that Equitius was, at that time, illegally taking a tilt at the tribunate (*tribunatumque adversus leges <cum> L. Saturnino petebat*). The solution must be that Equitius first sought the tribunate of 100, in conjunction with Saturninus' candidature in 101, a bid thwarted by the ruckus following the rejection of his claims before the censors of 102/101.

[72] See e.g. the evidence compiled by Valerius himself at 9.15 in his section *De iis qui infimo loco nati mendacio se clarissimis familiis inserere conati sunt*. Such intrusions were clearly regarded with horror, as an inversion of the natural order as well as politically seditious. It is interesting to note in passing that one of these 'impostors' passed himself off as the abandoned child of the 'otherwise blameless' (*clarissima ac sanctissima*) Octavia, a claim that would never have been known had it not been preserved by Valerius Maximus, equally outraged – as he is in the case of Equitius – by the foundling's *impudentia* and the height of his audacity. In most of these cases retailed by Valerius, the reportage of popular acceptance is a common theme.

[73] Val. Max. 9.7.1.

[74] For this argument, see J.L. Beness and T.W. Hillard, 'The Death of L. Equitius on December 10th, 100 B.C.', *CQ* 40.1 (1990) 269-72; cf. Cavaggioni (n. 66) 168.

[75] Valerius Maximus reiterates the falsity of the claim in all but one of the instances in which he introduces an anecdote concerning Equitius (3.8.6 [*falsum*]; 9.7.1 [*simulabat*]; 9.7.2, offering an extended argument; 9.15.1 [*evidens mendacium*]); cf. Florus loc. cit. (*subdito titulo*).

[76] Syme (n. 1) 323. He thus implicitly draws attention here to that paradox (leaving it, perhaps, to an educated audience to spot the contradiction in terms). He also concludes with an emphatic reference to the 'paradoxical silence' (327), but it was not a paradox Syme intended his audience to question (see what follows). (The case of Equitius receives only passing reference [324].)

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been off-limits: '. . . a suspicious paternity may have been common knowledge among the nobility, accepted but not talked about. A governing class has various *arcana* of rule. One is . . . the decent suppression of uncomfortable truth.'[77] In this instance, it seems, with the legacy of Tiberius Gracchus in question, the political ramifications were simply not to be contemplated. This was not an item that would become an element in the character assassination of Tiberius Gracchus. It would be buried: a trail marked false.

Of this, we can be certain: the tradition, as it survived, would not countenance the idea of a bastard son to Tiberius Gracchus. That degree of certainty does not carry over into the earlier hypothesis with which this paper is chiefly concerned. That hypothesis – namely that Scipio alluded to Aegisthus not only with the expectation that most would think of a political malefactor, but that some would think of an adulterer – remains speculative. If the foregoing speculation is given any credence at all, it might only be taken as an indication of the depths to which relationships within the Scipionic-Gracchan nexus had fallen and of the distance which Scipio Aemilianus, in the light of that deterioration, was prepared to travel along the path of derisive insinuation – at least amongst those within his immediate circle (allusion might play on two levels, no matter how public its delivery).[78] If the conjecture is to be taken still further, in the way that it has been in the concluding part of this paper, we might suggest that such rumours formed the basis of a claim that the Roman establishment found so outrageous.[79]

It is time to revisit Valerius Maximus' treatment of the Equitius episode at 3.8.6 (and read it in this light):

> What do women have to do with a public meeting? If ancestral manners are followed, *nothing*. But when domestic tranquillity is shattered by the waves of sedition and the authority of ancient custom is subverted, force is more compelling than persuasion and constrains modesty. Thus, Sempronia, sister of Tiberius and Gaius Gracchus, wife of Scipio Aemilianus, I would not snatch you up, injecting you in any inappropriate fashion by means of malignant report into grave male affairs.[80] On the contrary, since you were produced before the People by a tribune of the Plebs at a time of the greatest confusion but did *nothing* to diminish the grandness of your family, I shall proffer an honoured memory. Forced to stand at that place where the leaders of our state are accustomed to appear troubled, you faced a mighty power bearing down on you with a savage demeanour and uttering threats; the ignorant multitude clamoured; the whole Forum

[77] Ibid. 326. This is an assertion that invites elaboration. See Appendix 3.

[78] Quintil. 8.6.53.

[79] It was, to indulge the extended hypothesis, a claim that the elite found outrageous (on multiple grounds) but that the 'mob' found strangely attractive. Was Sempronia collateral damage? (See n. 88.)

[80] Note that Jane Gardner (*Being a Roman Citizen* [London and New York 1993] 105-6) offers a very different interpretation of this sentence.

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> with a fierce earnestness strove to have you offer a kiss to Equitius, claiming a false right to membership of the Sempronian clan as the son of your brother Tiberius. You, however, repelled this portent drawn up from which dark shadow I do not know, as he advanced with execrable daring to claim a propinquity that was not his.

Valerius Maximus was (or affected to be) ill at ease in transmitting this item, drawing as it did the reluctant Sempronia on to the stage a second time (even if in a literary commemoration which must ultimately redound to her credit).[81] 'And so, Sempronia, sister of Tiberius and Gaius Gracchus, wife of Scipio Aemilianus, I will not snatch you up, inserting you in a discordant fashion into grave male affairs by means of malignant report (*itaque te, Sempronia, Ti. et C. Gracchorum soror, uxor Scipionis Aemiliani, non ut absurde gravissimis virorum operibus inserens maligna relatione comprehendam*).[82] Was Valerius so embarrassed for the sake of the estimable Sempronia in the case of an issue that touched her only tangentially, in so far as her brother had fathered a bastard child outside of Rome?[83] And/or in so far as the impulsive and importunate appearance of that *nothus* threatened public stability in the vain use of her family's name? *Maligna relatio* (with regard to her) was not Valerius' intention – and would, he emphasises, be inappropriate. And yet he is still uncomfortable affording her celebrity – and will make amends (*honorata memoria prosequar* [loc. cit.]). Is it the fact that the report *itself* might be seen as malicious that concerns Valerius? Was it simply the shame of public appearance? (*quid feminae cum contione? si patrius mos servetur*, *nihil* [Val. Max. loc. cit.]).[84]

[81] Valerius Maximus was instinctively concerned with the issue of women in public. But this we know from *another* set of *exempla* (at 8.3, falling as it does, in the first part of Book 8, within a series of largely negative items). He is not here concerned with that particular issue. At 3.8, he is interested in those individuals who courageously exhibited *constantia* in untoward circumstances. It is within this framework that he is so embarrassed by the context within which he must place Sempronia's act of courage – and it is with this context that this paper is concerned.

[82] As Shackleton Bailey translates in the Loeb edition: 'it will not be my aim to comprise you in a malicious narrative.'

[83] An apparition from Firmum in relatively distant Picenum and from the shadows (a fusion of Val. Max. 3.8.6 and 9.15.1).

[84] The strength of his feeling in this regard is apparent at 8.3.3, where he writes about Maesia of Sentinum, Carfania and Hortensia: 'Nor shall I be silent about those women whose natural conditions and the modesty of the matron's robe could not keep silent in the Forum and the courts of law' (trans. Shackleton Bailey).

We would not want to underestimate in any way Valerius' discomfort in treating this episode (discomfort, that is, from the point of view of conventional manners): the paradox of celebrating Sempronia's courage and, at the same time, swallowing the sheer distastefulness of picturing a woman in such limelight. See here the interesting gloss by Jane Gardner (n. 80) 105-6 (even though she shows an incautious readiness to date the item with certitude [to 102] – and to make Sempronia's tormentor, 'the tribune Equitius' [sic]).

All the same, the difference was manifest (the other three examples represented cases of voluntary intrusions onto the public stage) and Sempronia's appearance,

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Valerius' diffidence here, at 3.8.6, is certainly in marked contrast with the way in which he presents the other women who appeared in public. His uneasiness is underlined by the apostrophe. The use of that figure of speech is scarcely unique to this item; it can be seen as a part of Valerius' declamatory habit, used as a means 'to collapse the distance between author, text, and reader', and a feature of his style.[85] But it is *also* there, in many cases, to emphasise the author's self-consciousness;[86] we would draw attention to the association of apostrophe and what Martin Bloomer calls the 'posture of doubt'.[87]

If the speculation offered above is entertained, rumour may have touched Sempronia more deeply. *Domestica quies* had been shattered by public sedition (Val. Max. 3.8.6). This is often translated as peace at home (as opposed to abroad). We wonder. Does it not rather mean that her private life had been invaded? *Domesticus* is used by Valerius in such a way at 3.2 *ext*. 6 (*in domestico lectulo moriens* – dying in one's own bed). As Syme's paper argued, sexual transgressions may have been considered frequent and accusations of infidelity part and parcel of rhetorical fencing; it was the accidental product of such liaisons that was unspeakable. Was this the abhorrent nature of Equitius' ghastly and repellent claim?[88]

Conclusion

In sum, we have suggested that Scipio, in clear condemnation of his cousin and brother-in-law, pronounced an Homeric tag that, at its most obvious, vindicated Gracchus' assassination; but also that he probably expected those who heard him to contextualise the verse and equate Gracchus with the mythical Aegisthus whose villainy was beyond the pale. Again, at its most apparent, the reference likened Gracchus to a tyrant (possibly a populist one) – perhaps inspired by Pacuvius' tragedy, the *Dulorestes*. The context also provides a domestic allusion: Aegisthus had been treacherous and his treachery hurt the family. (Aegisthus, at the general level, was an illegitimate interloper; more specifically, his perfidy injured his cousin,

as we noted above, enabled her to demonstrate her reluctant courage to the world – and was worthy of celebration. (She did nothing unworthy of the *amplitudo* of her family [loc. cit.].)

We would cautiously suggest that there might be more to it.

85 M. Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility* (Chapel Hill and London 1992) 252-3; cf. B. Sinclair, *Valerius Maximus and the Evolution of Silver Latin* (PhD Dissertation, University of Cincinnati 1980) 72-80; 88-9.

86 Bloomer (n. 85) 253.

87 Ibid. 249.

88 We refer back to n. 79. Ron Ridley raises the obvious challenge to this line of thought (not, we reiterate, reflecting any 'reality', but a conjectured line of popular gossip): Appian reports that Sempronia was childless (*BC* 1.20.83). That point is taken. Appian is referring, at this point, to her marriage to Scipio, but his observation is, as Ridley observes, categorical. As we said earlier, the rumour of Tiberius Gracchus' and Sempronia's serious moral delinquency (if it circulated at all) made no purchase on the historical tradition. Appian was ignorant of any such rumour.

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Agamemnon, the king of kings.) The familial milieu invited auditors to consider Gracchus' place as Scipio's cousin, with Scipio identifying himself with Agamemnon betrayed. Perhaps Scipio intended to leave it there, perhaps not. In any case, interpreters of the apophthegm (which was transmitted in different ways and which met with similarly diverse receptions) would have been able to run with the analogy and cast Scipio's maxim as a denunciation of his cousin in a monstrous light: Gracchus' adulterous incest with Scipio's unloved wife, Gracchus' sister, Sempronia (for which, we reiterate as emphatically as is possible, there is no independent testimony). Such a reading, if it circulated, can only have been fuelled by the subsequent suspicion that Sempronia had been murderously involved in the unexpected death of Scipio in 129. (Perhaps the latter scuttlebutt excited the recirculation of Scipio's original pronouncement, exegetically enhanced.)

It is known that, c. 102-100, the otherwise obscure Lucius Equitius gained considerable popularity by claiming to be the natural son of Ti. Gracchus. We have explored the possibility that the rumour of incestuous union between Gracchus and his sister had taken a perverse hold on the popular imagination, and that Equitius was seen as the product – not in calumny (though the Gracchan family could only have regarded it as such), but in celebration. It was Sempronia who was asked to confirm Gracchus' paternity of the pretender.[89] Valerius Maximus struggled (or, at least, professed discomfort) with his reportage of the incident. Was his celebration of her courage in facing this threat to her honour greater than the disgrace he risked inflicting upon her by recording the event (the full horror of which he will not spell out)? One thing can be said with certainty; Sempronia would lend no credence to what she chose to portray as a travesty, even if it was perpetrated by those who professed to revere her brother's memory.[90]

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[89] We do not see a need to doubt the authenticity of this item, *pace* Harders (n. 60) 136.

[90] The crowd chose not to follow her direction. Nothing daunted, Saturninus continued to push the claims of Equitius, who went on to an ill-fated tribunate.

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Appendix 1. Did Asellio transmit the Apophthegm (and in what manner)?

Diodorus is generally believed to have derived this item from Poseidonius; in fact, the item is generally accounted a fragment of the latter (frag. 1110f. *FGrH*); see, e.g. A.H. Bernstein, *Tiberius Sempronius Gracchus. Tradition and Apostasy* (Ithaca and London 1978) 225 n. 74. Perhaps Poseidonius served, as we have said above, as Plutarch's source as well.[91] To seek the ultimate source for the incident, since any words of Scipio were of sufficient historical significance to be ensured wide distribution, is perhaps unnecessary (report would have outstripped record); yet we suggest that it may have been recorded in the work of Sempronius Asellio.[92] Asellio served under Scipio at Numantia as a military tribune, and Aulus Gellius, who is the source for that datum (*NA* 2.13.3), specifically reports that Asellio wrote an account of 'the things in which he himself participated'; and, more to the point, indicates that he recorded the pronouncements of Scipio.[93] If we are correct in identifying Asellio as one who passed on Scipio's denunciation of Gracchus, the *dictum* was, then, 'confirmed' in the transmission by a primary source, the item, however, being in circulation well before Asellio published.[94]

Whilst contemplating the transmission of the item, it is not irrelevant to remark upon the antithetically variant readings to which it might have been subjected in a polarised community. If Asellio conveyed the

[91] For instances of Plutarch's use of Poseidonius, see H. Peter, *Die Quellen Plutarchs in den Biographieen der Römer* (1865/Amsterdam 1965) 56, 75, 77, 103-5, 114, 141; W.C. Helmbold and E.N. O'Neil, *Plutarch's Quotations* (Baltimore and Oxford 1959) 64.

[92] Against this source attribution, however, must be set the observation that Asellio seems to have been little utilised before he 'found favour with Gellius' (M. Pobjoy, in T.J. Cornell [ed.], *The Fragments of the Roman Historians* [Oxford 2013] I, 277) – and, we might add, is never cited by Plutarch. That, of course, is an argument from silence. In any case, the apophthegm need not have reached Poseidonius, Diodorus or Plutarch from Asellio directly.

[93] One example survives; *Histories*/*Res Gestae* Bk 4, frag. 5 Peter; 6 Chassignet and Cornell [= Gell. *NA* 13.3.6]. It is worth noting that this maxim extolling the virtues of cautious military leadership (which Scipio, according to Asellio, ascribed to his father, Aemilius Paullus, but which was sometimes attributed in the later tradition to Scipio as his own) was apparently delivered by Scipio during the Numantine campaign (and was thus probably heard by Asellio at first hand). See App. *Hisp*. 87.379 (for the context); cf. Val. Max. 7.2.2.

[94] Cic. *Leg.* 1.6 indicates that Asellio was writing after L. Coelius Antipater (who, it is thought, was writing around 110 [J. Briscoe, in Cornell (n. 92) 257]) and an allusion to a shoemaker's knife, conventionally taken to be a reference to the death of M. Livius Drusus (*Histories* 14, frag. 11 Peter; 13 Chassignet and 11 Cornell [= Gell. *NA* 13.22.8]), would indicate that Asellio's work was published after 91; cf. J. Briscoe, in Cornell (n. 92) 1, 308.

The focussed monograph of Polybius, dealing with the Numantine campaign and registered only at *Fam*. 5.12.2, ought not to be ruled out as another possible source – although it probably focussed on Scipio's military achievements, eschewing the distractions of 'sordid' internal politics. If, however, it did record the item (Polybius being another retailer of Scipionic apophthegms), we have another first-hand source.

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anecdote, did he – as one who believed that the value of History lay in its delineation of that which was admirable and that which was disreputable (frag. 2 Peter, Cassignet and Cornell [= Gell. 5.18.9]) – present Scipio's delivery of this 'maxim' in a neutral sense; by way of criticism of Scipio's callous assessment of his kinsman's demise; or by way of endorsing Scipio's judgement: the weighty verdict of a sage *princeps*? In the bitterly divided state following Gracchus' death, we know that one sector of the community (Plutarch characterises that group as the *dēmos*) saw this as to the discredit of Scipio (see n. 12). And Asellio? Mark Pobjoy is tentatively inclined to see a hint of sympathy for Gracchus in one of the two surviving fragments that pertain to him.[95] We, on the other hand, are inclined to see a critical attitude in the other fragment (*Histories* 5, frag. 6 Peter, 7 Chassignet and Cornell [= Gell. *NA* 2.13.4], a reference to the extraordinarily large retinue that followed Gracchus about); the quality of those composing the unruly entourage is known to be a criticism laid against Gracchus by Q. Metellus Macedonicus (*contra Ti. Gracchum* frag. 3 Malc. [= Plut. *TG* 14.3]). Moreover, Asellio's report of Scipio's endorsement of his father's military advice has a reverential tone (see above, n. 93). It seems more likely to us that Asellio, if he included this item in his work, would have sanctioned, whether explicitly or implicitly, Scipio's grave sentence upon Gracchus. The point is, as we have suggested in the text above, that the maxim thus deployed probably became the site of contested readings – and perhaps exegesis.

Appendix 2. Was Scipio familiar with Pacuvius' *Dulorestes*?

> *extemplo Aegisthi fidem / nuncupantes conciebunt populum* (Nonius 90, 5 = Pacuvius *Dulorestes* 140-141 Ribbeck[2]; 142-143 Warmington; 163-164 D'Anna; 100 Schierl)[96]
>
> Forthwith, those proclaiming the pledge of Aegisthus will incite the *populus*.[97]

Therein, Aegisthus would seem to be painted as a populist tyrant. Ditto, given the line from Nonius 181, 20M (frag. 149 Ribbeck = 144

[95] Asellio 5, frag. 7 Peter; 8 Chassignet and Cornell [= Gell. 2.13.5] records Gracchus' tearful appeal to the People on the eve of his death; cf. Pobjoy (n. 92) I, 275; III, 282.

[96] Nonius is explaining that *conciere* here means *cum perturbatione commovere*. He also makes the attribution of the lines to the *Dulorestes* explicit, though he ascribes the play to Ennius (!). A play of Ennius bearing that title is nowhere else attested; hence the fragment is always assigned to Pacuvius.

[97] Petra Schierl translates 'immediately, publicly declaring loyalty to Aegisthus, they will incite the People (sogleich, die Treue zu Aigisthos öffentlich erklärend, werden sie das Volk aufhetzen)'; *Die Tragödien des Pacuvius: ein Kommentar zu den Fragmenten mit Einleitung, Text und Übersetzung* (Berlin and New York 2006) 260. Schierl usefully discusses the possible interpretations of the lines, and is rightly confident that *fides Aegisthi* must refer to an alliance between the citizens and Aegisthus (261).

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Warmington = 168 D'Anna = 115 Schierl [*heu, non tyrannum novi temeritudinem*]), open to the charge of temerity. We suggest that Scipio would have found the association attractive and that he is likely to have been familiar with this material. That assertion will benefit from elaboration. Leaving aside Pacuvius' general celebrity (which is too well established to require elaboration here), Ennius' nephew was no stranger to the Scipionic house.[98] He was Laelius' *amicus* and *hospes* (Cic. *Amicit.* 24);[99] his *praetexta*, entitled *Paulus*, his sole *praetexta* so far as we know, almost certainly celebrated Scipio's father, L. Aemilius Paullus, and quite possibly was commissioned by Scipio and his brother for the funeral games commemorating Paullus.[100] Perturbations arise (Sir Ronald Syme might have said) from the fact that the *Dulorestes* is usually accounted one of Pacuvius' last plays (the poet died in 131/130);[101] that it was regarded (by the reading of some) as 'recent' in 129; and that Scipio had left for Spain in early 134. (In such a case, memories of the *Dulorestes* might be thought less likely a part of the cultural baggage that Scipio had taken

98 On that celebrity, see, *inter alia*, G. Manuwald, *Pacuvius. Summus tragicus poeta. Zum dramatischen Profil seiner Tragödien* (München/Leipzig 2003) 16-19, and Boyle (n. 23), 87-100. On connections with the so-called 'Scipionic circle', see e.g. Schierl (n. 97) 3-4. Scipio, it might be imagined, would have appreciated the learned aspect of Pacuvius' art, upon which, see e.g. Schierl (n. 97) 64-5 (for ancient appreciations of Pacuvius' *doctrina* and *elegantissima gravitas*); cf. G. D'Anna, 'La dottrina di Marco Pacuvio', in D'Anna, *Problemi di letteratura latina arcaica* (Roma 1976) 173-97.

99 This is a datum which W. Beare (*The Roman Stage* [London 1950, 3rd edn rev. 1964] 79) would treat cautiously, lest it be 'a touch of fiction', but most do not. See, however, the caution of Gesine Manuwald (*Roman Republican Theatre* [Cambridge 2011] 210), wary of Cicero's idealisation – whilst not rejecting the indication of Pacuvius being a part of the cultural milieu wherein was to be found Scipio, Laelius, Terence, and Lucilius.

100 See e.g. Boyle (n. 23) 88, 106-8. Debate still occurs as to whether the subject was L. Aemilius Paullus' death at Cannae or his son's victory at Pydna, and whether the play was performed on the occasion of the latter's triumph in 167 or at his funeral games in 160 (the implication of the last item being that these will have been organised by Scipio Aemilianus and his brother). Cf. M. Valsa, *Marcus Pacuvius. Poète tragique* (Paris 1957) 50-1 (evaluating all possibilities, but preferring to envisage a play that celebrated Pydna and Scipio's father, performed at the latter's funeral games); G. Manuwald, *Fabulae praetextae. Spuren einer literarischen Gattung der Römer* (München 2001) 180-96, see esp. 185 (for a registration of relevant modern scholarship on the subject of the play); 186 n. 141 (ditto, for the occasion of the play's performance); cf. *Roman Republican Theatre* (n. 99) 210. Our reading suggests that the greater number of scholars subscribe to that hypothesis – though Harriet Flower problematises any easy assumptions in this regard ('*Fabulae praetextae* in Context: When were Plays on Contemporary Subjects Performed in Republican Rome?', *CQ* 45 [1995] 170-90, at 179 and 186-7). Adherence to one or other of these theories does not affect the observation here (of a connection between Pacuvius and the Scipionic household).

101 Thus, R. Helm, 'Pacuvius 6', *RE* XVII, 2, see esp. col. 2165, 28-31. See also the speculation by Bronislaw Biliński (*Accio ed i Gracchi. Contributo alla storia della plebe e della tragedia romana* [Rome 1958] 26) that the *Dulorestes* was created with the Sicilian slave revolt of the mid-130s in mind; cf. Biliński, '*Dulorestes* de Pacuvius et les guerres serviles en Sicile', in *Hommages à Léon Herrmann* (Coll. Lat. 44, Berchem-Bruxelles 1960) 160-70.

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with him to Spain.) These concerns seem less substantial upon reconsideration. Pacuvius was born in 220 and died, in virtual 'retirement' at Tarentum, just short of the age of ninety.[102] The tragedian's lines that have been used to date the play (representing a celebrated scene between Orestes, Pylades and an unnamed persecutor [unnamed, that is, in the surviving fragment – but taken by some to be Aegisthus]) are said by 'Laelius' in the *de Amicitia* (24), dramatically dated to 129, to have belonged to a *nova fabula* performed recently (*nuper*).[103] A number of points undercut certainty as to the application of the latter observation to the *Dulorestes* and the date of its performance. First, the term *nuper* does not permit chronological precision; a play performed in 135 might still fill the bill.[104] More significantly, it is likely that the lines emanate from Pacuvius' *Chryses*.[105] In this case, the date of the *Dulorestes* remains unknown. Yet scholars have persisted in regarding *Dulorestes* as a 'late' play – albeit in most cases, not so late as to preclude Scipio having seen the play in performance before 134. Bronislaw Biliński, contentiously, saw Pacuvius prompted by a degree of sympathy with the victims of slavery and by the conditions that gave rise to the Sicilian slave revolt of the mid-130s (*Accio ed i Gracchi. Contributo alla storia della plebe e della tragedia romana* [Rome 1958] 26); exploring that theme more fully, he posited that the thematic proximity of the two plays suggested that the *Dulorestes* and the *Chryses* were written successively ('*Dulorestes* de Pacuvius et les guerres serviles en Sicile', in *Hommages à Léon Herrmann* [Coll. Lat. 44, Berchem-Bruxelles 1960] 160-70). Even still, he dated the *Dulorestes* earlier, assigning the *Chryses,* on the evidence of 'Laelius' to 135-134, the *Dulorestes* to 140-135. Whether or not the choice of material allows such a putative dating remains open to question; cf. Schierl (n. 97) 247. Manuwald tentatively proposes (*Pacuvius* [n. 98] 143), based on a premise of the growing intricacy of Pacuvian plot-structures, that one can, in the absence of evidence for an absolute dating, discern a relative chronology. On the basis of its complexity, Manuwald would place the *Dulorestes* with the *Chryses* (which she dates 'around 130') amongst the 'late' plays. (This is usefully glossed in *Roman Republican Theatre* [n. 99] 214-5.) Her

[102] For the relevant calculations, Helm (n. 101) cols 2159-60. As regards the date of his death there is more or less consensus; e.g., 'around 132': Valsa (n. 100) 7; '130': Manuwald (*RR Theatre* [n. 99]) 209.

[103] For the lines, as tentatively placed by Warmington, see *ROL*, frags 163-6 W [= Cic. *Fin.* 5.63; cf. 2.79].

[104] It is 'inexact', as Helm says (n. 101) loc. cit. The period covered by the term might refer to scores of years; L. Holford-Strevens, *Aulus Gellius: An Antonine Scholar and his Achievement* (Oxford 2003) 16, n. 26; cf. Beness (n. 9) 64 and nn.10-11. In the *de Amicitia*, most relevantly, the events of 133 are spoken of as 'recent', the penalty paid by Gracchus a *recentem poenam* (41).

[105] As argued by O. Jahn, 'Satura', *Hermes* 2 (1867) 225-51, at 233; cf. J.G.F. Powell, *Cicero. On Friendship and The Dream of Scipio* (Oxford 1990) 92; Manuwald (n. 98) 50 and n. 13; Schierl (n. 97) 218-19.

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argument is learned and her authority in this regard high, yet an argument which accords such productivity to an aged tragedian must remain speculative.

But let us suppose, for the sake of argument, that (i) the *Dulorestes* was, indeed, one of Pacuvius' last plays (and that, as we have seen, is not based on explicit evidence); and (ii) Pacuvius, having produced a play, we know, when he was eighty years old and in quasi-retirement at Tarentum (Cic. *Brut.* 229; and at a time, we also know, when he found old age 'enfeebling' [Gell. *NA* 13.2.2]), produced the *Dulorestes* in his late 80s (he will have been between 86 and 89 years old) sometime between 134 and 131 (that is, whilst Scipio was absent from Rome). In that case, we might entertain two alternative options: (i) that Scipio did not need to be in Rome to be in receipt of one of Pacuvius' plays; or (ii) that Scipio's *dictum* did not draw upon Pacuvius' play, but inspired it.

Appendix 3. Bastardy in Roman Republican Scuttlebutt

As mentioned above (see nn. 76-77), Sir Ronald Syme suggested that the Roman oligarchy was inclined to suppress 'uncomfortable' rumours of illegitimate births that affected its ranks ('Bastards in the Roman Aristocracy', *PAPhS* 104 [1960] 323-7, at 324). The hypothesis is an interesting one, and matches the argument of this article. (Cf. Catharine Edwards, *The Politics of Immorality in Ancient Rome* [Cambridge 1993] 49-50, who takes on board Syme's observation – and underlines it, exploring ways in which the offspring of adultery might have been few.) But when Syme says '[t]ransgression being so common, and language so free, one looks for allegations that a man is not the true son of his ostensible father. And one looks in vain' (325), the last part of that observation is not strictly correct. One thinks of the item vouchsafed by Plutarch (*Cic.* 25.4) in illustration of Cicero's unrestrained wit. One of the sons of M. Crassus (cos. 70, 55) so much resembled 'a certain Axius' as to cast doubt on his mother's good name (a reputation compromised by other allegations, we read in Suet. *Div. Iul.* 50.1). Taste would not prevent Cicero from playing on the theme. When the younger Crassus had made a successful senatorial speech, Cicero proclaimed (in Greek) *Axios Crassou*. Syme was perhaps thinking that an Axius was not one of the nobility. That is true, but the Axii had reached the lower ranks of the senate by the Late Republic (*SIG*^{3} 747; Varro *RR* 3.2.1; cf. *RE* 'Axius' 4 and 7; *MRR* 2. 115, 433, 475; 3. 33; T.P. Wiseman, *New Men in the Roman Senate 139 B.C. – 14 A.D.* [Oxford 1971] 216 [nos 61 and 62]; M.H. Crawford, *Roman Republican Coinage* [Cambridge 1974] I 411-12 [no. 400], patronymics indicating more than a nuclear family in play) – and so belong in this discussion. To this may be added Cicero's slur against the paternity of Q. Metellus Nepos (Plut. *Cic.* 26.6 [= *Apophth. Cic.* 6 = *Mor.* 205A]).

Patrick Tansey makes the valid point here that these were the type of jibes that no-one was supposed to take literally. Snide remarks such as these were common currency – but not such that we should expect that

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they were underpinned by common gossip. Hence, perhaps, they were not entertained by Syme.

One other item perhaps deserves more attention. Syme was confining himself to a discussion of bastard *sons*. Beyond that confinement, we might note Cicero's apparent allusion in the *In Toga Candida* (frag. 19 Crawford) to the fact that Catiline, in marrying Aurelia Orestilla, had married his own daughter by adultery with the young woman's mother. Asconius (91C) comments that 'it was said' (*dicitur*) that Catiline had committed adultery with the woman who would subsequently become his mother-in-law and that Catiline's wife was the product of that union (a further reminder that there were very few limits both to the enormity of crimes that polemic would posit and that popular gossip would transmit). Tansey will deal with the Orestilla case in a fuller paper.

The allegations were clearly not beyond the bounds of Roman imagination or accusation. But Syme's main point stands. The idea of cuckoos in aristocratic nests was not something dwelt upon.[106]

[106] On the status of an illegitimate child: this article was already in page proofs when Andrew Stiles drew our attention to a study by P. Floris ('Lucius Equitius insitivus Gracchus', *AFLC*, n.s. 26 [63] [2008] 5-17), which explores the question of Equitius' social standing. It deserves more attention than can be offered here. Floris' closing observation that Equitius could not claim social legitimacy other than through the status of his mother has potentially staggering ramifications for the argument presented in this article, in that it potentially gives a biting edge to what it was that Saturninus was cruelly asking of Sempronia.

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