THE ABSENT SENATOR OF 5 DECEMBER 63 B.C.

Video de istis, qui se populares haberi uolunt, abesse non neminem, ne de capite uidelicet ciuium Romanorum sententiam ferat. is et nudius tertius in custodiam ciues Romanos dedit et supplicationem mihi decreuit et indices hesterno die maximis praemiis adfecit. iam hoc nemini dubium est, qui reo custodiam, quaesitori gratulationem, indici praemium decrerit, quid de tota re et causa iudicarit. (Cic. *Cat*. 4.10).

Who was this man? That is the question this article attempts to answer. But before we can tackle it directly, there are two prerequisites. The first is to dispose of the mistaken view, supported by some works of reference and held by some editors and translators, that Cicero is referring not to one man, but to several; the second is to examine the passage in its context.

I

Non nemo can logically mean 'someone' or 'more than one'. Are both these expressions, or is only one of them, a correct translation of the Latin in this present case? The guidance of grammars and dictionaries is here divided. Some seem to say that 'someone' is the only meaning;[1] others, that the reference is always plural;[2] and yet others, that it may be either singular or plural.[3] Unfortunately, the portion of the *Thesaurus Linguae Latinae* for words beginning with N is not yet available.

Among editors and translators I have consulted, only two assume a single person is meant.[4] The rest speak of several.[5] These have to justify *is* in the next sentence, which to my mind clinches the issue in favour of one man. Their interpretation of *non neminem* calls for a plural translation of *is*, and their attempts are unconvincing.[6] Some seek to dispose of the difficulty by supposing that *is* refers to Caesar.[7] This is impossible. The sentence *is—adfecit* is patently an observation on the action of the absent senator (or senators) and not on what has been said before that about Caesar's *sententia.* Then follows the conclusion to be drawn from this observation, which can only refer to the absent senator and not to Caesar.

The dictionaries and grammars cite six passages, besides *Cat.* 4.10, in which the phrase *non nemo* occurs: Varro, *Rust.* 2.11.7; *Ad Her.* 2.35; Cic. *Caec.* 79; *De imp. Pomp.* 62; *Mur.* 84; *Pis.* 10. The reader who examines these passages in their context

[1] A. Forcellini, *Totius Latinitatis Lexicon* (1869) (*aliquis*); H. J. Roby, *Grammar of the Latin Language* (London 1891), 2.471 §2264 ('someone'); K. P. Kennedy, *Latin Primer*, rev. J. P. Mountford (1924), 169 §397 ('somebody'); R. W. Moore, *Comparative Greek and Latin Syntax* (London, 1934), 171 ('someone').

[2] Lewis & Short (1879) ('some, many a one'); R. Klotz, *Handwörterbuch der lateinischen Sprache*, vol. 2 (1968) ('Manche, Eine und der Anderer'); *OLD* (1976) ('some persons, a few').

[3] C. T. Lewis, *Elementary Latin Dictionary* (Oxford 1890) ('many a one, someone and another, somebody'); R. Kühner and C. Stegmann, *Ausführliche Grammatik der lateinischen Sprache* (1964), 1.825 ('an eine oder mehrere bestimmte Personen').

[4] G. Long (London 1856) ('somebody'),' C. Macdonald (Loeb, 1977) (a certain person').

[5] J. S. Wilkins (London, 1881) ('many a man'); J. C. Nicoll (Cambridge, 1902) ('several'); L. E. Lord (Loeb, 1937) ('some of these'); H. Bornecque (Budé, 1965) ('plus d'un');M. Grant (Penguin, 1969) ('some').

[6] Thus Nicoll ([n. 5] 'men like these' or 'such an one'); Bornecque ([n. 5] 'les mêmes hommes'). Wilkins [n. 5] observes that here Latin practice differs from English, and cites *Tusc.* 1.31, where *optimus quisque* = *optimi* is followed by *is.*

[7] Lord (n. 5); Grant (n. 5); A. M. Ward, *Marcus Crassus* (Columbia, MO, and London, 1977), 189.

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will, I trust, agree that in *Caec.* 79 as well as in *Cat.* 4.10, and probably also in *Mur.* 84 (so at least Kühner–Stegmann [n. 3]), the reference is to a single person, and in the other passages to several.

There are two additional reasons why we should be confident that our interpretation of the Latin is correct:

(1) This is how the Gronovian scholiast understands the passage.[8] His language was Latin, and he was familiar with Cicero's style, so that, although he may not always understand his arguments, he was better able to see his meaning in a case of this kind than we are.

(2) If *non neminem* means 'several' here and *is* 'they', Cicero is claiming that all (or most) of the absent *populares* spoke as he says they did on the two previous days. This would be more difficult for him to remember on the spur of the moment than the previous conduct of one man only, though later he was in a position to check.

II

As to the context, the fourth Catilinarian—whenever it and Cicero's other political speeches of 63 were first published in the form in which we have them[9]—was delivered to the Senate on 5 December in the course of the debate on the punishment to be meted out to the Catilinarians convicted on 3 December. From §7 (*uideo duas adhuc esse sententias, unam D. Silani* [consul designate, for death], *alteram C. Caesaris* [for life-imprisonment]) and §24 (*decernite diligenter, ut instituistis*) it is clear that the process of *interrogatio* had begun, but not ended. We know from *Att.* 12.21.1 that the other consul designate, Murena, and all the consulars present had assented to Silanus' *sententia.* Caesar had spoken as one of the praetors designate (Suet. *Iul.* 14.1), who were questioned next. Silanus had not yet reinterpreted his *sententia*, as Plutarch (*Cic.* 21.4) and Suetonius (loc. cit.) say he did, and though Cicero stresses the need for a decision now (§6), this need not imply that Nero had made his proposal for an adjournment (Sall. *Cat*. 50. 4). We do know that another praetor designate, Cicero's brother Quintus, among others, had assented to Caesar's proposal (Suet. *Iul.* 14.2). Probably Cicero judged after a few such assents that there was a danger that Caesar's proposal would carry the day, and decided to intervene, being himself being in favour of the death penalty, despite its implications for himself personally (§§1, 9). Further opinions should be given in the light of what he is saying now (§24).

§§7—11 are largely devoted to a discussion of Caesar's *sententia* and the passage about the absent senator is inserted towards the end of this discussion. But, if he is a consular, as is highly likely for his absence to be conspicuous, Cicero's use of the

[8] *Non neminem: Q. Metellum dicit. obliquat eum* (Stangl 289.19, who so emends *obligat.* We need not concern ourselves with what he means by this phrase).

[9] It is usually inferred from *Att.* 2.1.2 that they were published by Atticus in 60, but W. C. McDermott, 'Cicero's publication of his consular orations', in *Philologus* 116 (1972), 277–84, argues for a date soon after delivery, and denies that they were subjected to any revision by Cicero. But at least one correction to one of them, the first Catilinarian, is fairly certain. In §21, as we have it, he imagines the violent reaction of the Senate if he were to suggest that P. Sestius or M. Marcellus were to be exiled, in contrast with Catiline, whose hypothetical departure meets with silence. These were excellent young men, but the context requires a more distinguished figure, and in Diodorus' version of the speech (40.5a) we have one in Catulus. Surely he was named in the spoken version, and after his death in 60 Cicero will have substituted these other names. See T. Reinach, 'Catulus or Catilina?', *REG* 17 (1904), 5–11; F. Münzer, *RE* 13.2091; and J. von Ungern-Sternberg, 'Ciceros erste catilinarischer Rede und Diodor XL 5a', *Gymn.* 68 (1971), 47–54.

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present tense (*uideo . . . abesse . . . ferat*) is a little strange. He has completed his questioning of the consulars, but notices for the first time the absence of one of them. It would be more natural to refer to this significant absence at the beginning of the debate, when he looked round to see who, among the active and senior senators, was not in his place. Is it possible that this was in fact what he did, and that we have here another example of revision of a consular speech, like that referred to in n.9?

In favour of this hypothesis is the occurrence, at the beginning of §6, of the sentence *sed ego—censeatis.* Here, surely, is the *relatio* which opened the debate.[10] Then §§1–5 may reproduce the introductory remarks leading up to the formal *relatio*, and the passage in §10 about the absent senator may belong with them, and have been transferred to a later position, albeit without a change of tense.

But if so, the transference calls for a justification, and one is ready to hand. The passage marks the similarity of the absent senator's stance with Caesar's. In §9 Cicero has paid tribute to Caesar because his *sententia* shows that though he follows the policy known as 'popular', he, unlike the thoughtless rabble-rousers, is genuinely concerned for the good of the people. The absent senator, who is also one of those who like to be thought popular, has nevertheless shown by his *sententiae* of 3 and 4 December that he judges the whole issue rightly. Thus Caesar and the absent senator are alike. Both belong to the popular tradition, but both condemn the conspirators. Both, as *populares*, have to respect the *lex Sempronia*, passed by C. Gracchus, forbidding a capital sentence on a Roman citizen not authorized by the People, but find on this occasion different ways of showing their respect: Caesar by proposing a penalty short of death, and the other by absenting himself. Having, by implication, made this point, Cicero goes on to say that in his view the *lex Sempronia* does not in fact apply in this case.

III

Most of the historians who have given attention to the passage ignore the notion that more than one man is referred to,[11] and suppose that one man to be M. Crassus, and nearly all of them appear to rest their belief on this passage alone.[12] But Christian Deknatel[13] had referred also to *Att.* 12.21.1, where Cicero listed the names of the

[10] The view that §6 refers to a second *relatio*, calling for all the senators who had spoken so far to give their *sententiae* again (M. Gelzer, 'Caesar' [Eng. tr. Oxford, 1969], 52; J. von Ungern-Sternberg, 'Untersuchungen zum spätrepublikanischen Notstandsrecht', *Vestigia* 11 (1870), 93; K. Vretska' s commentary on Sallust's *Catiline* (1976), 504, 506–7) is untenable. Two *relationes* on a single issue at a single meeting would be unparalleled and indeed absurd. Senators could hardly be expected to provide two formal *sententiae.* Scholars have been misled by the fact that both Silanus and, it seems, Catulus, did speak again, and by the expression *tamquam integrum.* But it was quite in order for individual senators to ask the presiding magistrate for permission to speak between *sententiae*, and for him to do so at length if he wished (Mommsen, *Staatsrecht* 3.985, 942–3). As for *tamquam integrum*, this refers specifically to the question *de facto quid iudicetis*, on which, as Cicero has just said (§5 *ad fin.*), the Senate had already pronounced on 3 December.

[11] An exception is W. Drumann, *Geschichte Roms*, 2nd edn, ed. P. Groebe, 5 (1919), 5.127 (on Cicero).

[12] E. G. Hardy, 'The Catilinarian conspiracy in its context', *JRS* 7 (1917), 211 = *The Catilinarian Conspiracy* (Oxford, 1924), 87–8; Rice Holmes, *Roman Republic* (1923), 1.274; A. Garzetti, *M. Licinio Crasso, l'uomo e il politico, Athenaeum* 20 (1942), 39; M. Gelzer, *Cicero* (Wiesbaden, 1969), 98; A. B. Marshall, *Crassus* (Amsterdam, 1976), 80 with n. 75 (no report of his *sententia*).

[13] *De Vita M. Licinii Crassi* (Diss. Leiden, 1901), 42. Gelzer (n. 12), 98 does notice this passage, but does not connect it with *Cat.* 4.10.

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consulars who had voted for the death penalty. As Ward and Brunt have also recognized, this list virtually identifies Crassus as the absent senator.[14] All the consulars named by Cicero held office in the period 79–64. If the absent senator was one of this series, as is probable enough, he can be identified by a process of elimination. The series numbered thirty-two in all.

The fourteen named by Cicero were, in chronological order, as follows:[15]

79 P. Servilius (93) Vatia
78 Q. Lutatius (72) Catulus
76 C. Scribonius (10) Curio
74 L. Licinius (104) Lucullus
73 M. Terentius (Licinius 109) Lucullus
72 L. Gellius (17) Publicola
67 C. Calpurnius (63) Piso
M'. Acilius (38) Glabrio
66 M'. Aemilius (62) Lepidus
L. Volcacius (9) Tullus
65 L. Aurelius (102) Cotta
L. Manlius (79) Torquatus
64 L. Iulius (143) Caesar
C. Marcius (63) Figulus

Five were dead:

79 Ap. Claudius (296) Pulcher
78 M. Aemilius (72) Lepidus
75 L. Octavius (26)
C. Aurelius (96) Cotta
68 L. Caecilius (74) Metellus

Six are not known to have survived until December 63:

77 Mam. Aemilius (80) Lepidus
76 Cn. Octavius (22)
74 M. Aurelius (107) Cotta
73 C. Cassius (58) Longinus
72 Cn. Cornelius (216) Lentulus Clodianus
71 Cn. Aufidius (32) Orestes

One was in custody:

71 P. Cornelius (240) Lentulus Sura

One was absent from Rome on unspecified business (Sall. *Cat*. 40.5):

77 D. Iunius (46) Brutus

Three were absent on military duty:

70 Cn. Pompeius (31) Magnus, in the East
69 Q. Caecilius (87) Metellus (Creticus), in Apulia (Sall. *Cat*. 31.3)
68 Q. Marcius (92) Rex, by Faesulae (ibid.)

[14] Ward (n. 7), 189–90; P. A. Brunt, *Fall of the Roman Republic* (Oxford, 1985), 482 with n. 60.

[15] Cicero probably listed them in the order of interrogation. In this and the following lists the *RE* serial number is added after the *gentilicium*, so that the reader can know where to find details of each man's career.

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Only two consulars from the series 79–64 remain: M. Crassus (70) and Q. Hortensius (69). The latter's strong optimate views exclude him from consideration. He may have been indisposed that day.

Further arguments for Crassus being the man to whom Cicero refers are:

(l) He was a prominent senior senator whose absence would be conspicuous.

(2) Although he was basically conservative, and vulnerable, because of his wealth, to anything in the nature of a violent revolution, he could plausibly be described by Cicero as one who liked to be thought 'popular'. He had co-operated with Pompey in 70 to restore the rights of the tribunes.[16] In 65, his moves as censor, with respect to the Transpadanes and the kingdom of Egypt, both aimed at increasing his own influence, had been thwarted by his optimate colleague Catulus. Asconius believed that he and Caesar supported Catiline's candidature for the consulship in 64:[17] but if so, they dropped him when he began to plot revolution. At the beginning of 63 Cicero alleged that Rullus' agrarian bill had powerful supporters, and there is wide agreement among modem scholars that he means Crassus and Caesar.[18] He was suspected of privily supporting Catiline's conspiracy (Sall. *Cat*. 17.7), and some senators believed the accusations brought against him by Tarquinius on 4 December (ibid. 45.5).

(3) He had almost certainly been present in the Senate on 3 December, when he agreed to accept the custody of Gabinius, and probably also on 4 December, when his presence would prompt the clamorous protests of the house at Tarquinius' accusations. We know from *Att.* 12.21.1 that he was not present on 5 December; that this was due to the motive surmised by Cicero is plausible.

Drummond[19] has advanced the following objections to this view:

(1) Crassus was not a *popularis.* This opinion he bases entirely upon a brief pronouncement by Syme.[20]

(2) There is no independent evidence that Crassus attended the meetings of 3 and 4 December.

(3) Early in 61 he praised Cicero's consulship in the Senate (*Att*. 1.14.3). This is surprising if he had previously been hostile to the executions. Why does Cicero not comment in the letter on this change of stance?

(4) It is also surprising that Cicero allows this slight to remain in the published text of the speech in 60 after Crassus' public eulogy of 61.

(5) Crassus' real reason for absenting himself on the 5 December was indignation at the accusations of Tarquinius on the previous day.

These arguments will not stand up:

(l) It is not sufficient to appeal to Syme's statement to show that Cicero could not have referred to Crassus as 'one of those who like to be thought *populares*'. His career in recent years was a kind of justification (see above).

[16] Cic. *Corn. ap.* Asc. 76.5–9, with Asc. 10–11.

[17] Asc. 83.3–4, 18–22. Brunt, 'Three passages in Asconius' *CR* 7 (1957), 195 believed that this statement was based entirely on Cicero's posthumous *De consiliis suis*, but *et* in line 21 suggests that this was an additional source.

[18] *Leg. Agr.* 1.22, 2.23, 25, 98. See e.g. Holmes (n. 12), 1.242; Garzetti (n. 12), 34; Gelzer (n. 12), 72; A. M. Ward, 'Cicero's fight against Crassus and Caesar in 65 and 63 B.C.', *Historia* 21 (1972), 244–8; Marshall (n. 12), 75. *Per contra* G. V. Sumner, 'Cicero, Pompeus and Rullus', *TAPhA* 97 (1966), 569–82.

[19] A. Drummond, *Law, Politics and Power*, Historia Einzelschriften 93 (Stuttgart, 1995), 14–15.

[20] R. Syme, review of Gelzer's *Caesar*, *JRS* 34 (1944), 96–7 = *Roman Papers* (Oxford, 1979), 1.158.

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(2) We do not need independent proof that Crassus attended the Senate on 3 and 4 December. It is probable enough on general grounds in well-attended meetings, and on the particular grounds stated above.

(3) Absence from the meeting of 5 December was not a criticism of Cicero's entire proceedings against the Catilinarians: the absent senator had shown by his *sententiae* of 3 and 4 December that he was essentially on Cicero's side. So the eulogy of 61 was not a change of stance on which Cicero should have commented. Note that already in 62 he says that all the consulars had been loyal the previous year (*Sull.* 82).

(4) The passage in *Cat.* 4.10 about the absent senator is hardly a slight: it is no more than a mild dig at his inconsistency in absenting himself after his loyal *sententiae* of 3 and 4 December, coupled with an acknowledgement that on the issue as a whole his position was sound.

(5) In any case, Cicero was not obliged to soft-pedal all criticism of Crassus after, as he believed, he had destroyed the sound condition of things he had himself laboured to bring about, by his shameless bribery of the jurors in Clodius' trial for sacrilege in the summer of 61.[21]

(6) Cicero's conjecture that the absent senator was unwilling to pronounce *de capite ciuium Romanorum* does not conflict with other possible motives, including Drummond's suggestion that he was indignant at Tarquinius' accusations.

Drummond's positive suggestion that the absent senator was one of the two hostile tribunes about to come into office, Metellus Nepos and Calpurnius Bestia, conflicts with the probability that neither of them would have given their approval to the measures passed on 3 and 4 December.

Of course, the positive arguments for Crassus do not amount to proof. It is not inconceivable that the absent senator may have been one of the six consulars not known to have survived till 63 listed above (p. 614), or even one from the preceding years, or not a consular at all. One of the consuls of 92, M. Perperna (5), was indeed still alive in 63 and did not die until 49 (Dio 41.14.5) aged ninety-eight (Plin. *HN* 7.156), but as he was already eighty-four in 63, his absence would hardly be remarkable, and the (probably written) support he gave to Scaurus in 54 (Asc. 26.8–11) suggests optimate leanings. All the consuls who followed him, down to 82, were by now either dead or in exile (L. Cornelius [338] Scipio Asiaticus [83]). The consuls of 81, Cn. Cornelius (134) Dolabella and M. Tullius (34) Decula, of whom Dolabella was still alive in 77, when acquitted *de repetundis* (Broughton, *MRR*, Promagistrates), were probably chosen by Sulla as capable subordinates, men unlikely to strike out a line of their own. Of the six consulars from the period 79–64, Mam. Lepidus (77) was evidently an optimate;[22] M. Cotta (74) was expelled from the Senate in 70 (Broughton, *MRR*, Promagistrates). We know little or nothing of the political views of the remaining four. Cn. Octavius (76) was *captus pedibus* (Sall. *Hist.* 2.26) and probably attended rarely. C. Cassius Longinus (73) might have felt some sympathy with his kinsman Lucius, one of the five Catilinarians in custody, if he was still alive, but there is no evidence to support this conjecture.[23]

[21] *Att*. 1.16.5–6. For the identification of *Calvum ex Nanneianis* with Crassus, see Marshall (n. 12), app. 2 (183–7); Ward (n. 7), app. 8 (227–31).

[22] See G. V. Sumner, 'Manius or Mamercus', *JRS* 54 (1964), 44–8 (a review of his career; he emends *M'*. to *Mam.* in Asc. 79.20).

[23] That he may have been reckoned an optimate might be inferred from Macer's criticism of the grain law he and his colleague M. Varro Lucullus passed (Sall. *Hist.* 2.48.19; Cic. 2 *Verr.* 5.52).

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It is evident that it would be difficult to make out a case for any of the above, and probably fruitless to extend the search to senators of lower rank. We simply do not know enough about the factors motivating the great majority of those known to us. The candidate for an alternative to Crassus has to be well enough known at that time for his absence to be conspicuous, and one of those who liked to be thought *popularis*, but in this case a half-hearted *popularis* who, like Crassus, had shown by his *sententiae* of 3 and 4 December that he did not approve of a revolutionary conspiracy.

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THE ADDRESSEE OF VERGIL'S EIGHTH *ECLOGUE*

To whom is the eighth *Eclogue* dedicated? From the poem's introduction we learn that the anonymous addressee is sailing by the coastline of Illyricum (6—7), has written tragedy (9—10, 13), and is anticipating a military triumph (8, 13). This individual has traditionally been identified with Asinius Pollio, the famous general, orator and man of letters who was once thought to have served his proconsulship of 39 B.C. in Illyricum. The identification was first seriously challenged in 1971 by G. W. Bowersock.[1] Bowersock drew attention to an old demonstration of Ronald Syme's that Pollio was in fact assigned the province of Macedonia.[2] He also observed that the usual and most direct return route from Macedonia to Italy would cross the sea near Brundisium—yet Vergil has his addressee sailing near the head of the Adriatic.[3] Bowersock proposed instead that the addressee was Octavian, who campaigned in Illyricum during the years 35–3 B.C.; in Vergil's phrase *sola Sophocleo tua carmina digna coturno* (10) he identified an allusion to Octavian's aborted efforts at an *Ajax*. On this interpretation it follows that the date of publication for the *Eclogue* collection must be pushed down from the traditional *c.* 38 B.C. to 34 or 33. Though accepted by several scholars, Bowersock's thesis has by no means won universal assent. The sceptics strain either at the late date or at the identification of tragic *carmina* with an unfinished *Ajax*.[4] Those who accept it point out parallels in Vergil's other references to Octavian within the collection; as for the altered chronology, they point to the unreliability of the Servian tradition on which the traditional date is based.[5]

A different tack may be of help in resolving this debate. Implicit in Bowersock's thesis are certain assumptions about the geography of the poem; of these the most crucial posits that the addressee is described *returning* from campaign. In fact, as I shall argue shortly, he must be setting out. This seemingly minor point has a number of implications which tip the balance of probabilities against Octavian and in favor of Pollio.

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[1] G. W. Bowersock, 'A date in the eighth *Eclogue*', *HSCP* 75 (1971), 73—80.

[2] R. Syme, 'Pollio, Saloninus and Salonae', *CQ* 31.1 (1937), 39—48.

[3] Bowersock (n. 1), 77—9.

[4] Cf. R. J. Tarrant, 'The addressee of Virgil's eighth *Eclogue*', *HSCP* 82 (1978), 197—9; J. Farrell, 'Asinius Pollio in Vergil *Eclogue* 8', *CP* 86.3 (1991), 204—11; and R. G. M. Nisbet and M. Hubbard (edd.), *A Commentary on Horace, Odes Book II* (Oxford, 1978), at *Carm.* 2.1.

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