Classical Quarterly 57.1 125–131 (2007) Printed in Great Britain
doi:10.1017/S0009838807000110

NASICA AND *FIDES*

'No one will ever know exactly what happened on the Capitol that day.'[1]

I. THE RITES OF *FIDES*

Livy 1.21.4

[Numa] ad id sacrarium flamines bigis curru arcuato uehi iussit, manuque ad digitos usque inuoluta rem diuinam facere, significantes FIDEM tutandam sedemque eius etiam in dexteris sacratam esse.

[Numa] ordered the *flamines* to go to that shrine in a covered two-horse chariot, and to perform the rites with their hands covered as far as the fingers, to signify that *FIDES* had to be kept safe and even in men's right hands its seat was sacred.

Such, in Livy's description, were the rites established for *FIDES* by Numa. The early shrine in Rome (if one did exist) is most plausibly located on the Capitoline, on the same site as the mid-third-century B.C. temple.[2]

It was into this temple that the senate was summoned by the consul, P. Mucius Scaevola, on the day in 133 B.C. on which Tiberius Gracchus was killed. Many aspects of the events of that notorious day have long been, and continue to be, the subject of intense debate. One set of contentious issues revolves around the actions of the *pontifex maximus*, P. Cornelius Scipio Nasica. In a recent article, Linderski has provided a comprehensive overview of scholarship on Nasica's actions, together with an erudite and plausible interpretation of those actions.[3] Like most historians from Appian onwards, who have considered the actions of Nasica and his supporters as they marched towards the Gracchans in the *area Capitolina*, Linderski aims to elucidate the significance of Nasica's covering his head with the hem of his toga, as reported in Appian and Plutarch.

Appian B Civ. 1.16

γιγνομένων δὲ τούτων ἡ βουλὴ συνῆλθεν εἰς τὸ τῆς Πίστεως ἱερόν. … κρίναντες δ'ὅσα ἔκριναν ἐς τὸ Καπιτώλιον ἀνήεσαν. καὶ πρῶτος αὐτοῖς ὁ μέγιστος ἀρχιερεὺς λεγόμενος ἐξῆρχε τῆς ὁδοῦ, Κορνήλιος Σκιπίων ὁ Νασικᾶς· ἐβόα τε μέγιστον ἕπεσθαί οἱ τοὺς ἐθέλοντας σώζεσθαι τὴν πατρίδα καὶ τὸ κράσπεδον τοῦ ἱματίου ἐς τὴν κεφαλὴν περιεσύρατο, εἴτε τῷ παρασήμῳ τοῦ σχήματος πλεόνας οἱ συντρέχειν ἐπισπώμενος, εἴτε

[1] A. E. Astin, *Scipio Aemilianus* (Oxford, 1967), 224.

[2] Val. Max. 3.2.17; App. *B Civ.* 1.16. This temple was vowed by A. Atilius Calatinus in the 250s or 240s B.C. and refounded by M. Aemilius Scaurus at some point in the last two decades of the second century B.C. (Cic. *Nat. D.* 2.61–2). For the location of the shrine of 'Numa', see G. Freyburger, *Fides*: *étude sémantique et réligieuse depuis les origines jusqu'à l'époque augustéenne* (Paris, 1986), 263–5 and further n. 17 below. The temple still existed in Livy's day, and I infer continuity of the ritual attributed by Livy to 'Numa'.

[3] J. Linderski, 'The pontiff and the tribune: the death of Tiberius Gracchus', *Athenaeum* 90 (2002), 339–66, with full bibliography, to which now add C. Binot, 'Le rôle de Scipion Nasica Sérapion dans la crise gracquienne, une relecture', *Pallas* 57 (2001), 185–203.

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

πολέμου τι σύμβολον τοῖς ὁρῶσιν ὡς κόρυθα ποιούμενος, εἴτε θεοὺς ἐγκαλυπτόμενος ὧν ἔμελλε δράσειν.

While this was happening, the senate met in the temple of FIDES. … After taking their decisions, they went up to the Capitol. The first among them, leading the way, was the *pontifex maximus*, as he is called, Cornelius Scipio Nasica; he shouted loudly that those who wanted the *res publica* to be saved should follow him, and threw the hem of his toga over his head. This may have been to induce more of them to accompany him by displaying the badge of his costume[4] or to fashion for the onlookers some symbol of war like a helmet, or to hide from the gods his shame at what he proposed to do.

Plutarch Ti. Gracch. 19.3–4

καὶ ταῦτα λέγων ἅμα καὶ τὸ κράσπεδον τοῦ ἱματίου θέμενος ἐπὶ τῆς κεφαλῆς, ἐχώρει πρὸς τὸ Καπετώλιον. ἕκαστος δὲ τῶν ἑπομένων αὐτῷ τῇ χειρὶ τὴν τήβεννον περιελίξας ἐώθει τοὺς ἐμποδών, οὐδενὸς ἐνισταμένου πρὸς τὸ ἀξίωμα τῶν ἀνδρῶν, ἀλλὰ φευγόντων καὶ πατούντων ἀλλήλους.

With these words he drew the edge of his toga over his head and strode out towards the Capitol. *All the senators who followed him wrapped their togas over their arms* and thrust aside anyone who stood in their path, with no one opposing them, because of their rank, but rather fleeing and trampling upon one another.

Previous attempts to illuminate this gesture have included, for example, Earl's suggestion that it signalled that Tiberius Gracchus was being offered as a sacrifice.[5] More convincing is the proposition that Tiberius was considered by those who opposed him to have violated his *sacrosanctitas* by acts such as the deposition of his fellow-tribune Octavius. He was thus consecrated to Jupiter as a *homo sacer*.[6]

Such an interpretation resolves a number of problematic aspects of the presentation by the extant sources, but even if we may assume that this was the motivation for, and/or an *a posteriori* explanation of, Nasica's action, it will not of course have been accepted as a legitimate defence by many pro-Gracchans. As well as thinking about Nasica's real intentions, it is also necessary to consider how his gesture might have been read, at the time and afterwards, by those vehemently opposed to, as well as those in favour of, his act. It is from this perspective that less plausible explanations, such as the idea of the *pontifex maximus* more or less openly proposing the human sacrifice of a Roman citizen, and of a tribune at that, even of one he believed, or wished to be seen to believe, to be a tyrant are important—as interpretations of his action that would have been available to supporters of the Gracchi.

Compare, for example, the competing explanations of the gesture of Tiberius Gracchus himself putting his hand to his head, as preserved in the surviving ancient sources. One justification was that this signalled that his life was in danger. His enemies, however, we are told, ran to the senate and analysed the gesture in an

[4] These words have been variously translated 'by the strangeness of his appearance', or 'by displaying the badge of his rank' or 'of his costume': the differences affect the interpretation of Appian's explanation. For discussion and defence of the last of these, see M. N. Tod, 'Three Notes on Appian', *CQ* 18 (1924), 99–104, section 1, highlighting the connection with Nasica being *pontifex maximus*.

[5] D. C. Earl, *Tiberius Gracchus*: *A Study in Politics* (Brussels, 1963), 118.

[6] See Linderski (n. 3), esp. 354–5. R. Fiori, *Homo Sacer: dinamica politico-costitutzionale di una sanzione giuridico-religiosa* (Naples, 1996), 407–24, provides a clear exposition, particularly of the light such an explanation sheds on the actions of Scaevola, but (421) dismisses Nasica's gesture as relatively unimportant. Linderski (n. 3) makes it integral and vital, a very deliberate signal of Nasica's intent.

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

alternative explanatory framework: Tiberius was seeking a crown.[7] Whether or not the sympathetic explanation is a later justification by pro-Gracchans,[8] we have here a clear example of the competing interpretations that could arise on each side from this highly volatile situation.

I am principally interested here in the alternative gesture attributed to Nasica, to which much less attention has been paid,[9] namely the way in which the *pontifex maximus* himself is described as having gone (in Valerius Maximus' and Velleius Paterculus' accounts) from the temple of *FIDES*[10] to the temple of Jupiter with toga-hem wrapped around his left hand (Valerius), or his left forearm (Velleius). In Plutarch's version (in which Nasica, as in Appian, covers his head with his toga hem) his *supporters* are said to have followed him with their hands so enveloped.

Valerius Maximus 3.2.17

… in aedem FIDEI PUBLICAE conuocati patres conscripti a consule Mucio Scaeuola quidnam in tali tempestate faciendum esset deliberabant, cunctisque censentibus ut consul armis rem publicam tueretur, Scaevola negauit se quicquam ui esse acturum. tum Scipio Nasica, 'quoniam' inquit 'consul, dum iuris ordinem sequitur, id agit ut cum omnibus legibus Romanum imperium corruat, egomet me priuatus uoluntati uestrae ducem offero,' *ac deinde laeuam manum <im>a parte togae circumdedit sublataque dextra* proclamauit 'qui rem publicam saluam esse uolunt me sequantur,' eaque uoce cunctatione bonorum ciuium discussa, Gracchum cum scelerata factione quas merebatur poenas persoluere coegit.[11]

The senators were convened by the consul Mucius Scaevola inside the temple of *FIDES PUBLICA*, and began to take counsel on what should be done in such a crisis, and although the verdict of all was that the consul should protect the *res publica* with arms, Scaevola refused to do anything involving force. Then Scipio Nasica said, 'since the consul, by following legal process, is acting in a way that will overthrow the *imperium Romanum*, and the laws along with it, I offer myself, a private individual, as leader of your decision.' *Then he wrapped the hem of his toga around his left hand and raised his right*, proclaiming, 'Let those who want the *res publica* to be saved follow me.' With that call he brought an end to the vacillation of good citizens and made Gracchus and his criminal supporters pay the penalties they deserved.

Velleius Paterculus 2.3.1

P. Scipio Nasica … *<cir>cumdata laeuo brachio togae lacinia* ex superiore parte Capitolii summis gradibus insistens hortatus est, qui saluam uellent rem publicam, se sequerentur.

Publius Scipio Nasica … *with the edge of his toga wrapped about his left forearm*, from the highest part of the Capitol, standing on the topmost steps, exhorted those who wished the *res publica* to be saved to follow him.

Some recent commentators on Velleius Paterculus explain this action of Nasica's by reference to the *cinctus Gabinus*.[12] Emphasis on covering the left hand or arm, how-

[7] Plut. *Ti. Gracch.* 19.3; Flor. 2.2.7; [Aur. Vict.] *De vir. ill*. 64.

[8] P. Fraccaro, *Studi sull'età dei Gracchi* (Pavia, 1913), 175.

[9] A. H. Bernstein, *Tiberius Sempronius Gracchus: Tradition and Apostasy* (Ithaca, 1978), 223, fails even to note the alternative gesture, claiming that Nasica's followers also draped their togas over their heads, which is suggested in none of the extant accounts.

[10] The temple of *FIDES* is only explicitly mentioned in the accounts of Valerius Maximus and Appian.

[11] For *<im>a*, see C. Kempf in the apparatus criticus of his 1888 Teubner edition of Valerius. The conjecture is accepted by J. Briscoe in his 1998 Teubner edition of Valerius.

[12] J. Hellegouarc'h, *Histoire romaine*: *Velleius Paterculus* (Paris, 1982) and M. Elefante, *Velleius*

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

ever, fits none of the surviving definitions of *cinctus Gabinus* that have come down to us, in none of which is there any reference to wrapping toga hems around hands or arms.[13] Others claim only that Valerius and Velleius 'apparently considered that the aim was greater mobility and a certain amount of protection in the absence of shields'.[14] This is, of course, a wholly plausible motivation for such an action, and Appian himself accounts for a similar gesture by the murderers of Julius Caesar in such a way in a later book.[15] It is nevertheless worth pointing out that nothing in the three accounts that describe the covering of hands or arms (Valerius, Velleius and Plutarch) explicitly says anything of the sort, and that of these narratives only Plutarch's actually mentions weapons.[16] Another explanation is available. A symbolic reading can be offered for this action, just as for that of covering the head with the toga-hem, a reading that, to my knowledge, has never been proposed.

Whereas the *flamines* in the ritual described above by Livy *approach* the shrine of FIDES[17] *concealed within a carriage*, with their *right* hands veiled, to carry out the rites to FIDES, the sequence with which we are presented in these sources involves the exact opposite. Nasica and his followers walk *away from* the temple of FIDES. They are *on foot*, *in the open*. Their hands, too, are veiled with white cloth,[18] but in this case it is not right hands, but *left* hands that are covered. Far from performing rites, they perform, from the point of view of Tiberius' supporters, a sacrilegious act, killing a tribune who was made sacrosanct by an *oath* of the people. We appear to be dealing, in other words, with a reversal of the ritual.[19]

Was something made of such a reading of Tiberius' death by a pro-Gracchan attempting to undermine any connection between FIDES and Nasica and his followers?

Paterculus ad M. Vinicium consulem libri duo (Zürich–New York, 1997), both at 2.3. Valerius Maximus is not yet well served by commentators, at least as far as Book 3 is concerned.

[13] Servius, *ad Aen.* 5.755 (citing Cato, *Origines* F18 Peter), *ad Aen.* 7.612; Isid. *Orig.* 19.24.7. See also Linderski (n. 3), 343, n. 16, to which add App. *B Civ.* 2.119.

[14] Earl (n. 5), 118; see also E. Kornemann, *Zur Geschichte der Gracchenzeit* (Leipzig, 1903), 5, n. 1 and Tod (n. 4), 99–100.

[15] App. *B Civ.* 2.119.

[16] Plut. *Ti. Gracch.* 19.5; also App. *B Civ.* 1.16.

[17] The starting-point of the *flamines'* journey is unfortunately not stated. Boyancé's argument (P. Boyancé, '*Fides* et le serment' and '*Fides* romana et la vie internationale', both in id., *Études sur la religion romaine* [Paris, 1972], 91–103, at 91 and 105–19, at 114, n. 4), based upon the *flamines'* making a carriage journey, that the early shrine to FIDES was 'some distance from royal Rome' and apparently accepted by F. Marco Simón, *Flamen Dialis*: *el sacerdote de Júpiter en la religión romana* (Madrid, 1996), 176, is rightly contested by Freyburger (n. 2), 264, by reference to e.g. the triumph. Livy's reference is to the three major *flamines*, the *flamen dialis* of course being Jupiter's.

[18] Servius, *ad Aen.* 1.292 (*canam* FIDEM *dixit … uel quod ei albo panno inuoluta manu sacrificabatur, per quod ostendit(ur)* FIDEM *debere esse secretam…*) suggests that the cloth in which the *flamines'* hands were wrapped was white.

[19] Reversals are an important element of Roman customs associated with death; see Linderski (n. 3), 363 and n. 98, and J. Scheid, '*Contraria facere*: renversements et déplacements dans les rites funéraires', *AION, Sezione di Archeologia e Storia Antica*, 6 (1984), 117–39. Note esp. Petron. *Sat.* 34.3, where one of the expiatory gestures made by Trimalchio on hearing a cock crow that could announce a neighbour's death is switching his ring from his left to right hand (see Scheid ibid. 132 on this passage, and cf. Plin. *HN* 28.26). On the question of openness, Servius' interpretation of the rite (n. 18 above), emphasizing not the sanctity of the right hand as indicative of FIDES, but secrecy, and the discussions of those scholars (K. Latte, *Römische Religionsgeschichte* [Munich, 1960], 237, n. 85; P. Grimal, '*Fides* et le secret', *RHR* 185 [1974], 141–55, at 143, on which see Marco Simón [n. 17], 179) who have associated the veiled hands of FIDES' supplicants with the idea of abandoning warlike action and accepting agreement.

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

Two difficulties must be confronted. First, it might be objected that such a reading forces an ideological significance upon an action which can be easily explained in practical terms. The possibility I am raising here, however, is not of course a potential *motivation* for the action described in the Latin sources, but rather a way in which that gesture might have been understood or represented—at the time or afterwards—by a pro-Gracchan writer. Other instances exist of the ideological significance of a meeting in a temple, or the presence of a statue in a temple, being drawn on in such a way in the late Republic. In the *pro Sestio*, for example, delivered after his return from exile, Cicero alludes to the issuing of decrees for his recall in the temple of *HONOS et VIRTUS*, and so describes Clodius' attendance at the games, occurring at the same time, as happening when 'in the temple of *VIRTUS*, *HONOS* was paid to *VIRTUS*', thus associating his own VIRTUS with the deity of the temple, and, implicitly, the *HONOS* given to him with the temple's other occupant.[20] Cicero again describes the motivation of Gaius Cassius for wanting to move a publicly displayed statue of *CONCORDIA* to the Curia in 154 B.C., during his censorship, and to dedicate the Curia to *CONCORDIA*, in the following terms: 'he thought that he was ordering that opinions should be delivered without party spirit or dissension, if he bound the place itself and the temple of public counsel by the reverence due to *CONCORDIA*'.[21] Whatever the reality of Cassius' motives, such reasoning must have been at least plausible to Cicero's audience.

A more serious obstacle is the fact that the references to the veiling or covering of Nasica's left hand or arm are found in the accounts of Velleius and Valerius, whose versions of events in 133, particularly that of Velleius, are clearly less favourable to the Gracchi than those of Appian or, especially, Plutarch. Valerius includes Nasica as an *exemplum* of *togae fortitudo*, and Velleius, although acknowledging Gracchus' otherwise blameless life and upright intentions, emphasizes how Nasica regarded everything against the common welfare as being against his private interests. It is, however, generally recognized that all the extant sources for Tiberius' death (with the exception of *Rhetorica ad Herennium*, which is wholly favourable to Tiberius, and that of Diodorus Siculus, probably derived from Posidonius, and entirely hostile to the tribune) appear to preserve a mixture of traditions both favourable and unfavourable.[22] Since neither Valerius nor Velleius explicitly draws attention in their respective accounts to the symbolic reading I am suggesting here, this obstacle, although clearly more significant than the first, does not appear insuperable. The head-covering gesture was sufficiently striking to invite comment. Because some interpretations attached to it put Nasica in a bad light, anyone constructing an account of events favourable to him might well have chosen to omit it. The gesture of wrapping hands or arms in cloth, on the other hand, might have been safe to include because it *could* be, as indeed it has been, read in entirely practical terms. The overall messages conveyed by Velleius and Valerius in their respective accounts of this part of the episode, then, fit in with their broader views or particular aims in the passages in question,[23] but may still preserve a trace of other readings made at the time.

[20] Cic. *Sest*. 116: *in templo VIRTUTIS HONOS habitus esset VIRTUTI.*

[21] Cic. *Dom*. 131: *Praescribere enim se arbitrabatur, ut sine studiis dissensionis sententiae dicerentur, si sedem ipsam ac templum publici consilii religione CONCORDIAE deuinxisset*.

[22] Fiori (n. 6), 413–14.

[23] See U. Schmitzer, *Velleius Paterculus und das Interesse an der Geschichte im Zeitalter des Tiberius* (Heidelberg, 2000), esp. 110–19, on the parallel structure of 2.2.1–3 on Tiberius Gracchus and 2.3.1; W. M. Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility* (London, 1992), 21 and ch. 3 on Valerius' paradigms of praise and vituperation and his concern to rank the praiseworthy.

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

Attempts have, of course, already been made to excavate different traditions and accounts underlying the surviving sources for 133.[24] Earl comments that Nasica's gesture in draping the toga over his head (which, as discussed above, Earl interprets as conveying that Tiberius Gracchus was to be offered as a sacrifice), 'could not, of course, stand up to serious examination, still less be allowed to form a precedent. Hence it is obliterated in the Latin tradition, which prefers a military interpretation. Nasica becomes *dux priuatus* …. Plutarch and Appian in their researches dug up what Nasica did with his toga, but the explanation was past excavation.'[25] Cicero had a considerable effect on the surviving tradition, and he obviously had very particular, personal reasons for constructing Nasica as *dux priuatus* as he did, given his own actions against Catiline's accomplices.[26] In Plutarch's account of the episode, however, we must remember that Nasica, as in Appian, covers his head with his toga, but his followers are also described as wrapping their togas around their hands/arms (whether right or left is not specified). Plutarch drew on sources used by both the 'Latin tradition' and by Appian, and probably on other sources too,[27] and may have done so here, although there is no indication that he was aware of the potential significance of this gesture.

That rival traditions existed from early on is clear. Negative accounts of Nasica and his followers by supporters of the Gracchi obviously existed, no doubt circulating soon after their deaths. Although most of the surviving descriptions of Nasica in ancient literature are penned by enemies of the Gracchi, or enemies of what the Gracchi were perceived as standing for, and hence are favourable,[28] the ugly caricature of Nasica in *Rhetorica ad Herennium* provides one example from the first century B.C., probably the 80s, including a fiery description of Nasica, 'sweating, with his eyes blazing, his hair standing on end', and with *contorta toga*.[29] Wardle, discussing the origin of the implication, in Nepotianus' epitome of Valerius Maximus 1.4.2, that Tiberius Gracchus was murdered by Nasica himself—as is explicit in *Rhetorica ad Herennium* (loc. cit.)[30]—notes that 'the possibility of an earlier partisan version' as a basis for the allegation, rather than a general development on the basis of later comments by Cicero, 'should not be excluded'.[31] A version of this kind might also

[24] E.g. G. Cardinali, *Studi Graccani* (Genoa, 1912), section I. See Fraccaro (n. 8) *passim* on Appian and Plutarch with occasional reference to the Latin authors, and e.g. E. Badian, 'Tiberius Gracchus and the beginning of the Roman revolution', *ANRW* 1.1 (1978), 668–731, at 726, on Plutarch's mention of the victims perishing through wounds inflicted by wood or stone, not iron (of interest to Badian in terms of ways of understanding Tiberius Gracchus as a sacrifice), where he notes support from a fragment of Gaius Gracchus (*ORF*[3] 179, fr. 18) in suggesting an immediately contemporary interpretation.

[25] Earl (n. 5), 119, n. 1.

[26] See Binot (n. 3), *passim*, esp. 201, on Cicero's role in taking hold of the title *priuatus* and making Nasica a central element in the theory of the *priuatus* that he constructs, by regular association and repetition of *priuatus* and the gesture (of veiling his head with his toga), creating a paradigm which is at the heart of the working of the *exemplum* that Cicero creates.

[27] See e.g. Fraccaro (n. 8); Kornemann (n. 14), 6; D. Stockton, *The Gracchi* (Oxford, 1979), 37 and n. 57.

[28] See e.g. F. Münzer in *RE* 4.1503 on favourable versions.

[29] *Rhet. Her.* 4.68: *sudans*, *oculis ardentibus*, *erecto capillo*, *contorta toga*, the last of these comments perhaps reflecting Nasica's covering of his head or his wrapping of his hand with his toga hem.

[30] Diod. Sic. 34–5.6–7 also makes Nasica the actual murderer of Tiberius.

[31] D. Wardle, *Valerius Maximus*: *Memorable Deeds and Sayings Book I* (Oxford, 1998), 158 on 1.4.2 (Nepotianus), acknowledging Badian's suggestion (n. 24), 711, n. 129, that this may stem from general comments in Cicero (e.g. *Cat*. 1.3), but rightly suggesting an alternative.

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press

have made something of the gesture on which I am focusing. The prevailing variant upon the account of Nasica's covering his head with his toga hem—a description which was perhaps 'obliterated' because it had been interpreted, even if Nasica himself had not intended it so, as suggesting human sacrifice—could, then, also be read so as to interpret the actions of Nasica and his followers in a negative light.

Thinking in terms of possible readings of an event as important as Tiberius' death, enshrined as it is as a turning-point by more than one historiographer, is certainly as important an exercise as seeking the 'real' significance in Nasica's mind of his act. How people thought about it and represented it must be of continuing interest, and raising this possibility therefore seems worthwhile, partly in an attempt to 'excavate' a trace of a possible pro-Gracchan line, since these are so significantly less numerous in our surviving accounts, a state of affairs which surely does not do justice to those existing, if only orally, soon after his death.

Christ Church, Oxford ANNA J. CLARK
anna.clark@chch.ox.ac.uk

https://doi.org/10.1017/S0009838807000110 Published online by Cambridge University Press