



SHORTER NOTES

NOTES ON THE TEXT AND INTERPRETATION OF CICERO, *DE HARVSPICVM RESPONSIS**

ABSTRACT

This note examines five passages of Cicero, De haruspicum responsis in light of the commented edition of A. Corbeill. New conjectures are offered on §§29 and 50; the transmitted text of §46 is defended; and a different interpretation of the text is offered at §§37 and 61.

Keywords: anacoluthon; clausula; Clodius; Pompey; *religio*; saltation error

The following observations were prompted by study of A. Corbeill's stimulating new text and commentary on the speech. In general, Maslowski's text is quoted (apart from orthographical divergences).¹

(1) §29 sed alter est rex iudicio senatus per nos, pecunia Brogitarus per te appellatus *** alterum putabo regem, si habuerit unde tibi soluat quod ei per syngrapham credidisti.

Cicero passes from the games of Mater Magna at Rome to Clodius' arrangements for the appointment of the priest of her original shrine at Pessinus, a prerogative he removed from Deiotarus and assigned to the latter's son-in-law Brogitarus. He then goes on to each man's claim to the title 'king'. The problem in this passage (with lacuna posited by Baiter) is not solved by any of the conjectures cited in Maslowski's apparatus criticus. There is a contrast between Deiotarus, who has been recognized as king by the Senate, and Brogitarus, who has been so recognized by a plebiscite sponsored by Clodius.² To make the contrast effective, it is necessary to sort out the contents of the *alter . . . alter* structure. As Corbeill notes ([n. 1], 189), for clarity Cicero places each instance of *alter* in a corresponding position in its clause and generally at its beginning. The first *alter* is therefore in its expected place; it is the second clause that requires a remedy. I suggest:

sed alter est rex iudicio senatus per nos, <alter> pecunia [Brogitarus] per te appellatus; <quem> putabo regem, si habuerit unde tibi soluat quod ei per syngrapham credidisti.

This will restore the necessary parallelism. Garatoni already saw the need to bracket *Brogitarus*, evidently a gloss that crept into the text: rather than name them in the contrasting clauses, Cicero generally relies on context to clarify the entities referred to with *alter . . . alter*. The second *alter* was evidently omitted in copying and written either interlinearly or in the margin, then falsely inserted after *appellatus*, ousting the original

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¹ A. Corbeill, *Cicero, De haruspicum responsis. Introduction, Text, Translation, & Commentary* (Oxford, 2023), hereafter usually quoted in the text; T. Maslowski (ed.), *M. Tullius Cicero: Orationes post reditum* (Leipzig, 1981). Other editions cited: N. Angelus (Florence, 1515); J.G. Baiter and C.L. Kayser (Leipzig, 1862²); G. Garatoni (Naples, 1786).

² On this legislation, cf. W.J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill, 1999), 168–9 with attached notes.

reading, and adjusted to an accusative with *putabo*. If that is right, *alterum* will be no guide to the shape of the missing word; the connecting relative is the obvious choice (though *hunc* would also be possible).

(2) §37 nisi forte tibi esse ignotum putas ... quod oculos, ut opinio illius religionis est, non perdidisti.

Cicero alludes to loss of vision as the expected punishment for viewing forbidden sights (as Clodius did by intruding on the rites of the Bona Dea). Corbeill renders *opinio illius religionis* as ‘the general belief regarding that cult’ or ‘of that cult’ ([n. 1], 27 and 221, respectively), but there is room for doubt. In pagan antiquity *religio* was first a feeling of awe before supernatural powers, then a feeling of inhibition, and later a set of ritual practices.³ In our passage *religio* can more plausibly be taken in the sense of ‘sacrilege’; so most famously at Cic. Att. 1.14.2 *Clodiana religio* (‘the Clodius sacrilege case’, transl. Shackleton Bailey); other examples are found in TLL 11.2.908.8. Therefore, one might render ‘as is the belief about that sacrilege’.⁴

(3) §46 non sedabantur discordiae, sed etiam crescebat in eos odium a quibus nos defendi putabamur.

Cicero is describing the condition of the state in the immediate aftermath of his departure into exile. The transmitted text (printed above) was thought to be ‘nonsense’ by Shackleton Bailey, who proposed to replace *in* with *inter*;⁵ Berry opined that this ‘seems a near certain correction’;⁶ and Corbeill now adopts it ([n. 1] 32 and 263). Corbeill alone explains the rationale, saying that the altered text ‘fits better the context of discord among the elite that Cicero stresses throughout this section’ (263).⁷ The first point to be established is the referent of *eos*. Cicero is surely referring obliquely to Pompey, whose confinement to his house in the latter half of 58 B.C.E. in the face of Clodius’ threats is repeatedly emphasized by Cicero.⁸ For rhetorical emphasis Cicero prefers to leave this reference vague and specify Pompey only in the following sentence, where his successful action is highlighted (*ecce isdem auctoribus, Pompeio principe* ...).⁹ Shackleton Bailey, on the other hand, thinks that *eos* refers to ‘Pompey and the optimates’.¹⁰ But at least in Cicero’s accounts, these two entities appear united in their desire to see the orator restored from exile, fissures between them only emerging (again) subsequently.¹¹ If that is right, the transmitted *in eos* can be plausibly explained, and the conjecture *inter eos* is redundant. Finally, the emergence of hatred against Cicero’s defenders provides another example of *discordia*. The point is thus in line with the overall argument of the passage.

³ Cf. OLD s.v. The semantic development is discussed by C.A. Barton and D. Boyarin, *Imagine No Religion: How Modern Abstractions Hide Ancient Realities* (New York, 2016), 19–31.

⁴ For the objective genitive with *opinio*, see TLL 9.2.719.17.

⁵ D.R. Shackleton Bailey, *Back from Exile: Six Speeches upon his Return. Translated with Introductions and Notes* (Atlanta, 1991), 127 n. 86 and 230.

⁶ D.H. Berry, Review of Shackleton Bailey (n. 5), CR 43 (1993), 174–5, at 175.

⁷ It should perhaps be noted that there is no difficulty about the adnominal prepositional phrase with *odium*, which is common in Cicero beginning with *Rosc. Am.* 52 (*odium* ... *in filium*); on the other hand, *odium* with *inter* occurs only once, at *Phil.* 11.2 (*summum* ... *inter ipsos odium*).

⁸ Red. sen. 4, Dom. 67, Sest. 69, Har. resp. 49, *De aere alieno* Milonis fr. 4 and 9 Crawford, Mil. 18.

⁹ Cf. also Corbeill (n. 1), 266–7 on *quibusdam* in §47 referring to Pompey ‘with the direct identification being further confused by the plural number’, with further references.

¹⁰ Shackleton Bailey (n. 5), 127 n. 86.

¹¹ Cf. Red. sen. 5 *tantus uester consensus de salute mea fuit* with G. Manuwald, *Cicero, Post reditum Speeches: Introduction, Text, Translation, & Commentary* (Oxford, 2021), 99. The attitude of the optimates to Pompey is hinted at in the last sentence of §46, but merely as toleration of Clodius’ criticism of him, not as *odium*.

(4) §50 reliqua iam praecipitantis tribunatus etiam post tribunatum obtrectatores eorum atque aduersarii defenderunt, ne a re publica rei publicae pestis remoueretur restiterunt, etiam ne causam diceret, etiam ne priuatus esset, etiam ne *†*in senatu[†] atque in deliciis quidam optimi uiri uiperam illam uenenatam ac pestiferam habere potuerunt?

Cicero complains of the support Clodius has received even after the completion of his plebeian tribunate from critics and opponents of Caesar, Pompey and Crassus. For *in senatu* marked as corrupt above, Angelius proposed *in sinu*, which has since been printed by editors in general, including Maslowski and Corbeill, though the latter voices the strong suspicion that *in senatu* of the codices is correct and that a lacuna should be posited prior to *atque in deliciis* ([n. 1], 280). Indeed, it seems right that the parallel construction with *etiam ne* continues here. I suggest the following:

... etiam ne priuatus esset, etiam ne in senatu <uituperaretur. et in sinu> atque in deliciis quidam optimi uiri uiperam illam uenenatam ac pestiferam habere potuerunt?

This would add the crowning indignity to the optimates' shielding of Clodius. It will also clarify the structure by allowing *etiam ne* to function the same way as in the two previous clauses. Angelius's *in sinu* can be retained as a reference to the proverbial tale of the frozen snake which a man revived by warming it at his breast but he was rewarded with a fatal bite.¹² A saltation error from *-u* to *-u* will account for the omission. The clausula *-tu uituperaretur* is the equivalent of a double cretic (with resolution of the second long).¹³

(5) §61 qua re hunc statum qui nunc est, qualiscumque est, nulla alia re nisi concordia retinere possumus; nam ut meliore simus loco ne optandum quidem est illo impunito; **deteriore autem statu ut simus**, unus est inferior gradus aut interitus aut seruitutis ...

In discussing the warning of the *haruspices* against a change in the constitution, Cicero comments on the current state of the Republic. Corbeill translates the words in bold type as 'But for us to be in a worse position' ([n. 1], 43) and says that this 'seemingly constitutes a dramatic anacoluthon', though it 'does not fit the typical categories for anacoluthon, which ... rarely occurs in Ciceronian oratory' ([n. 1], 322). He argues that *ut meliore simus loco ne optandum quidem est* causes the reader to anticipate that 'a parallel construction' will follow. But in the new sentence, though *meliore ... loco* and *deteriore ... statu* are opposed categories, we have a different construction altogether, so that there is no presumption of further parallelism. The straightforward interpretation of the sentence is with *ut* taken as concessive (*OLD* s.v. 35). The whole passage may be rendered thus:

Therefore, we can hold on to the present position, whatever its nature, by no other means than by being in harmony; for we cannot even hope to be in a better state as long as he [*sc.* Clodius] is unpunished. But although we are in a worse position [*sc.* than we formerly were, prior to Clodius' activities], one step is (nevertheless) lower, that of either death or slavery.

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¹² Cf. Corbeill (n. 1), 280 with references.

¹³ For *et indignantis*, cf. *OLD* s.v. 15 (already used in this speech at §25). The school rule is that like entities are not joined by *et* and *atque* (cf. F. Hand, *Tursellinus seu de particulis Latinis commentarii*, vol. 2 [Leipzig, 1832], 529), but this is, of course, a different matter.