
13. See especially 4. 29. 3, where rub-downs in the sun are prescribed for both general and specific bodily aches and pains.


16. In this discussion of Aubrey and related matters, I am much indebted to letters on the subject to the Times Literary Supplement (27 May, 1994), 15, by K. Bennett and F. Willmoth.

17. Though there is now some modern speculation about the possibility of syphilis in the ancient world, and it is worth remembering that the lichen disease (‘menagra’), a malady caused by kissing, that broke out in the reign of Tiberius, could only be alleviated by heat treatments and cured by cauterisation to the bone; cf. Pliny, NH 26. 1–3.

18. Epist. 108. 16.

19. NH 29. 10.

20. According to the Suetonian sketch of his life in the De Poetis.

BARRY BALDWIN

University of Calgary

THREE AEDILESIDPS: PHILIPPUS, COTTA, CURIO

In his ‘Index of Careers’, Broughton placed the notation ‘Aed.? ’ against the names of L. Marcii Philippus (cos. 91), C. Aureliii Cotta (cos. 75), and C. Scribonius Curio (cos. 76). The three men also earned a queried place among the aediles in the section of his work entitled ‘Magistrates of Uncertain Date’ (Appendix II), with a note to the following effect: ‘Attained all the highest offices (Cic. Off. 2.59). No specific proof that he held the aedileship.’ In his last Supplement Broughton conceded that the three men were ‘probably’ never aediles, but he refrained from stating this as a fact, since in the same passage ‘Cicero’s reference . . . to the relatively modest expense of his own aedileship might cause some uncertainty.’ It can be shown that these men deserve to be included in the aedilician fasti.

Just one ancient passage is in dispute (Cic. Off. 2.59): ‘L. quidem Philippus Q. f . . . gloriari solebat se sine ullo munere aedemptum esse omnia, quae haberentur amplissima. dicebat idem Cotta, Curio.’ And just one serious objection has been made against the aedileships of the three men. Shatzman reasoned: ‘Philippus says explicitly that he did not celebrate any games, and not that his games were not expensive. The aediles might
economize, but the games must be given. If Philippus did not give any games, he was not aedile. Shatzman apparently believed this argument to be original, but the same objection had in fact been raised by Nipperdey and repeated by Seidel.

The whole case against the three aedileships collapses upon examination. The passage of Cicero cannot prove that the three men were never aediles, since 'munus' has a narrow meaning ('a show of gladiators') as well as a broad one ('a public show'). Accordingly, the idea that an aedile was obliged to give a 'munus' is simply and flatly wrong. The aediles had charge of various 'ludi'; they might or might not give a 'munus' as part of these 'ludi'. If we were unable to judge the precise meaning of 'munus' in this passage, we would have to remain aware of the possibility that it denotes a gladiatorial show, and in consequence we would have to concede that the passage does not rule out aedileships for the three men. But in fact 'munus' here is free from ambiguity. The narrow meaning is certainly correct: 'ludi' did not come into disrepute in Cicero's day, but 'munera' clearly did. It was not a disgrace to preside over 'ludi' imposed by one's office; it was considered disgraceful, at least in certain quarters, to trade 'munera' for votes. In Off. 2.59 'munus' means 'a gladiatorial show', not 'Spiele' or 'games'.

Although the case against the aedileships is utterly without force, we cannot enter our trio in the aedilician fasti just yet: Off. 2.59 is hardly an explicit testimonium of their aedileships. Yet Cicero has left us enough evidence to construct two arguments in favor of the aedileships, one decisive, and one less so. The less decisive argument results from placing the boast in historical context. Philippus, Cotta and Curio did not merely state that they never gave a 'munus'; they gloried in it. Although aediles were not obliged to give 'munera', they did so with sufficient frequency that 'munera' came to typify aedilician games. In consequence, the boast rings a little hollow when spoken by a man who was never aedile; it is comparable to a man who had never governed a province boasting that he was never prosecuted 'de repetundis'. For the boast to be truly impressive, the three men must have held aedileships. But perhaps they were simply unschooled in the fine art of bragging.

The decisive argument results from seeing the boast in its original context, the part of the de Officiis in which it is lodged. At 2.57 Cicero preserves the names of ten men who were notable for splendor aedilitatum: P. Crassus (cos. 131 or cos. 97), L. Crassus and Q. Mucius (coss. 95), C. Claudius (cos. 92), L. Lucullus (cos. 74) and M. Lucullus (cos. 73), Hortensius (cos. 69), Silanus (cos. 62), P. Lentulus (cos. 57), and Scaurus (pr. 56). At 2.57–58 five more men are mentioned (Pompey, Mamercus, Orestes, M. Seius, Milo), but only one is identified as aedile (M. Seius). At 2.59 Cicero records the boast of Philippus, Cotta, and Curio; he then
boasts that he himself won high office both 'cunctis suffragiis' and 'nostro ... anno', although the outlay in his own aedileship was very mean ('sane exiguus sumptus aedilitatis fuit'). Philippus, Cotta and Curio seem to occupy an ambiguous position in the text; they are named between a man who was never aedile (Milo) and a man who quite certainly was aedile (Cicero), and whose aedileship is explicitly mentioned.

At first glance it is not clear whether the trio should be associated with the preceding non-aedile or with the following aedile. The answer lies in the order of the three names: Philippus, Cotta, Curio. A consul of 91, a consul of 75, and a consul of 76. In their discussions of 2.59, both Nipperdey and Shatzman inverted the order of the last two names. To invert the order of the names is to assume what needs to be proved, that Cicero had no reason to record the three names in this order. When we consider the possibility that the order of the three names is deliberate, we notice that the ten aediles named at 2.57 are listed in chronological order; as far as can be determined, the four men named in the discussion of largitiones at 2.58 are also listed in chronological order. If the three men named at 2.59 are listed in no sort of order, they are the only men in the whole discussion of whom this is true. We can infer that these last three men are named in order, and since the order is clearly not that of their consulships, it must be that of their aedileships. The only alternative is to suppose that they are listed in an order of bragging, and that Curio for some reason was slower to imitate Philippus than Cotta was.

Since he was a candidate for the consulship of 93, Philippus was praetor by 96, and must have been aedile by 98. The aedileship of Cotta does not have to precede that of Curio, but must be no later than that of Curio. We know that Cotta and Curio returned to Rome with the victory of Sulla (Cic. Brut. 311). Curio had been serving Sulla in a military capacity; Cotta had gone into exile early in 90 (Cic. de Or. 3.11, Brut. 305; App. B.C. 1.37). Since Cotta had been a candidate for the tribunate in 91 (Cic. de Or. 1.25), his aedileship must be placed after his return, no earlier than 81. Curio for a time was a candidate for a consulship of 77, and was therefore praetor by 80; for his aedileship, 81 is both the earliest and latest possible date, the only possible date. Cotta must also have been aedile precisely in 81, and Curio must have been praetor precisely in 80. The precedence of Cotta to Curio in Cicero's text might be due to what Seidel termed 'die Art der Ädilität'; if the two men were colleagues, the precedence of Cotta must correspond to his priority in the polling, the determinant of rank in the senate (L. 23.23.5). Since both men held the aedileship in 81 and neither man gave a 'munus', it is likely enough that they held the aedileship together, though we cannot know whether this aedileship was curule or plebeian.
NOTES


6. E.g., we are explicitly told (Ascon. 88C) that Q. Gallius (aed. 67) gave no ‘munus’ during his aedileship, but did give one the following year, when he was a candidate for the praetorship. (In this passage, ‘dedit gladiatorium (munus)’, ‘munus’ was supplied by Clark rather safely, since ‘dedit’ requires a direct object. The manuscripts read ‘gladiatorium’ [P] or ‘gladiatorum’ [SM]; Gronovius furnished a direct object by the emendation ‘gladiatores’. For us the important point is that Gallius gave no gladiatorial show as aedile, not whether Asconius actually employed the word ‘munus’.)

7. The ‘ludi’ in fact had a religious significance. The slightest infraction, such as a slip by the aedile in handling the chalice, would cause an iteration of the Megalesian games (Cic. *Har.* 23); Cicero tells us in all seriousness that the appearance of a swarm of bees at these games would necessitate the consultation of soothsayers from Etruria (*Har.* 25).

8. A consular law of Cicero (*Sest.* 133, *Vat.* 37) severely restricted the giving of gladiatorial shows by candidates for office.

9. Cf. *Off.* 2.58, where Cicero says it was not dishonorable for M. Seius to supply grain to the people at a reduced price in a time of scarcity, ‘quando erat aedilitate’.

10. The narrow definition of ‘munere’ at 2.59 seems to be further confirmed by Cicero’s usage at 2.57. He introduces the aediles who gave splendid games not with ‘munus’, but with the phrase ‘splendor aedilitatum’; we are told that the first of the ten ‘functus est aedilicio maximo munere’, but the phrase ‘magnificentissimo aedilitate functus est’ is made to apply to the next seven aediles. Since seven of the ten are grouped under one rubric, it does not seem possible to maintain that Cicero is here engaged in simple ‘variatio’; there is too little variation. The difference between an
'aedilicium maximum munus' and a 'magnificentissima aedilītas' must be deemed a real one; we do not know that the seven aediles failed to give a 'munus', but it is reasonably certain that it was not a 'munus' which made their aedileships spectacular.


Thus none of the three is identified as aedile in the commentaries of O. Heine (2nd ed., Berlin 1861) and H.A. Holden (8th ed., Cambridge 1899); P. Willems, Le Sénat de la République romaine, Louvain 1878–85, 1.430, sketched the career of Curio without mentioning the aedileship; E. Klebs, Aurelius 96, RE 2 (1896) 2484, cited Off. 2.59 only to prove that C. Cotta had never sought to win the popular favor 'durch Spiele'. None of the three men was included in the catalogue of F.P. Garofalo, I fasti degli edili plebei della romana repubblica, Catania 1889, who attempted to list all aediles not known to have held curule aedileships.

Two men have cited Off. 2.59, without argument, as a testimonium of an aedileship. F.G. Schubert, De Romanorum aedilībus libri quatuor, Regiomontii 1828, 330 and n. 337, took Off. 2.59 as proof that 'L. Marcius nullum munus in Aedilitate dedit'; strangely, he did not award an aedileship to Curio, and did not cite Off. 2.59 when awarding one to C. Cotta (335 and n. 369). M. Ziegler, Fasti tribunorum plebis 153–70, Ulm 1903, 17, 25, 27, simply cited Off. 2.59 when stating, unreservedly, that each of the three held aedileships.

Since none of our three men was included by Cicero (Planc. 51) in his enumeration of consuls who had suffered aedilician 'repulsae', Nipperdey (n. 5) concluded that they never sought the aedileship; all the omission really proves is that they were never defeated in a campaign for the aedileship: whether they failed to campaign for the post, or campaigned successfully for the post, Planc. 51 does not allow us to say.

At Off. 2.57 Cicero employs the phrase 'aedilicium munus'.

At 2.59 Cicero explicitly compares himself with the ten splendid aediles, noting that none of them had achieved their highest offices at the earliest legal age: 'quod contigit eorum nemini'. In the same passage, when passing from their boast to his, he compares himself to Philippus, Cotta and Curio: 'nobis quoque licet in hoc quodam modo gloriarī'. I interpret these comparisons to mean that Cicero gave a 'munus' (a gladiatorial show), and in consequence his boast was more restricted ('in hoc quodam modo') than that of Philippus, Cotta and Curio; but this 'munus' was truly inexpensive ('sane exiguus sumptus'), and did not keep him from advancing more rapidly than those whose aedileships were impressive for their entertainments.

The mention of P. Clodius at the end of 2.58 is incidental to the mention of Milo.

The Cotta named by Cicero was always understood to be C. Cotta; this is the only mention of a Cotta in the whole of the de Officīis. Shatzman (above, n. 4) 353–54 argued that the Cotta concerned was L. Cotta (cos. 65, cens. 64). E. Badian, 'Additional Notes on Roman Magistrates', Athenaeum 48 (1970) 3–4, objected to the identification with L. Cotta, since the fact that all three men are mentioned in the past tense indicates that they had died before the autumn of 44; L. Cotta was still alive then. The precedence of Cotta to Curio in Cicero's account redoubles the proof that the Cotta concerned was not L. Cotta; only C. Cotta (cos. 75) and M.
Cotta (cos. 74) were old enough to hold the aedileship ahead of Curio (cos. 76). Since M. Cotta was consul just two years after Curio, it might at first seem quite possible that he is the Cotta remembered by Cicero. But the two-year delay between their consulships loses much of its significance when one recalls that Curio was originally a candidate for the consulship of 77 (cf. T.R.S. Broughton, Candidates Defeated in Roman Elections: Some Ancient Roman “Also-Rans”, Philadelphia 1991, 29). The old identification was correct; it is as certain as such things can be that the Cotta mentioned by Cicero was C. Aurelius Cotta.

19. The latest possible date at which he might have been curule aedile, assuming that the biennium was still required, is 99; as long as we assume that the biennium was necessary, it can be demonstrated that the alternation of the curule aedileship between patricians and plebeians was no longer in force at the time of the elections in 104. Cf. “Ten Ill-Starred Aediles” (forthcoming).
20. Sulla perhaps had not yet taken up the dictatorship on 10 December 82 (MRR 2.73 n. 2). G.V. Sumner, The Orators in Cicero’s ‘Brutus’: Prosopography and Chronology, Toronto/Buffalo 1973, 110, 125, operates on the assumption that Sulla elected no magistrates for the last few weeks of 82—an assumption confirmed by the absence of suffecti from the Fasti Capitolini.
22. It is helpful to my case that a very able student of the period has recently argued against the notion that C. Cotta was praetor in 81 and a provincial governor in 80. Cf. C.F. Konrad, ‘Cotta off Melita.ria and the Identities of Fufidius’, CPh 84 (1989) 120.
23. The ‘cursus’ of Curio then parallels that of Lucullus in its procession from aedilesship to praetorship ‘continuo’. The irregularity would not be removed by rewarding Curio a plebeian rather than a curule aedilesship: the last example of continuation between the two offices is provided by the plebeian aediles of 197 B.C.; Mommsen (RSt 13,533) seems justified in his conclusion that a one-year interval between plebeian aedils and praetorship was legally prescribed. The ‘lex’ awarding Lucullus quick advancement (Cic. Acad. 2.1) therefore seems to have applied to others who served Sulla in a military capacity; there is no evidence that Cotta passed to the praetorship ‘continuo’, just as there is no evidence that he served under Sulla in the East.
24. Cotta and Curio probably incurred little risk in refusing to hire gladiators; with the celebration of Sulla’s triumph over Mithridates and the first performance of the ‘ludi victoriae Sullanae’, the ‘populus’ of 81 was probably too sated to notice the absence of a few gladiators at the aedilician ‘ludi’.

FRANK RYAN

University of the Witwatersrand
Acta Classica is published annually by the Classical Association of South Africa. The journal has been in production since 1958. It is listed on both the ISI and the SAPSE list of approved publications.

For further information go to: http://www.casa-kvsa.org.za/acta_classica.htm