

THE *QVINQVATRVS* OF JUNE, MARSYAS AND *LIBERTAS* IN THE LATE ROMAN REPUBLIC¹

Masked revelry, the quaffing of large amounts of wine and the sound of flutes ... this cavalcade would pass through the streets of Rome every 13th June, even crossing the forum itself. As we will show later on, a connection can be established between this celebration (the *Quinquatrus minusculae*) and the statue of Marsyas, the acolyte of Dionysus, which stood in the forum and was associated with freedom, wine and charivari. In turn, this connection will open the way for a new interpretation of the multiple meanings of the feast and the satyr in the highly charged political atmosphere of Late Republican Rome. The main aim of this study will be to show, in the third part of this article, how *populares* politicians tried to exploit the opportunities presented to them by religious festivities and *ludi* to draw more of the public into their *contiones* or to obtain a favourable verdict in a political trial.

1. THE *QVINQVATRVS MINVSCVLAE*

Today we have very little information about the *Quinquatrus minusculae*. They do not appear in any of the *fasti* that are still preserved, although we do know that they were held on the Ides of June, when a procession of *tibicines*, after eating in the temple of Jupiter, wove its way through the streets until reaching the temple of Minerva on the Aventine Hill.² However, a number of stories reported by Ovid, Plutarch, Livy and Valerius Maximus have survived that describe the origins of the festival. The longest

¹ I am grateful to the editor and to the anonymous referee of the *Classical Quarterly* for their valuable comments and helpful suggestions. I am also indebted to Valentina Arena for allowing me to read her unpublished paper on Marsyas and for her highly constructive and useful recommendations. This paper was completed during a short and fruitful three-month stay at University College London, thanks to a generous grant from the Spanish Ministry of Education ('estancias de profesores en el extranjero', BOE 29/12/2015).

² Varro, *Lat.* 6.17; Fest. p. 134 L; Cens. *De die nat.* 12.2. Cf. A. Degrassi, *Fasti anni Numani et Iuliani* (Rome, 1963), 470–1. In fact, we cannot confirm that the banquet and the procession took place on the same day, although this is the most likely situation. There are numerous references in the literature to the festival and its origins, including: V. Basanoff, 'L'épisode des joueurs de flûte chez Tite-Live et les Quinquatrus, fête de Minerve', *RIDA* 2 (1949), 65–81; O. Hentschel, 'Quinquatrus', *RE* 47 (1963), cols. 1159–62 (who attempts to associate the Minerva of the *Quinquatrus minusculae* with the Etruscan goddess of the same name); G. Dumézil, *Mythe et épopée*, vol. 3 (Paris, 1981), 181–90; M.G. Granino Cercere, 'Quinquatrus: Tradizione popolare e tradizione antiquaria di una festività del calendario romano', *ŽAnt* 51 (2001), 25–38; J.-M. Pailler, 'Et les aulètes refusèrent de chanter les dieux ... (Plutarque, *Question Romaine* 55)', in P. Brulé and C. Vendries (edd.), *Chanter les dieux. Musique et religion dans l'Antiquité grecque et romaine* (Rennes, 2001), 339–48; F. Dupont, 'Les petites Quinquatries et la grève des *tibicines*', *Europe. Revue littéraire mensuelle* 904/905 (2004), 219–30.

of these is by Ovid (*Fast.* 6.649–710), which contains all of the elements of an entertaining folk tale. As the goddess Minerva tells the poet, the art of the *tibia* had fallen into disrepute in Rome, and an *aedilis* limited the number of flautists who could accompany a funerary procession to ten. The *tibicines* were exiled to Tibur, as a result of which flutes were no longer heard at sacrifices or funerals (Ov. *Fast.* 6.661–6):

... tempusque secutum
quod subito gratae frangeret artis opus.
adde quod aedilis, pompam qui funeris irent,
artifices solos iusserat decem.
exilio mutant Urbem Tiburque recedunt:
exilium quodam tempore Tibur erat.³

Subsequently, a freedman prepared a trap to bring them back from Tibur to Rome. They were invited to a banquet in the countryside, where they were plied with drink; then an envoy rushed in, warning them that the freedman's patron was about to arrive (Ov. *Fast.* 6.669–76):

seruierat quidam, quantolibet ordine dignus,
Tibure, sed longo tempore liber erat.
rure dapes parat ille suo, turbamque canoram
conuocat; ad festas conuenit illa dapes.
nox erat, et unius oculi animique natabant,
cum praecomposito nuntius ore uenit,
atque ita, 'quid cessas conuiuia soluere?' dixit
'auctor uindictae nam uenit ecce tuae.'

There is no explanation for the alarm, nor of why the banquet would infuriate the patron. The *tibicines* quickly boarded a carriage, believing that they were returning to Tivoli, but they were actually taken back to Rome. There, someone, in order to fool the Senate, ordered them to cover their faces with masks and their bodies with long robes, so that women could join the procession.⁴ The plan worked—we can presume that the limit which had provoked their exile had been lifted—which is why on the Ides of June the flautists travelled through the city playing their instruments in the midst of great revelry and merriment, in the age-old manner (two words relevant for our discussion, which present textual problems which will be discussed, are italicized; we present the relevant apparatus criticus for these two words, as in the Teubner edition, for the convenience of the reader) (Ov. *Fast.* 6.683–90):

iamque per Esquilias Romanam intrauerat urbem,
et mane in medio plaustra fuere foro.
Plautius ut posset specie numeroque senatum
fallere, personis imperat ora tegi,
admiscetque alios et, ut hunc tibicina coetum
augeat, in longis uestibus esse iubet;
sic reduces bene posse tegi, ne forte notentur
contra *collegi* iussa uenire sui.

685 *Plautius Pighius* [see below, n. 6] 365–6: callidus U (ζ) ω: claudius σ || 690 *collegi*(i) **UG** (sc. *collegi tibicinum*): -ae Mω

³ Citations of the *Fasti* refer to the Teubner edition of E.H. Alton, D.E.W. Wormell and E. Courtney (Stuttgart and Leipzig, 1997⁴).

⁴ We are not sure who gave this order, for there are different readings in the manuscripts in line 685, as we will see later on.

Minerva concludes the story by explaining that the *Quinquatrus* derives its name from her own festival of the same name held in March, and that she was responsible for inventing the flute (the *tibia*), although she then abandoned it, only for it to be found by a satyr who dared to challenge Apollo himself, paying a terrible price for his audacity.

There are flaws and inconsistencies in this tale that cannot be explained away simply by *lacunae* and other doubts about the manuscript.⁵ All the same, I believe that more clarification can be gleaned from Ovid's tale by a careful reading of one important aspect, which has been misinterpreted. In general, it is thought that the flautists left the city voluntarily, having been angered by the limitations imposed on them that made it difficult for them to make a living in the same way as before, when *dulcis erat mercede labor* (*Fast.* 6.661). Ovid is not especially clear on this point (there may be a gap after line 662, as has been thought since S.V. Pighi),⁶ although he does make it clear that they lost their Roman citizenship as a consequence of their exile. With some bitterness, suggesting that the verse was added after the poet's own exile, he writes: *exilium quodam tempore Tibur erat* (*Fast.* 6.666).⁷ The flautists had not only abandoned Rome but also settled permanently in another city: Tibur. This meant that they had changed their citizenship: *exilio mutant Urbem* (*Fast.* 6.665), an expression equivalent to the *mutare solum* or the *mutare ciuitatem* of Cicero (*Parad.* 31; *Balb.* 27). In the *Pro Balbo*, Cicero then indicates (*Balb.* 29) the three reasons why this change of citizenship could occur, with the first being exile: *sive exsilio sive postliminio sive reiectione huius ciuitatis*. On the basis that no Roman citizen could belong to two cities, acceptance by another city would mean the loss of Roman citizenship (*Balb.* 28). It is clear that the *tibicines* had no intention to return to Rome, so it is likely that they had taken permanent residence (if not citizenship) in Tibur. This would have meant the automatic loss of their previous Roman citizenship.⁸ If they had still been citizens, the Senate or a magistrate could have simply forced them to return to Rome.

As we have seen, in Ovid's version, the *tibicines* could not return to Rome. There has been some controversy regarding whether an exile could recover their Roman citizenship after returning home, when an *aquae et igni interdictio* has not been declared against them (the so-called *postliminium in pace*). Crifò thinks it is likely that they could, but Maffi points out that there is no suggestion of this in our sources, while Kelly holds that the returning exile could attempt to regain his Roman citizenship by *postliminium* 'after the legal issues of his trial had faded from memory'.⁹ This is not

⁵ P. Murgatroyd, *Mythical and Legendary Narrative in Ovid's Fasti* (Leiden-Boston, 2005), 60–1 has suggested that the problem lies in the narrator (Minerva) not being particularly interested in the narrative, as it concerns the flute, which she strongly dislikes. Even if this explanation is unconvincing, he has correctly pinpointed a number of inconsistencies in Ovid's tale.

⁶ S.V. Pighi, *Annales Romanorum* (Antwerp, 1615), 361.

⁷ We can possibly find an echo of this in Ov. *Pont.* 1.3.81–2, where Ovid once again demonstrates his amazement that Tibur, being so close to Rome, was a place of exile.

⁸ Cic. *Caecin.* 100: *nam cum ex nostro iure duarum ciuitatum nemo esse possit, tum amittitur haec ciuitas denique, cum is qui profugit receptus est in exilium, hoc est in aliam ciuitatem.*

⁹ G. Crifò, *Ricerche sul'exilium nel periodo repubblicano* (Milan, 1961), 173–4 and 201–2; A. Maffi, *Ricerche sul postliminium* (Milan, 1992), 145 and 149; G.P. Kelly, *A History of Exile in the Roman Republic* (Cambridge, 2006), 26.

the right place to discuss the technicalities of this issue, although I believe that Maffi's case for rejecting the *postliminium in pace* is solid. We could go even further if we consider that, by living in Tibur, the flute-players probably missed the Roman *census*. As *incensi* there was a real danger of them being seized and sold as slaves, which explains why they put on disguises when they returned, in order to fool the Senate (... *ut posset specie numeroque senatum | fallere*, *Fast.* 6.685–6): they were no longer citizens but exiles, nor could they remain in Rome, and so they covered their faces with masks so that no one could see that they had returned.

This discussion on the legal technicalities underlying Ovid's text aims to draw attention to a very important point: Ovid describes the return of the flute-players as a subversive act. In his version, there is no mention of the Senate's willingness to bring them back. They are fooling the Senate, and their masquerade achieves its purpose, as they are allowed to return to Rome. Ovid thus offers an aetiology of a carnivalesque feast, where the most exalted authorities and their commands are no longer respected, an occasion more in keeping with the irreverent figure of Marsyas than with the severe Minerva.

As we will see later on, other versions of this tale focus on the fact that the flautists did not want to return; only Ovid states that they could not return, as they were exiles. If we wish to find a hint of his personal experience here, we have to go beyond the addition of a single verse (*Fast.* 6.666), as the whole of the scene with the masks is constructed around the flautists' need to be concealed and go unnoticed. However, there is no need to suppose that the whole of this part of Book 6 was written after Ovid had to abandon Rome for Tomi. It was well known that Tibur had been a traditional place of exile (Polyb. 6.14.8; Livy 43.2.10), and the poet had sufficient knowledge of the law to understand the implications of a change of citizenship, without having done so himself. He had a solid training in rhetoric (*Sen. Contr.* 2.2.8) and had held two posts in the vigintivirate as a triumvir (*Ov. Tr.* 4.10.34: it is unclear whether as a *monetalis* or a *capitalis*) and as *decemuir stlitibus iudicandis* (*Fast.* 4.384). As Ovid knew only too well, after his own bitter experience in Tomi, *exilium* was a very strong word in his times: *quippe relegatus, non exul dicor* (*Tr.* 2.137; cf. 5.11.21–2). As a *relegatus* and not an exile, he still was a Roman citizen (*Tr.* 5.11.9, 5.11.15):

fallitur iste tamen quo iudice nominor exul:
[...]
nec uitam nec opes nec ius mihi ciuis ademit.

Plutarch's version (*Quaest. Rom.* 55 = *Mor.* 277E–278B), despite generally coinciding with Ovid's, does have some significant differences. He situates the festival on the Ides of January, not in June, an obvious error, and also explains the grievance in a different way: the flautists lost the honours they had been granted by Numa Pompilius, owing to a decision of the 'decemvirate with proconsular power'. The rest of the tale is similar, with the freedman appearing and preparing a deceptive banquet. But whereas for Ovid the point of the scheme was first to cheat the flautists by way of the banquet and then, with the dresses and the masks, to cheat the Senate, according to Plutarch, the intention was only to fool the flautists themselves, who did not want to return to Rome. They were only wearing women's clothes because they had not changed after the banquet was abruptly interrupted.

The third version of this popular tale is by Livy (9.30.5–10), with whom a fourth author—Valerius Maximus—coincides (2.5.4), albeit in a slightly shorter form. Livy situates the episode at a precise date, during the consulate of C. Iunius Bubulcus and

Q. Aemilius Barbula (311 B.C.), a different date to that of Plutarch, whose reference to the ‘decemvirate with proconsular power’ refers in all likelihood to the decemvirate of 451–450 B.C. However, Plutarch probably confused Appius Claudius Caecus, the censor from 312 B.C., with the member of the decemvirate responsible for the Twelve Tables with the same name. If we leave this confusion apart, Plutarch’s text coincides with the text of the anonymous *De uiris illustribus* in stating that Appius Claudius, when he held the post of censor, revoked the right of the *tibicines* to play their instruments and hold banquets in public.¹⁰ Livy’s tale follows the same lines: he says that around 311 B.C. a previous censor (whom we can presume to be Appius Claudius)¹¹ prohibited the flautists from holding their traditional banquet in the temple of Jupiter.¹² As they had been exiled and had become citizens of Tibur, the Roman Senate could not force them to return.¹³ And so they had to turn to trickery, a point on which Livy coincides with Plutarch, although there are no freedmen in his version: instead, the people of Tibur themselves get the flautists drunk and trick them into returning to Rome, where they are once again granted the right to eat in the temple of Jupiter and are allowed to parade through the streets each year, accompanied by music and singing.

And so we have several versions of a folk tale with numerous intermingled and conflicting details.¹⁴ Plutarch and Ovid (but not Livy or Valerius Maximus) put a freedman at the heart of the deception that led to the flautists returning to Rome. Livy and Valerius Maximus attribute their annoyance to the fact that they were prohibited from holding a solemn banquet in the temple of Jupiter, while Ovid states that this was essentially due to the limitation affecting the number of flautists who could attend funeral ceremonies. Plutarch is less precise, as he only refers to a number of privileges granted to them by Numa Pompilius, which were then revoked. According to Livy, a censor took this measure, while Ovid states that it was an aedile and Plutarch attributes it to the ‘decemvirates with proconsular power’, although it is likely that this is due to a mistake on his part.

Despite having gone unnoticed by modern authors, the presence of a freedman as the protagonist of part of the story warrants closer attention. Ovid insists on this point, first indicating that he was a man of certain dignity, who had already been a freedman for many years (*Fast.* 6.669–70), and noting that he had been manumitted by the ritual of the *uindicta* (*Fast.* 6.676), which may imply that this was considered a more

¹⁰ *De uir. ill.* 34.1: *Appius Claudius Caecus in censura libertinos quoque in senatum legit. epulandi cantandique ius tibicinibus in publico ademit.*

¹¹ Other authors—such as E.A. Palmer, ‘The censors of 312 B.C. and the state religion’, *Historia* 14 (1965), 293–324—maintain that Livy is referring to the censors of 318 B.C. Authors who prefer to blame Appius Claudius for the expulsion of the *tibicines* include J. Rüpke, *Kalender und Öffentlichkeit. Die Geschichte der Repräsentation und religiösen Qualifikation von Zeit in Rom* (Berlin and New York, 1995), 248 and T. Lanfranchi, ‘A propos de la carrière de Cn. Flavius’, *MEFRA* 125 (2013), 175–97.

¹² *CIL* I² 988 = VI 3696, from the first century B.C. (EDR 135265 erroneously dates it to between A.D. 150 and 250), is an interesting dedication to *Ioui Epuloni*, which is easy to associate with the privilege of eating in the temple of Jupiter on the Capitol Hill enjoyed by the *tibicines*. Palmer (n. 11), 321 goes beyond Livy’s text when he suggests that what the censors did was to transfer the *tibicines* to a worse tribe.

¹³ A.N. Sherwin-White, *The Roman Citizenship* (Oxford, 1973), 35.

¹⁴ There is also a very brief reference in Quint. *Inst.* 5.11.9, which uses the example of the *tibicines* to compare it to the return from exile of leading male figures: *tibicines, cum ab urbe discessissent, publice reuocati sunt: quanto magis principes ciuitatis uiri et bene de re publica meriti, cum inuidiae cesserint, ab exilio reducendi!*

honourable form of manumission than *testamento*.¹⁵ There may well even be a third reference to him, hidden in verse 685, where the edition of E.H. Alton, D.E.W. Wormell and E. Courtney says *Plautius*, according to Pighi's conjecture, in reference to the colleague of Appius Claudius who held the post of censor, C. Plautius Venox:¹⁶ *Plautius, ut posset specie numeroque senatum | fallere, personis imperat ora tegi ...*. However, this is not supported by the manuscripts, where we can only see *Claudius* or *callidus*. The first option is tempting but should be rejected, because, if Claudius had been responsible for the flautists' departure, then Ovid could not present him as their defender. We are left with *callidus*, which has been defended by A. Fusi: in his opinion, *callidus* would have referred to the freedman who had offered the banquet, and who now, with great cunning, ordered them to cover their faces with masks.¹⁷ This would mean that the freedman would have had to accompany them on the journey from Tibur to Rome.

I believe there are two different justifications for the presence of the anonymous freedman.¹⁸ The first is connected with the fact that the *tibicines* were often freedmen, as we know from inscriptions,¹⁹ so it would be easy to understand, from the poet's point of view, that it was someone 'like them'—someone of their same condition and whom they could trust—who had lured them into the trap. The second reason is more important and more complex. Livy, the anonymous author of *De uiris illustribus* and, in all likelihood, Plutarch (if we consider that the reference to the decemvirate is a mistake) associated the episode with the turbulent period during which Appius Claudius was censor, in 312 B.C. Ovid is less precise on this point, although it is tempting to think that the *aedilis* he refers to in *Fast.* 6.663 is the famous Cn. Flavius, independently from the reading of verse 685 (*Claudius* or otherwise *callidus*).²⁰ Although the information we have available is clearly insufficient, one of the measures he took as censor, and which caused scandal amongst the aristocracy, was to allow the children (or grandchildren) of

¹⁵ This means that he was deemed to be worthy of his freedom, thus insisting on his *dignitas* (*quantolibet ordine dignus* 6.669; Dion. Hal. *Ant. Rom.* 4.24.6 criticized the generosity of some owners who did not manumit those who deserved it, but instead freed a number of slaves, as they wanted to have many freedmen in mourning at their funeral), even if, obviously enough, *manumissio testamento* is ruled out by the logic of the tale.

¹⁶ See above, n. 3.

¹⁷ A. Fusi, 'Le *Quinquatrus minores* e l'esilio dei flautisti', in G. La Bua (ed.), *Vates operose dierum: studi sui Fasti di Ovidio* (Pisa, 2010), 113–37.

¹⁸ R.J. Littlewood, *A Commentary on Ovid's Fasti, Book 6* (Oxford, 2006), 200 considers that the presence of the freedman is an invention of Ovid himself. There is nothing to support this statement, and since Plutarch also includes it in his story, which is significantly different to Ovid's, it seems quite unlikely.

¹⁹ A. Vincent, 'Auguste et les *tibicines*', *MEFRA* 120 (2008), 427–46 considers that Augustus in some way excluded freedmen from the *collegium tibicinum*. This idea can also be seen in C. Vendrier, 'Musique romaine', in *Thesaurus cultus et rituum antiquorum*, vol. 2 (Los Angeles, 2004), 397–415. There are too few relevant inscriptions to reach such decisive conclusions, but, even if Vincent is right, Ovid could have been referring to an old folk tale, belonging to a time when the majority of the *tibicines* were freedmen.

²⁰ This idea is defended by M. Humm, 'Spazio e tempo cívico: riforma delle tribu e riforma del calendario', in C. Bruun (ed.), *The Roman Middle Republic. Politics, Religion and Historiography c.400–133 B.C.* (Rome, 2000), 91–119, at 115. Naturally, opting for *callidus* in 6.685 obliges us to read *collegi* in 6.690 and rules out *collegae*, which is the interpretation that is preferred, amongst others, by S.P. Oakley, *A Commentary on Livy: Books VI–X, Vol. 3* (Oxford, 2005), 678–80 and Littlewood (n. 18), 204. It is commonly assumed that *collegi iussa* refers to the decision to abandon Rome taken by the *collegium*, which was binding upon all of its members.

libertini to hold posts in the Senate.²¹ The story about the origin of the *Quinquatrus*, by attributing an important role to a freedman, also served to justify this controversial step taken by the censor, which favoured a group who had shown their usefulness for the *ciuitas* by succeeding in making the *tibicines* return to Rome. Ovid's freedman has all of the features of a 'cultural hero' who performs a great service to his community, with cunning (*callidus*), all the while being driven by nothing more than altruism, which differentiates him from the 'trickster', who seeks his own profit.²² He should be included in the same list of freedmen such as Vindicius, who discovered the conspiracy hatched by a group of young aristocrats who sought the return of Tarquinius and the monarchy to Rome, or Fecenia Hispala, who alerted the authorities to what was happening during the Bacchanalia.²³ *Tibicines* were absolutely essential for several aspects of Roman religion. Ovid highlights three: *ludi*, altars and funerals.²⁴ We know the crucial role they played in Roman comedy (*ludi scaenici*), as no instrument other than the *tibia* was ever used to accompany theatrical performances in the times of Plautus and Terence.²⁵ Even though the story may seem unimportant, and Livy explicitly states that he only tells it because of its religious implications, this anonymous freedman contrived to provide a very important service to Rome.²⁶

As we have seen, Ovid concludes his tale by explaining that Minerva invented the *tibia* (*Fast.* 6.697–8). Other versions attribute it to Hyagnis, the father of Marsyas (*Apul. Flor.* 3).²⁷ Indeed, the relationship between Minerva and the flute or *tibia* is quite weak, and both Wissowa and Bömer have questioned the link between the *Quinquatrus* of June and the festival of the goddess in March.²⁸ A festival in which masked drunken flautists gallivant through the streets of Rome brings to mind the satyr to whom Ovid refers at the end of his tale, the old Marsyas who amazed the nymphs with the sounds he made with his *tibia*; even the idea of dressing as women is closer to Dionysus and his acolyte. The festival was undoubtedly dedicated to Minerva, although the old satyr probably played a relevant role in the proceedings. Only Ovid mentions Marsyas, although one of the *Saturae Menippeae* of Varro, entitled *Quinquatrus*, briefly refers to *Liber Pater* and the garlanded Bromia (fr. 443 Astbury). Here the context is the satire of bad doctors, and although Varro is probably referring to

²¹ Cf. Diod. Sic. 20.36.3; Livy 9.46.10; Suet. *Claud.* 24.3 with M. Humm, *Appius Claudius Caecus. Le République accompli* (Rome, 2005), 219–26 and P. López Barja, *Historia de la manumisión en Roma* (Madrid, 2008), 104–7. It should be stressed that, no matter what *libertini* could have possibly meant in the fourth century B.C., Ovid interpreted the word as referring to ex-slaves.

²² E. Meletinski, *El mito. Su significado y funciones* (Madrid, 2001, translated from the Italian version of 1993), 178–9.

²³ Amongst other sources, see Livy 2.4.5–6 and 2.5.10 (Vindicius) and 39.9 and 39.19 (Fecenia Hispala).

²⁴ *Ov. Fast.* 6.667–8. Cf. Cic. *Har. resp.* 23 *si tibicen conticuit ... ludi non sunt rite facti*; G. Wissowa, *Religion und Kultus der Römer* (Munich, 1971), 449.

²⁵ T.J. Moore, *Music in Roman Comedy* (Cambridge, 2012), 26.

²⁶ Livy 9.30.5: *eiusdem anni rem dictum paruam praeterirem, ni ad religionem uisa esset pertinere.*

²⁷ Cf. A. Feldherr and P. James, 'Making the most of Marsyas', *Arethusa* 37 (2004), 75–103, at 94–5.

²⁸ Wissowa (n. 24), 254; F. Bömer, *Die Fasten* (Heidelberg, 1958), 2.379–80. This said, we do know of a highly fragmented inscription in which the *magistri quinquennales* of the *collegium tibicinum Romanorum* make an offering to Minerva (*CIL* I² 2984b with S. Panciera in *Epigrafia. Actes du colloque en mémoire de Attilio Degrossi* [Rome, 1981], 285–6).

the *Quinquatrus* of March, there is nothing in the few remaining fragments to confirm this.²⁹

Lastly, a bust uncovered in the Villa dei Papiri at Ercolano has been identified as Thespis, the talented *aulētēs* at the court of Ptolemy I Sotēr. The inscription (now lost) with his (fragmented) name included an enigmatic ‘Q’ which has been interpreted as referring to the *Quinquatrus minusculae*.³⁰ This is very unlikely, and would not add much to our knowledge of the feast, while leaving unexplained why a Roman festival was mentioned in Herculaneum.

2. MARSYAS

We know that a statue of Marsyas stood in the forum in Rome, possibly in the western part of the *Comitium*, showing the satyr with one arm raised, a wineskin on his back and with broken shackles on his ankles. No trace of the statue remains, although there is a damaged image in the *anaglypha Traiani* and another on a coin issued by L. Marcus Censorinus.³¹ On this coin we can see what may be a statue of Minerva behind the statue of Marsyas;³² if this is so, it would mean that both of them appeared together in the forum, in the same way, according to our hypothesis, that both of them were involved in the *Quinquatrus minusculae*, but this interpretation is far from certain, and it could be Victoria, instead of Minerva.³³ The coin also highlights another obvious relationship, between Apollo (shown on the front) and Marsyas (on the back), expressed in the association known since the end of the second century B.C. (seen on the altar of Domitius Ahenobarbus) that was also usual in the time of Cicero between the *tibia*—the instrument of Marsyas—and the lyre—the instrument of Apollo—in the same ceremony.³⁴

We have another controversial piece of evidence regarding this statue in the forum: an image of it possibly appears on a coin of Censorinus from a date that must have been prior to the return of Sulla in 82 B.C. Although it is likely that there was an intentional play on words with the name of the *monetalis* (Marcus–Marsyas), it has also been suggested that the image of Marsyas on the coin was intended to be Marianist and was therefore *popularis*,³⁵ since L. Marcus Censorinus was probably the brother of the well-known follower of C. Marius, C. Marcus Censorinus, beheaded on Sulla’s

²⁹ J.-P. Cèbe, *Varron. Satires mérippées*, vol. 11 (*Prometheus liber – Sesqueulixes*) (Rome, 1996), 1806 ff.

³⁰ I. Sgobbo, ‘Thespis l’auleta raffigurato in un bronzo di Ercolano’, *RAAN* 45 (1970), 139–58. While accepting Sgobbo’s proposal regarding Thespis, M.R. Wojcik rejects his interpretation of Q as referring to *Quinquatrus minusculae* (*La villa dei Papiri ad Ercolano* [Rome, 1986], 184–90).

³¹ Regarding the coin, see M. Crawford, *Roman Republican Coinage* (Cambridge, 1991), no. 363, 377–8.

³² F. Coarelli, *Il Foro romano*, vol. 2 (Rome, 1992), 107.

³³ Crawford (n. 31).

³⁴ Cf. Porph. on Hor. *Carm.* 1.36.1–12 and Cic. *Leg.* 2.22, and V. Péché, ‘*Collegium tibicinum Romanorum*, une association de musiciens au service de la religion romaine’, in P. Brulé and C. Vendries (edd.), *Chanter les dieux. Musique et religion dans l’Antiquité grecque et romaine* (Rennes, 2001), 307–38, at 328–30.

³⁵ In this case, see B. Kapossy, ‘Marsyas und die Politik der Populares’, *GNS* 15 (1965), 74–9 and T.J. Luce, ‘Political propaganda on Roman Republican coins’, *AJA* (1968), 25–39, at 38, as well as Fr. Münzer, ‘Marcus’, *RE* 14.2 (1930), cols. 1535–608, at col. 1554, n° 47. On the contrary, Crawford (n. 31), 377–8 does not believe that it has any connection with the *popularis* ideology, but argues that the idea was to create a play on words with the *nomen* of the monetary magistrate (Marcus–Marsyas). These interpretations are compatible with each other. Coarelli (n. 32) identifies

orders after the battle of Porta Collina in November of 82 B.C.³⁶ The connection is tenuous, as we do not know if this Censorinus (as opposed to his brother) was also on Marius' side. In turn, I consider that the fact that Apollo is shown on the front of the coin is a direct reference to the mythical tale of the confrontation between the satyr and the god, and that therefore Marsyas is shown not paranomastically but in his own right. In particular, I think that the coin attempted to materialize the support of the *populares* towards the integration of the new citizens in the tribes at a time when the consequences of the *bellum Marsicum* were still apparent. As early as the middle of the second century B.C., the analyst Cn. Gellius noted that Marsyas was the mythical ancestor of the Marsi.³⁷ The Marsyas who was the symbol of *libertas–ciuitas* would have also defended the full integration of the Marsi as Roman citizens at a time when there were well-grounded fears that Sulla would repeal at least some of the citizenship grants when he returned from the East.³⁸

There are other statues that are similar to the statue of Marsyas in Rome, found in other Italian cities such as Paestum. This is the best preserved, and is barely one metre high; it would have originally had one of its arms raised, and perhaps also a wine-skin on its back, although we cannot be sure of this.³⁹ We also know of an arm from a statue in Alba Fucens, a mutilated figure of dubious origin from Velia, and a pedestal found in Bovianum, amongst other fragments.⁴⁰

There are several elements of this iconographic element, normally known as 'Marsyas in the forum', that are not easy to explain. Jocelyn Penny Small considers the gesture of the raised hand as something typically prophetic (Serv. on *Aen.* 3.359: Marsyas taught the Italics the art of soothsaying), specifically associated with the ceremony of *exauguratio*.⁴¹ In fact, there are no clear parallels, and it is more likely that the gesture is connected with the link between Marsyas and *libertas*. According to Servius (on *Aen.* 4.58), the statue of Marsyas stood in the *ciuitates liberae* and the raised hand meant that the city in question did not lack anything and was 'complete'. In itself, Servius' statement associating Marsyas with the *ciuitates liberae* is incorrect, although it has given rise to a wide range of interpretations, which consider that the statue of the satyr expressed the legal status of the city, as something typical of the colonies, or otherwise of the cities outside of Italy with *ius Italicum*.⁴² Coarelli has proposed a slightly

the column that is behind Marsyas with the column of the *Maenia* (associated with debtors). See also A. Weis, *The Hanging Marsyas and Its Copies* (Rome, 1992), 73–4 and fig. 76.

³⁶ On C. Marcus Censorinus, see T.R.S. Broughton, *The Magistrates of the Roman Republic*, vol. 2 (New York, 1968), 49, 71; cf. App. *BCiv.* 1.90 and 1.92–3.

³⁷ T. Cornell (ed.), *The Fragments of the Roman Historians* (Oxford, 2013), 2.372–3, Gellius 14 F 16 (= Plin. *HN* 3.108) and F 17 (= Solin. 1.7–9). In the commentary (3.235), J. Briscoe suggests that the association between Marsyas and the Marsi may have been an invention of Gellius himself.

³⁸ See F. Santangelo, 'Roman politics in the 70s B.C. A story of realignments?', *JRS* 104 (2014), 1–27. For the pairing *libertas–ciuitas*, cf. Cic. *Balb.* 24: *seruus denique ... persaepe libertate, id est ciuitate, publice donari uidemus*.

³⁹ Coarelli (n. 32), 91–119.

⁴⁰ J. Habetzeder, 'Marsyas in the garden? Small-scale sculptures referring to the Marsyas in the forum', *Opuscula* 3 (2010), 163–78.

⁴¹ J.P. Small, *Cacus and Marsyas in Etrusco-Roman Legend* (Princeton, 1982), 78–9. In her opinion (at 102–3) the connection between Marsyas and Bacchus is Augustan. Cf. the scathing review by N.M. Horsfall, 'Cacus and Marsyas', *CR* 34 (1984), 226–9.

⁴² Cf. J. Paoli, 'Marsyas et le *ius Italicum*', *MEFRA* 55 (1938), 96–130 (written when statues of Marsyas were still unknown in Italic cities); P. Veyne, 'Le Marsyas 'colonial' et l'indépendance des cités', *RPh* 35 (1961), 87–98; A. Weiss, 'Marsyas I', *LIMC* 4.1 (1992), 366–78 is more eclectic ('Italian rights or colonial status').

different and highly suggestive explanation: he considers that the shackles on Marsyas' feet are a reference to the abolition of slavery for debts, the *nexum*, which occurred at the end of the fourth century B.C., just before the time when he believes that the statue was erected.⁴³ Basso has criticized Coarelli's interpretation, as we cannot date the statues—even the best-preserved example in Paestum—and it is not clear that the objects on the statue's feet are shackles: the satyr is wearing shoes and is not barefoot as would be expected of a slave, and there are no signs of the chain that would be attached to them, even if it were broken. Basso uses a text by Isidore of Seville that associates Marsyas with the Marsi, leading him to suggest that the statue is associated with the so-called 'Social War' as a sign of the civil liberty achieved by the Italic cities.⁴⁴ In turn, Mastrocinque notes that the shackles are not connected with chains because Marsyas symbolized freedom instead of slavery, and the statue from Paestum reflects the city's freedom as a result of having been transformed from a *praefectura* (which depended on Rome) into a *municipium*.⁴⁵ Recently, in a highly evocative article, V. Arena rejected the link between Marsyas and *libertas*, considering it to be a 'scholarly myth': in its effort to unveil the meaning of Virgil's text, the Servian commentary interprets *Liber* incorrectly, associating it with the idea of *libertas* from a Neoplatonic perspective, identifying it with the Sun, as being self-sufficient: the Sun is the One, which is free because it does not lack anything.⁴⁶ Arena is surely right in reading the commentators of Virgil from their Neoplatonic context; this would explain the mysterious reference made by Servius Danielis (4.58), according to which the god, by raising his arm, indicates that the city is complete and does not lack anything. However, the fact that Servius gives the idea of *libertas* a meaning that is closer to that of his own time does not imply, in my opinion, that he was wrong in associating Marsyas with *libertas*. In other words, what Servius understood by *libertas* probably meant something different to what it had meant several centuries before, when the statue was first made and put in place in the Roman forum.

The gesture of the raised arm may indicate that Marsyas is well aware of his own *hybris* towards Apollo: it expresses fear for the dreadful punishment the god is about to inflict upon him.⁴⁷ Interestingly, D. Miano has interpreted the gesture as a reference to the *prouocatio ad populum* as seen on the coin of P. Porcius Laeca, with a raised arm and the legend *PROVOCO*.⁴⁸ This means that, notwithstanding the meaning the statue may have had when it was first erected (the abolishing of the *nexum*, as suggested by

⁴³ Coarelli (n. 32), 91–119. M. Torelli, *Typology and Structure of Roman Historical Reliefs* (Ann Arbor, 1982), 98–106 considers that the statue was erected in 294, the year when C. Marcus Rutilus (cos. 310 B.C.) held the post of censor. D. Liberatore, 'Un Marsia nel Foro di Alba Fucens? Una proposta d'identificazione', *Ostraka* 4 (1995), 149–255 maintains that, if we consider that Alba Fucens was founded in 303 B.C., then the Marsyas in Rome must have been from before this date, although there is nothing to force us to admit that the statue of Marsyas in Alba Fucens existed from the time it was founded.

⁴⁴ P. Basso and A. Buonopane, 'Marsia nelle città del mondo romano', *Mediterraneo antico* 11 (2008), 139–60.

⁴⁵ A. Mastrocinque, 'Marsia e la civitas Romana', in M. Chiabà (ed.), *Hoc quoque laboris praemium. Scritti in onore di Gino Bandelli* (Trieste, 2014), 331–41.

⁴⁶ V. Arena, 'Semantic battles, the statue of Marsyas and Servius', in M. Nebelin and C. Tiersch (edd.), *Semantische Kämpfe in Rom? Kontinuität und Transformation der politischen Sprache in Rom zwischen Republik und Prinzipat* (forthcoming).

⁴⁷ M. Denti, 'Il Marsia di Paestum', *Annali del Istituto Universitario Orientale (Sezione di Archeologia e storia antica)* 13 (1991), 133–88, at 163.

⁴⁸ Crawford (n. 31), no. 301/1, 110 or 109 B.C. D. Miano, *Monimenta. Aspetti storico-culturali della memoria nella Roma medio-repubblicana* (Rome, 2011), 134–5.

Coarelli), it could easily be interpreted in a *popularis* way. We must be prepared to admit that the statue could be interpreted in different ways throughout history, from the initial connection with the Struggle of the Orders through the *popularis* version of *libertas* and the link with imperial benefactions in the second century A.D., as portrayed in the *anaglypha Traiani*, to the Neoplatonic interpretation in Late Antiquity.⁴⁹ As Santangelo has recently and quite correctly noted: ‘the story of the statue of Marsyas is one of constant renewal, of meanings that were lost, retrieved, or invented from scratch, both in Rome and far away from Rome.’⁵⁰

In our case, the line that we are following associates Marsyas with *libertas*, wine and Dionysus. We know that at least around the second century B.C. the statue of Marsyas in Rome had a wreath of flowers on its head (Plin. *HN* 21.8) and not a *pilleus*, a symbol of freedom, as some authors have believed, based on the coin of Censorinus,⁵¹ and similar to that worn by diners at a banquet. The statue also sometimes appears associated with night-time scenes of wine and sex (Sen. *Ben.* 6.32.1 and Plin. *HN* 21.6), which inevitably leads us to consider once again the deceptive banquet of the *tibicines* and the *Quinquatrus minusculae*. As regards the question of wine, Marsyas was *in tutela Liberi patris* (Serv. on *Aen.* 3.20). Charax of Pergamon insists on this point: according to him, it was the followers of Silenus that Dionysus left in Italy who taught its inhabitants to cultivate vines, and for this reason they erected statues in their cities of an old man similar in appearance to Silenus, carrying wine in wineskins.⁵² Indeed, the Marsyas in the forum had a wineskin on his back, as can be seen on the coin of Censorinus and in the *anaglypha Traiani*. Although this piece of information has gone unnoticed, the satyr with a wineskin over his shoulder and a garland of flowers on his head had already appeared in the Praenestine *cistae* between the fifth and the fourth centuries B.C., one of which is accompanied by the inscription *Silenos*.⁵³ At the start of the first century B.C., L. Pomponius wrote a work entitled *Marsyas*, although unfortunately we do not know anything about its contents.⁵⁴ It may well have been a

⁴⁹ On the link between the Marsyas and the *continuitas imperii* (through the *congarium*), see Torelli (n. 43), 105.

⁵⁰ F. Santangelo, ‘The statue of Marsyas’, in M. García Morcillo, J.H. Richardson and F. Santangelo (edd.), *Ruin or Renewal? Places and the Transformation of Memory in the City of Rome* (Rome, 2016), 49–71, at 68. I do not agree with his conclusion (at 68) that the statue of Marsyas should be left out of the account when writing the history of liberty in the Roman Republic. As the evidence from Petronius (on which see later) shows, there is a connection between the *Marsyas cum utriculo* and *libertas*, and this is also what we may conclude from Servius: even if he misconstrued the meaning of *libertas* using ideas and concepts from his own times, he surely did not invent the link between Marsyas and *libertas*.

⁵¹ Amongst others, G. Tibiletti, ‘Marsyas, die Sklaven und die Marser’, *Studi in onore di Emilio Betti*, vol. 4 (Milan, 1962), 349–59; R.J. Rowland, ‘Numismatic propaganda under Cinna’, *TAPhA* 97 (1966), 407–19, at 417.

⁵² *FGrHist* 103 F 31.

⁵³ T.P. Wiseman, ‘Liber: Myth, drama and ideology in Republican Rome’, in C. Bruun (ed.), *The Roman Middle Republic. Politics, Religion and Historiography c.400–133 B.C.* (Rome, 2000), 265–99, at 269, figs. 4 (*cista* n° 72, Rome, Villa Giulia Museum) and 5 (*cista* n° 66: Vassar College, New York). Wiseman (this note) does not notice the link between these Silenus figures and the statue on the Roman forum.

⁵⁴ Jerome dates the *floruit* of Pomponius to 89 B.C. (*Chron.* p. 150 Helm). Cf. A. López and A. Pociña, *Comedia romana* (Madrid, 2007), 292–8. The only reference to the *Marsyas* of Pomponius is Arnob. *Adv. nat.* 2.6, which does not say anything about its contents, other than the fact that it was possible to memorize it completely.

satirical drama, probably interspersed with mime and comedy, whose existence in Rome has been defended by P. Wiseman.⁵⁵

Could we suggest an iconography, which could be called *Marsyas cum utriculo*, inspired by the satirical dramas, the *cistae*, mimes and the *Atellanae*? We find him once again in the time of Nero, against the backdrop of a revealing scene that took place during the famous banquet of the freedman Trimalchio. The guests are presented with a tray with a figure of Marsyas in each of its four corners, each with a wineskin to dispense *garum* (Petron. *Sat.* 36.3). The next dish is an *aper pilleatus*, accompanied by a young man decked out in grapes and ivy, who says he is Bromius, Lyaeus and Euhis, and whose name is Dionysus (41.4–8). Trimalchio frees him—as a result of which he can boast to have a *Liber Pater*—and Dionysus covers his head with the *pilleus* carried by the boar. Here we will not analyse this complex series of references to slavery, liberty and manumission,⁵⁶ instead simply noting that the *Marsyas cum utriculo* forms part of this allegory of freedom, owing to his condition as an acolyte of *Liber Pater*. It is likely that this is an association that goes back a long time. While *Liber* was originally a god of wine and of the power of plant life, from the third century onwards he began to be identified with *Zeus Eleutherios* and therefore to be considered as the god of freedom.⁵⁷ This freedom, as indicated by Servius (on *Aen.* 4.58), is that of the community, of civic freedom, which in Rome in the first century B.C. is defined, ‘conceptually, as a status of non-slavery’.⁵⁸

3. CARNIVAL AND POLITICS

The festival of the *Quinquatrus minusculae*, on the Ides of June, even if the *tibicines* were undoubtedly the protagonists, was offered in benefit of the entire population.⁵⁹ The flautists visited different neighbourhoods of the city (*tibicines tum feriati uagantur per Urbem* [Varro, *Lat.* 6.17]), drawing attention to themselves through their music and attire (masks and women’s clothing). From Valerius Maximus (2.5.4) we know that they travelled through the forum, surprising those that were there going about their daily business, as they headed towards the temple of Minerva on the Aventine Hill. Livy (9.30.10) says that the festival lasted three days, which means that there were other

⁵⁵ T.P. Wiseman, ‘Satyrs in Rome? The background to Horace’s *Ars Poetica*’, *JRS* 78 (1988), 1–13.

⁵⁶ Cf. G. Schmeling, *A Commentary on the Satyrical of Petronius* (Oxford, 2011), ad loc. and, very recently, U. Roth, ‘Liberating the *Cena*’, *CQ* 66 (2017), 614–34.

⁵⁷ Cf. F. Bömer, *Untersuchungen über die Religion des Sklaven in Griechenland und Rom*, vol. 1 (Wiesbaden, 1957), 492 and 494. The interpretation of A. Bruhl, *Liber Pater. Origine et expansion du culte dionysique à Rome et dans le monde romain* (Paris, 1953), 21 and 29 is slightly different, although the original condition of the god (prior to the third century B.C.) does not concern us here. J.M. Pailler, *Bacchanalia. La répression de 186 av. J.-C. à Rome et en Italie* (Rome, 1988), 722 considers that the patronage of *Liber Pater* over the freeing of slaves did not appear until the Imperial period, although the Romans never established any kind of opposition between the freedom of the *res publica* and that of the slaves. While in the times of Naevius the *Liber Pater* was already associated with freedom (as indicated by the famous verse *libera lingua loquemur ludis Liberalibus*: O. Ribbeck, *Comicorum Romanorum fragmenta* [Leipzig, 1898³], 29), there can be no doubt that this freedom also included that of slaves.

⁵⁸ V. Arena, *Libertas and the Practice of Politics in the Late Roman Republic* (Cambridge, 2012), 45.

⁵⁹ D. Sabbatucci, *La religione di Roma antica, dal calendario festivo all’ordine cosmico* (Milan, 1988), 214 establishes a very interesting link between the *Quinquatrus minusculae* and the figure of Fauna (the prototype of the drunken woman), though I believe that the links between the festival of the *tibicines* and Marsyas are more apparent.

ceremonies apart from the procession and the ritual feast in the Capitol. This fits in well with what Censorinus says (*De die nat.* 12.2) about the fact that the *tibicines* were allowed to organize public *ludi*, possibly quite similar to the *ludi Compitalia*. There are also similarities in terms of the undoubtedly carnivalesque nature of both festivals. In the *Compitalia* the slaves were granted certain liberties, being considered as freedmen for one day (Dion. Hal. *Ant. Rom.* 4.14 and Gell. *NA* 16.9.1–5). The people in charge of organizing these *ludi* (the *magistri uici*), who were often freedmen like the *tibicines*, were granted extraordinary authority on the day of the festival, as they wore the *toga praetexta* typically worn by magistrates, and were accompanied by *lictors*.⁶⁰ During the *Compitalia*, apart from processions and sacrifices, there were performances by mimes who lampooned political issues of the time. We know that on at least two occasions the *Compitalia* were used by *populares* politicians to promote their legal initiatives: in 67 B.C. by C. Manilius and in 58 B.C. by P. Clodius.⁶¹ As regards the *Quinquatrus minusculae*, in addition to the masks and the female attire, there were also the festive songs (*uerba iocosa*) which, according to Ovid, characterized the festival (*Fast.* 6.692). Laughter, as indicated by M. Bakhtin, is one of the decisive elements of carnivals, which not only provide entertainment but also offer an alternative view of the world.⁶²

Cicero refers to a popular festival (the *Quinquatrus* of March) coinciding with the tumultuous *contiones* of the *populares* politicians in a letter written around 25 June 50 B.C. from Cilicia (*Fam.* 2.12 = 95 SB): *sollicitus equidem eram de rebus urbanis. ita tumultuosae contiones, ita molestae Quinquatrus adferebantur*. These *tumultuosae contiones* are generally interpreted as referring to violent speeches by the mercurial Curio.⁶³ He was furious because he had not obtained the intercalary month he needed—it should have been added at the end of February, after the *Terminalia*—in order to implement his ambitious program of new legislation.⁶⁴ His program from that moment onwards was overtly *popularis*, comprising a *lex uiaria* (similar to the *rogatio Rulla agraria*) and a *lex alimentaria* (Cael. *ap.* Cic. *Fam.* 8.6.5 [88 SB, February 50]).

We can imagine that the scene in the *Quinquatrus* of June must have been quite similar; joyous processions of drunken freedmen singing the praises of Minerva and Marsyas to the sound of *tibia* through the streets of Rome, coinciding with the furious *contiones* of the *populares* politicians stirring up the rabble. What better occasion could there be

⁶⁰ Cf. Cic. *Pis.* 8 and 23, Asc. *Pis.* p. 7 C; Livy 34.7.2. On the *Compitalia*, cf. J.M. Flambard, 'Collegia Compitalicia: phénomène associatif, cadres territoriaux et cadres civiques dans le monde romain à l'époque républicaine', *Ktema* 6 (1981), 143–66; M. Tarpin, *Vici et pagi dans l'Occident romain* (Rome, 2002), 133; J.B. Lott, *The Neighborhoods of Augustan Rome* (Cambridge, 2004), 42; A. Frascchetti, *Roma e il principe* (Bari, 2005), 218 and 223–4. T. Stek, *Cult Places and Cultural Change in Republican Italy* (Amsterdam, 2009), 187–99.

⁶¹ See A.K. Michels, *The Calendar of the Roman Republic* (Princeton, 1967), 205.

⁶² M. Baťjin (= Bakhtin), *La cultura popular en la Edad Media y en el Renacimiento. El contexto de François Rabelais* (Madrid, 1998), 121–2.

⁶³ See D.R. Shackleton Bailey, *Cicero: Epistulae ad Familiares, Volume 1, 62–47 B.C.* (Cambridge, 2008), ad loc. R.Y. Tyrrell and L.C. Purser, *The Correspondence of M. Tullius Cicero* (Dublin–London, 1914), 3.228. We have no other evidence to confirm that Cicero is actually talking about Curio's speeches in this letter. H. Mouritsen quotes this sentence of Cicero on the *tumultuosae contiones* only to underline the fact that the echo of *contiones* could reach distant Cilicia, but the *molestae Quinquatrus* go unnoticed: 'From meeting to text: the *contio* in the Late Republic', in C. Steel and H. van der Blom (edd.), *Community and Communication. Oratory and Politics in Republican Rome* (Oxford, 2013), 63–82.

⁶⁴ See Caelius' letter (Cic. *Fam.* 8.6.5 [88 SB, February 50 B.C.]) and E. Gruen, *The Last Generation of the Roman Republic* (Berkeley, 1974), 469–83.

than a festival for questioning the arbitrary authority of those in power? Inevitably, this opposition to unjust and arbitrary rule allowed the hidden transcripts of the oppressed to leak through the barrier of conventions and respect that kept them unexpressed.⁶⁵ The statue of Marsyas surely reminded the street-goers of the connections between this merrymaking and plebeian *libertas*.

In the same sentence, Cicero connects *contiones* to a public feast, apparently saying that the *Quinquatrus* were *molestae* precisely because of the *tumultuosae contiones*. In recent years, much research has been carried out on the subject of *contiones*, but, to my knowledge, no one has explored the connection between them and the official festivities.⁶⁶ We know that they could be held on any day of the year, except in the case of the *contiones* linked to *comitia*, as these were restricted to *dies comitiales*.⁶⁷ What Cicero's sentence may suggest is that certain politicians singled out public feasts as being especially suitable for violent discourses (*tumultuosae contiones*). It is true that sometimes they simply could not choose the moment, as the urgency of a recent event forced them to speak to the people without any delay. A clear example is the *contio* of 18 January 52 B.C. over the dead body of Publius Clodius, who had been murdered the day before on the Appian Way (Asc. *Mil.* p. 49 C). Obviously enough, in this case, the tribunes of the plebs could not wait for the nearest *feriae publicae* to hold the *contio*. Even so, when they were free to choose the moment, it seems that the *populares* seized the opportunity to take advantage of a public festival, when it was easier for crowds to gather around speakers, and perhaps show more interest in what they had to say. The evidence is scarce, for we rarely know the exact day when a *contio* was held,⁶⁸ but from amongst these few cases there are two coincidences. The first was on 25 July 59 B.C., when a plebeian tribune invited Pompey to speak in front of a *contio* so that he could complain about the edicts Bibulus had published, furiously attacking him. 25 July was the feast of *Furrinalia*, particularly significant for the *populares*, as C. Gracchus had been killed precisely in the vicinity of the goddess's sacred grove on the Janiculum.⁶⁹ It is unlikely to have been coincidence that the temple erected to Concordia in the forum by L. Opimius, who had been responsible for the death of C. Gracchus, was dedicated on 22 July.⁷⁰ By the end of the Republic, *Furrina* was nothing more than a name, even though the goddess had her own *flamen*, but a statue of Caius Gracchus was placed in her sacred grove, in memory of his tragic

⁶⁵ On the dialectic of hidden vs public transcripts, see J.C. Scott, *Domination and the Art of Resistance. Hidden Transcripts* (New Haven, 1990).

⁶⁶ F. Pina Polo, *Las contiones civiles y militares en Roma* (Saragossa, 1989); R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic* (Cambridge, 2004); D. Hiebel, *Rôles institutionnel et politique de la contio sous la République romaine (287–49 av. J.-C.)* (Paris, 2009); J. Tan, 'Contiones in the age of Cicero' *CLAnt* 27 (2008), 163–201; C. Tiersch, 'Politische Öffentlichkeit statt Mitbestimmung? Zur Bedeutung der contiones in der mittleren und späten römischen Republik', *Klio* 91 (2009), 40–68.

⁶⁷ For the discussion on Macrobian *Sat.* 1.16.29 (*contiones* not allowed on *nundinae*), see Hiebel (n. 66), 78 with relevant bibliography.

⁶⁸ Pina Polo (n. 66), 85 nos. 161 and 162 lists only twelve instances when we know the exact date of the *contio*; several of them relate to the aftermath of Caesar's murder.

⁶⁹ Plut. *C. Gracch.* 18.2; *De uir. ill.* 65.5 (*in lucum Furinae*). H.I. Flower points out that, even if this popular cult was probably ephemeral, it 'shows the nature of plebeian culture, a culture that had its own rituals, images and venues of commemoration': *The Art of Forgetting. Disgrace and Oblivion in Roman Political Culture* (Chapel Hill, 2006), 80.

⁷⁰ *Fasti Antiates Maiores* (Degrassi, *Inscr. It.* 13.2, p. 15).

death.⁷¹ In other words, the people who attended the *contio* probably knew nothing about the goddess, except that a public holiday was reserved for her cult, and that C. Gracchus had been killed in her sanctuary. Our second case in point is the *contio* in which Mark Antony furiously attacked Pompey on 21 December 50 B.C., revising the whole life of the *adulescentulus carnifex*.⁷² This was the day of the *Diualia*, and the prospect of a civil war was looming large on the horizon. We only have a few references to the *Diualia*, which are of no particular significance to our present interests, but by the end of the Republic it had probably been subsumed by the festivities of the *Saturnalia*, with its carnival overtones.⁷³ We can see a parallel with the ceremony of the triumph, as 30 per cent of the triumphs (during the third and second centuries B.C.) were staged precisely on the Ides, Nones or Calends, as has been pointed out by Rüpke, who concludes: ‘here, clearly, individual strategies for optimizing the public turnout led to the choice of the day’.⁷⁴

Hölkeskamp, among others, has tried to reconstruct ‘a contional discourse of consensus and concord’.⁷⁵ In his view, *contiones* were designed to reaffirm the dominance of the aristocracy, and the obeisance of the commoners. This is hard to believe. As J. Tan has rightly pointed out: ‘the *contio* could indeed generate consensus between speaker and audience, but in doing so, it could also spark conflict elsewhere’.⁷⁶ There are so many cases of *tumultuosae contiones* that led to violence breaking out in the streets of Rome that it is not worth reviewing them, although there is one in particular that is of some interest to us: the well-orchestrated riot that erupted during the first session of the *iudicium populi* following the accusation *de ui* that Clodius (as soon as he was elected *aedilis*) had brought against Milo.⁷⁷ On 7 February, Pompey spoke for the defence, and thanks to the letter Cicero wrote to his brother, we know what happened when he stood up to deliver his speech in front of the crowd. Pompey’s clique chanted obscene verses about the (presumed) incest of Clodius and his sister Clodia. From the other side, scathing jibes were aimed at Pompey’s (presumed) effeminacy and homosexuality. Clodius had instructed his followers to shout Pompey’s name when he asked them who was responsible for starving the plebs of Rome to death. After an hour, Clodian gangs started to spit on their opponents. Pushing and fighting followed, until Clodius himself was expelled from the *rostra*.⁷⁸ Two days later, the Senate

⁷¹ Varro, *Ling.* 5.84 (*flamen Furinalis a Furrina*) and 6.19 (*nunc uix nomen notus paucis*). Cic. *Nat. D.* 3.46 identifies Furrina with the *Furiae*, probably a speculation based on no more than the similarity of names: Wissowa (n. 24), 240.

⁷² Cic. *Att.* 8.8.5 (= 131 SB): *habebamus autem in manibus Antoni contionem habitam X kal. Ian., in qua erat accusatio Pompeio usque a toga pura*.

⁷³ Michels (n. 61), 80.

⁷⁴ J. Rüpke, ‘Public and publicity. Long-term changes in religious festivals during the Roman Republic’, in J. Rasmus Brandt and J.W. Iddeng, *Greek and Roman Festivals. Content, Meaning and Practice* (Oxford, 2012), 305–22, at 307.

⁷⁵ K.J. Hölkeskamp, ‘Friends, Romans, countrymen: addressing the Roman people and the rhetoric of inclusion’, in C. Steel and H. van der Blom (edd.), *Community and Communication. Oratory and Politics in Republican Rome* (Oxford, 2013), 11–28. See also in the same vein I. Harrison, ‘Catiline, Clodius and popular politics at Rome during the 60s and 50s B.C.E.’, *BICS* 51 (2008), 95–118.

⁷⁶ J. Tan, ‘Publius Clodius and the boundaries of the *contio*’, in C. Steel and H. van der Blom (edd.), *Community and Communication. Oratory and Politics in Republican Rome* (Oxford, 2013), 117–32, at 132.

⁷⁷ *Schol. Bob.* p. 122 St. M.C. Alexander, *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.* (Toronto, 1990), no. 266.

⁷⁸ The main source is Cic. *QFr.* 2.3.2. See also Plut. *Pomp.* 48.7; Dio Cass. 39.19. These attacks had an impact on Pompey (Cic. *Fam.* 1.5b.1).

declared this turmoil was *contra rem publicam*, while Clodius was preparing his people for the next session of the trial, to be held on 17 February, the day of the *Quirinalia*. As Nippel has rightly pointed out, some of the devices Clodius had deployed in his attack pertained to the tradition of the charivari.⁷⁹

Our last case in point is the trial against Caelius and, more specifically, the concluding session with Cicero's speech for the defence and the verdict of acquittal. All of this probably took place on 4 April. On the same day, the *ludi scaenici* which were part of the *Megalesia* were performed in front of the temple of Cybele on the Palatine.⁸⁰ Clodius, as *aedilis curulis*, was responsible for their organization. We do not know precisely what happened next, as we only have the biased account Cicero includes in his *De haruspicum responso*: on Clodius' orders, gangs of 'slaves' who had turned up from all parts of the city invaded the *scaena*.⁸¹ In all likelihood, those whom Cicero despised as slaves were different types of common people, with different personal status. What we are not told is why Clodius resorted to this violence and what were the objectives he had in mind by disturbing the *ludi* he himself had organized. We have no evidence whatsoever on this point, a gap modern authors have attempted to fill.⁸² My view is that his intention was to influence the verdict on Caelius' case, where Cicero spoke for the defence and Clodia (Clodius' sister) was also involved, thereby making it a case of utmost relevance for him. This time the tactic did not pay off (Caelius was acquitted), although it did set a precedent: on 8 April 52 B.C., the penultimate day of Milo's trial, another tribune of the plebs, Munatius Plancus, invited the *plebs* to close all the shops and to gather in the forum the next day, when the verdict was to be proclaimed.⁸³ At the moment of casting their votes, the judges had to feel the pressure and know exactly what the people of Rome expected of them.

In theory, public feasts (*feriae*) were holidays;⁸⁴ if there were theatrical performances (*ludi*) or some other type of entertainment, people could be expected to pay more attention to the politicians on the *rostra*.⁸⁵ During the *Liberalia* (a feast with great civic meaning), country people would come to Rome to attend the *ludi*

⁷⁹ W. Nippel, *Aufruhr und "Polizei" in der römischen Republik* (Stuttgart, 1988), 123.

⁸⁰ On the date, see Alexander (n. 77), no. 275 and A.G. Austin, *M. Tulli Ciceronis Pro M. Caelio Oratio* (Oxford, 1960), 151. Alternative dates have been contemplated, not very convincingly (Cic. *QFr.* 2.5 [10 SB] firmly hints at a date before Non. Apr.). J.O. Lenaghan, *A Commentary on Cicero's Oration De Haruspicum Responso* (Paris, 1969), 117 excludes 4 April on the shaky grounds that 'it is unlikely that Clodius selected as the occasion for this affair the exact day on which a case concerning his family was coming to a verdict'. M.R. Salzman, 'Cicero, the Megalenses and the defence of Caelius', *AJPh* 103 (1982), 299–304 concurs. On the *ludi*, see F. Bernstein, *Ludi publici. Untersuchungen zur Entstehung und Entwicklung der öffentlichen Spiele in republikanischen Rom* (Stuttgart, 1998), 203.

⁸¹ Cic. *Har. resp.* 22: *uis enim innumerabilis incitata ex omnibus uicis collecta seruorum ab hoc aedile religioso repente e fornibus ostisque omnibus in scaenam signo dato immissa irripuit.*

⁸² W.J. Tatum, *The Patrician Tribune. P. Clodius Pulcher* (Chapel Hill, 1990), 212 thinks that it probably was a spontaneous riot owing to the scarcity of the *annona*.

⁸³ *Asc. Mil.* p. 41 C and 52 C. On the order to shut the *tabernae* near the forum as a new tactic invented by Clodius for mainly symbolic reasons, see A. Russell, 'Why did Clodius shut the shops? The rhetoric of mobilizing a crowd in the Late Republic', *Historia* 65 (2016), 186–210.

⁸⁴ Cf. Rüpke (n. 11), 504 on the basis of Cic. *Leg.* 2.19 and 2.29. A.R. Dyck, *A Commentary on Cicero De Legibus* (Ann Arbor, 2004), 298; H.H. Scullard, *Festivals and Ceremonies of the Roman Republic* (London, 1981), 40; K. Nicolai, 'Feiertage und Werktage im römischen Leben, besonders in der Zeit der ausgehenden Republik und in der frühen Kaiserzeit', *Saeculum* 14 (1963), 154–200.

⁸⁵ On the strong political character of the theatrical shows, see A. Russell, *The Politics of Public Space in Republican Rome* (Cambridge, 2016), 169, citing Cic. *Att.* 2.19.2–3 and *Sest.* 105 and 111; E. Flaig, *Ritualisierte Politik. Zeichen, Gesten und Herrschaft im Alten Rom* (Göttingen,

(*rusticus ad ludos populus ueniebat in urbem*, Ov. *Fast.* 3.783). It was perfectly *popularis* logic to hold the most violent *contiones* during public festivities, such as *Divalia*, *Compitalia* and *Furrinalia*; especially so, when *ludi* were performed and a carnival-like procession wound its way through the streets of Rome, as in the *Quinquatrus minusculae*.

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2004), 237–42 claims that the public at theatre only became politicized when acting unanimously, without internal divisions.