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Varro, Atticus, and *Annales*

R. M. A. Marshall

1. *Introduction*

[...] and at Rome Marcus Manlius, who during the siege of the Capitol had repulsed the Gauls as they were climbing up its steep cliffs, was convicted of having formed the design of making himself king. Marcus Varro says that he was condemned to death and hurled from the Tarpeian Rock; but Cornelius Nepos has written that he was scourged to death. In the very same year, which was the seventh after the recovery of the city, it is recorded that the philosopher Aristotle was born.<sup>1</sup> (Gell. 17.21.24–25)

The note that Manlius was hurled from the Tarpeian Rock has been assigned, thanks to its subject matter, to the sixth book of Varro's *Res diuinae* or twentieth book of the *Res humanae*.<sup>2</sup> Other arguments, based on the context in which the note is found, ascribe it to Varro's *Annales* I or III.<sup>3</sup> A hypothetical case could also be made for other Varronian works, including *De gente populi Romani* and *De uita populi Romani*.

However, we cannot guarantee — at least given the traditional constraints of source criticism — that *any* of these identifications is correct, because our 'fragment' need not depend on a statement written in *any* Varronian treatise. In the present paper, I will argue that Gellius may not have found Varro's note on Manlius in his own reading of Varro, but borrowed this from Atticus's *Annalis*. If so, one must then confront a methodological problem: Atticus, Cicero's famed correspondent, knew Varro personally; why should we presume this report depends on a work read by Atticus, rather than an opinion offered to him, say, at dinner? If it proves impossible *in principle* to tie down the mention of Manlius to any one Varronian work, future editions will have to find some way of signalling that Manlius's execution may belong in several Varronian works simultaneously. Perhaps, in addition to 'fragment' and 'testimonium', it is time to introduce a third category of *sententia* to our editions of authors whose fragmentary corpora present similar challenges to the definite attribution of vaguely referenced material.<sup>4</sup>

Rather than thinking of Roman antiquarianism as a purely textual phenomenon, argued through books written by scholars working in splendid isolation, this paper will examine the

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<sup>1</sup> Trans. Rolfe 1948–54. Latin quoted p. 64, below.

<sup>2</sup> *Res diuinae*: Merkel 1841: cxxiv (*ad* F6), cxxxiv; Canal and Brunetti 1874: 1329–30; Semi 1965: 2.153. *Res humanae*: Deschamps 1995: 16–20.

<sup>3</sup> Ritschl 1877a: 449; *HRF* F2; *HRR* F2; *FRHist* 52 F2.

<sup>4</sup> This may seem self-evident to those used to working with ancient philosophers and doxographical evidence.

ramifications of personal acquaintance, even collaboration, for our understanding and reconstruction of this scholarly tradition.

To begin with, I will argue that Gellius depended not on Varro directly, but on Atticus. The opening debate over fragment ascription and Gellius's source(s), as well as being valuable in its own right, serves as an entrée to the wider questions of scholarly collaboration and the political significance of antiquarian research I wish to explore, with reference to the different traditions about the execution of Manlius. Taking account of Varro's and Atticus's intellectual and social connections in the third section of this paper, my new arguments concerning source ascription may not only shed light on the collaborative, even competitive, nature of Varro's and Atticus's research, but also opens up questions concerning the potential politicization of antiquarian lore about tyrants and tribunes in the late Republic. This possibility is examined in the concluding section of the paper, which places the disagreement concerning the mode of execution of Manlius in its politically charged context.

## 2. Gellius's source(s)<sup>5</sup>

The context in which our note is found, rather than its contents, led Ritschl to identify its source as Varro's *Annales*. It appears in the midst of Gellius's synchronic chapter of 'the flowers of history' (*historiae flosculi*), which relied upon excerpts from *chronici*, gathered from various places and reassembled hastily (*cursim*): Gell. 17.21.1.

In a still-fundamental study, Leuze demonstrated that Gellius's chapter was indeed assembled *cursim*. One set of dates are calculated according to the assumption that Rome was founded in the second year of the seventh Olympiad, *i.e.* 751–750 BC.<sup>6</sup> The source for these dates must have been Nepos's *Chronicon*, known to have employed this foundation date as a basis for calculation (Solin. 1.27 = *FRHist* 45 F3): besides our passage, Nepos is named elsewhere in Gellius's chapter (17.21.3, 8), and mention of *chronici* in its introduction is a clear allusion to the title of Nepos's work.<sup>7</sup>

The dates of a second group of individuals and events, however, were calculated from a different foundation date, namely Ol. 6.3: 754–753 BC. This is conventionally labelled the 'Varronian' foundation date, chiefly thanks to Cicero's praise of Varro (*Acad.* 1.9; published

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<sup>5</sup> The following section summarizes arguments made in Marshall 2014: 264–71. On Gellius's use of Varro see also Todisco in this volume.

<sup>6</sup> Leuze 1911. The date already in use by Polybius's day: Dion. Hal. 1.74.3 (= Polyb. 6.11a.2).

<sup>7</sup> For the material attributable to Nepos, see Leuze's table (1911: 269). Fantham (2001) has recently vindicated his findings.

45 BC), and to Censorinus, *DN* 21.6.<sup>8</sup> Yet Varro's use of the date now bearing his name is only directly attested once, and in a rather unexpected place: *Res Rusticae* 1.2.9,<sup>9</sup> published 38 or 37 BC.<sup>10</sup> It is widely assumed that Varro employed this date earlier, but the question will be reopened below.

Atticus is also known to have used 754–753 BC as Rome's foundation date (Solin. 1.27 = *FRHist* 33 F2), and wrote a work called the *Annalis*, a chronicle of Roman magistrates, laws, and wars:

Atticus was a great imitator of the customs of the men of old and a lover of the early times [...] he gave a full account of them in the work in which he set down the chronological order of the magistrates. For there is no law, no treaty of peace, no war, no illustrious deed of the Roman people, which is not mentioned in that work at its proper date, and — a most difficult task — he has so worked out the genealogies of the families, that from it we can learn the descendants of our famous men.<sup>11</sup>

Atticus's work was in Cicero's hands by September 47 BC, and exercised an immediate effect on the quality of his historical *exempla*, witnessed chiefly by the *Brutus*, written in spring 46 BC.<sup>12</sup> The dates of his Roman material were synchronized with events and people from Greek history, likely drawn chiefly from Athens, given his long association with that city (*cf.* Cic. *Brut.* 27–28 [= *FRHist* 33 F4]) and known predilection for all things Athenian (note his cognomen!). Feeney's observation that the Athenian *exempla* in Gellius's synchronic chapter form 'the tip of a large Athenocentric iceberg' thus adds weight to my following arguments for Gellius's dependence on Atticus.<sup>13</sup>

Faced with a choice between Varro and Atticus, Leuze avoided identifying either as Gellius's source for material adhering to the 754–753 BC foundation date, preferring to speak of a work/works employing 'Varronian' chronology. To avoid confusion, it will be more convenient — and (as we will see) more accurate — to refer to this chronology as 'Attico-Varronian'. Gell. 17.21.4–7, 12–13, 16–18, 20–25 (the material immediately surrounding our

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<sup>8</sup> A date expressed AUC at *DN* 17.11 is not certainly Varro's own. On Censorinus as a source for Varro see also Piras, pp. 13–14, 20, in this volume.

<sup>9</sup> Assuming Varro used 'Varronian' chronology, C. Licinius's tribunate is dated to 145 BC (corroborated by Cic. *Amic.* 96). The calculations of Censorinus at *DN* 21.6 also imply that Varro used the 'Varronian' foundation date, though the praise of Varro at *DN* 21.4–5 relates to the synchronization of this date with other calendars, and tells us nothing about who actually discovered it. There is no reason to relate this testimonium, as some have done, to the *Res humanae*.

<sup>10</sup> Marshall 2016.

<sup>11</sup> *Nep. Att.* 18.1–2, trans. Rolfe 1984.

<sup>12</sup> Fantham 2001; Feeney 2007: 25–28.

<sup>13</sup> Feeney 2007: 32–41.

Manlius note), 28–36, 40–41, and 43 can be associated with this second ‘Attico-Varronian’ dating system.

Building on Leuze’s work, D’Anna has demonstrated the definite presence of Atticus in parts of Gellius’s chapter,<sup>14</sup> though his findings have met with resistance. Drummond follows Leuze in dismissing Atticus from contention as Gellius never names him.<sup>15</sup> This prejudice is ultimately traceable to the nineteenth-century *Quellenforscher*, who worked from the premise that Gellius only used sources that he actually references: as an *a priori* assumption the theory is worthless, not to mention that the loss of Gellius’s eighth volume should automatically invalidate any such hypothesis!<sup>16</sup> Sometimes Gellius is frank concerning his use of intermediaries (*e.g.* Gell. 20.11.4); elsewhere, significantly, he cites Varro through Verrius Flaccus without hinting that theft has been committed.<sup>17</sup>

There is a second answer to those who deny that Atticus could be Gellius’s source, namely that technical treatises such as Atticus’s chronology were liable to be reworked by later hands, added to, excerpted, or recast for other purposes. It is entirely possible that Atticus’s *Annalis* fell into the orbit of the schoolmen and epitomators, and reappeared shorn of his name and with any number of concretions and deletions.<sup>18</sup> Gellius may have been unwittingly working with an Attican core. This hypothesis might explain, incidentally, why such a useful work fell into obscurity so quickly. Atticus’s *Annalis* is not securely attested after Asconius.<sup>19</sup>

The presence of Atticus in Gellius’s chapter is most clearly demonstrated through a comparison of Gellius and Cicero. As noted, Cicero relied upon Atticus as his chief source for the historical material in the *Brutus* (information found only in Gellius is underlined):

Annis deinde postea paulo pluribus quam uiginti, pace cum Poenis facta, **consulibus C. Claudio Cenchone, Appii Caeci filio, et M. Sempronio Tuditano, primus omnium L. Liuius** poeta **fabulas docere** Romae coepit post Sophoclis et Euripidis mortem annis plus fere centum et sexaginta, post Menandri annis circiter quinquaginta duobus. [43] Claudium et Tuditanum **consules secuntur Q. Valerius et C. Mamilius**, quibus **natum esse Q. Ennium** poetam *M. Varro in primo De Poetis libro scripsit* eumque, cum septimum et sexagesimum annum haberet, duodecimum Annalem scripsisse, idque ipsum Ennium in eodem libro dicere. (Gell. 17.21.42–43)

Atqui hic **Liuius** [qui] **primus fabulam C. Claudio Caeci filio et M. Tuditano consulibus docuit** anno ipso ante quam **natus est Ennius**, post Romam conditam autem quarto decumo et quingentesimo, *ut hic ait, quem nos sequimur*. est enim inter scriptores de numero annorum controuersia. Accius autem a Q. Maxumo quintum consule captum Tarento scripsit Liuium annis xxx post quam eum fabulam docuisse *et Atticus scribit* et nos in antiquis commentariis inuenimus. (Cic. *Brut.* 72)

<sup>14</sup> D’Anna 1973–74; 1975.

<sup>15</sup> Drummond 2013b: 1.420.

<sup>16</sup> Holford-Strevens 2005: 72.

<sup>17</sup> Holford-Strevens 2015: 149–50.

<sup>18</sup> *Cf.* the afterlife of Eusebius’s and Jerome’s *chronica* (Brincken 1957; Croke 2007: 577–80).

<sup>19</sup> Byrne 1920: 49.

A little more than twenty years later, when peace had been made with the Carthaginians and the consuls were C. Claudius Centho, son of Appius the Blind, and M. Sempronius Tuditanus, the poet Lucius Livius was the very first to put on plays at Rome, more than 160 years after the death of Sophocles and Euripides and about fifty-two years after the death of Menander. The consuls Claudius and Tuditanus were followed by Q. Valerius and C. Mamilius, in whose year the poet Ennius was born, as Marcus Varro has written in the first book of *De poetis*; and he adds that at the age of sixty-seven Ennius had written the twelfth book of *Annals*, and that Ennius says so in that same book.<sup>20</sup>

And yet this Livius produced his first play in the consulship of C. Claudius, son of Caecus, and M. Tuditanus, as late as the very year before the birth of Ennius, 514 years after the founding of Rome, according to the authority whom I follow; for there is a dispute among writers about the chronology. Accius however stated that Livius was taken captive from Tarentum by Q. Maximus in his fifth consulship, thirty years after Livius had produced his first play, as both Atticus writes and we ourselves find in the early records.<sup>21</sup>

Gellius's account is more detailed than Cicero's, implying independent use of Cicero's own source, *i.e.* Atticus.<sup>22</sup>

Gellius's reference to Varro's *De poetis* (a work on literary history) can be explained in two ways. Neither explanation affects my overall argument, but one is of relevance to Varro's and Atticus's intellectual relationship. Either 1) Gellius added the consuls Valerius and Mamilius from his own reading in Varro's treatise, or 2) Atticus cited the *De poetis* for this information (whence the reference was transmitted to Gellius). Another Ciceronian passage (see below) provides a *t.a.q.* for Varro's poetical researches that allows this possibility. If Atticus cited Varro, he will have done so for the names of the consuls at Ennius's birth, but independently calculated Ennius's year of birth as a date from Rome's foundation (this detail belongs in a *chronicon*, not a literary history).

Of these explanations, the second is more likely:<sup>23</sup> Gellius explicitly cites the *De poetis* twice more, but the quality of his references is uninspiring. One accompanies the supposed funerary epitaph of Plautus (Gell. 1.24.3–4), but the accompanying epitaphs for Naevius and Pacuvius suggest an anthology of similar spurious inscriptions.<sup>24</sup> Later in his synchronic chapter, Gellius refers to the *De poetis* for Naevius's service in the First Punic War (Gell. 17.24.45). Given the location, the mediation of Atticus is again a real possibility, as the following Ciceronian passage demonstrates.

<sup>20</sup> Trans. Rolfe 1948–54, adapted.

<sup>21</sup> Trans. Hendrickson and Hubbell 1971, adapted.

<sup>22</sup> D'Anna 1973–74: 183–86; 1975: 345–47. Similarity also noted by Fantham 2001: 355.

<sup>23</sup> Dahlmann 1963: 29–34, 101–02.

<sup>24</sup> On this material: Dahlmann 1963: 65–100; Lehmann 2002: 33–47, 91–106, 185–93. Even if the Naevius and Pacuvius epitaphs originally came from Varro's *De poetis*, their citation by Gellius does not imply knowledge of the ultimate source. Suetonius's *De poetis* is a potential intermediary (*cf.* Suet. *Virg.* 36 for Virgil's 'epitaph'), the conjectural source for the Republican poets at Gell. 19.8.10–14; Schmidt 2000: 28.

We have no direct evidence for the publication date of Varro's *De poetis*, but the only time Varro is mentioned as a source in Cicero's *Brutus* concerns the controversy surrounding the date of Naevius's death:

In the consulship of [Cethegus and Tuditanus, 204 BC], as early records show, Naevius died; though our friend Varro, with his thoroughness of investigation into early history, thinks this date erroneous and makes the life of Naevius somewhat longer. His reason is that Plautus, his contemporary, did not die until the consulship of Publius Claudius and Lucius Porcius, twenty years after the consuls named above, when Cato was censor [184 BC].<sup>25</sup>

This passage is important because it demonstrates that Varro had already conducted research into the lives of the poets by the time that Cicero composed the *Brutus*. In other words, the *De poetis* is likely to have been written before or concurrently with Atticus's *Annalis*, and thus nothing prevents Atticus from using (or rejecting) Varro's opinions on the poets.<sup>26</sup> It is important too, because Varro's later date is rejected by recourse to 'early records' (*ueteres commentarii*), the same mysterious records that were used by Atticus (according to Cicero) to disprove Accius in the passage quoted earlier (Cic. *Brut.* 72). The similar way in which Varro is rebuffed here suggests that Varro's later date for Naevius's death was noted and rejected by Atticus, and is not Cicero's own observation.

Besides noting the similarity between Gell. 17.21.42–43 and Cic. *Brut.* 72 (= Atticus), D'Anna highlighted similarities between Gell. 17.21.4–7, 28–29, and several other Ciceronian passages displaying the influence of Atticus, suggesting these were also derived from his *Annalis*.<sup>27</sup> D'Anna disregarded the remaining Gellian passages using 'Attico-Varronian' chronology (17.21.12–13, 16–17, 20–25) thanks to the lack of comparative passages in Cicero, though the failure to find further parallels can be wholly attributed to Cicero's selective use of Atticus as a source for literary history (the material at Gell. 17.21.12–13, 16–17, 20–25 concerns wars and politics).

We can finally approach the Varronian note itself. Gellius's material conforms to the following structure:

et M. Manlius Romae, qui Gallos in obsidione Capitolii obrepentes per ardua depulerat, conuictus est consilium de regno occupando inisse, damnatusque capitis

e saxo Tarpeio, ut M. Varro ait, praeceps datus,

ut Cornelius autem Nepos scriptum reliquit, uerberando necatus est;

<sup>25</sup> Cic. *Brut.* 60, trans. Hendrickson and Hubbell 1971.

<sup>26</sup> Dahlmann 1963: 101–02.

<sup>27</sup> D'Anna 1973–74: 172–78, 188; 1975: 339–45.

eoque ipso anno, qui erat post reciperatam urbem septimus, Aristotelem philosophum natum esse memoriae mandatum est. (Eng. trans. at the head of this chapter)

Two notes are inserted between the synchronism of Manlius's execution and birth of Aristotle, one from Varro, one from Nepos, neither of any chronological relevance. The synchronism with Aristotle's birth makes it certain that Gellius was following his 'Attico-Varronian' chronology here:<sup>28</sup> Aristotle was born in 384 BC, which provides a date for the Sack of Rome, counting inclusively after the ancient fashion, of 390 (Nepos presumably placed this event in 388/387: *cf.* Polyb. 1.6.2).

Now, as D'Anna has already seen, it is unlikely that Gellius himself added the note from Nepos at this point:<sup>29</sup> if this is his own addition, he has ignored the different dates Nepos gave to these events. As the structure of Gell. 17.21 demonstrates, Gellius's excerpts from Nepos are not blended with those from Atticus, but are simply butted up against them. More significantly, however, Gellius otherwise avoids using Nepos as a source for the whole of the fourth century BC.

D'Anna took the citation's unusual form as a sign that Varro had mentioned Nepos, but did not follow the idea to its natural conclusion. Gellius's intrusion of Varro's name at this juncture is as much out of place as Nepos's. D'Anna avoided linking Gell. 17.21.20–25 to Atticus in the absence of Ciceronian parallels, but if the whole passage is based on an excerpt taken directly from one of Varro's works, why mention him at this particular point?

The simplest solution is that the juxtaposed notes from Varro and Nepos are *both* second-hand references taken by Gellius from the source employing the 'Attico-Varronian' chronology, *i.e.* from Atticus.

If we posit the mediation of Atticus, it is possible to reject several Varronian works when considering the note's ultimate source. As already observed, Cicero had received a copy of Atticus's *Annalis* by September 47 BC, which must exclude derivation from *e.g.* *De gente populi Romani* (published in or after 43 BC).<sup>30</sup>

We cannot ignore Varro's *Annales* on this basis (its date is unknown), but the *Antiquitates* pose a conundrum. Given the *t.a.q.* of Atticus's work and the generally accepted publication window attributed to Varro's *Antiquitates* (47–46 BC),<sup>31</sup> Atticus and Varro must have

<sup>28</sup> Leuze 1911: 253.

<sup>29</sup> D'Anna 1973–74: 169.

<sup>30</sup> On the dating of *DGPR* see Todisco, p. 57, in this volume.

<sup>31</sup> Boissier (1861: 44–47) and Jocelyn (1982: 158–77) favour the 50s BC, downplaying any engagement with Caesar's 'religious programme'. Against this view (all favouring *c.* 48–46): Della Corte 1970: 123–34; Horsfall 1972; Lehmann 1986; Tarver 1996. See also Momigliano 2003.



undertaken their chronological research simultaneously. Indeed, Varro's *Antiquitates* may have only appeared *after* Atticus's *Annalis*. This not only leaves the question of the ultimate source of the Manlius note in limbo, but also raises an equally vexing problem: who first published the so-called Varronian foundation date for Rome, Varro or Atticus?

I would like to offer, however, a new approach to the question of the passage's ultimate origin. Should we be tied to the notion that Gellius's Varro fragment once depended, at whatever remove, on a written source, given the ample evidence for the close friendship between Varro and Atticus?

### 3. *Varro and Atticus*

Varro, born in 117 or 116 BC,<sup>32</sup> was several years older than Atticus.<sup>33</sup> Although we cannot say how or when they first met, it was presumably at a relatively young age. Though Byrne conjectured Atticus may have shared the tutor Aelius Stilo with Cicero and Varro,<sup>34</sup> the first intellectual acquaintance they certainly held in common was Antiochus of Ascalon, whom they heard lecture in Athens,<sup>35</sup> though probably not concurrently. Atticus went East *c.* 86 BC and stayed in and around Athens until *c.* 65.<sup>36</sup> Atticus's departure roughly coincides with Varro's thirtieth year, when he was presumably launching himself into Roman politics. If Cichorius's inference of a quaestorship for Varro is correct (*i.e.*, if Varro did not initially enter the senate thanks to his tribunate: Gell. 13.12.6),<sup>37</sup> this will have been held around the time of Atticus's departure.

A passage from the Menippean satire *Serranus*, *περὶ ἀρχαιρεσιῶν* ('Serranus, on the election of magistrates'),<sup>38</sup> composed *c.* 81–67 BC,<sup>39</sup> might have shed light on their early relationship, but the text is insecure:

noster Atticus rualis, homo item lectus in curiam, cum macescebat<sup>40</sup>

Non. 137.3M = *Sat. Men.* F453B

<sup>32</sup> Marshall 2016.

<sup>33</sup> Probably born November 110 BC: Feger 1956: 503.

<sup>34</sup> Byrne 1920: 23–24.

<sup>35</sup> Varro: Blank 2012: 252–53. Atticus: Byrne 1920: 26.

<sup>36</sup> Shackleton Bailey 1965: 3–4.

<sup>37</sup> Cichorius 1922: 219–20.

<sup>38</sup> See Cèbe 1972–99: 11.1829–46.

<sup>39</sup> Dates supplied by internal references in other satires: Cichorius 1922: 207–13; Cèbe 1972–99: 1.xv–xvii.

<sup>40</sup> accius *F*<sup>1</sup> attius *F*<sup>3</sup> amicus *Laetus antiquus Gulielmus Attilius Vollbehr Axius Müller* | ruralis *Popma hilaris Riese* | cum mac.] commacescebat *Iunius macore macescebat Oehler cura macescebat Riese commacescebat macore Müller cum macore mac(r)escebat Della Corte.*

Our rival Atticus, a man likewise nominated to the senate, while he pined away.

Famously, Atticus refused to enter politics and was never enrolled in the senate.<sup>41</sup> However, nothing prevents Varro from describing some fictive scenario: *macescebat* then forms the imagined response of the retiring Atticus when compelled to take an active part in politics.<sup>42</sup> But in what sense was Atticus Varro's rival c. 80–60 BC? Neither had made a start on their scholarly publications; one might hazard numerous conjectures, but it is unclear, in any case, whether Varro is talking here *in propria persona*. All one can conclude from this Menippean satire is that, if our Atticus is meant, then Varro (and his audience) knew enough of his unwillingness to enter politics to make this piece of fantasy effective.

If the *Res rusticae* avoids anachronism, Varro and Atticus met in Epirus in 67 BC. Atticus bought property near Buthrotum in 68,<sup>43</sup> and Varro claims to have visited the area when serving as Pompey's legate in the Pirate War of 67, making this the occasion for the dialogue of book 2 (Atticus is given a speaking part).<sup>44</sup>

The first definite date for a connection is 54 BC. In July Atticus pressed Cicero to make Varro an interlocutor in *De republica* (Cic. *Att.* 4.16.2), though without result. Cicero refused, pleading historical verisimilitude, but promised to include an honourable mention of Varro in a preface. On what grounds is unclear, though Cicero had written to Atticus in May requesting that his household staff allow him to browse their master's books in his absence, 'those of Varro among the rest' (Cic. *Att.* 4.14.1). The particular books at issue are unknown (they may, in fact, be unconnected with the writing of *De republica*),<sup>45</sup> but a more fundamental point might emerge from this exchange. Dix has suggested that Cicero's peculiar request, with its implicit suggestion that Varro's books are somehow separate from the rest of Atticus's library, may be indicative of their special status.<sup>46</sup> Atticus might have had books to hand by Varro that had been sent for comment before public circulation. We know that Cicero made similar confidential use of Atticus, and will shortly see further evidence corroborating Dix's suggestion.

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<sup>41</sup> Thus the emendations (though the problem disappears if another Atticus is meant). *Attius / Accius*, found in minor branches of the tradition, cannot be defended. On Atticus's avoidance of public life: Perlwitz 1992: 86–146. On alleged Epicureanism: Castner 1988: 57–61 (now of equivocal significance: Fish 2011).

<sup>42</sup> Cf. *Sat. Men. (Serranus)* F452B: 'to have been called, from a serene life, to the dregs of your Curia'.

<sup>43</sup> Cic. *Att.* 1.5.7.

<sup>44</sup> Varro, *Rust.* 2. pref. 6.

<sup>45</sup> Horsfall 1972: 120.

<sup>46</sup> Dix 2013: 221 n. 57.

If Varro could not be found a part in *De republica*, Atticus's persistence on his friend's behalf did finally succeed: Cicero's treatise on Academic Scepticism was rewritten to make Varro the major interlocutor. The work was rededicated to Varro in July 45 BC (Cic. *Att.* 13.25). Large portions of old and new versions still survive, as does the exchange of letters in which Atticus pleaded his friend's case.<sup>47</sup> Cicero was also doubtless influenced by the knowledge that Varro was writing a work to be dedicated to him, though complained of already waiting for several years (Cic. *Att.* 13.12.3). Cicero soon afterwards received Varro's *De lingua Latina*, likewise originally intended for someone else (cf. *Ling.* 7.109).<sup>48</sup> While often assumed to be identical with the work Cicero criticized for its belatedness, this is hardly certain. Perhaps Atticus was secretly behind this timely rededication as well, attempting to bring two friends together through reciprocal literary gifts. We cannot say, but from the tenor of Cicero's correspondence with both Atticus and Varro, it is clear that Atticus enjoyed the better relationship with Cicero's δεινὸς ἀνὴρ (*homme terrible*: Cic. *Att.* 13.25.3).<sup>49</sup> A handful of stilted letters from Cicero to Varro survive,<sup>50</sup> sent around the time of Caesar's triumphal return to Rome in 46 BC — both Cicero and Varro fought for Pompey — but the series tellingly begins with a snapshot of Atticus acting as intermediary, reading Cicero extracts from his Varronian correspondence (Cic. *Fam.* 9.1).

Book dedications from Varro to Atticus follow in later years, including *De uita populi Romani* (published c. 43 BC).<sup>51</sup> The *Atticus: de numeris* (from the *Logistorici*) was named in his honour (Censorinus, *DN* 2.2). It is unclear whether this piece appeared before Atticus's death in March 32 BC,<sup>52</sup> but Varro certainly honoured the living Atticus elsewhere: he is given a speaking part in *Res rusticae* II (published in 37 or 36 BC), winning the epithet 'Faustulus' as an expert in rearing dogs and sheep.

Work remains to be done on Varro's and Atticus's responses to Caesar and the ideological implications of their chronological research, but even a quick glance over their respective outputs demonstrates the breadth of their mutually informed interests.

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<sup>47</sup> Hunt 1998: 10–13.

<sup>48</sup> Barwick 1957.

<sup>49</sup> See generally Rösch-Binde 1998.

<sup>50</sup> See Leach 1999; Wiseman 2009: 107–29.

<sup>51</sup> Internal references supply a *t.p.q.* of 49 BC: Risposati 1939: 85. However, composition likely overlapped with *De gente populi Romani* (published c. 43 BC). On this relationship: Ax 2000: 357–67.

<sup>52</sup> *Nep. Att.* 22.3. As the *logistorici* are apparently missing from Cicero's résumé of Varro's philosophical work to c. 45 BC (*Acad.* 1.8–9 with Morgan 1974: 117–22), and as most dealt with philosophical subjects, the majority (or whole) of the collection was presumably composed later. See also Horsfall 1972: 122–24.

Atticus authored several works: *Annalis*; *Imagines*; three genealogical monographs; *De consulatu Ciceronis* (in Greek).<sup>53</sup> With the exception of the memoir on Cicero's consulate, all find their counterparts in Varro's *oeuvre*. Besides the catalogue of notables that must have constituted the major part of Atticus's *Annalis* (*Nep. Att.* 18.1–2, quoted above), Atticus produced a portrait-book of famous Romans, captioned with biographical sketches in verse.<sup>54</sup> Varro's *Imagines* (or *Hebdomades*) not only employed the same title, but followed exactly the same format, though adding Greeks alongside Romans (F106–24 Salvatore).<sup>55</sup> The parallel inclusion of Greeks suggests that Varro's work was undertaken on an altogether grander scale: his finished work filled fifteen volumes, and took several years to complete.

There is a strong possibility that Atticus's collection was created concurrently with Varro's. Though Pliny thinks that Varro invented the format, he also notes Atticus as a witness to the contemporary passion for portraiture (*NH* 35.11). Atticus's collection presumably relied on the fundamental research undertaken for the *Annalis*, and should thus be dated *c.* 47 BC or later.<sup>56</sup>

In late 44 BC, Cicero wrote to Atticus assuring him that 'I don't take it badly you approve of Varro's Πεπλογραφία' (*Cic. Att.* 16.11.3). This is a reference to Varro's *Imagines*,<sup>57</sup> though why Cicero was untroubled by Atticus's good opinion is obscure, unless he jokingly anticipated a jealous outburst from Varro's rival portraitist. The letter is revealing because it antedates by several years the collection's final publication. In a long fragment from the work's introduction, Varro recorded that its completion coincided with his seventy-eighth year (*Gell.* 3.10.17), implying final publication in 39 or 38 BC. Not only may composition of Varro's and Atticus's *Imagines* have been contemporaneous, but Atticus's early access to Varro's incomplete collection may add weight to his conjectured role as Varro's literary confidant.

Atticus also wrote monographs on the historical genealogies of the Iunii, Marcelli, Aemilii, and Fabii at the request of representatives of their lines Marcus Brutus, Claudius Marcellus, Cornelius Scipio, and Fabius Maximus (*Nep. Att.* 18.3–4). These works are deeply obscure. No fragments survive, though as they presumably grew out of Atticus's research for the *Annalis*, they can be approximately dated by this work's appearance in 47 BC. The

<sup>53</sup> For overviews: Byrne 1920: 23–51; Buckley 2002; Drummond 2013a: 1.344–53.

<sup>54</sup> *Nep. Att.* 18.5–6 with: Byrne 1920: 36; Drummond 2013a: 1.346. No fragments survive.

<sup>55</sup> Ritschl 1877b: 508–92; Dahmann 1935: 1227–29; Cardauns 2001: 79–80.

<sup>56</sup> Prokoph 2015 has argued for the priority of Atticus's *Imagines* on this basis.

<sup>57</sup> Πεπλογραφία, 'tapestry of worthies': Shackleton Bailey (1967: 301). Perhaps Cicero's coinage? Cf. Jones 1939, offering the unconvincing gloss πεπλογραφεῖν *Varronem*.

identities of Claudius Marcellus and Cornelius Scipio are uncertain.<sup>58</sup> The latter cannot be identified with Q. Caecilius Metellus Scipio without radical emendation. Cornelius Scipio Salvitto has been proposed,<sup>59</sup> a rising star in Caesar's administration, but ordinarily, one presumes, not the sort of man with whom Atticus associated. Q. Fabius Maximus was Caesar's man too, and it is easy to imagine their joint genealogy may have served some propagandistic purpose for Caesar's faction. Less clear is why Atticus should have agreed to write such a work, but Ann Marshall has suggested it may be connected with the bargaining over Buthrotum in Epirus, where Atticus owned estates.<sup>60</sup> Caesar threatened to found a colony there, and could have extracted a genealogical endorsement of his lieutenants in return for abandoning the project.<sup>61</sup>

One might compare Atticus's genealogical work with Varro's treatise *De familiis Troianis*, on the mythical Trojan ancestors of the great Roman families.<sup>62</sup> This work cannot be securely dated, but seems to respond to the new emphasis on Rome's Trojan origins that arose under Caesar's dictatorship. The surviving fragment, concerning the *gens* responsible for the care of the Palladium, is suggestive. Diomedes, believing he would never have peace unless he returned the Palladium to the Trojans, tried to give this to Aeneas, but handed it instead to Nautes, 'whence the *sacra* of Minerva were the preserve of the Nautines, not the Iulii' (Serv. *Aen.* 2.166 = *FRHist* 52 F3a). A Caesarian coin of 47–46 BC depicts Aeneas himself (legendary Julian ancestor) carrying the Palladium from Troy.<sup>63</sup> The version told in *De familiis Troianis* may be an attempt to correct Caesarian propaganda, and if so, presumably post-dates Caesar's assassination. If Varro's *De familiis Troianis* was not a direct challenge to Atticus's (Caesarian?) biographies — Varro's title implies that he took a broader overview of the Roman elite's ancestry — it is surely a response on some level. Perhaps, given the breadth of coverage implied by Varro's title and the mention of the Nautii (if representatives of this *gens* survived into the first century BC, they were now deeply obscure),<sup>64</sup> the work sought to redefine the Trojan connection as a common Roman, rather than Caesarian, inheritance. Putting aside the conjectural Caesarian complexion of Atticus's

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<sup>58</sup> Drummond 2013a: 1.350–51.

<sup>59</sup> Billows 1982: 61; Marshall 1993: 313–15.

<sup>60</sup> Marshall 1993: 313–15.

<sup>61</sup> Atticus's and Cicero's lobbying halted the project: Cic. *Att.* 16.16a.

<sup>62</sup> See: Dahmann 1935: 1241–42; Bäumerich 1964: 41–62; Drummond 2013b: 1.421–22; 2.840. For the contemporary relevance of antiquarian research see Todisco, p. 58, in this volume.

<sup>63</sup> Drummond 2013b: 3.515 (*RRC* 458; Assenmaker 2007: 394–405).

<sup>64</sup> The family last held the consulship in 287 BC (C. Nautius Rutilus = *RE* 6), though a senatorial N(a)utius of 129/101 BC (Sherk 1969: no. 12) may be a relation.

biographies, the distinction between his necessarily partisan family commissions and Varro's more generous coverage is still obvious. The question is worth investigating further.

The subject of what divine images *were* carried to Italy by Aeneas, incidentally, supplies the only instance from antiquity of a direct contrast between the views of the two experts:

Varro in the second book of his Histories [*i.e. Res humanae*] says [...] Aeneas <carried> his father on his neck, and the Achaeans, <looking with amazement> on this devotion, granted him the opportunity of returning to Troy; and Aeneas <carried out on his shoulders> their household gods [...] Atticus agrees about Aeneas's father but not about the household gods, saying they were brought to Italy from Samothrace.<sup>65</sup>

Atticus thought the Penates had been acquired by Aeneas from Samothrace, apparently agreeing with the second-century historian Cassius Hemina.<sup>66</sup> Varro, on the contrary, believed the Penates were first introduced to Troy from Samothrace by Dardanus, father of Troy's founder (*Macr. Sat.* 3.4.7). The account favoured by Varro, rather than attributing agency to Aeneas, thus reduces him to the status of a custodian. One might compare the programmatic stress laid on such acts in Varro's *Res diuinae* (F2a Cardauns), dedicated to Aeneas's descendant Caesar. It would be wrong to lay too much stress on the ideological implications of this disagreement: Atticus was, after all, following the version endorsed by Cassius Hemina a century before Caesar's rise to fame. It is potentially significant, however, that Varro privileged an alternative account, one with a subtly different emphasis.

Sadly, the wording and structure of the above Virgil scholium makes it impossible to say definitively whether Atticus quoted Varro's *Res humanae*, Varro quoted Atticus, or if the contrast was drawn by some later scholar. While Atticus's *Annalis* (c. 47 BC) is the most obvious source for his contribution to the Penates debate, we simply do not know whether Varro's *Res humanae* preceded or followed this work.

Lastly, there is Atticus's *Annalis* to consider. As noted earlier, as well as giving magisterial *fasti* and genealogical information, this work synchronized Roman with Greek history, using Olympiad 6.3 (754–753 BC) as its Roman year one. Given the evidence for Atticus's interest in the origin of the Penates, however, his chronology may not have begun with Rome's foundation, but with a preliminary survey of Roman prehistory.

The publication date of Varro's own *Annales* is a mystery. It is not certainly mentioned in Cicero's résumé of Varro's intellectual works (*Acad.* 1.9), and Atticus, rather than Varro, clearly exercised the major influence on the reformation of Cicero's chronological ideas: it is

<sup>65</sup> *Schol. Veron. Aen.* 2.717 = *FRHist* 33 F1; trans. Drummond 2013a.

<sup>66</sup> *Cf. FRHist* 6 F6–7 with Briscoe 2013: 3.162–64; Drummond 2013a: 3.457.

thus likely to have appeared later.<sup>67</sup> It may be suggestive that, if one accepts a minor emendation to the reference supplied with the unique fragment of this work, Varro did not treat the regal period until the penultimate book, suggesting a definite bias in favour of prehistory.<sup>68</sup> This bias is also present in a work that can be definitely dated. Varro's *De gente populi Romani*, published in 43 BC and containing the only evidence for a sustained Varronian synchronic chronology,<sup>69</sup> did not reach Rome's foundation until the fourth and final book.<sup>70</sup> The latter work, thanks chiefly to our knowledge of its publication date, looks like a conscious attempt to write the prequel of Atticus's earlier *Annalis*. Yet the intertwining of Varro's and Atticus's mutually informed chronological interests clearly antedates this work.

Varro certainly worked on the age of the city before 45 BC (Cic. *Acad.* 1.9: 'you have laid bare [...] the age of our state'), presumably detailing his findings somewhere in *Res humanae* XIV–XIX ('On Time': August. *De civ. D.* 6.3), though perhaps elsewhere too; as noted above, this work is generally dated to 48–46 BC. What this work does not seem to have contained, however, is any proper *fasti*: evidence for detailed listings of magistracies or a comprehensive chronology for Rome is entirely lacking.<sup>71</sup> If Atticus's *Annalis* did appear after Varro's work, it cannot have been a crude epitome of his friend's *magnum opus*, but required extensive and original research,<sup>72</sup> a conclusion reinforced by Cicero's admiring reaction in his *Brutus*. If Varro and Atticus were simultaneously engaged on chronological problems, resulting in highly complex and dissimilar works that appeared so soon together and that employed the same novel foundation date for Rome, we are surely justified in imagining that some scholarly collaboration has taken place, and in abandoning the label 'Varronian' in favour of 'Attico-Varronian'. Whether or not Varro put in the legwork only for Atticus to publish first (or vice versa),<sup>73</sup> our thoughts should turn away from dependence

<sup>67</sup> Cf. Drummond 2013b: 1.419.

<sup>68</sup> Charisius 133.25B = *FRHist* 52 F2. Charisius's reference erroneously implies that Varro's four-volume treatise (Jer. *Ep.* 33) filled a single volume (*idem in Annali*). Despite Drummond (2013b: 3.513), van Putschen's restoration — *idem III Annali* — deserves consideration: Charisius's practice of providing book numerals after titles is not rigidly observed (cf. Charisius 102.14?, 145.22, 152.4, 158.14, 170.9, 171.2, 225.4, 246.4, 273.14B). Cf. the annalists Cassius and Cn. Gellius, who also devoted their opening volume(s) to pre-Roman history (Rawson 1991: 245–71).

<sup>69</sup> Fraccaro 1907: 82–111; Dahlmann 1935: 1237–41. Calculations brought down to the consulship of Hirtius and Pansa (43 BC): Arn. *Adv. nat.* 5.8 (= *HRR* F9).

<sup>70</sup> The first Olympiad or Rome's foundation opened the final volume: Dahlmann 1935: 1239–40. On this work see Piras, pp. 15–16, and Todisco, pp. 57–58 in this volume.

<sup>71</sup> Cf. Mirsch 1882: 36–45.

<sup>72</sup> Cf. Drummond 2013a: 3.458.

<sup>73</sup> Note Drummond 2013a: 3.458: 'the new foundation date may be the result rather than the cause of Atticus's innovations in the magisterial list'.

upon ‘hard’ sources and towards the ramifications of friendship, the exchange of learned letters, and conversations over the dinner table.<sup>74</sup>

The form of Atticus’s reference to Varro at Gell. 17.21.24 certainly implies that his readers could find Manlius’s fall recounted in one of Varro’s published works.<sup>75</sup> But it does not guarantee that one of Varro’s works was its source. Atticus may well have included the reference in his *Annalis* having heard from Varro personally that he had written on the subject; or took it for granted, thanks to detailed discussions or exchanges of notes, that the question was being treated in the *Antiquitates* or some other work(s) in progress.

#### 4. *Manlius*

Thus far, two trends emerge from our comparison of the two men’s works. Whatever Atticus did, Varro had to do it bigger, and whether or not one subscribes to the Caesarian slant of Atticus’s genealogical research, Varro seems to have politely declined to accept the polish applied to the early Iulii by their most illustrious living representative.

If we accept that the note on Manlius is ultimately derived from Atticus, and may well result from his and Varro’s friendly exchanges, the issue of how Manlius met his death starts to become more interesting: the traditions surrounding the execution of would-be kings were in flux during the late Republic, continually readapted to suit the waves of post-Gracchan political violence.

Wiseman has done most to disentangle the various stories concerning the trial and downfall of Manlius as reported in Livy and others,<sup>76</sup> who intermingle branches of the tradition into increasingly baroque constructs,<sup>77</sup> but there is little agreement regarding their relative chronology, and various elements remain puzzling.

Manlius is famed as the hero who saved the Capitol from the Gauls, grew too ambitious, stirred up the plebs, aimed at kingship, and met a deserved but tragic end. An early version of the story must have put Manlius on trial before the *comitia centuriata*, meeting under the *duumviri perduellionis* outside the city. The Twelve Tables ordained that citizens could not be condemned to death except before such an assembly.<sup>78</sup> The punishment for treason

<sup>74</sup> See MacRae, pp. 39, 46, in this volume for oral transmission in the field of sacred law.

<sup>75</sup> As Prof. Tim Cornell reminds me.

<sup>76</sup> Livy, 6.11.1–20.16. Cf. Val. Max. 6.3.1a; Gell. 17.2.14 (= Claudius Quadrigarius); Plut. *Quaest. Rom.* 285F, *Cam.* 36; App. *Ital.* 9; [Aur. Vict.] *De vir. ill.* 24; Amm. Marc. 21.16.13; Serv. *Aen.* 8.652.

<sup>77</sup> Wiseman 1987. Further bibliography: Oakley 1999: 493.

<sup>78</sup> *XII tab.* 9.2; Crawford 1996: 2.696–701.



(*perduellio*) was to be nailed to an *arbor infelix* and scourged to death.<sup>79</sup> Nepos's statement in Gell. 17.21.24 that Manlius was beaten to death is, in fact, the earliest attestation of this tradition, which probably dates back to the second century BC or earlier. This version, Wiseman argues, was subsequently coloured by attempts to portray Manlius as a 'proto-popularis'. Some such trend is clearly visible in Livy's account, which describes Manlius and his actions in terms strongly reminiscent of Sallust's Catiline.<sup>80</sup>

In another version, however, Manlius was tried by the tribunes and executed in their signature manner. Without lictors or *fascēs*, tribunes had to content themselves with throwing prisoners off the Tarpeian Rock.<sup>81</sup> Pleasingly for the more sensationalist historians, the site of Manlius's greatest triumph could now be depicted as the scene of his literal downfall.<sup>82</sup> Varro clearly endorsed major parts of this version. The problem of the trial's illegality was presumably excused as an instance of a mob convening a kangaroo court.<sup>83</sup> A plebeian trial implicitly requires Manlius to have been punished as an enemy of the plebs, but the 'proto-popularis' theme is laid on so thickly that our surviving sources preserve no trace of earlier vilification, paradoxically depicting Manlius as the plebs' friend and patron (the first patrician, in fact, to assume this role).<sup>84</sup>

Needless to say, both versions are anachronistic: the Livian account depicts the middle- or late-Republican *comitia centuriata*, while a formal trial presided over by tribunes ignores the precarious status and limited agency of these officials in the early Republic, not to mention the procedure's illegality.<sup>85</sup> The *duumviri*, on the other hand, appear in the surviving records of precisely three pre-Augustan trials. Besides that of Manlius, they apparently participated in the parricide case of Horatius under the kings, and were notoriously resurrected from the history books for Rabirius's trial in 63 BC.<sup>86</sup>

Though Oakley argues for an inversion of Wiseman's sequence,<sup>87</sup> the question of which version came first is largely unimportant here. Whenever the tradition began to branch out, subsequent retellings always had the potential to be politically charged. In one version, the one-time hero Manlius conceived tyrannical designs, was tried by the whole citizen body, and

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<sup>79</sup> Oldfather 1908.

<sup>80</sup> Oakley 1999: 482–84. On elements of Manlius's story embarrassing to Cicero, see Smith 2006a: 55.

<sup>81</sup> Cadoux 2008: 215–17.

<sup>82</sup> Wiseman 1987: 242.

<sup>83</sup> Oakley 1999: 489, though no examples of early lynch justice are recorded.

<sup>84</sup> Cf. Livy, 6.18.14.

<sup>85</sup> Oakley 1999: 488–89. On the tribunate: Drummond 1989: 212–25.

<sup>86</sup> Bauman 1969; Cloud 1977. Magdelain (1973) dismisses the office as annalistic fabrication, though one that must have antedated Caesar by a considerable margin.

<sup>87</sup> Oakley 1999: 486–92, prompted by Magdelain's scepticism (1973).

executed for treason. A simple warning against hubris. In the alternative version, the tribunes took charge: the representatives of the plebs destroyed the people's enemy (with later 'proto-popularis' colouring on the people's implicitly false friend).

The only date we have for Nepos's *Chronicon* is provided by a fleeting reference in Catullus 1.5–7 (composed c. 54 BC).<sup>88</sup> Nepos's endorsement of the duumviral tradition may not be unconnected with the recent revival of the office by Caesar *et al.* in 63 BC, which must have been preceded by a search for precedents, doubtlessly precipitating interest in (and invention of?) historical parallels.

As reported by Atticus in 47 BC, however, Varro endorsed a story in which a sometime vanquisher of Gauls, apparently setting his sights on tyranny, was overthrown by the tribunes. As Livy demonstrates, this version was not felt to be incompatible with a Catilinarian veneer, however odd the results; Varro's Manlius may (or may not) have been similarly conceived of as the first patrician to befriend the plebs and purchase support with promised debt relief. These details, however, could only have added depth to a parallel, so obvious to us, which may also have been drawn by contemporaries: Caesar.

Reasons why Varro shunned the duumviral tradition of Manlius's execution are not hard to find. In 47 BC, following the Pompeians' decisive defeat, the possibility of contriving a formal trial for Caesar was unthinkable; besides which, the last duumviral trial (actually involving a young Caesar) had proved farcical.<sup>89</sup> Providing an *exemplum* for the tribunes, however, in which previous bearers of their illustrious office took the lead in ending a patrician's tyranny — one who likewise based his reputation on fighting Gauls — might prick some consciences. It is thus worth noting that Caesar did indeed meet with sustained tribunicial obstruction: in 49 BC, the only opposition Caesar faced on entering Rome was from the tribune Caecilius Metellus, who tried to prevent the opening of the treasury;<sup>90</sup> in 47 BC, tribune Trebellius opposed his Caesarian colleague Dolabella's maverick legislation for debt remission so stoutly that Antony disavowed him;<sup>91</sup> in 45 BC, Pontius Aquila refused to rise for Caesar's triumph, supposedly eliciting the response: 'Come then, take the Republic from me, tribune Aquila!' (Suet. *Iul.* 78.2); finally, in 44 BC, the tribunes Caesetius Flavus

<sup>88</sup> Briscoe and Drummond 2013: 1.399.

<sup>89</sup> Goldsworthy 2006: 121–24; Tyrrell 1978.

<sup>90</sup> Cic. *Att.* 10.4.8; *Att.* 10.8.6; Caes. *BCiv.* 1.33.3; Lucan, 3.114–68; Plut. *Pomp.* 62; *Caes.* 35.3–4; App. *B Civ.* 2.41; Dio Cass. 41.17.2.

<sup>91</sup> Livy, *Epit.* 113; Plut. *Ant.* 8–9; Dio Cass. 42.29–33; cf. Plut. *Caes.* 51.1.

and Epidius Marullus removed a diadem from Caesar's statue, and tried to prosecute those who hailed him as king.<sup>92</sup>

Fantham has painted a Varro far more supine in defeat,<sup>93</sup> but this picture neglects the carping author of *Saturae Menippeae* and Τρικάρανος: 'der letzte Hauch des scheidenden guten Geistes der alten Bürgerzeit', as Mommsen styled the former collection.<sup>94</sup> Varro's eventual collusion with Caesar's regime (he became state librarian: Suet. *Iul.* 44.5) need not have been wholehearted, nor even accepted gracefully. Cicero wrote to Varro following Dyrrhachium on the basis that he was a fellow malcontent (Cic. *Fam.* 9.1–6). Varro did, after all, fight for his friend Pompey until outmanoeuvred by Caesar, and in youth was himself a tribune. Note, too, the reasons given by Appian for Varro's proscription by Antony in 43 BC: 'Varro was a philosopher and historian, a distinguished soldier and praetor, and probably for these reasons was proscribed as hostile to the monarchy' (App. *B Civ.* 4.202).<sup>95</sup>

Even if Varro did prefer the tribunician version of the story because it suited his politics, why should it appear in Atticus's *Annalis*? Atticus had remained aloof from the struggle between Pompeians and Caesarians. Apparently unconvinced by either account, he noted both versions but refused to endorse either. Could he have been put off by Varro's partisanship; were Manlius and Caesar directly equated by him in some heated private exchange? Whatever the case, Varro's preferred version needed to be mentioned somewhere in Atticus's *Annalis*, because if tribunes *had* presided over the trial of Manlius, Atticus's roll call of magistrates would be expected to name them.<sup>96</sup> To Gellius, however, basking in the sunshine of the high empire, all these controversies, which must have seemed so vital to Varro and Atticus, were simply 'flowers of history'.

*University of Glasgow*

<sup>92</sup> Livy, *Epit.* 116; Vell. Pat. 2.68.4–5; Val. Max. 5.7.2; Suet. *Iul.* 79.1; Plut. *Caes.* 61; *Ant.* 12; App. *B Civ.* 2.108; Dio Cass. 44.9–10. On Caesar's tribunicial opposition: Yavetz 1974: 61–63.

<sup>93</sup> Fantham 2003: 109–17.

<sup>94</sup> Mommsen 1856: 562. Reference from Wiseman (2009: 131–51), who nicely draws out Varro's nostalgia for *noblesse oblige* and constitutional decorum.

<sup>95</sup> Taylor (1934) argues that Varro's *De gente populi Romani* intentionally promoted Caesar's deification. Reconciliation with Octavian in 43 BC, however, tells us nothing about Varro's views on Caesar's dictatorship in 47. He may have felt the need to atone for past indiscretions and win powerful new friends, especially following his treatment by Antony (App. *B Civ.* 4.202–03; Cic. *Phil.* 2.103–05; Gell. 3.10.17). On Varro's relations with Caesar see also sections 5 and 6 of Todisco in this volume.

<sup>96</sup> M. Menenius and Q. Publilius: Livy, 6.19.5–20.1. Forsythe (1999: 84) discusses the significance of these names, clearly later inventions.