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CICERO AND 'CRURIFRAGIUM'[1]

Quid enim? si Daphitae fatum fuit ex equo cadere atque ita perire, ex hocne equo, qui cum equus non esset nomen habebat alienum? aut Philippus hasne in capulo quadrigulas vitare monebatur? quasi vero capulo sit occisus. Quid autem magnum aut naufragum illum sine nomine in rivo esse lapsum – quamquam huic quidem his scribit in aqua esse pereundum? ne hercule Icadii quidem praedonis video fatum ullum; nihil enim scribit ei praedictum: quid mirum igitur ex spelunca saxum in crura eius incidisse? puto enim, etiam si Icadius tum in spelunca non fuisset, saxum tamen illud casurum fuisse, nam aut nihil est omnino fortuitum aut hoc ipsum potuit evenire fortuna. (Cicero, *De Fato* 5)

In this passage Cicero is arguing against the necessity of divination and prophecy: the fulfilling of predictions is, he says, often a matter of chance. To illustrate his point he gives cases cited by Posidonius in a lost work as evidence for *συμπάθεια* or *contagio naturae* – universal necessary interconnexion.[2] These involve prophecies of the 'Jerusalem Chamber' type, so called by Fontenrose[3] after a well-known literary instance in Henry IV Part 2, Act IV, Scene 5:

King Henry: Doth any name particular belong
Unto the lodging where I first did swound?
Warwick: 'Tis called Jerusalem, my noble lord.
King Henry: Laud be to God! even there my life must end.
It hath been prophesied to me many years
I should not die but in Jerusalem,
Which vainly I supposed the Holy Land.
But bear me to that chamber; there I'll lie:
In that Jerusalem shall Harry die.

The cases given by Cicero are variations on this theme, involving puns not on the place but on the means of death. Daphitas the Sophist, wishing to deceive and ridicule the Delphic Oracle, asked if he would find his horse, though in fact he had none: the oracle replied that he would find it and his death by it. He was later thrown to his death from a rock named 'The Horse' (Valerius Maximus 1. 8. 9).[4] Similarly, Philip of Macedon was told by the same oracle to beware of chariots: he never rode in one, but was assassinated with a dagger decorated on the hilt with a chariot (id.ib.). These two cases form the first pair in the present passage. The second pair appears to be similar: the first of these, the unknown sailor, meets his predicted fate not by drowning at sea as one might expect, but, ironically, by drowning in a stream on land. The second involves the death of Icadius; here we are not dealing with a case of fulfilled prediction, for Cicero expressly states that Posidonius records no prophecy for Icadius ('nihil enim scribit ei praedictum'); yet the clear implication of 'ne hercule...quidem' is that the death of Icadius presents a prime example of the irony embodied in the other cases. The absence of a written prophecy here effectively means the absence of all information on the irony of Icadius' death: Cicero seems to assume that the relevant piece of

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[2] cf. L. Edelstein and I. G. Kidd, *Posidonius 1: The Fragments* (Cambridge, 1972), 105–6. *Cognatio naturae* is probably to be preferred here and elsewhere; cf. G. Luck, *AJP* 99 (1978), 155–8.

[3] J. Fontenrose, *The Delphic Oracle* (Berkeley, 1978), 60 ff.

[4] So also the *Suda*, s.v. *Δαφίδας*. For an interesting variant of the same story in Strabo, cf. Fontenrose, op. cit. 346–7, and in *TAPA* 91 (1960), 83 ff. a full discussion of the Daphitas story.

information is already present in the mind of the reader.[5] Thus two elements of the story appear to require explanation: firstly, the precise way in which the irony of Icadius' death parallels the other cases, and secondly, Cicero's evident ability to identify this irony without the aid of a written prophecy as in the other cases, together with his assumption of a similar ability in his readers.

Why should it be ironic for Icadius to die by having his legs broken in a rock-fall? The bare comment of Turnebus has been little improved by modern editors:[6] 'In eius crura ex spelunca saxum incidit, cum tamen vitam maritimam coleret'. Further investigation is, I think, warranted. Icadius is termed a 'praedo' here by Cicero; in Lucilius he also appears as a pirate.[7] I should like to argue that in the rock-fall Icadius suffered the death inflicted on pirates in the Roman dominions – 'crurifragium' or the breaking of both legs. This was employed in Rome as a servile punishment from at least the second century B.C.,[8] and was also used by the Julio-Claudian emperors as a method of executing freedmen.[9] However, a more significant use was as the *coup de grâce* in crucifixion – compare *Ev. Joh.* 19. 31 ff., in perhaps the most familiar translation: 'The Jews therefore besought Pilate that their legs might be broken, and that they might be taken away. Then came the soldiers, and brake the legs of the first, and of the other that was crucified with him. But when they came to Jesus, and saw that he was dead already, they brake not his legs'. Later evidence is also available.[10] Pirates were punished by crucifixion on at least some occasions – compare the well-known anecdote told by Suetonius of Julius Caesar.[11] By suffering a death of 'crurifragium' by the accidental means of a rock-fall in a cave, Icadius was pre-empting the 'crurifragium' in crucifixion as inflicted on pirates by Roman justice. The irony here is not that of the maritime pirate meeting his end on land, but of a pirate meeting his expected fate in an unexpected way. The case is thus relevantly similar to the variations on the 'Jerusalem Chamber' motif as seen in the cases of Daphitas, Philip and the unknown sailor.

It remains to argue for Cicero's familiarity with 'crurifragium' and his assumption of a similar familiarity on the part of his readers, enabling an easy recognition of the irony of Icadius' death without the aid of a written prophecy. Here two passages may be adduced:

[5] A considerable lacuna precedes the relevant chapter of the *De Fato* (5), and Cicero may well have given all Posidonius' cases in detail. But in his criticism of the cases in our passage, it is noteworthy that relevant explanatory details are given for the irony of the ends of Daphitas, Philip and the unknown sailor, but not for Icadius.

[6] K. Bayer, *M. T. Cicero, De Fato* (Munich, 1963), 124: 'Die Einzelangaben zu den Beispielen Daphitas, Philippos und Eikadios sind aus dem Turnebus-Kommentar ersichtlich'. A. Yon, *Cicéron, Traité du Destin* (Paris, 1950), Appendice, p. 31: 'Nous ne savons rien d'Icadius que Festus cite comme un pirate célèbre auquel faisait allusion un vers de Lucilius; mais on voit qu'il n'avait échappé aux mille dangers de ses aventures maritimes que pour aller mourir à terre, surpris dans son sommeil par l'éboulement d'une caverne'. Cf. O. Hamelin, *Sur le De Fato* (Éditions de Mégare, 1978), 20; A. J. Cappelletti, *Marco Tullio Cicerón: Sobre el Destino* (Rosario, 1964), 96, n. 30.

[7] In a fragment (1292 Marx, 1308 Krenkel) cited by Festus (p. 332 Lindsay): '"Rhondes Icadionque" cum dixit Lucilius, duo nomina piratarum posuit, tam infestum sibi corpus et valitudinem referens, quam illi essent saluti navigantium'.

[8] Plautus, *Pseud.* 886, *As.* 474, *Cas.* 337; Seneca, *De ira* 3. 32. 1.

[9] Suetonius, *Div. Aug.* 67, *Tib.* 44.

[10] Victorinus, *De Caesaribus* 41. 4; cf. Mommsen, *Römisches Strafsrecht*, (Berlin, 1899), 920–1.

[11] Suetonius, *Div. Jul.* 74: 'sed et in ulciscendo natura lenissimus piratas, a quibus captus est, cum in dicionem redegisset, quoniam suffixurum se cruci ante iuraverat, iugulari prius iussit, deinde suffigi'.

(i) *Phil.* 13. 27:

Secuntur alii tribunicii, T. Plancus in primis, qui si senatum dilexisset, nunquam curiam incendisset. Quo scelere damnatus in eam urbem rediit armis, ex qua excesserat legibus. Sed hoc ei commune cum plurimis sui simillimis; illud tamen mirum, quod in hoc Planco proverbii loco dici solet, perire eum non posse, nisi ei crura fracta essent. Fracta sunt, et vivit. Hoc tamen, ut alia multa, Aquilae referatur acceptum.

(ii) *Phil.* 11. 14:

Quid de T. Planco? quem praestantissimus civis, Aquila, Pollentia expulit, et quidem crure fracto: quod utinam illi ante accidisset, ne huc redire potuisset.

In both these passages Cicero is attacking a particular adherent of Antony: T. Munatius Plancus Bursa, tribune of the plebs in 52 B.C., a victim elsewhere in the *Philippics*,[12] convicted as incendiary of the Curia Hostilia in the riots after the death of Clodius: Cicero records his dislike of the man and glee at the verdict in a letter to M. Marius (*Ad Fam.* 7. 2). In 43, before the battle of Mutina, Plancus and his forces were expelled from Pollentia in Picenum by L. Pontius Aquila, Plancus himself retreating with a broken leg – the incident referred to by both (i) and (ii). Ker, the Loeb editor, recognises in both these an allusion to 'crurifragium' and crucifixion,[13] similar to that in the *De Fato*: and since it is clear that Cicero was no friend of Plancus, it is not surprising that his remarks about the man have uncomplimentary connexions with a criminal death.

In both these passages Cicero plays on 'crurifragium'. In (i) he quotes a derogatory saying about Plancus, that he would die only by the criminal death of 'crurifragium' – and then wittily points out the present paradox: Plancus has a broken leg but has failed to perish. The force and tone of the gibe are lost unless a reference to 'crurifragium' is supposed. Likewise in (ii) the breaking of a leg is again equated with death: Cicero wishes that Plancus had suffered the death of 'crurifragium' while in exile, to prevent him from causing further trouble in Italy. Plancus' injury sets up the play for Cicero: in one sense the breaking of a leg is a simple injury, in another it constitutes a shameful and criminal death.

Cicero's apparent easy play with these two levels of 'crurifragium' in the *Philippics* renders it more likely that he is doing the same thing in the *De Fato*. Added support is the temporal proximity of the two works: it is generally agreed that the last ten *Philippics* are to be dated between January 1st and April 21st 43 B.C.,[14] while the dramatic date of the *De Fato*, surely its *terminus post quem*, is Cicero's spell in the country from April to June 44 B.C.:[15] its *terminus ante quem* is provided by Cicero's death on 7th December 43. The gap between the two is thus almost certainly less than a year.

Two points have, I hope, emerged: firstly, that a reference to 'crurifragium' fits the fate of Icadius in *De Fato* 5, and secondly, that the non-explicit nature of this reference may be paralleled and explained by Cicero's use of 'crurifragium' elsewhere.

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[12] cf. *Phil.* 6. 10, 10. 22, 12. 20.

[13] W. C. A. Ker, *The Philippics of Cicero* (London and New York, 1926), 472 n. 2, 577 n. 6.

[14] cf. D. R. Shackleton Bailey, *Cicero* (London, 1971), 263; Elizabeth Rawson, *Cicero* (London, 1975), 260.

[15] cf. Yon, op. cit. ii–iv.