

wrong by piling up examples of other philosophers who disagreed with them about the soul and the *hegemonikon*, his case would not have been well served by citing a view of Posidonius which Galen himself strongly opposed. There is, however, a possible hint that Posidonius may have refused all sensation to the nerves in a fragment from his *On gods* reported by Diogenes Laertius (Fr.21 Edelstein-Kidd). In it Posidonius declares that the divine wisdom and understanding, like the soul in humans, penetrates everywhere to a greater or lesser extent; for in some parts it appears as cohesion, as in bones and *neura*; in others as intelligence, as in the governing principle. Although the point at issue here is the variety of ways in which the divine wisdom operates in man, and not the particular bodily parts, there is an apparent opposition between bones and *neura*, on the one hand, and the governing principle, which to Galen at least was mediated through the nerves to the rest of the body. Even if, in this passage, Posidonius was referring to sinews, as Kidd translates, and not to nerves (for *neuron* can bear both meanings), there was nothing to prevent a misunderstanding or Galen from linking bones and nerves together in opposition to the *hegemonikon*.⁶

Such an argument, however, is highly speculative, for the role of the nerves in Posidonius' sensory psychology still remains obscure. At best one can say that there is nothing in the surviving fragments of Posidonius that directly contradicts Galen's interpretation or shows that Posidonius believed that the *neura* themselves possessed some form of sensation or sensitivity.

Before the ascription of this passage to Posidonius is accepted, one other possibility must be considered. Since the Latino-arabic version is full of misunderstandings and textual corruptions, it is possible that the name has been so grossly mangled in the process of translation and transmission that no weight can be placed on it at all, and hence that the theory should be credited to another thinker. The famous Asclepiades of Bithynia, according to Rufus of Ephesus, denied that there were sensory nerves, and Galen in his *Method of Healing*, and, at greater length, in Book 5 of his (lost) *On the opinions of Asclepiades* scornfully rejected his atomist explanation of pain and sensation.⁷ In terms of doctrine, then, the passage could well apply to Asclepiades; but the degree of corruption of his name in the Arabic and Latin in order to reach 'Fisodis' would have had to be far greater than that of any other name or technical term elsewhere in *De sententiis*. Given the simple transcriptional error required to produce 'Fisodis' out of Posidonius, the ascription to this scholar of a belief in the insensitivity of nerves still remains the likeliest option.

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⁶ I. G. Kidd, *Posidonius, Volume II: Commentary* (Cambridge University Press, 1988), pp. 140–42. Specific studies on Posidonius' theories of sense perception are unhelpful on this point: e.g. H. Cherniss, 'Galen and Posidonius' theory of vision', *Am. J. Philology* liv (1933), 154–61; M. Laffranque, *Poseidonios d'Apamée* (Paris, Presses universitaires de France, 1964), pp. 431–5.

⁷ Rufus, *Anat.*, p. 185 Daremberg-Ruelle; Galen, *Meth. med.* x.7: 10, pp. 851–3 K. Cf. J. T. Vallance, *The lost theory of Asclepiades of Bithynia* (Oxford, Clarendon Press, 1990), p. 37.

THE PRAETORSHIP AND CONSULAR CANDIDACY OF L. RUPILIUS

The praetorship of L. Rupilius is of great importance only to the biography of L. Rupilius. His consular candidacy has a wider significance, since his *repulsa* represents a reverse for his most prominent supporter, Scipio Aemilianus.

As the praetorship is not explicitly mentioned in the sources, its terminus non post quem is fixed by the consular candidacy. Scholarly treatment of the question is hard to come by.¹ The terminus post quem for the candidacy of Lucius is his brother's candidacy (in 133); the terminus ante quem, Scipio's death (in 129): Cicero (*Lael.* 73) tells us that Scipio brought about the election of P. Rupilius, but failed to make his brother Lucius consul. Broughton classified L. Rupilius as 'Pr. by 133',² and in this seems to have followed Münzer, who indeed considered L. Rupilius 'Praetor gegen 620 = 134', but added that he was a candidate 'um das Consulat für 623 = 131 oder noch eher für 624 = 130'.³ Of course, if L. Rupilius was a candidate in 131 for a consulship of 130, then he was praetor by 133. A candidacy in 129⁴ can be safely ruled out: Scipio died in the first half of the year, in spring or early summer.⁵ But we cannot rule out candidacy in 130 for 129: Scipio might have preferred L. Rupilius to either consul of that year.⁶ The latest possible date for the praetorship of L. Rupilius is therefore 132.

Of the apparently possible years for the consular candidacy of L. Rupilius – 132, 131, and 130 – the year 132 has received the most support, but in fact is the least likely. Lange was completely certain that Lucius was a candidate in 132; Evans preferred 132; Astin considered 132 no less likely than 131.⁷ This reconstruction neatly allows Lucius to be defeated by P. Licinius Crassus Mucianus, an avowed Gracchan.⁸ But two sources place the death of P. Rupilius immediately after his brother's defeat. Cicero (*Tusc.* 4.40 = Fannius fr.6 Peter) says that P. Rupilius died

¹ Since his praetorship is not attested, L. Rupilius was not included in the lists compiled by P. Wehrmann, *Fasti praetorii ab a. u. DLXXXVIII ad a. u. DCCX* (Berlin, 1875), and by F. Stella Maranca, 'Fasti Praetori dal 366 al 44 av. Cr.' *MAL*⁶ 2 (1927). J. C. Orelli and J. G. Baier, *Onomasticon Tullianum* (Zurich, 1838; vol. vii of *M. Tullii Ciceronis Opera*), p. 516, did not mention the praetorship and did not date the consular candidacy. In his commentary on *Lael.* 73, G. Lahmeyer (Leipzig, 1862) placed the praetorship in 147; it was placed in 146 by G. Tischer (Leipzig, 1850) and in 147 by T. W. Dougan and R. M. Henry (Cambridge, 1934) in their commentaries on *Tusc.* 4.40. This dating looks like a careless synchronization of the praetorship with the first consulship of Scipio, but perhaps L. Rupilius was confused with another man. Both Tischer and Dougan gave P. Rupilius (cos. 132) the cognomen 'Lupus', and there was a 'L. Lupus' in office in 147–146: the censor L. Cornelius Lentulus Lupus. The cognomen must have been fastened on the consul of 132 since the manuscripts of *Tusc.* 4.40, correctly emended by P. Manutius, give the nomen as 'Rutilius' (a detailed apparatus is provided in the edition of M. Giusta [Torino, 1984]); a P. Rutilius Lupus was consul in 90. The consul of 132 is not known to have borne any cognomen; cf. E. Badian, 'The Consuls, 179–49 B.C.', *Chiron* 20 (1990), 381.

² T. R. S. Broughton, *MRR* 2.612; cf. 1.493.

³ Münzer, Rupilius 4, *RE* 1A (1914), 1229.

⁴ The possibility of candidacy in 129 is implied by the wording of Gundel and Broughton, who identified Lucius as a candidate 'zwischen 132–129'; cf. H. G. Gundel, *Der Kleine Pauly* (Munich, 1972), iv. 1469; Broughton, *MRR* 1.493; id., *Candidates Defeated in Roman Elections: Some Ancient Roman 'Also-Rans'* (Philadelphia, 1991), p. 16.

⁵ Cf. A. E. Astin, *Scipio Aemilianus* (Oxford, 1967), p. 245 (Appendix I: 'The Dates of Scipio's Birth and Death'). If a consul presided over the elections in 129, then they were held after the triumph of C. Sempronius Tuditanus on 1 October.

⁶ Although C. Sempronius Tuditanus seems not to have been a Gracchan (App. B.C. 1.19), the political views of his colleague M'. Aquillius are not known. Cf. Astin, op. cit., p. 238 n. 5.

⁷ L. Lange, *Römische Alterthümer* iii².19, 620; R. J. Evans, 'Candidates and Competition in Consular Elections at Rome Between 218 and 49 B.C.', *AClass* 34 (1991), 118, 128 n. 44; Astin, op. cit., p. 232 n. 4.

⁸ The other consul of 131, L. Valerius Flaccus, though he quarreled with his colleague, might have been a Gracchan; cf. Astin, op. cit., pp. 192 n. 3, 232. One consul of 130, M. Perperna, was 'almost certainly' a Gracchan; his colleague L. Cornelius Lentulus probably was not. Cf. Astin, op. cit., pp. 192, 238.

'ob eam causam'; Pliny (*N.H.* 7.122) informs us that Publius, already 'morbo levi impeditus', learned of his brother's *repulsa* and 'ilico expiravit'. As causal statements, not altogether convincing, but sufficient proof that the defeat of the one was closely followed by the death of the other. The elections are likely to have been held later in the year at that time than in the Ciceronian epoch,⁹ but probably not so late as to keep a consul who expired *ilico* from dying in office – an accomplishment not among those recorded from P. Rupilius.¹⁰ We can therefore exclude 132 as well as 129, and consider L. Rupilius a consular candidate in 131 or 130.

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⁹ Th. Mommsen, *Römisches Staatsrecht* i³ (Leipzig, 1887), p. 583 and n. 2, suggested that November was the usual time for the *populus* to elect magistrates in the period 153–82 B.C., but admitted that precise evidence is lacking. The tribunician elections seem to have been held in late September or early October in 91; cf. L. R. Taylor, *Roman Voting Assemblies* (Ann Arbor, 1966), p. 141 n. 12.

¹⁰ In the *fasti lapidei* his name is not followed by the tag 'in m. m. e.'

THE O.C.T. *DE OFFICIIS*: A POSTSCRIPT

To my Oxford Classical Text of Cicero's *De Officiis*, published in 1994, I add two footnotes.

The first is an important citation of Cicero in Augustine, which I missed thanks to my own incompetence. Maurice Testard, in his *Saint Augustin et Cicéron*,¹ remarks in Augustine's *Contra Iulianum opus imperfectum* not only the passage I note at *Off.* 1.7, but also 4.43 (= *P.L.* 45.1361). Migne's text (repunctuated) reads as follows:

Sequitur ergo ut uerecundiam deponas, ac manente amicitia cum magistro Cynicis foedereris: quos tamen aliquorum, ut Cicero in Officiis refert, etiam Stoicorum argumenta comitantur. Arguunt quippe communem honestatem, 'quod ea quae re turpia non sint, uerbo
5 flagitiosa ducamus; illa autem quae re turpia sint, nominibus appellemus suis. Latrocinium perpetrare, fraudem facere, adulterium committere, re turpe est, sed dicitur non obscene: liberis operam dare honestum est re, nomine obscenum. Pluraque in eam sententiam ab eisdem' inquit 'contra uerecundiam disputantur. Nos autem
10 naturam sequamur, et omne quod abhorret ab oculorum auriumque approbatione fugiamus.'

Augustine (or Julian) is citing *Off.* 1.128 verbatim from *quod ea quae*. I give an apparatus showing where Augustine diverges from our Cicero tradition and how Cicero's primary manuscripts behave (there are two families, ζ reconstructed from *BPV*, and ξ from *Lc*):

4 re ξ*, om. ζ uerbo] uerbis ζ*, nominibus ac uerbis ξ
5 ducamus ξ*, dicamus ζ re ξ*, om. ζ sint L*, sunt *BVc*, om. P
6–7 latrocinari fraudare adulterare ζξ* 7 re *BV**, om. Pξ
7–8 dare operam re honestum est ζξ* 8–9 in eam sententiam ab eisdem ζ*, ab eisdem in eam (eandem c) sententiam ξ 10 omne ξ, ab omni ζ* ab ζc*, om. L

The asterisks indicate readings printed in my text. It will be seen that in all but one case Augustine confirms my decisions between variants.² The exception is *omne. ab*

¹ (Paris, 1958), ii.85–6. He also (pp. 53, 25) draws attention to probable echoes in Augustine of *Off.* 2.5 and 51.

² As to the straightforward differences between Augustine and Cicero's tradition: a) *uerbis* is defended by *nominibus suis* below; b) the expansion of the verbs *latrocinari fraudare adulterare* seems wilful (Cicero does not use the verb *perpetro*); c) there seems no reason to prefer Augustine's order of *liberis...obscenum*.