

## CICERO, *PHILIPPICS* 9.5 AND THE PORTICUS OCTAVIA

On or shortly after 4 February 43 B.C. Cicero delivered the *Ninth Philippic* in an effort to persuade the Senate to honour Ser. Sulpicius Rufus (*cos.* 51).<sup>1</sup> He argued that Sulpicius, who had died of natural causes while acting as the Senate's envoy, was nevertheless entitled to the same recognition as *legati* killed *ob rem publicam*.<sup>2</sup> In the course of the speech Cicero discussed various historic precedents, including Cn. Octavius (*cos.* 165) who was assassinated in Syria in 162 B.C. while doing the Senate's bidding and was consequently honoured with a statue on the rostra.<sup>3</sup> The statue was still extant in 43 B.C. and Cicero reminded his audience that it was now the only memorial to this great family.<sup>4</sup> Cicero's observation has unanimously been interpreted as signifying that the family of the consul of 165 B.C. was extinct in February 43 B.C.<sup>5</sup> In fact, Cicero actually meant that the statue on the rostra was now the sole surviving monument associated with the family of Cn. Octavius because the other two monuments that had served as a concrete reminder of the family had latterly been destroyed.

One of the monuments alluded to by Cicero was the imposing mansion on the Palatine which was thought to have contributed to Cn. Octavius' success in the bitterly contested consular elections for 165 B.C.<sup>6</sup> But the splendid house built by Octavius was purchased by M. Aemilius Scaurus, the prodigal son of the *princeps senatus* M. Aemilius Scaurus (*cos.* 115), in the 50s B.C. and was demolished to allow Scaurus to extend his adjoining residence.<sup>7</sup>

<sup>1</sup> On the date of the speech, see N. Marinone, *Cronologia Ciceroniana* (Bologna, 2004<sup>2</sup>), 253, 255 and G. Manuwald, *Cicero*, *Philippics 3–9* (Berlin, 2007), 2.25–6, 2.1037.

<sup>2</sup> The statue of Sulpicius survived into the second century A.D. (*Digest* 1.2.2.43).

<sup>3</sup> See also Plin. *HN* 34.24.

<sup>4</sup> *Phil.* 9.5 *nunc ad tantae familiae memoriam sola restat (restaret MSS)*.

<sup>5</sup> See *inter alia* G. Long, *M. Tullii Ciceronis orationes* (London, 1858), 4.617; J.R. King, *The Philippic Orations of M. Tullius Cicero* (Oxford, 1868), 215; W. Sternkopf, *Ciceros siebente, achte, neunte und zehnte Philippische Rede* (Berlin, 1913), 73; F. Münzer, *RE* 17.1825 s.v. M. Octavius (33); D.R. Shackleton Bailey, *Cicero's Letters to Atticus* (Cambridge, 1966), 5.391; L. Pietilä-Castrén, 'The ancestry and career of Cn. Octavius, *cos.* 165 B.C.', *Arctos* 18 (1984), 75–92, at 92; and Manuwald (n. 1), 1060.

<sup>6</sup> *Cic. Off.* 1.138. On the mansion of Octavius, see E. Papi, *LTUR* 2 (1995), 26 and 147. The elections for 165 B.C. were reportedly conducted *cum ambitiosissime* (Obsequens 112).

<sup>7</sup> *Cic. Off.* 1.138. Pietilä-Castrén (n. 5), 86 wrongly claims that the house was bought by M. Aemilius Scaurus (*cos.* 115), but Cicero clearly indicates that the property was acquired by M. Aemilius Scaurus, the praetor of 56 B.C. and unsuccessful candidate for the consulship of 53 B.C., for he refers to the purchaser as the son of that great and illustrious man (*summi et clarissimi uiri filius*), that is, the *princeps senatus* (the father of M. Scaurus [*cos.* 115] was notoriously poor and obscure), and notes that he suffered not only a *repulsa* but also ignominy and calamity, which refers to the praetor's conviction and exile; see G.S. Bucher, 'Appian *BC* 2.24 and the trial *de ambitu* of M. Aemilius Scaurus', *Historia* 44 (1995), 396–421, esp. 400–1, 418–21; and G.P. Kelly, *A History of Exile in the Roman Republic* (Cambridge, 2006), 198 no. 46. In addition, the house built by Cn. Octavius was apparently still in the family after the death of the *princeps senatus*, for the home of

The other *monumentum* constructed by the ambitious consul of 165 B.C. was the magnificent *Porticus Octavia ad circum Flaminium* in the Campus Martius,<sup>8</sup> which was destroyed by fire and rebuilt by Augustus in the 30s.<sup>9</sup> The date of the conflagration is not expressly recorded and has received remarkably little attention in spite of all the discussion of the Porticus Octavia. Domaszewski identified the Porticus Octavia with the *porticus in circo Flaminio* that was struck by lightning in 156 B.C.<sup>10</sup> Yet, it is unlikely that the lightning strike of 156 B.C. was responsible for the destruction of the Porticus Octavia for a number of reasons. First, Obsequens does not say that the porticus caught fire or that it was destroyed.<sup>11</sup> Second, it is most unlikely that a major edifice in the centre of Rome would have been allowed to stand derelict for some 120 years—especially as the family of Cn. Octavius (*cos.* 165) was still flourishing and produced

Cn. Octavius (*cos.* 87) and, after his death, that of his younger brother L. Octavius (*cos.* 75) was evidently proximate to the Via Sacra (see App. *B Civ.* 1.64; Sall. *Hist.* 2.45 Maurenbrecher = 2.42 McGushin; cf. Diod. Sic. 38.2.2).

<sup>8</sup> On the history, design and location of the Porticus Octavia, see E. Rodríguez-Almeida, 'Diversi problemi connessi con la lastra n. 37 della Forma Urbis Marmorea e con la topografia in circo e in campo', *RPAA* 64 (1991), 20–3; F. Coarelli, *Il Campo Marzio. Dalle origini alla fine della Repubblica* (Rome, 1997), 515–28; A. Viscogliosi, 'Porticus Octavia', *LTUR* 4 (1999), 139–41; G. Petruccioli in L. Haselberger *et al.* (edd.), *Mapping Augustan Rome* (Portsmouth, 2002), 205; J. R. Senseney, 'Adrift toward empire', *JSAH* 70 (2011), 421–41; and J. Albers, *Campus Martius: Die urbane Entwicklung des Marsfeldes von der Republik bis zur mittleren Kaiserzeit* (Wiesbaden, 2013), 79–80, 116, 261–2.

<sup>9</sup> Festus 188 L: *Octaviae porticus duae appellantur, quarum alteram theatro Marcelli propiore, Octavia soror Augusti fecit; alteram theatro Pompei proximam Cn. Octavius Cn. filius, qui fuit aedilis curulis, praetor, consul, decemuirum sacris faciendis, triumphauitque de rege Perseo nauali triumpho: quam combustam reficiendam curauit Caesar Augustus.* 'There are two porticoes called Octavia, the one adjacent to the theatre of Marcellus was built by Octavia the sister of Augustus; the other close to the theatre of Pompey was built by Cn. Octavius, the son of Cnaeus, who was curule aedile, praetor, consul, *decemuir sacris faciendis*, and celebrated a naval triumph over King Perseus: when it was destroyed by fire, its restoration was carried out by Caesar Augustus.' Augustus mentions his restoration of the Porticus Octavia in the *Res Gestae* (19.1: *porticum ad circum Flaminium, quam sum appellari passus ex nomine eius qui priorem eodem in solo fecerat, Octaviam ... feci*). See also App. *Ill.* 28 and Cass. Dio 49.43.8 (who confuses the Porticus Octavia with the Porticus Octaviae). On Augustus' decision to allow the structure to retain its original name, see also Suet. *Aug.* 31.5 and Cass. Dio 56.40.5.

<sup>10</sup> Obsequens, 16: *in circo Flaminio porticus inter aedem Iunonis Reginae et Fortunae tacta, et circa aedificia pleraque dissipata.* A. von Domaszewski, *Abhandlungen zur römischen Religion* (Leipzig, 1909), 227. So also B. Olinde, *Porticus Octavia in Circo Flaminio: Topographical Studies in the Campus Region of Rome* (Stockholm, 1974), 119. But Olinde's thesis that the Porticus Octavia was replaced in the 140s by the porticus of Metellus Macedonicus was exploded by P. Gros, 'Porticus Octavia', *RA* (1977), 131–3; F. Zevi, 'Porticus Octavia', *Gnomon* 49 (1977), 196–201; T.P. Wiseman, 'Porticus Octavia', *JRS* 66 (1976), 246–7; and Coarelli (n. 8).

<sup>11</sup> Obsequens indicates that the buildings around the porticus sustained the most damage and while *dissipare* is sometimes used of the concussive damage done by lightning to smaller objects (see Plin. *HN* 2.137; Granius Licinian. 35 p. 22 Flemisch; SHA *Tacitus* 15.1; Sen. *QNat.* 2.52.2, 6.2.3), it is difficult to see how major edifices could be said to be 'scattered' (*dissipata*) by lightning even if they caught fire. Obsequens usually uses *dissipare* of the damaging effects of strong winds (see 5, 46, 68) and he relates that the thunderstorm of 156 B.C. was accompanied by a violent storm that damaged buildings on the Capitol and tore the roof of the home of the *pontifex maximus* with such force that the debris, including the columns supporting the roof, was cast into the Tiber. It appears therefore that the porticus in question was struck by lightning while high winds damaged the surrounding buildings.

four consuls in the intervening period.<sup>12</sup> Third, the porticus in question was probably not the Porticus Octavia.<sup>13</sup>

Coarelli, on the other hand, speculated that when the Curia Pompeia was set alight in March 44 B.C. the flames might have spread to the Porticus Octavia, which was adjacent to the theatre of Pompey.<sup>14</sup> But the burning of Pompey's Curia in 44 B.C. is a figment of Appian's imagination.<sup>15</sup> Appian claims that the mourners listening to Antony's eulogy over Caesar's body as it lay on the rostra in the Forum Romanum were so incensed that they burned the senate-chamber (in the Campus Martius) in which he had been slain, then, after attempting to torch the homes of the assassins, the mob returned to the bier which they carried from the Forum up to the Capitol, with the intention of burying Caesar in the temple of Jupiter, before carrying it back down again and placing it beside the Regia where they cremated Caesar's corpse on a makeshift pyre on the spot where the temple of Divus Iulius was later erected.<sup>16</sup> None of the other accounts, however, mentions the mob's foray into the Campus Martius,<sup>17</sup> and both Suetonius and Dio explicitly state that some of the crowd had urged that the body be cremated on the Capitol or in the Curia Pompeia, but, as they were prevented from acting on this impulse, they incinerated it where it stood.<sup>18</sup> Moreover, Cicero, who blamed Antony for inciting the mob, makes no reference to the destruction of the Curia—which he could hardly have failed to register.<sup>19</sup> It is possible that Appian was misled by the analogy with the impromptu cremation of P. Clodius Pulcher in the Forum Romanum in 52 B.C. that had resulted in the burning of the Curia Hostilia.<sup>20</sup> In any event, the Curia Pompeia was not set on fire in March 44 B.C., it was walled up by the Triumvirs in 42 B.C., and was subsequently converted into a latrine.<sup>21</sup>

<sup>12</sup> During the Republic the censors, consuls, praetors and aediles were all tasked with oversight of repairs and maintenance to public buildings. For glimpses of the system in operation, see F. Coarelli, 'Public building in Rome between the Second Punic War and Sulla', *PBSR* 45 (1977), 1–23, at 3–7; A.E. Astin, 'The role of the censors in Roman economic life', *Latomus* 49 (1990), 20–36, at 21–3, 26; and O.F. Robinson, *Ancient Rome: City Planning and Administration* (London, 1996), 48–50.

<sup>13</sup> See G. Marchetti-Longhi, 'I tempii presso S. Nicola à Cesarini e la sistemazione della zona Argentina', *BCAR* 46 (1918), 115–60, at 151–5; M.J. Boyd, 'The porticoes of Metellus and Octavia and their two temples', *PBSR* 21 (1953), 152–9, at 155; and Coarelli (n. 8), 273, 487–8. Boyd and Coarelli identify the structure as a porticus erected in the censorship of 179 B.C.

<sup>14</sup> Coarelli (n. 8), 217 n. 6, 572–3.

<sup>15</sup> App. *B Civ.* 2.147–8. See W. Drumann and P. Groebe, *Geschichte Roms* (Berlin, 1899<sup>2</sup>), 1.75; C. Hülsen, 'Curia Pompei' *RE* 4.1826; S. Weinstock, *Divus Iulius* (Oxford, 1971), 350, 355; J.T. Ramsey, *Cicero Philippics I-II* (Cambridge, 2003), 294; T.P. Wiseman, 'After the Ides of March', in *Remembering the Roman People* (Oxford, 2009), 211–34, at 232; and C. Pelling, *Plutarch Caesar* (Oxford, 2011), 492.

<sup>16</sup> See now G.S. Sumi, 'Topography and ideology: Caesar's monument and the aedes divi Iulii in Augustan Rome', *CQ* 61 (2011), 205–29, esp. 208–11.

<sup>17</sup> See Suet. *Iul.* 84–5; Plut. *Brut.* 20.4–6, *Caes.* 68.1, *Ant.* 14.4, *Cic.* 42.4; Cass. Dio 44.50–1; Livy, *Per.* 116; and Jer. *Chron.* p. 157 Helm.

<sup>18</sup> Suet. *Iul.* 84.3; Cass. Dio 44.50.2.

<sup>19</sup> *Phil.* 2.91, *Att.* 14.10.1. Cicero mentions the burning of the house of L. Bellienus and the failed attempts on the homes of the tyrannicides, and Appian himself subsequently refers to the attacks on the homes of the conspirators, but says nothing of the Curia (*B Civ.* 3.2, 3.15, 3.35, 4.57). Cass. Dio has Cicero claim that as a result of Antony's agitation almost the whole city went up in flames (45.23.4), but the rebuttal which Dio puts into the mouth of Q. Fufius Calenus (esp. 46.3.2), and Dio's own characterization of Cicero (46.29.1), are intended to show that Cicero's testimony regarding Antony was malicious and unreliable.

<sup>20</sup> Plut. *Brut.* 20.5 noted the parallels between the two events.

<sup>21</sup> Suet. *Iul.* 88; Cass. Dio 47.19.1. Octavian also had the artworks that had adorned the Curia, namely the statue of Pompey on the spot where Caesar fell and a painting by Polygnotus of Thasos, transferred to the theatre and porticus of Pompey (Suet. *Aug.* 31.9; Plin. *HN* 35.59).

The destruction of the Porticus Octavia will therefore have been the result of one of the six major fires that ravaged the city of Rome between the construction of the Porticus in 166/165 B.C. and February 43 B.C.<sup>22</sup> Of these six fires five may be eliminated on the basis of their reported locations.<sup>23</sup> The fire of 148 B.C. broke out in the Forum Romanum and destroyed the Regia.<sup>24</sup> The blaze of 111 B.C. consumed the temple of Magna Mater on the Palatine.<sup>25</sup> The conflagration of 83 B.C. was restricted to the Capitol where it destroyed the temple of Iuppiter Optimus Maximus and damaged the Tabularium.<sup>26</sup> The flames from the pyre of P. Clodius enveloped the Curia Hostilia and spread to the Basilica Porcia, but the damage was confined to the Forum Romanum.<sup>27</sup> And the fire that erupted in 49 B.C. was localized to the Quirinal.<sup>28</sup> There remains the fire of 50 B.C. that according to Livy was the greatest and most destructive blaze of them all.<sup>29</sup> We are told that the fire affected fourteen unspecified vici as well as the

<sup>22</sup> F.W. Shipley, 'Chronology of the building operations in Rome from the death of Caesar to the death of Augustus', *MAAR* 9 (1931), 7–60, at 33 suggested that the Porticus Octavia may have been damaged by the fire of 31 B.C., but, as Shipley himself acknowledged, the evidence of Appian, *Ill.* 28 and of Cass. Dio 49.43.8 indicates that the restoration undertaken by Octavian was complete in 33 B.C. Furthermore, the damage done by the fire of 31 B.C. was concentrated further to the south in the Forum Holitorium, around the Circus Maximus, and on the Aventine (see Cass. Dio, 50.10.3–6; cf. Tac. *Ann.* 2.49).

<sup>23</sup> The blazes were discussed long ago by H.V. Canter, 'Conflagrations in ancient Rome', *CJ* 27 (1932), 270–88. Canter, however, omits the fire of 50 B.C. Cf. J. van Ooteghem, 'Les incendies à Rome', *LEC* 28 (1960), 305–12, at 306.

<sup>24</sup> Livy, *Per.* 50; Obsequens 19.

<sup>25</sup> Obsequens 39; Val. Max. 1.8.11; cf. Ov. *Fast.* 4.347–8.

<sup>26</sup> Plut. *Sull.* 27.6; Cic. *Cat.* 3.9; Sall. *Cat.* 47.2; Tac. *Hist.* 3.72; App. *B Civ.* 1.83, 1.86; Obsequens 57.

<sup>27</sup> Cic. *Mil.* 90, *Phil.* 13.27; Asc. 33 C; Dio 40.49.2–3; Plin. *HN* 34.21.

<sup>28</sup> Dio 41.14.3. The temple of Quirinus sustained some damage.

<sup>29</sup> Orosius 6.14.4–5: *hanc nunc amplissimam dilatationem uastissima ruina consequitur. apud Parthos enim consul Romanus occiditur exercitusque deletur, atrocissimum illud Pompei atque Caesaris bellum ciuile conseritur et inter haec Roma ipsa repentino correpta incendio concrematur. anno siquidem ab urbe condita DCC incertum unde concretus plurimam urbis partem ignis inuasit, neque unquam antea tanto incendio correptam ac uastatam ciuitatem ferunt. nam quattuordecim uicos cum uico lugario consumptos fuisse memoriae proditum est.* 'Great devastation now followed this tremendous expansion. In Parthia a Roman consul was killed and his army slaughtered, and the most ferocious civil war was waged by Pompey and Caesar, and in the interval between these events Rome itself was suddenly gripped and consumed by fire. In the 700th year after the foundation of the City, a fire of unknown origin swept through much of the City, and it is said that Rome had never before been seized and laid waste by so great a conflagration, for fourteen neighbourhoods together with the vicus Lugarius were consumed.' 7.2.10–11: *Roma ipsa etiam, quamuis ad aduentum Domini Iesu Christi perfectio prouheretur imperio, tamen paululum et ipsa in occurso numeri [i.e. 700] huius offendit. nam septingentesimo conditionis suae anno quattuordecim uicos eius incertum unde consurgens flamma consumpsit, nec unquam, ut ait Liuius, maiore incendio uastata est; adeo, ut post aliquot annos Caesar Augustus ad reparationem eorum, quae tunc exusta erant, magnam uim pecuniae ex aerario publico largitus sit.* 'Although Rome endured with her empire intact down to the birth of the Lord Jesus Christ, she none the less suffered somewhat when she encountered this number. For in her 700th year fourteen city blocks were consumed by a raging fire of unknown origin, and never, according to Livy, was she ravaged by a greater fire, so that some years later Caesar Augustus lavished vast sums from the public treasury on repairing what had been destroyed.' See also Obsequens 65: *incendium quo maxima pars urbis deleta est prodigii loco habitum.* The fire is securely dated to 50 B.C. by Obsequens who gives the consular date. Orosius clearly intended the same date since he places the fire between the battle of Carrhae (June 53 B.C.) and the outbreak of civil war (January 49 B.C.), and like Obsequens treats the fire as a portent of the impending conflict. Hence Orosius either took over the date A.U.C. 700 = 50 B.C. from Livy, who uses this reckoning as well as other chronological schemes (see H.A. Sanders, 'The chronology of Livy', *CJ* 1 [1905], 155–6 and *CJ* 2 [1906], 82–3, and A. Drummond, *CAH*<sup>2</sup> 7.2 [1989], 625), or 'adjusted' the date to agree with his obsession with the figure 700 (see 7.2.11).

vicus Iugarius, which puts the blaze in the right area, since the western end of the vicus Iugarius terminated at the Porta Carmentalis on the southern flank of the Campus Martius.<sup>30</sup> More importantly, Orosius 7.2.11 (that is to say, Livy) states that Augustus subsequently expended large sums restoring the structures that were damaged or destroyed in this fire—which is surely a reference to the programme of public works undertaken by Octavian / Augustus in the Campus Martius, including the restoration of the Porticus Octavia.<sup>31</sup> The scale of the fire can be better appreciated when it is recalled that more than a century later in A.D. 73 the XIV Augustan regions of Rome contained a total of 265 vici.<sup>32</sup>

Furthermore, the traditional explanation of *Philippics* 9.5 becomes untenable when it is recognized that the family of Cn. Octavius (*cos.* 165) was almost certainly not extinct in February 43 B.C. M. Octavius, the son of Cn. Octavius (*cos.* 76) and great-grandson of Cn. Octavius (*cos.* 165), fought against Caesar in the Civil War and commanded a squadron of the Republican fleet in the Adriatic from 49 to 47 B.C. and in Africa in 47 and 46 B.C.<sup>33</sup> Octavius managed to escape the route at Thapsus in April 46 B.C. and led two legions to Utica where M. Cato facilitated the flight of the Republican survivors.<sup>34</sup> What became of M. Octavius thereafter is not explicitly attested, but the centre of Antony's fleet at the battle of Actium was under the command of M. Insteius and a M. Octavius,<sup>35</sup> and Drumann identified the homonymous Republican and Antonian admirals.<sup>36</sup> Münzer, however, maintained that the Republican and Antonian fleet commanders must be distinguished both because the former was undoubtedly a direct descendant of the consul of 165 B.C. and *Philippics* 9.5 indicates that the consular Octavii were extinct by 43 B.C., and because the Republican admiral was a staunch Pompeian, who took Antony's younger brother C. Antonius prisoner in 49 B.C., and would hardly

<sup>30</sup> See P. Virgili, *LTUR* 5 (2000), 169–70.

<sup>31</sup> Orosius refers to repairs to an unspecified number of buildings, and the structures in the vicinity of the Porticus Octavia that were restored in the 30s and early 20s were conceivably affected by the fire of 50 B.C., including the Porticus Metelli (which was restored and renamed the Porticus Octaviae), and the temple of Hercules Musarum which was refurbished by L. Marcius Philippus (*cos. suff.* 38) and embellished with the Porticus Philippi. The fire was apparently not responsible for the damage to the theatre of Pompey which Octavian repaired at an unspecified date (*Res Gestae* 20.1), because the Curia, the theatre and the porticus of Magnus were all intact and in use in 44 B.C. (on the Curia, see above; on the theatre and the porticus, see App. *B Civ.* 2.16, 118; Cic. *Fat.* 2, 8; and Nic. Dam. *Vita Caes.* 92, 98). The only damage to the theatre that is mentioned in the relevant period occurred during a storm in 32 B.C. (Cass. Dio 50.8.3)—though the necessary repairs seem unlikely to have involved an *impensa grandis*. Strabo 5.3.8 was greatly impressed by the extensive redevelopment of the Campus Martius sponsored largely by Octavian / Augustus and his associates.

<sup>32</sup> Plin. *HN* 3.66. The number of vici in existence during the Republic is unknown. J.B. Lott, *The Neighborhoods of Augustan Rome* (Cambridge, 2004), 15 maintains that the Augustan total was probably somewhere in the vicinity of Pliny's figure. In the *regionaria* of the fourth century A.D., the *Noctitia* and *Curiosum*, the number of vici had increased to 424, and the Campus Martius alone (Augustan *regiones* VII and IX) contained fifteen and thirty-five vici respectively; see L. Homo, *Rome impériale et l'urbanisme dans l'Antiquité* (Paris, 1971<sup>2</sup>) 109–12.

<sup>33</sup> *RE* s.v. 'Octavius' (33). See T.R.S. Broughton, *MRR* 2.268, 2.282, 2.291, 2.302.

<sup>34</sup> Plut. *Cat. Min.* 65.2.

<sup>35</sup> Plut. *Ant.* 65.1; *MRR* 2.422.

<sup>36</sup> Drumann and Groebe (n. 15), 4.242. So also R. Syme, *The Roman Revolution* (Oxford, 1939), 269, 296 and more recently M.-C. Ferrière, *Les partisans d'Antoine* (Paris, 2007), 283, 448–9 no. 106. Drumann did not speculate on the fate of Octavius in the period between 46 and 31 B.C. It seems most likely that he made his way to Spain to join forces with the sons of Pompeius Magnus. Ferrière posits that he served with Sex. Pompeius before transferring his allegiance to Antony.

have changed sides and fought for Antony at Actium.<sup>37</sup> Yet, once the mistaken inference from *Philippics* 9.5 is discounted, the other arguments cannot bear the load placed upon them. The Antonian admiral must have been a man of experience like all the other officers to whom Antony entrusted his fleet—namely L. Gellius Poplicola (*cos.* 36 B.C.), C. Sosius (*cos.* 32 B.C.) and M. Insteius.<sup>38</sup> Nor was C. Antonius harmed when he fell into the hands of M. Octavius on Curicta in 49 B.C. and Antony was accordingly in Octavius' debt for sparing his brother's life.<sup>39</sup> What is more, the Republicans who continued to aspire to play a role in public life after the battle of Philippi had to make a choice as to which of the remaining faction leaders represented the lesser evil and not a few chose Antony, and when M. Octavius took his place in the battle line on 2 September 31 B.C. he may have consoled himself with the thought that, far from changing sides, he was still fighting the old enemy—this time in the guise of the dictator's 'son' and heir. In addition, M. Octavius may not have been the only surviving descendant of Cn. Octavius (*cos.* 165) when Cicero delivered the *Ninth Philippic*. In 52 B.C. the young sons of a Cn. Octavius were drawn into a legal dispute with Cicero's acquaintance Phamea.<sup>40</sup> Münzer rightly observed that the boys were apparently the sons of a recently deceased father, but he stopped short of venturing a firm identification.<sup>41</sup> Shackleton Bailey suggested that the boys were possibly the sons of C. Trebatius Testa's friend Cn. Octavius.<sup>42</sup> But that conjecture must be rejected, for Cicero's references to the friend of Trebatius demonstrate that the orator did not know the man,<sup>43</sup> whereas Cicero stipulates that he was reluctant to represent Phamea precisely because of his relationship with the boys' family.<sup>44</sup> As Cicero elsewhere testifies to his friendship with Cn. Octavius (*cos.* 76),<sup>45</sup> and the boys in question were still *pueri* in 52 B.C. (that is, had not yet donned the *toga uirilis*), they will have been born sometime after 68 B.C.,<sup>46</sup> and were probably the grandsons of the consul of 76 B.C.<sup>47</sup> Their father

<sup>37</sup> F. Münzer, *RE* 17.1825 M. Octavius (33) and (34) (followed by K. Welch, *Magnus Pius* [Swansea, 2012], 116 n. 14).

<sup>38</sup> M. Insteius is less well known than Gellius and Sosius, but he was nevertheless a seasoned campaigner, for he had been acclaimed *imperator* back in 39 B.C.; see P.M. Nigdelis, 'M. Insteius L. f. ἀντοκράτωρ et la province de Macédoine au début du second triumvirat', *BCH* 118 (1994), 216–28. On the anomalous Κοίλιος of Plutarch, *Ant.* 65.1, see F. Münzer, *RE* 7.1005; and C.B.R. Pelling, *Plutarch Life of Antony* (Cambridge, 1988), 281.

<sup>39</sup> He was taken to Pompey by C. Scribonius Libo (see the *Commenta Bernensia* on Lucan, 4.433 p. 135 Usener; and Orosius 6.15.9). When C. Antonius was captured for a second time in 43 B.C. he was put to death by M. Brutus (see *MRR* 2.432).

<sup>40</sup> *Cic. Att.* 13.49.1 (22 August 45 B.C.); *pueros Octauios Cn. filios*. M.C. Alexander, *Trials in the Late Roman Republic* (Toronto, 1990), 158 no. 324. Phamea was a wealthy Sardinian (*Att.* 9.9.4, 13.6, *Fam.* 9.16.8), and the case presumably had something to do with the estate of the deceased.

<sup>41</sup> See *RE* 17.1804, 1818 'Octavius' (6) and (23).

<sup>42</sup> Shackleton Bailey (n. 5), 391. Trebatius' friend (*RE* 'Octavius' [23]) was one of the candidates considered by Münzer.

<sup>43</sup> *Fam.* 7.9.3, 16.2.

<sup>44</sup> *Att.* 13.49.1: *non libenter*. As events turned out, Cicero was unable to represent Phamea because the trial conflicted with his defence of P. Sestius (*Fam.* 7.24).

<sup>45</sup> *Fin.* 2.93. *De finibus* was completed in July 45, the month before Cicero wrote *Att.* 13.49 (see *Att.* 12.23.2).

<sup>46</sup> In the late Republic boys usually donned the *toga uirilis* by their sixteenth birthday: see J. Marquardt, *Das Privatleben der Römer* (Leipzig, 1886<sup>2</sup>), 128–30 and F. Dolansky, 'Ritual, gender, and status in the Roman family' (Diss., University of Chicago, 2006), 47–8, 285–6. Thus M. Cicero junior, who was born in July 65, took the *toga uirilis* on 1 or 2 April 49 (*Att.* 9.19.1), a few months short of his sixteenth birthday (not at 16 as per Marquardt, or at 17 as per Dolansky).

<sup>47</sup> The age of the boys makes it much less likely that they were the sons of Cn. Octavius (*cos.* 76) as suggested by P. Meloni, 'Note su Tigellio', *Studi Sardi* 7 (1947), 115–51, at 122 and R.J. Rowland,



was probably the legate of M. Licinius Crassus (*cos.* 70, 55) who was killed while trying to prevent the capture of Crassus after the debacle at Carrhae in June 53 B.C.<sup>48</sup> The *praenomen* of the legate is not recorded, but Crassus had strong ties to the consular Octavii,<sup>49</sup> and it appears highly likely that the legate was the older brother of the admiral M. Octavius Cn. f.<sup>50</sup> Although the nephews of M. Octavius are last mentioned in August 45 B.C., it seems more likely than not that they were still alive less than two years later when Cicero delivered the *Ninth Philippic*. In any event, far from being extinct in February 43 B.C., the family of Cn. Octavius (*cos.* 165) was apparently still playing a prominent role in September 31 B.C.<sup>51</sup>

There is therefore only one credible interpretation of Cicero's remark in *Philippics* 9.5 and that is that the statue of Cn. Octavius (*cos.* 165), which was still standing on the rostra in February 43 B.C., was the *sola memoria* of the consular Octavii at that time because both the Palatine mansion and the porticus built by the consul of 165 B.C. had been destroyed in the 50s. In fact, the statue on the rostra came to serve as a memorial to not one but two of the consular Octavii, for the decapitated head of Cn. Octavius (*cos.* 87) was exposed on the rostra at the foot of his grandfather's statue during the first Civil War. As the consul of 87 B.C. was the first to suffer this fate,<sup>52</sup> there is little doubt that the rostra were chosen precisely because of his family's symbolic link with this prominent site.<sup>53</sup>

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'Cicero and the Greek world', *TAPA* 103 (1972), 451–61, at 458 n. 18. Cn. Octavius (*cos.* 76), who suffered terribly from gout, was perhaps already dead in 68 B.C. The boys clearly cannot have been the children of Cn. Octavius (*cos.* 87) who was killed in office.

<sup>48</sup> See *RE* s.v. 'Crassus' (5) and *MRR* 2.232.

<sup>49</sup> P. Crassus (*cos.* 97), the father of M. Crassus, had fought alongside Cn. Octavius (*cos.* 87) in the Civil War and paid with his life for opposing Marius and Cinna. One of his sons was also killed by the victors, and Crassus himself was forced into exile.

<sup>50</sup> The legate was one of Crassus' senior officers and was obliged to assume command, along with Crassus' quaestor C. Cassius, after the battle when Crassus sunk into despair (Plut. *Crass.* 27.5). It may even be that Octavius was one of the *praetorii* who reportedly fell at Carrhae (Oros. 6.13.3).

<sup>51</sup> M. Grant postulated that the T. Ὀκτα(αὐνίος ?) named on a coin of Alabanda was related to the Antonian admiral, but this is most improbable; see T.R.S. Broughton, *MRR* 3.151; L. Petersen, *PIR*<sup>2</sup> O 5; G.R. Stumpf, *Numismatische Studien zur Chronologie der römischen Statthalter in Kleinasien 122 v. Chr.-163 n. Chr.* (Saarbrücken, 1991), 83; and Ferriès (n. 36), 517 no. 169. On the identity of the C. Octavius who falsely claimed to have participated in the assassination of Caesar, see F. Hinard, *Les proscriptions de la Rome républicaine* (Rome, 1985), 499 no. 94.

<sup>52</sup> App. *B Civ.* 1.71.

<sup>53</sup> Similarly, the orator M. Antonius (*cos.* 99), whose head was soon to follow, had a strong connection with the site (see Cic. *De or.* 3.10).