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Framing Turnus. Thematized morphological ambiguity of *indicta causa* in Livy 1.51.9

Abstract: The formula *indicta causa* is a technical legal term meaning “in the absence of the speech of the defense.” This paper proposes additional meanings of the phrase in Livy 1.51.9. Elsewhere in his work Livy thematically activates the morphology of the adjective *indictus*; frequent occurrences of both negations and forms of *dicere* are a discreet commentary on the ethical implications of judicial procedure in which the defense does not have (*in-*) the chance to address the court (*dicere*). In 1.49-52, however, the dominant imagery associated with Tarquin the Proud is of literal and figurative “imposition,” and the more recurrent prefix is the directional *in-*, not negational. This study argues in detail that the alternative, but not mutually exclusive, derivation of adjective *indicta* from the verb *indicare* considerably enriches literary interpretation of 1.49-52.

Key Words: *indicta*, prefix, imposition, imagery, conspiracy, Livy, Tarquin.

The King: Guilty or not guilty?

The Tin Soldier: No!

Groucho Marx jack-in-the-box: Objection sustained.

The King (angrily): You’re guilty!

The Tin Soldier: No!

Groucho Marx jack-in-the-box: Objection overruled.

The King (solemnly): You are guilty!

Groucho Marx jack-in-the-box: Give him a fair trial and then we’ll shoot him.

(“The Brave Tin Soldier,” cartoon based
 on the story by Hans Christian Andersen,
 ComiColor 1934)

The phrase *indicta causa* (or *causa indicta*) is a technical term for a sentence passed without hearing the defendant (e.g. Cic. *Ver.* 1.1.13; 2.2.43; *OLD* s.v. *indictus* 1b). Literal inelegant translation would be “with the (de-

fendant's) case not having been pleaded," or the like. One simple observation is, I will argue, more telling than it appears: for the absence of pleading, *causam dicere*, the negated participle *dicta* is used, since there is no verb **in-dicere* meaning "not plead." But there is a verb *indicere* meaning "impose," vel sim. With the ambiguous prefix in mind, below I analyze this phrase in Livy 1.51.9 and propose two additional meanings of it, based on, and enriching our interpretation of, the literary portrayal of Tarquin the Proud in 1.49-52.

Before addressing *causa indicta* in 1.51.9 it is instructive to observe briefly Livy's technique in deploying it elsewhere. He is fond of highlighting its morphology by surrounding the phrase both with various negations and forms of *dicere*; for example, when Caeso was nearly lynched in 3.13,

T. Quinctius clamitat, cui rei capitalis dies dicta sit et de quo futurum propediem iudicium, eum indemnatum indicta causa non debere violari. tribunus supplicium negat sumpturum se de indemnato.

T. Quinctius kept loudly protesting that whoever has a scheduled trial date for capital offense soon, should not be endangered *indicta causa*, being still uncondemned. The tribune refused to rule punishment on the uncondemned. (3.13.4, 5)¹

A similar cluster is found in 3.56. Verginius accuses Appius Claudius of cruelty and abuse of law. The verbal dimension of the very concept of legality comes to the fore when the defendant says one word *provoco*, "I appeal:" everyone goes speechless upon hearing that word, the only safeguard of liberty, uttered by someone who just recently enslaved a free person based on a claim; he appealed, and he himself denied others the right to appeal ("*provoco*" inquit. audita vox una vindex libertatis, ex eo missa ore quo vindiciae nuper ab libertate dictae erant, silentium fecit... *provocare qui provocationem sustulisset*, 3.56.6, 8). Appius continues his defense nevertheless:

ipsius Appi inter contionis murmur fidem populi Romani implorantis vox audiebatur... commemorabat, suum infelix erga plebem Romanam studium... ceterum sua propria bona

¹ Text and numbering of Livy follow the Oxford Classical Text of CONWAY; all translations, purposefully overly literal, are mine.

malaque, cum causae dicendae data facultas sit, tum se experturum; in praesentia se communi iure civitatis civem Romanum die dicta postulare ut dicere liceat,... quod si indicta causa in vincla ducatur... quem enim provocaturum, si hoc indemnato indicta causa non liceat?

Amidst the murmur of the assembly the voice of Appius himself was heard, begging for protection by the Roman people... He began enumerating his unfortunate devotion to the people... as to his own good and evil deeds, he would put them to test once he is given a chance to speak his defense; presently, he demanded the common right of Roman citizens to be allowed to plead on the sheduled day... but if he were to be taken in custody without granted hearing... for who would appeal if appeal is not allowed to the uncondemned, who is not granted hearing? (3.56.9-13)

Livy's language in these passages unpacks the inherent risk of passing a sentence *indicta causa* by emphasizing that the guilt is still not established (*in-demnatus*), even in the case of the ill-reputed villain Appius Claudius. The idea to express this verbally is natural enough. Cato the Elder, for example, accuses Minucius Thermus: "You put to death then people without hearing, untried, uncondemned" (*decem hominibus vitam eripis indicta causa, iniudicatis, incondemnatis; orat. 59 MALCOVATI = Gell. 13.25.12*). In a metaphorical variation of the device, I suggest, Livy has Metellus insist that Scipio should not be unilaterally recalled, *as if* he is a convict already (*indicta causa prope damnatum ex provincia revocari*, 29.20.3). One might argue that the "negative" aspect of the practice is voiced even when the prefix *as* such is not repeated, as in 38.33.11: *quia perire causa indicta nolebat* (cf. *negat*, 3.13.5 above). Simply put, any kind of verdict without hearing is something that should *not* be done.²

Significantly, Livy frequently supplies *dicere* as well. He simultaneously reminds us not just of the anomalous lack of due process emphasized by *in-*, but also of what that process is: *dicere*, "defend oneself," *dicta*, "officially scheduled." The auditory imagery in 3.56—*pro-vocare, audita vox, ore, murmur, silentium*—is thematically activated. Right to

² Compare Cicero, who says that it cannot be considered just, even if it is a law, that the dictator has the power to kill with impunity whatever citizens he wants, without granting them hearing (*indicta causa inpune posset occidere*, *Leg. 1.42.9*).

speak is an essential right, guaranteed by law.³ Livy's sensitivity to the morphology of *indicta causa*, therefore, serves as a subtle commentary on its ethical implications and at the same time reveals—perhaps needless to point out—his writerly awareness of effective style.

With that in mind, I suggest first an additional metaliterary layer of the negatively prefixed *indicta causa* in 1.51.9. Right after the phrase Livy specifies that Turnus Herdonius, falsely accused of conspiring against Tarquin, is executed in a novel fashion: “with his case unheard, in a new style of execution, hurled to the Ferentine spring he was drowned under a superimposed slatted frame and piled up stones” (...*indicta causa, novo genere leti, deiectus ad caput aquae Ferentinae crate superne iniecta saxisque congestis mergeretur*, 1.51.9; I cite the full passage and discuss it further below). The *indicta causa* could refer not only to death penalty passed without hearing but also anticipate the as-yet *untold*—unheard-of—way of execution. Here Livy might be playing a literary game. Situated as it is in a very early moment in Roman history, Turnus' execution could perhaps be the first recorded instance of such a practice. But it is very possible that the event is strictly speaking unhistorical, and that, moreover, Livy is not the first to have reported it. Ogilvie comments that “the punishment was evidently peculiar to the Carthaginians to judge by Plautus, *Poenulus* 1025-6 [discussed below] ... It is therefore reasonable to suppose that the manner of Herdonius' death was only precisely defined when Carthaginian habits were familiar to the Romans, that is, after the First Punic War. *It will be an invention by the first generation of Roman historians.*”⁴ If so, one can imagine Livy sensationally advertising that, despite his predecessors, he is the first to offer an account of it. The use of *indictus* to mean “unrecorded” is found in Vergil—“You will not go unmentioned by our poems” (*nec tu carminibus nostris indictus abibis*, *Aen.* 7.733)—but Horace claims specifically literary primacy: “I will sing a

³ The law *de provocatione* in this episode is anachronistic, and the whole trial likely fictitious: see OGILVIE 1965, 499-500, 503-4, who rightly points out Livy's use of dramatic silence (505, *ad* 3.56.6).

⁴ OGILVIE 1965, 203, *ad* 1.51.9; emphasis mine.

remarkable recent deed, hitherto *unsung* by other lips" (*dicam insigne, recens, adhuc indictum ore alio*, C. 3.25.7-8).⁵

Second, and with broader literary ramifications, the alternative but not mutually exclusive meaning of *indicta causa* in Livy 1.51.9, I propose, lies in the fact that the prefix *in-* is both negational and directional. Elsewhere the two homonymous prefixes produce antonyms, especially visible in participles, such as *incitus*, "rapidly moving," and "unmovable" (OLD s.v. *incitae*). Side by side Latin would have *incognitus*, "unknown," and "explored," from *incognoscere* (Caes. *Civ.* 3.87.2); and so forth.⁶ Both prefixes are still felt as active ingredients and the process of formation can sometimes be traced. In the face of existing form *incogitatus*, "thoughtless," Horace apparently coins the hapax *incogitare*, "contrive against" (*Ep.* 2.1.122).⁷ Christian Latin authors will find serviceable the compound *incorporare*, "to embody," unbothered by post-

⁵ Given that Livy embeds moral comments into the grammar, one is tempted to speculate on the additional flavor of the slightly parenthetical *indicta causa* here: "unheard-of," i.e. "unspeakable (monstrosity)," approximating *nefanda* (cf. perhaps the language used for the idea of "ineffability" in Apul. *Plat.* 1.5.9-10, glossed with Plato's Greek: *indictum, innominabilem, et ut ait ipse, ἀόρατον, ἀδάμαστον*). Livy was by no means unaware of the range of usages of the adjective: 5.15 is interesting to compare; a local man uttering pessimistic prophecies about Romans conquering Veii is summoned to the Senate; he says that "his prophecies under divine inspiration he cannot now recall as if they are not said, and perhaps keeping silent about what the gods want to reveal would be as much of a *nefas* as to speak out what should be concealed" (*quae tum cecinerit divino spiritu instinctus, ea se nec ut indicta sint revocare posse, et tacendo forsitan quae di immortales volgari velint haud minus quam celanda effando nefas contrahi*, 5.15.10); the religious and moral aspect of speaking is corroborated by the phonetic emphasis on the morphology of *effando nefas*. For curious prophetic *subaudienda* regarding Tarquin and Turnus in 1.50, see below.

⁶ Varro's etymological maneuvering with *inhumatus*, "unburied" (LL 5.23) is suggestive, especially since the verb *inhumare*, "to bury," is suspected in Elder Pliny (*HN* 17.130; emend. *infumatus*); similarly, one possible instance of *incenare*, "dine inside" (Suet. *Tib.* 39.1.8, variously emended) would contrast *incenatus* "without dinner."

⁷ If LEWIS / SHORT s.v. are right in seeing the Greek ἐννοεῖν behind this coinage, this is further evidence that the authors were free to neglect the original meaning of the prefix for their purposes; the context of Horace's reference, "to plot against" (*fraudem amico sociove incogitat*), suggests that he is using *in-* in its directional meaning.

classical *incorporalis*, “bodiless.” Most importantly, however, the ambiguity could have been activated. Plautus’ parasite Ergasilus puns on himself being *invocatus*, both “invited” (from *invocare*) and “uninvited” to dinner (negated *vocatus*; *Capt.* 69-76).⁸

In light of this very real possibility of juggling with the two prefixes, I argue that while deriving *causa indicta* in Livy 1.51.9 from negational *in* + *dicta* there is considerable interpretive benefit in allowing for the *simultaneous* ad hoc derivation from the existing verb *indicare*. Consistently with Livy’s practice of capitalizing on the morphology of *indicta* for thematic purposes, 1.49-52 and especially 51 display recurrent and elaborate imagery of “imposition,” both physical and figurative. The *in-* prefix, this time the directional one, is omnipresent, while the *dicere*-part and the verb *indicare* itself surface in key moments.

In 1.50 Tarquin arrives late to the town of Aricia council meeting he convoked himself and during his absence a local man named Turnus Heredonius speaks against him (more on 1.50 below). In the immediately following passages of 1.51 Tarquin decides to get rid of the troublemaker by deception. The new way of execution corresponds to the novel circumstances: not only is Turnus not yet convicted, he is plainly innocent (*insontem*, 1.51.2). Chapter 1.51 is worth citing in its entirety; key terms are highlighted for the discussion that will follow:

haec Aricinus in regem Romanum increpans ex concilio abiit. quam rem Tarquinius aliquanto quam videbatur aegrius ferens confestim Turno necem machinatur, ut eundem terrorem quo civium animos domi oppresserat Latinis iniceret. 2 et quia pro imperio palam interfici non poterat, oblato falso crimine insontem oppressit. per adversae factionis quosdam Aricinos servum Turni auro corruptit, ut in deversorium eius vim magnam gladiatorum inferri clam sineret. 3 ea cum una nocte perfecta essent, Tarquinius paulo ante lucem accitis ad se principibus Latinorum quasi re nova perturbatus, moram suam hesternam velut deorum quadam providentia inlatam ait saluti sibi atque illis fuisse. 4 ab Turno dici sibi et primoribus populorum parari necem ut Latinorum solus imperium teneat.

⁸ Although the specific pun of course works only in Latin, a curiously comparable wordplay is attested with the equivalent Greek epithet ἀκλητος: Antiphanes frg. 193.7-13 KASSEL/AUSTIN; on both puns see FONTAINE 2010, 231–232. In his OCT edition of Plautus, LINDSAY 1904, vi, even chooses different orthography for disambiguation: “*immutatum* ‘mutatum’ significare, *inmutatum* ‘non mutatum’.”

adgressurum fuisse hesterno die in concilio; dilatam rem esse, quod auctor concilii afuerit quem maxime peteret. 5 inde illam absentis insectionem esse natam quod morando spem destituerit. non dubitare, si vera deferantur, quin prima luce, ubi ventum in concilium sit, instructus cum coniuratorum manu armatusque venturus sit. 6 dici gladiatorum ingentem esse numerum ad eum conuocatum. id vanum necne sit, extemplo sciri posse. rogare eos ut inde secum ad Turnum veniant. 7 suspectam fecit rem et ingenium Turni ferox et oratio hesternae et mora Tarquini, quod videbatur ob eam differri caedes potuisse. eunt inclinatis quidem ad credendum animis, tamen, nisi gladiis deprehensis, cetera vana existimaturi. 8 ubi est eo ventum, Turnum ex somno excitatum circumassistunt custodes; comprehensisque seruis qui caritate domini vim parabant, cum gladii abditi ex omnibus locis deverticuli protraherentur, enimvero manifesta res visa injectaeque Turno catenae; et confestim Latinorum concilium magno cum tumultu advocatur. 9 ibi tam atrox invidia orta est gladiis in medio positis, ut indicta causa, novo genere leti, deiectus ad caput aquae Ferentinae crate superne iniecta saxisque congestis mergeretur.

Having thus rattled against the Roman king, the Arician left the meeting. Tarquin took the matter more grievously than he appeared and immediately started planning the death of Turnus, so as to instill into Latins the same fear by which he had oppressed his own citizens. 2 Because he had no authority to kill him publicly, he oppressed him by bringing false charges against the innocent Turnus. With the help of some Aricians from the opposite faction, he bribed Turnus' slave to allow for a large amount of swords to be secretly brought into his inn. 3 Since this was done within a single night, shortly before dawn Tarquin summoned the Latin noblemen, as if he is alarmed by some new events, and said that his yesterday's late arrival, as though brought in by divine providence, was a salvation both to him and them. 4 That it was said that Turnus plans to kill him and the local leaders so he could rule the Latins by himself; that he was going to kill him yesterday at the meeting, but that the plan was postponed because the convener of the meeting, the main target of the attack, was absent. 5 That hence aroused the attack against him in absence, since he gave up hope due to delay. And that he has no doubt, if the report is true, that as soon as the council meets at daybreak he would come equipped with a band of conspirators and armed. 6 That it was said that a vast number of swords was delivered to him. That soon it will be known whether those are empty words or not; he asks them to come with him to Turnus. 7 What made the affair suspicious was Turnus' fierce character, his yesterday's speech, and Tarquin's late arrival, because it seemed a plausible reason to postpone the slaughter. They did show inclination to believe, yet ready to regard it as an empty accusation if the swords are not found. 8 When they arrived there, guards surround Turnus woken from sleep; when the slaves who were preparing resistance out of affection for their master were seized, and the hidden swords were being brought out from all over the inn, the affair seemed obvious and chains were thrown onto Turnus; and immediately the council of the Latins is summoned amidst great excitement. 9 With swords laid before them,

such an angry hatred arose that, *indicta causa*, in a new style of execution, hurled to the Ferentine spring he was drowned under a superimposed slatted frame and piled up stones. (1.51.1-9)

To begin with, the verb *indicare* would be more than appropriate to both the *desired* legal procedure and the sinister absence of it in Turnus' execution. Declaring war (e.g. Enn. *Ann.* 7.216 Skutsch) or issuing military commands (Liv. 6.12.1), among innumerable related applications of *indicare*, connote a unilaterally brought, non-negotiable decision. It is routinely used for imposing taxes, levies, and other duties, to the detriment of the receiver (*tributo populo indicto*, Liv. 4.60.4). Just as the collocation *causa indicta*, then, the verb *indicare* on its own is used for presenting something as a *fait accompli*. What suggests that this verb might be heard in 1.51.9 is that Livy he uses it in the immediately preceding and immediately following chapters. With identical expressions Tarquin orders the time and place for the council meeting (*ut ad lucum Ferentinae convenient indicit*, 1.50.1; see also below) and after the death of Turnus summons the Latin youths (*indictumque iunioribus Latinorum ut... ad lucum Ferentinae... adessent*, 1.52.5). Having combined them with Roman troops, Tarquin put his centurions in command: symptomatically, the last word of 1.52 is *imposuit* (1.52.6).

The verb *indicare* perfectly suits the situation of Turnus in 1.51, since it is a regular idiom for inflicting punishment (e.g. *indictum ultimum supplicium*, Tac. *Ann.* 3.49); when a punishment is voluntary, it is specifically emphasized (*voluntarium... sibimet indixit exilium*, V. Max. 5.6.3). But what makes it especially effective in Livy is that it is not just the penalty that is imposed on Turnus: it is the *trial* to begin with (OLD s.v. *causa* A1) and its outcome (“blame,” “guilt,” OLD 11). The phrase *indicta causa* would thus compactly summarize the entire event: Turnus is tried, sentenced, and executed, all without his say in it—and without his knowledge, for that matter. The information that he is woken from sleep (1.51.8) stresses that he is completely devoid of agency.

Most vividly, the *indicta causa*—“accusation-verdict-punishment unilaterally imposed on a passive subject”—chillingly parallels the

execution itself: the wooden frame is literally imposed on Turnus from above, *crate superne iniecta*. It is instructive to compare now the *Poenulus* passage cited by Ogilvie, omitted above. Agorastocles asks what is Hanno saying in Punic, and Milphio responds jokingly: “That you have him put under a rack and a lot of stones piled on top so as to kill him” (*sub cratim ut iubeas se supponi atque eo | lapides imponi multos, ut sese neces*, 1025–6). While the result is the same, the slight difference is very informative: even with organized help, the stones are to be imagined as being heaped upon the frame only after Hanno is placed under it first. Likewise, Livy’s only other reference to the frame is *sub crate* (4.50.4). By contrast, the “superimposition” of the rack in 1.51.9 inverts the process, emphasizing that Turnus is subdued, immobilized, and, most importantly, an irresponsive recipient of his punishment.⁹

The physicality of Turnus powerlessly crushed under the frame with stones functions as a metaphorical consummation of the events described in the preceding chapter, 1.50 (announced already in 1.49; more below). Turnus’ speech against absent Tarquin arrestingly resonates with the language of “superimposition,” *crate superne iniecta*. Turnus warns that Tarquin’s *cognomen* Superbus, “pinned on” him, is a sign of oppressive subjugation:

Turnus Herdonius ab Aricia ferociter in absentem Tarquiniū erat inuēctus. haud mirum esse Superbo inditum Romae cognomen... an quicquam superbius esse quam ludificari sic omne nomen Latinum? longe ab domo excitis, ipsum, qui concilium indixerit, non adesse. temptari profecto patientiam ut, si iugum acceperint, obnoxios premat. ... si se audiant, domum suam quemque inde abituros neque magis observaturos diem concilii quam ipse qui indixerit observet.

Turnus Herdonius from Aricia was inveighing fiercely against absent Tarquin. No wonder [he said], that the epithet “Superbus” is pinned on him at Rome... or is there anything more “superb” than to make a fool of the entire Latin people like this? Having summoned everyone from homes faraway, he who imposed the meeting did not come. He was testing their patience so he could crush them if they accept the yoke. ... And should they listen to him [sc. Turnus], they would go home and observe the date of the meeting no more than he who imposed it. (1.50.3–6)

⁹ A description in Tacitus clearly echoes our passage: *iniecta insuper crate, mergunt* (*Germ.* 12.1).

Tarquin's reaction is expressed in the same terms. Right before the execution chains are "thrown onto" Turnus (*iniectaeque*, 1.51.8). The literal reinforces the figurative. Chains and the superimposed rack are the practical means of achieving Tarquin's goal: by oppressing innocent Turnus (*oppressit*, 1.51.2) he will "cast onto" Latins the same fear by which he oppresses his own citizens (*oppresserat, Latinis iniceret*, 1.51.1).

There is one additional metaliterary clue that Livy's *indicta causa* is anomalous and innovative: it is his protagonist Tarquin who *inverts* the already infamous practice. Namely, a sentence is typically passed without hearing when the defendant is physically absent (29.18.19; 43.5.5; Scipio at 29.20.3, above; *in praesentia*, perhaps an ironic *double entendre* at 3.56.10, above; cf. Cic. *Phil.* 2.56.8). The whole point of Tarquin's scheme is to claim the opposite: Turnus was allegedly waiting for *him* at the meeting, and would have killed him had Tarquin not arrived late, so Turnus purportedly decides to charge *him* behind *his* back (*inde illam absentis insectationem*, 1.51.5). Tarquin successfully accuses, convicts, and executes Turnus only and precisely by turning the tables and posing as the absent defendant himself.

The powerful ambiguity of *in-dicta*, therefore, is that Tarquin ultimately denies Turnus his right to speak precisely by *putting* incriminating words *into* his mouth: Tarquin imputes *dicta* to Turnus. The slandering part of Tarquin's speech is appropriately in doubly indirect discourse, beginning and ending with "that it has been said that" (*dici*) Turnus plans slaughter and has weapons ready (1.51.4, 6). To be sure, Turnus did "inveigh against" Tarquin (*in absentem Tarquinius erat invectus*, 1.50.3; cf. the sound of *inrepanis*, "rattling against," 1.51.1). Latins indeed found it suspicious (1.51.7), but Turnus' words became evidence of criminal intentions only when the swords were discovered.¹⁰ Turnus' conspiracy, Tarquin claims, is not an "empty" story (*vanum*, 1.51.6). The Latins would have been pre-

¹⁰ Note also the lexical correspondence: to Turnus' verbal "invective," *invectus*, Tarquin responds verbally, by falsely accusing him of having smuggled in the swords: *dici gladiatorum ingentem esse numerum ad eum convectum* (51.6).

pared to consider other indications insubstantial, again lit. “empty” (*cetera vana existimaturi*, 1.51.7)—had not Tarquin ordered that the swords, the crucial evidence of conspiracy against him, be planted: the swords are thus literally “brought in, inserted” (*inferri*, 1.51.3; the effect of *in-* is spotlighted when they are brought out in 1.51.8: *abdit... protraherentur*).

Allegedly saved by his own absence, Tarquin disingenuously interprets the delay as a sign of divine favor (1.51.3). This mention of an omen interpretation which, being orchestrated, is divination in name only, calls attention to a passage which is prophetic in everything but the name. At the end of the previous chapter Tarquin arrived at the meeting late, explaining that he was distracted on the way: he was asked to settle a quarrel between a father and a son, which took some time (*disceptatorem ait se sumptum inter patrem et filium cura reconciliandi eos in gratiam moratum esse, et quia ea res exemisset illum diem, postero die acturum quae constitisset*, 1.50.8). Turnus finds this a lame excuse for such a long delay:

dixisse enim nullam breviorum esse cognitionem quam inter patrem et filium paucisque transigi verbis posse: ni pareat patri, habiturum infortunium esse.

He said that no dispute is briefer than that between a father and a son, and that it can be sorted out in a few words; should the son not obey, he is in trouble. (1.50.9)

Such a bizarrely gratuitous detail at such a climactic moment—last words before the dramatic events of 1.51—merits close scrutiny. This is an allegorical conflict between him and Tarquin, and the allegory is not even covert. In the very first sentence following the death of Turnus, his execution is hailed as a “fitting punishment for a *parricidium*” (*pro manifesto parricidio merita poena*, 1.52.1); *parricidium* can of course refer to treason in general, but it more often means, true to its etymology, “murder of one’s father.” Further, the “dispute,” *cognitio*, is a technical term for juridical inquiry (*OLD* s.v. 3). In the chapter preceding the events at the council meeting, Livy specifies the hallmark of Tarquin’s rule: “to *in*fluct terror on many people, he conducted *cognitiones* in capital offenses by himself without advisers” (*quem ut pluribus incuteret cognitiones capitalium rerum sine consiliis per se solus exercebat*, 1.49.4). The *cognitio* between Tarquin and Turnus will be as swift as the one between a father

and a son should be, and with as few words—indeed with no words granted to “the son” at all.

What casts a prophetic resonance on Turnus’ words and foreshadows his downfall, I argue, is the curious noun *in-fortunium*. Of classical prose writers it is attested only in Livy. It is used exclusively by the playwrights of *comoedia palliata*, (meaning more or less, “trashing”), save for one occurrence in Horace—appropriately, in the *Ars Poetica* (103). The father-son conflict, finally, is a stock theme of ancient comedy.¹¹ These comic echoes unmistakably depict the clash between Turnus “the son” and Tarquin “the father” as a staged farce.

Yet one more comic subtext informs the scene: *cognitio* is one of Roman comedy’s terms for the dramaturgic cliché device of *anagnorisis*, recognition of lost children (Ter. *Eu.* 921; *Hec.* 831). The Livian *cognitio* that follows in 1.51 will indeed be quick: the father in this story is immediately “recognized” by his infamous *cognomen* Superbus, which Turnus elaborately etymologized the previous day (1.50.3, above); in no time the son will learn who is “superior” here.

Tarquin’s disingenuous divination of his late arrival is telling. The inevitable delay, he claims, turned out in retrospect to have been a divine favor “brought onto” him (*inlatam*, 1.51.3). Since Turnus’ conspiracy and Tarquin’s concomitant good auspices are a setup, the tyrant’s tendentious interpretation captures the main problem of verdict without hearing. The only way that something imposed, in which one does not have a say, can turn out to be favorable after all is if it is a sham.¹²

¹¹ See e.g. SUTTON 1993, esp. 55-122.

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Bibliography

- CONWAY = R. S. Conway, et al. (edd.), *Titi Livi Ab Vrbe condita*, Oxford, 1955-1969.
FONTAINE 2010 = M. Fontaine, *Funny words in Plautine comedy*, Oxford.
KASSEL / AUSTIN = R. Kassel, C. Austin (edd.), *Poetae comici Graeci*, Berlin—New York, 1983-2001.
LEWIS / SHORT = C. T. Lewis, C. Short (1955), *A Latin dictionary*. Oxford.
LINDSAY 1904 = W. M. Lindsay (ed.), *T. Macci Plauti Comoediae*, vol. 1, Oxford.
MALCOVATI = E. Malcovati (ed.), *Oratorum Romanorum fragmenta*. Torino, 1953-1979.
OGILVIE 1965 = R. M. Ogilvie, *A commentary on Livy: Books 1—5*, Oxford.
OLD = P. G. W. Glare (ed.), *Oxford Classical Dictionary*, Oxford, 1982.
SUTTON 1993 = D. F. Sutton, *Ancient comedy: The war of the generations*, New York.

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Намештаљка за Турна. Тематизована морфолошка двосмисленост израза *indicta causa* код Ливија, 1.51.9

Апстракт

Формула *indicta causa* је стручни правни термин који значи »без излагања одбране«. У овом раду предлажу се додатна тумачења овог израза код Ливија, 1.51.9. Другде у свом спису Ливије наглашава морфологију придева *indictus* у тематске сврхе; честа употреба негација и глагола *dicere* представља дискретни коментар на етичке импликације судског процеса у којем одбрана нема прилику (*in-*) да се обрати суду (*dicere*). У приказу Тарквинија Охолог у поглављима 1. 49-52, међутим, доминантни су описи дословног и фигуративног »наметања« и »намештања«, а знатно приметнији је не негациони префикс *in-*, већ дирекциони. Циљ је детаљне анализе да се покаже да алтернативно али не међусобно искључиво извођење придева *indicta* од глагола *indicare* значајно доприноси књижевној интерпретацији епизоде о Тарквинију.

Кључне речи: *indicta*, префикс, наметање, метафоре, завера, Ливије, Тарквиније.