

BOOK XI

LIBER UNDECIMUS

I

De origine vocabuli “terrae Italiae”; deque ea multa quae suprema appellatur deque eius nominis ratione ac de lege Aternia; et quibus verbis antiquitus multa minima dici solita sit.

- 1 TIMAEUS in *Historiis* quas oratione Graeca de rebus populi Romani composuit, et M. Varro in *Antiquitatibus Rerum Humanarum*, terram Italiam de Graeco vocabulo appellatam scripserunt, quoniam boves Graeca vetere lingua *ιταλοί* vocitati sint,¹ quorum in Italia magna copia fuerit, bucetaque² in ea terra gigni pascique solita sint complurima.
- 2 Coniectare autem possumus ob eandem causam, quod Italia tunc esset armentosissima multam, quae appellatur “suprema” institutam in dies singulos duarum ovium, boum triginta, pro copia scilicet boum proque ovium penuria. Sed cum eiusmodi multa pecoris armentique a magistratibus dicta erat, adigebantur boves ovesque alias pretii parvi, alias maioris, eaque res faciebat inaequalem multae poenitionem. Idcirco postea lege Aternia constituti sunt in oves
- 3 singulas aeris deni, in boves aeris centeni. “Minima”

¹ sint, *Lion*; sunt, *MSS.* (*Z omits*).

² buceta, *MSS.*; bucera, *Paris ed. of 1536.*

¹ *F.H.G.* i. 195, Müller.

² x. fr. 1, Mirsch.

³ Passed by the consul, A. Atinius, in 454 B.C.

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I

On the origin of the term *terra Italia*, or “the land of Italy”; of that fine which is called “supreme”; concerning the reason for the name and on the Aternian law; and in what words the “smallest” fine used to be pronounced in ancient days.

TIMÆUS, in the *History*¹ which he composed in the Greek language about the affairs of the Roman people, and Marcus Varro in his *Human Antiquities*,² wrote that the land of Italy derived its name from a Greek word, oxen in the old Greek tongue being called *ἰταλοί*; for in Italy there was a great abundance of cattle, and in that land pastures are numerous and grazing is a frequent employment.

Furthermore, we may infer that it was for the same reason—namely, since Italy at that time so abounded in cattle—that the fine was established which is called “supreme,” consisting of two sheep and thirty oxen each day, obviously proportionate to the abundance of oxen and the scarcity of sheep. But when a fine of that sort, consisting of cattle and sheep, was pronounced by a magistrate, oxen and sheep were brought, now of small, again of greater value; and this made the penalty of the fine unequal. Therefore later, by the Aternian law,³ the value of a sheep was fixed at ten pieces of brass, of the cattle at a hundred apiece. Now the “smallest”

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autem multa est ovis unius. "Suprema" multa est eius numeri cuius diximus, ultra quem multam dicere in dies singulos ius non est, et propterea "suprema" appellatur, id est summa et maxima.

- 4 Quando igitur nunc quoque a magistratibus populi Romani more maiorum multa dicitur vel minima vel suprema, observari solet ut "oves" genere virili appellentur; atque ita M. Varro verba haec legitima, quibus minima multa diceretur, concepit: "M. Terentio, quando citatus neque respondit neque excusatus est, ego ei unum ovem multam dico"; ac nisi eo genere diceretur, negaverunt iustam videri multam.
- 5 Vocabulum autem ipsum "multae" idem M. Varro in uno vicesimo *Rerum Humanarum* non Latinum, sed Sabinum esse dicit, idque ad suam memoriam mansisse ait in lingua Samnitium, qui sunt a Sabinis orti. Sed turba grammaticorum novicia κατ' ἀντίφρασιν, ut quaedam alia, hoc quoque dici
- 6 tradiderunt. Cum autem usus et mos sermonum is sit, ut ita et nunc loquamur, ut plerique veterum locuti sunt: "multam dixit" et "multa dicta est," non esse abs re putavi notare quod M. Cato aliter dixit. Nam in quarto *Originum* verba haec sunt: "Imperator noster, si quis extra ordinem depugnatum ivit, ei multam facit." Potest autem videri
- 7 consulta elegantia mutasse verbum, cum in castris et

¹ That is, for a certain number of animals to be paid on a number of successive days.

² xxiii. fr. 2, Mirsch.

³ xxi. fr. 1, Mirsch.

⁴ That is, the "lucus a non lucendo" idea.

⁵ Fr. 82, Peter².

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fine is that of one sheep. The "supreme" fine is of that number which we have mentioned, beyond which it is not lawful to impose a fine for a period of successive days;¹ and for that reason it is called "supreme," that is, greatest and heaviest.

When therefore even now, according to ancient usage, either the "smallest" or the "supreme" fine is pronounced by Roman magistrates, it is regularly observed that *oves* ("sheep") be given the masculine gender; and Marcus Varro has thus recorded the words of the law by which the smallest fine was pronounced:² "Against Marcus Terentius, since, though summoned, he has neither appeared nor been excused, I pronounce a fine of one sheep (*unum ovem*)"; and they declared that the fine did not appear to be legal unless that gender was used.

Furthermore, Marcus Varro, in the twenty-first book of his *Human Antiquities*, also says³ that the word for fine (*multa*) is itself not Latin, but Sabine, and he remarks that it endured even to within his own memory in the speech of the Samnites, who are sprung from the Sabines. But the upstart herd of grammarians have asserted that this word, like some others, is used on the principle of opposites.⁴ Furthermore, since it is a usage and custom in language for us to say even now, as the greater number of the early men did, *multam dixit* and *multa dicta est*, I have thought it not out of place to note that Marcus Cato spoke otherwise.⁵ For in the fourth book of his *Origins* are these words: "Our commander, if anyone has gone to battle out of order, imposes (*facit*) a fine upon him." But it may seem that Cato changed the word with an eye to propriety, since the fine was imposed in camp

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in exercitu multa fieret, non in comitio nec ad populum diceretur.

II

Quod "elegantia" apud antiquiores, non de amoeniore ingenio, sed de nitidioro cultu atque victu dicebatur, eaque in vitio ponebatur.

- 1 "ELEGANS" homo non dicebatur cum laude, set id fere verbum ad aetatem M. Catonis vitii, non
- 2 laudis fuit. Est namque hoc animadvertere, cum in quibusdam aliis, tum in libro Catonis qui inscriptus est *Carmen De Moribus*. Ex quo libro verba haec sunt: "Avaritiam omnia vitia habere putabant; sumptuosus, cupidus, elegans, vitiosus, inritus qui
- 3 habebatur, is laudabatur";¹ ex quibus verbis apparet, "elegantem" dictum antiquitus non ab ingenii elegantia, sed qui nimis lecto amoenoque cultu victuque esset.
- 4 Postea "elegans" reprehendi quidem desiit, sed laude nulla dignabatur, nisi cuius elegantia erat moderatissima. Sic M. Tullius L. Crasso et Q. Scaevolae non meram elegantiam, set multa parsimonia mixtam, laudi dedit: "Crassus," inquit, "erat parcissimus elegantium, Scaevola parcorum elegantissimus."
- 5 Praeterea ex eodem libro Catonis haec etiam sparsim et intercise commeminimus: "Vestiri,"

¹ <avarus> laudabatur, *L. Müller*; is audiebat avarus, *Bährens*.

¹ p. 82, 10, Jordan.

² That is, in comparison with the miser.

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and in the army, not pronounced in the comitium or in the presence of the people.

II

That the word *elegantia* in earlier days was not used of a more refined nature, but of excessive fastidiousness in dress and mode of life, and was a term of reproach.

It was not customary to call a man *elegans*, or "elegant," by way of praise, but up to the time of Marcus Cato that word as a rule was a reproach, not a compliment. And this we may observe both in some other writers, and also in the work of Cato entitled *Carmen de Moribus*. In this book is the following passage:¹ "They thought that avarice included all the vices; whoever was considered extravagant, ambitious, elegant, vicious or good-for-nothing received praise."² It is evident from these words that in days of old the "elegant" man was so called, not because of refinement of character, but because he was excessively particular and extravagant in his attire and mode of life.

Later, the "elegant" man ceased indeed to be reproached, but he was deemed worthy of no commendation, unless his elegance was very moderate. Thus Marcus Tullius commended Lucius Crassus and Quintus Scaevola, not for mere elegance, but for elegance combined with great frugality. "Crassus," he says,³ "was the most frugal of elegant men; Scaevola the most elegant of the frugal."

Besides this, in the same work of Cato, I recall also these scattered and cursory remarks:⁴ "It was

³ *Brut.* 148.

⁴ p. 83, 1, Jordan.

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