

A selective prosopographical study of marriage in the Roman elite in the Second and First Centuries B.C.: Revisiting the evidence

Patrick Tansey BA Hons, PhD Sydney

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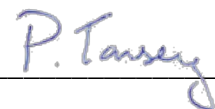
Optimis parentibus

Abstract

One cannot hope to understand Roman politics or the successes and failures of the Romans without first coming to grips with Rome's remarkably durable and resilient governing class. The thousands of prosopographical entries in the *Real-Encyclopädie der classischen Altertumswissenschaft* and the *Prosopographia Imperii Romani* remain therefore an indispensable resource for any serious student of Roman history, but there is a growing need to bring them up-to-date by correcting errors of fact and omissions, by taking account of subsequent discoveries and more recent historiographical developments, and by revisiting the evidence to verify some basic assumptions. Moreover, ever since the publication of Matthias Gelzer's ground-breaking treatise on the Roman nobility many scholars have been working towards a more precise and sophisticated taxonomy of the Roman elite: witness, for instance, the work of C. Nicolet and M. Stemmler on the equestrian order, T. P. Wiseman's *New Men in the Roman Senate* and the studies of the *nobilitas* by Keith Hopkins and Graham Burton, and K.-J. Hölkeskamp, or the research on the broader Italian aristocracy and its interaction with the Roman elite by the likes of G. Camodeca, M. Torelli, and M. Cébeillac-Gervasoni, as well as the multitude of prosopographical studies devoted to specific individuals and families by many different hands. My aim is to make a contribution towards this goal by documenting marriage patterns in the Roman elite in order to gain a clearer understanding of the composition and evolution of the Roman aristocracy. As an aristocracy of office subject to the constraints of popular suffrage, the Roman Republican elite was not the sole arbiter of its own destiny, for despite its electoral influence, it did not exercise unfettered control over who was admitted to the senate and to the *nobilitas*. But marriage, and to a lesser extent adoption, gave established elite families an important say in elite recruitment because the rates of endogamy and exogamy in elite families determined whether bloodlines and property were concentrated within established families, or were more widely dispersed. What is more, in the *ethos* of the Roman elite and in the *milieu* which they inhabited an individual's maternal and paternal ancestry, and their relations by blood and marriage (*adfines*) were vitally important. They were intrinsic to the elite's own sense of identity and inseparable from their rank and popular standing, they influenced an individual's expectations and opportunities in life (especially when seeking the approval of the status-conscious Roman electorate), and helped shape their outlook and their actions. The first step therefore is to accurately map the Roman elite in as much detail as the surviving evidence allows.

Signed Declaration

This work has not been submitted for a higher degree to any other university or institution



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Even in the age of the internet the “tyranny of distance” has not been entirely eliminated and working in the Antipodes still has some significant drawbacks. However, many scholars have been generous with their time in correspondence and have contributed materially to my research. Professor Jerzy Linderski discussed with me the technicalities relating to the abortive supplementary consular elections in 84 B.C. and the *interregnum* of 52 B.C. Professor Joyce Reynolds responded to my inquiries on the inscriptions of Cyrene and kindly sent me a copy of the relevant portion of the University of Pennsylvania monograph that was otherwise unavailable to me. Professor J. K. Davies gave me the benefit of his expertise on matters relating to Athenian prosopography and Greek kinship terminology, and Professor Juan Rodríguez Somolinos searched the records and archives of the *Diccionario Griego-Español Project* for material on the usage of the word θεῖος in Antiquity. Professors Jean-Louis Ferrary, Mika Kajava, William Stenhouse, and Daryn Lehoux replied to queries about the inscriptions of Calymnus and Miletus, Roman nomenclature, the humanist scholars and their apographs in *CIL*, and *paraepgmata* respectively. Professors Lindsay Watson and Trevor Evans offered valuable advice on philological matters. Other scholars generously sent me copies of material that was not readily obtainable in the southern hemisphere. Andreas Faßbender made available to me a copy of his thesis on the topography of Rome’s ancient burial grounds. Professor Paola Biavaschi kindly sent me a copy of her biography of the jurist Aulus Ofilius. Doctors Gregory Pass and Susan L’Engle of the Vatican Film Library at the University of St. Louis graciously arranged for a facsimile of folio 5 of the *Codex Vaticanus* 9140 folio 5 r (= *CIL* VI.31735) to be made on my behalf. Dr Christian Settapani discussed with me the vexed question of Scribonia’s first two husbands and forwarded copies of some recent works of French scholarship. When the project was verging on completion I belatedly became aware of the existence of some relevant material among the unpublished papers of Sir Ronald Syme held in the Bodleian Library. Professor Sir Fergus Millar, Syme’s literary executor, kindly granted me access to the archive and Dr Federico Santangelo made available to me the typescripts of the papers that he was in the process of editing for publication. As a self-confessed Luddite, I have also repeatedly relied upon the technical assistance provided by Professor Rob Hall and Rod Swinbourne.

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List of Abbreviations

- Alexander, *Trials* = M. C. Alexander, *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.*, Toronto, (1990)
- Brennan, *Praetorship* = T. C. Brennan, *The Praetorship in the Roman Republic*, Oxford, (2000)
- Cichorius, *RS* = C. Cichorius, *Römische Studien*, Leipzig, (1922)
- CFA* = J. Scheid, *Commentarii fratrum arvalium qui supersunt*, Rome, (1998)
- CIL* = *Corpus Inscriptionum Latinarum*, Berlin, (1863-)
- Crawford, *RRC* = M. H. Crawford, *Roman Republican Coinage*, Cambridge, (1974)
- DNP* = H. Cancik, H. Schneider, and M. Landfester (eds.), *Der Neue Pauly*, Stuttgart, (1996-2002)
- Drumann and Groebe, *GR²* = W. Drumann and P. Groebe, *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung²*, vols. I-VI, Berlin and Leipzig, (1899-1929)
- FRH* = T. J. Cornell (ed.), *The fragments of the Roman Historians*, Oxford, (2013)
- Gruen, *LGRR* = E. Gruen, *The Last Generation of the Roman Republic*, University of California Press, (1974)
- Hinard, *Proscriptions* = F. Hinard, *Les proscriptions de la Rome républicaine*, Rome, (1985)
- IG* = *Inscriptiones Graecae*, Berlin, (1873-)
- Inscriptiones Italiae* = A. Degrassi, *Inscriptiones Italiae XIII.1 Fasti Consulares et Triumphales*, Rome, (1947), *Inscriptiones Italiae XIII.2 Fasti Anni Numani et Iuliani*, Rome, (1963), *Inscriptiones Italiae XIII.3 Elogia*, Rome, (1937)
- ILLRP* = A. Degrassi, *Inscriptiones Latinae Liberae Rei Publicae*, Florence, (1957, 1963)
- ILS* = H. Dessau, *Inscriptiones Latinae Selectae*, Berlin, (1882-1916)
- Kajava, *Female praenomina* = M. Kajava, *Roman female praenomina: Studies in the nomenclature of Roman women*, Rome, (1994)
- LTUR* = E. M. Steinby (ed.), *Lexicon Topographicum Urbis Romae*, Rome, (1993-2002)
- Malcovati, *ORF* = E. Malcovati, *Oratorum Romanorum Fragmenta Liberae Rei Publicae³*, Turin, (1967), 4th edition, Turin, (1976)
- MRR* = T. R. S. Broughton, *The Magistrates of the Roman Republic*, vols. I-III, American Philological Association, New York, California, Atlanta, (1952-1986)

- Münzer, *RAA* = F. Münzer, *Römische Adelsparteien und Adelsfamilien*, Stuttgart, (1920) and *Roman aristocratic parties and families*, T. Ridley trans., Baltimore, (1999)
- Nicolet, *OE* = C. Nicolet, *L'ordre équestre à l'époque républicaine (312–43 av. J.-C.) I: Définitions juridiques et structures sociales*, Paris, (1966), *L'ordre équestre à l'époque républicaine (312–43 av. J.-C.) II: Prosopographie des chevaliers Romains*, Paris, (1974)
- Peter, *HRR* = H. Peter, *Historicorum Romanorum reliquiae*, Leipzig, (1906-1914)
- PFOS* = M.-Th. Raepsaet-Charlier, *Prosopographie des femmes de l'ordre sénatorial (I^{er} – II^e siècles)*, Louvain, (1987)
- PIR*¹ = E. Klebs, H. Dessau, P. von Rohden, *Prosopographia Imperii Romani saec. I. II. III*, Berlin, (1897-1898)
- PIR*² = E. Groag, A. Stein, L. Petersen, K. Wachtel, W. Eck, M. Heil, J. Heinrichs, *Prosopographia Imperii Romani saec. I. II. III*, Berlin, (1933-2015)
- RE* = A. Pauly and G. Wissowa (eds.), *Real-Encyclopädie der classischen Altertumswissenschaft*, Neue Bearbeitung, Stuttgart and Munich, (1894-1978) as distinct from the earlier edition entitled the *Real-Encyclopädie der classischen Alterthumswissenschaft in alphabetischer Ordnung*, Stuttgart, (1838-1864)
- Rüpke, *Fasti sacerdotum* = J. Rüpke, *Fasti sacerdotum: A prosopography of pagan, Jewish, and Christian religious officials in the City of Rome, 300 BC to AD 499*, Oxford, (2008)
- Schulze, *LE* = W. Schulze, *Zur Geschichte lateinischer Eigennamen*, Berlin, (1904)
- SEG* = *Supplementum Epigraphicum Graecum*, Leiden, (1924-)
- Settipani, *Continuité* = C. Settipani, *Continuité gentilice et continuité familiale dans les familles sénatoriales romaines à l'époque impériale: mythe et réalité*, Oxford, (2000)
- Shackleton Bailey, *CLA* = D. R. Shackleton Bailey, *Cicero's Letters to Atticus I - VI*, Cambridge, (1965-1968)
- Shackleton Bailey, *CLF* = D. R. Shackleton Bailey, *Cicero: Epistulae ad familiares I - II*, Cambridge, (1977)
- Shackleton Bailey, *Two Studies*² = D. R. Shackleton Bailey, *Two Studies in Roman Nomenclature*², Atlanta, (1991)
- Shackleton Bailey, *OCS* = D. R. Shackleton Bailey, *Onomasticon to Cicero's Speeches*², Stuttgart, (1992)
- Shackleton Bailey, *OCL* = D. R. Shackleton Bailey, *Onomasticon to Cicero's Letters*, Stuttgart, (1995)
- Shackleton Bailey, *OCT* = D. R. Shackleton Bailey, *Onomasticon to Cicero's Treatises*, Stuttgart, (1996)

- Shatzman, *Senatorial Wealth* = I. Shatzman, *Senatorial wealth and Roman politics*, Brussels, (1975)
- Sherk, *RGEDA* = R. K. Sherk, *Roman Documents from the Greek East to the Death of Augustus*, Cambridge, (1984)
- Syme, *RR* = R. Syme, *The Roman Revolution*, Oxford, (1939)
- Syme, *AA* = R. Syme, *The Augustan Aristocracy*, Oxford, (1986)
- Sumner, *Orators* = G. V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology*, Toronto, (1973)
- Taylor, *VDRR* = L. R. Taylor, *The Voting Districts of the Roman Republic*, with updated material by Jerzy Linderski, Ann Arbor, (2013)
- TLL* = *Thesaurus Linguae Latinae*, Leipzig and Berlin, (1900-)
- Treggiari, *Marriage* = S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Oxford, (1991)
- Tuchelt, *Frühe Denkmäler* = K. Tuchelt, *Frühe Denkmäler Roms in Kleinasien*, Tübingen, (1979)
- Willems, *Le Sénat* = P. Willems, *Le Sénat de la République romaine*², Louvain, (1885)
- Wiseman, *NMRS* = T. P. Wiseman, *New Men in the Roman Senate 139 B.C. — A.D. 14*, Oxford, (1971)
- Zmeskal, *Adfinitas* = K. Zmeskal, *Adfinitas: Die Verwandtschaften der senatorischen Führungsschicht der römischen Republik von 218-31 v. Chr.*, Passau, (2009)
- Journal titles are generally abbreviated in conformity with *L'Année Philologique*

Sigla and conventions

When a spouse's name appears in square brackets on the title page of an entry, e.g. [Hortensia], this indicates that their name is not explicitly recorded in the surviving sources. In most cases this is due to the fact that the source(s) refer to the individual simply as the daughter, son, sister, or brother of X. In such cases the brackets signify that the *gentilicium* is not absolutely assured as it is theoretically possible that the individual might be a half-sibling, step-sibling, or step-child of X, and so bear a different *gentilicium*. In other instances the presence of square brackets signifies that the individual's identity is conjectural and lacks source authority.

Where the sections within the chapters of Plutarch's lives are numbered differently in the Loeb and Teubner editions they are cited in the following manner: Plutarch, *Cato Maior* XX.3 (5). The first Arabic numeral refers to the relevant section in the Loeb and the number in brackets refers to the corresponding section in the Teubner edition.

Where an individual's parentage is well-documented and not subject to controversy, the relevant evidence may be found in *RE* and Zmeskal, *Adfinitas*.

All dates are B.C. unless otherwise indicated.

All unattributed translations are my own.

I.

*Stemmata quid faciunt?*¹: *Adfinitas*, heredity, and the Roman Republican elite

It is impossible to understand the rise and decline of Rome without coming to grips with the governing class that directed its transformation from a small city-state into a pan-Mediterranean empire, and during the course of the last century a great deal of effort has been devoted to constructing a more detailed picture of the Roman elite. The first challenge was to establish a clear frame of reference by deciphering the terminology employed by the Romans themselves. In his ground-breaking monograph *Die Nobilität der römischen Republik*, Matthias Gelzer demonstrated that the label *nobilis* applied to representatives of the patricio-plebeian aristocracy at the summit of the Roman social and political hierarchy denoted the direct descendants in the male line of a consul or equivalent magistrate,² whereas the antithesis of the *nobilis* was the ‘new man’ (*homo novus*) whose lack of consular ancestors (*novitas*) put him at an electoral disadvantage.³ Gelzer combined this discovery with a succinct description of the two constituent *ordines* of the Roman elite (the equestrian order, and the senatorial order with the *nobilitas* as its apex) and a persuasive analysis of the social and political structure of the Roman Republic delineating the social and economic

¹ Juvenal, *Saturae* VIII.1: “What use are family-trees?”

² Namely a consular tribune or dictator (see *Die Nobilität der römischen Republik*, Leipzig, (1912) 13, 25, 29, 42 = *The Roman nobility*, R. Seager trans., Oxford, (1975) 17, 32, 36, 52). Gelzer refuted the older generally accepted view going back to Sigonius (see McCuaig (1989) 121f, 145f) that the *nobilitas* were the descendants of those senators who had been elected to a curule magistracy (viz. the curule aedileship or a more senior magistracy) and had thereby acquired the so-called *ius imaginum* (the right to display a wax *imago* or portrait bust). Afzelius (1935), (1938) 40-94, (1945) 189-90 argued that the narrower Gelzerian definition of *nobilitas* only supplanted the broader curule definition in the later Second Century B.C. (but for a critique of Afzelius’ method see Ridley (1986) 500f and Shackleton Bailey (1986) 255f). Brunt (1982) 1-17 also challenged Gelzer’s findings, but only succeeded in confirming Gelzer’s analysis (see Shackleton Bailey, *loc. cit.* and Burckhardt (1990) 77-99). Van der Blom (2010) 36f and Martin (2012) 24f, 135f, 492f exaggerate the semantic difficulties, and on any reconstruction “the elective aristocracy of the Republic was self-perpetuating to a significant extent” (Lintott (1999) 167).

³ Gelzer (1975) 50-2 maintained that *novi homines* were relatively common in the lower magistracies, but that only 15 ‘new men’ were elected consul in the period 366-49 B.C. However, Gelzer defined *novi homines* as *equites* that were the first of their family to hold office in Rome (34, 39, 45, 50) and only counted consuls that are expressly described as new men in the sources (50 n.447). Others argue that the term *novus homo* also embraced senators from established senatorial families that had not risen to the consulship (see Burckhardt (1990) 82f), and that the proportion of ‘new’ consuls was significantly higher (see further below).

foundations of the predominance of the nobility.⁴ Gelzer's deceptively slight volume was a vital step toward a more precise and systematic description of the Roman elite,⁵ and it unleashed a torrent of research, which continues to the present day, on a range of related issues including the composition and internal stratification of the senatorial and equestrian orders,⁶ the ethos and economic profile of the elite,⁷ as well as a lively debate on the mechanisms of power: especially those which Gelzer saw as crucial to the dominance of the nobility.⁸ My aim is to advance our understanding of the Roman aristocracy through detailed studies of elite marriages in the Middle and Late Republic. It is my belief that marriage offers a particularly promising area of research because it speaks to many of our central questions about the governing class including its composition, its core values, and the foundations of its influence and longevity.

⁴ Gelzer identified a pervasive network of obligations based on personal, political, and financial relationships (especially patronage / *clientela*, *hospitium*, *amicitia*, *factio*) which created vertical and horizontal bonds that underpinned the ascendancy of the nobility.

⁵ On the profound impact of Gelzer's *Nobilität* see Badian (1967) 217f; the forewords to the 1969 and 1983 editions of *Die Nobilität* by R. Seager and J. von Ungern-Sternberg; Meier (1977) 29-56; Grziwotz (1986) 221f; Ridley (1986) 474-502; Simon (1988) 222-40; Goldmann (2002) 45-66; and Hölkeskamp (1987) 9 n.2, *passim* and (2010) 2f, 5f, 8, 38, 76, 130.

⁶ See especially: Münzer, *RAA* (which Münzer (1925) 397 defined as an investigation into the composition and transformation of the ruling class); Hill (1952); Broughton (1952-1986); Wiseman (1970) 67-83 and *NMRS*; Nicolet, *OE*, (1969) 141-56 with Linderski (1977) 55-60, Nicolet (1977) 726-55, (1984) 7-21; Hopkins and Burton (1983) 31-119; Brunt (1988) 144-93; Bonnefond-Coudry (1989); Hackl (1989) 107-15; Badian (1990) 371-413; Kühnert (1990) 144-150 and (1996) 74-80; Stemmler (1997); Ryan (1998); Krause (1998) 91f, 118f (with extensive bibliography); Brennan (2000); Duncan-Jones (2006) 183-223; Farney (2007); Rüpke (2008).

⁷ Ethos: note especially Möbus (1942) 275-92; Earl (1967); Tatum (1991) 149-52, (1992) 24; Rosenstein (1992) 117-126; Gruen (1996) 215-34; Flower (1996); Sehlmeier (1999); Linke and Stemmler (2000); Flaig (2004); Badel (2005); Rosenstein (2006) 365-8; Beck (2008) 101-23; Coudry and Humm (2009); Rich (2012) 83-111, (2014) 197-258; and Hölkeskamp (1987) 204f, (2004), (2010), (2011) 17-34, (2012) xviif (with additional bibliography). Economics: see Nicolet, *OE* 285f, (1976) 20-38; Schneider (1974); Shatzman (1975); Andreau (1978) 47-62, (1987), (1999) 271-90, (1999) esp. chp. 2, (2004) 71-85, (2006) 151-71; D'Arms (1980) 77-89, (1981) 20f, 48f; Gabba (1981) 541-58; Badian (1983); Schleich (1983) 65-90; Gruen (1984) 299f, 306f; Clemente (1984) 175-83; Rauh (1986) 3-30; Wikander (1987) 137-45; Verboven (1997) 195-217, (2002); Vivenza (1998) 269-331; Morely (2000) 211-21; D'Hautcourt (2001) 203-11; Malmendier (2002) esp. 55f, 259f; Rosenstein (2008) 1-26; Garnsey, Aubert, Rosenstein, and Roselaar (2009); Kay (2014) 133f, 140f, 150f, 160f, 229f; Lo Cascio, Pina Paolo, Beck, and Jehne (2016).

⁸ See Meier (1966) 34f, 162f; Seager (1972) 53-8; Wiseman (1976) 1-3; Brunt (1988) 351-81, 382-442, 443-502; Deniaux (1993); Yakobson (1999) esp. 65f, 112f; Verboven (2002); Hölkeskamp (2010) 2f, 33f; Ganter (2015).

Long before the marital legislation of Augustus and the birth of Christianity, Roman statesmen regarded marriage as the bedrock of society.⁹ Nor was this merely an ideological or theoretical construct. It was the duty of every Roman citizen to marry and beget or bear children and their performance was monitored during the census when every *pater familias* was required to stipulate whether he was married and the number of his offspring.¹⁰ As a profoundly militarized society the Romans were highly sensitive to the demographic imperative,¹¹ and in the words of the censor Q. Metellus, the state could not survive without numerous marriages.¹² Over and above its basic function as the *seminarium rei publicae*, however, marriage represented an acid test of social acceptability as T. P. Wiseman observed in his seminal study of the senate,¹³ and among the Roman elite, as in aristocracies in general, the aim will have been not simply to marry, but to marry well. But what constituted a good marriage in the eyes of the Roman elite? The literary sources suggest that a range of conventional criteria were employed in assessing the suitability of a prospective bride or groom (namely: birth, wealth, ability, looks, and character).¹⁴ In themselves these criteria are a

⁹ The famous speeches by the censors Metellus Macedonicus and Metellus Numidicus (Livy, *Per.* LIX; Suet., *Aug.* LXXXIX.2; Gellius, *NA* I.6.1-2 with Badian (1988) 106-12) belonged to a long tradition of punishing celibacy and promoting marriage and procreation (see Val. Max., II.9.1; Festus 519 L; Plutarch, *Cam.* II.2, *Cato Maior* XVI.1-3; Gellius, *NA* IV.3.2, 20.3-6, V.19.15 *praemia patrum*; Baltrusch (1989) 14, 25f, 163f; Peter (1991) 285-331; El Beheiri (2012) 140f; Tarwacka (2013) 192-7). Cicero, *De officiis* I.53f, *De finibus* III.62f, IV.17f, V.65 supplies the ethical rationale (on which see Reydam-Schils (2005) 143f; cf. Harders (2009) 37f).

¹⁰ See Dionysius of Halicarnassus, *Rom. Ant.* IV.15.6; Gellius, *NA* IV.3.2; Macrobius, *Sat.* II.4.25; and Nicolet (1988) chapter 2, especially 61f, 65f, 67f, 78f. An anecdote recounted by Cicero, *De oratore* II.260 and Gellius, *NA* IV.20.3 purportedly preserves the wording of the oath administered by the censors see Furlan (1989-90) 461-95; Treggiari, *Marriage* 57f; and Giunti (2004) 123f.

¹¹ See Evans (1991); Krause (1994-1995); McGinn (1999) 617-32; Rosenstein (2002) 163-91 and (2004); Scheidel (2007) 417-34 and (2009) 31-40.

¹² Gellius, *NA* I.6.6: *civitatem salvam esse sine matrimoniorum frequentia non posse*. The sentiment was echoed by Augustus (Dio, LVI.7.4, 8.1).

¹³ *NMRS* 53.

¹⁴ See Humbert (1972) 92f; Dixon (1985) 353-78; Treggiari (1984) 419-51, (1991) 187-215, (1991) 99-108, *Marriage* 83-124; Harders (2008) 44f. To the mass of evidence adduced by Treggiari may be added the *Mathesis* of Iulius Firmicus Maternus (written circa A.D. 337-355) in which the author, a pagan senator of Sicilian origin, frequently refers to marriage and in so doing reflects traditional expectations (e.g. wealthy, young, well-born, virtuous, and fertile spouses are synonymous with good fortune, and poor, old, low-born, promiscuous, and barren spouses with misfortune).

telling indication of the preoccupations and prejudices of the elite,¹⁵ but since few candidates can have possessed all the requisite qualities, it must often have been necessary to prioritize depending on the particular requirements of the families involved.¹⁶ Thus when it came to selecting his first recorded wife, Licinia, the archetypal *novus homo* M. Porcius Cato (cos. 195, cens. 184), declared that he chose a well-born rather than a rich bride,¹⁷ whereas the parents of the young C. Caesar betrothed their only son to the daughter of an *eques*, who, though socially inferior to the patrician Iulii Caesares, was extremely rich.¹⁸ Roman moralists lament that avarice all too often held sway and that a rich bride (*uxor dotata*) was prized above all else.¹⁹ But how many *equites* or senators actually married for money? If R. P. Saller is to be believed, Roman dowries were comparatively small by the standards of later European aristocracies and played a “correspondingly small part in the financial strategies of aristocratic families.”²⁰ That is to say, marriage and ‘dowry-hunting’ offered noble families little scope for “sustaining or recovering their fortunes and status.”²¹ Yet Saller’s interpretation of the evidence arguably makes insufficient allowance for the matrimonial records of young spendthrift aristocrats like P. Cornelius Dolabella (cos. suff. 44) and the

¹⁵ The elegiac poet’s refrain that love is insensible to rank or riches (Propertius, I.5.24: *nescit amor priscis cedere imaginibus*, I.14.8: *nescit amor magnis cedere divitiis*) consequently represents a wilful challenge to conventional values and priorities.

¹⁶ In the normal course of events discreet inquiries would be made to ascertain a candidate’s suitability. The dictator Sulla, for example, was careful to check the credentials of the flirtatious divorcee who piqued his interest at the games (see Plutarch, *Sulla* XXXV.5). See also Cicero, *Ad Att.* V.4.1, 17.4, 21.14, VI.1.10, 4.2, 6.1, *Ad fam.* VIII.6.1-2, 5, 13.1 on the search for Tullia’s third husband; *Ad Att.* XV.29.2, XVI.1.5 on the proposed matches for Quintus and M. Cicero junior; and *Ad Att.* XIII.28.4, 21a.6-7, *Ad M. Brutum* I.17.7 on the daughter of Atticus who would eventually be consigned to M. Agrippa. See further Treggiari, *Marriage* 125f.

¹⁷ Plutarch, *Cato Maior* XX.1 (2). Cato explained his choice on moral grounds. Women of high birth were more mindful of their reputation, he claimed, and so were more amenable to guidance from their husbands.

¹⁸ Suetonius, *Divus Iulius* I.1: *familia equestri sed admodum dives*. See chapter VIII.

¹⁹ See Jerome, *Adversus Iovinianum* I.46; cf. Cicero, *De officiis* II.71f. Horace, *Epistles* I.2.44-5 also criticizes the ceaseless pursuit of wealth and a rich wife (for *beata* meaning *dives* see Seneca, *Contr.* I.6.7), and the daughter of Cato Uticensis is said to have complained that she could not find a husband who wanted her more than her money (Jerome, *Adversus Iovinianum* I.46 = Seneca, *De matrimonio* frg.44 Vottero). See further Treggiari, *Marriage* 85f, 97f; and Stärk (2005) 23-34. The associated *topos* of the domineering rich wife has a long history (see Cato the Censor in Gellius, *NA* XVII.6; Treggiari, *Marriage* 329f, 340f; Fayer (2005) 674f; and Fantham and James (2015) 91, 109-111, 113, 119-20, 123 nn.7-8, 124 n.12).

²⁰ (1984) 203, (1994) 223.

²¹ (1984) 204.

three prodigal husbands of the *locuples* Fulvia,²² and legitimate reservations have been expressed.²³

Allegedly disgraceful marriages are a common theme in invective.²⁴ Cicero contended that the maternal grandfather of his *inimicus*, L. Calpurnius Piso Caesoninus (cos. 58), was a trouser-clad barbarian Gaul,²⁵ and the orator affected a disdain for the Asculan mother of the patrician L. Manlius Torquatus,²⁶ while Antony poured scorn on the *Aricina mater* of Octavian.²⁷ But how often did members of the *nobilitas* marry into the ‘municipal aristocracy’, or intermarry with lesser senatorial or equestrian families? In other words, how common were exogamy and hypogamy (‘marrying-down’) in the Roman elite? And were all such marriages genuinely considered *mésalliances*? Some men of rank are even said to have stooped so low as to seek a bride in the *infimus ordo*. Cicero claimed that Antony married the daughter of a freedman,²⁸ and that the *eques* Q. Gellius espoused a *libertina uxor*.²⁹ Cicero’s allegations are seemingly seconded by the pronouncement of the Augustan senator Q. Varius Geminus that famous men of the past had married freedwomen,³⁰ and prior to the passage of the *Lex Iulia de maritandis ordinibus* of 18 B.C. there was nothing to prevent members of the elite marrying emancipated slaves or their offspring — except the social stigma.³¹ But how often did members of the Roman elite take low-born wives (or husbands), and were the

²² Viz. P. Clodius Pulcher, C. Scribonius Curio, and M. Antonius. Saller also overlooks the rich equestrian fiancée of Caesar, and the *dotata* Aquilia whom Q. Cicero contemplated marrying to repair his financial fortunes after divorcing the wealthy sister of T. Pomponius Atticus (*Ad Att.* XIV.13.5).

²³ See Gardner (1990) 101; Treggiari, *Marriage* 346f; and Krause (1994) II.50f; cf. McGinn (2013) 2217. On *mariages d'argent* see also Humbert (1972) 99f, 264f and Zmeskal, *Adfinitas* 438-41. Brockhaert (2012) 41-65 only deals with the lower-classes.

²⁴ See Wiseman, *NMRS* 53f; Koster (1980) esp. 210-81 on Cicero’s treatment of Caesar’s father-in-law; and Hughes (1998) 570-7; cf. D’Arms (1984) 440-67.

²⁵ *In Pisonem* frgs. IX, XI, XIII - XVI Nisbet, 14, 34, 53, 62, 67, *Post reditum in senatu* 13, 15, *Pro Sestio* 22, *De provinciis consularibus* 7, *Ad Quintum fratrem* III.1.11; Asconius, 4-5 C; Schol. Bob., 108.27 Stangl.

²⁶ *Pro Sulla* 25; cf. Schol. Bob., 81.3-9 Stangl.

²⁷ *Philippics* III.15-17. See also Louis (2010) 95f; and Wardle (2014) 92f.

²⁸ *Philippics* II.3, III.17, XIII.23, *Ad Atticum* XVI.11.1. See chapter XVIII on Antony and Fadia.

²⁹ *Pro Sestio* 110 with Kaster (2006) 337f. Cicero’s *inimicus* should be distinguished from the consular Gellii and is almost certainly identical with Atticus’ life-long friend Q. Gellius Canus.

³⁰ Seneca the Elder, *Controversiae* VII.6.17: *magnum viros fecisse ut libertinas uxores ducerent*.

³¹ See Corbett (1930) 31f; Watson (1967) 32-8; Treggiari (1969) 81-6; Fabre (1981) 184f; Humbert (1990) 185-6; Treggiari, *Marriage* 44, 50, 60-4, *CAH*² X.887f; McGinn (2003) 85f, (2004) 200-8; and Rizzelli (2006) 203f).

partners of Gellius and Antony spouses or concubines?³² These are just some of the questions on which the prosopographical evidence can shed light.

It was only by undertaking prosopographical and statistical analyses of the occupancy of the consulate that it was possible to definitively test the assertion of the *novi homines* Cicero and Sallust that the *nobilitas* exercised a virtual stranglehold on the consulship.³³ The studies conducted by Hopkins, Burton, and Badian demonstrated the overwhelming predominance of the *nobilitas* in the consulship, whilst at the same time showing that a significant proportion of consuls in all periods originated from outside the ranks of the nobility.³⁴ Analysing marriage patterns is another fundamental means of gauging the

³² Authentic and unequivocal *mésalliances* in the Republican elite are virtually unknown. Varius Geminus, it will be noted, cited only one historical instance in substantiation of his claim, Cato the Censor and Salonia, but was promptly reminded that Salonia was in fact freeborn – although she was undoubtedly *humili loco nata*. Cicero, *Pro Sestio* 110 insinuates that Gellius was motivated by lust, and Dio, LVI.7.2 has Augustus acknowledge love / passion (ἔρως) as a possible motive for marrying freedwomen (cf. Diodorus Siculus, XXXVI.2.2, 2a on the wealthy *eques*, T. Minucius or T. Vettius, whose love for a slave girl sparked a slave rebellion in 104 B.C.). But during the Republic elite Roman males were free to conduct extra-marital liaisons with low-born mistresses and courtesans to satisfy their emotional needs, or sexual desires (see e.g. Livy, XXXIX.9; Polybius, XXXI.25.2-6; Gellius, *NA* IV.14.1-6, VI.11.9; Pseudo-Acro on Horace, *Sat.* I.2.31; Plut., *Cato Maior* XXIV.2, *Sulla* II.4, *Lucullus* VI.2-4, *Pompey* II.2-4; *Comm. Pet.* 8; Quintilian, IV.2.123-4; Val. Max., III.5.3, VI.7.1, VII.7.7; Cicero, *Ad Att.* X.10.5, *Phil.* II.58, 61, 69, 77; *De vir. ill.* LXXXII.2; Suet., *Nero* III.2; Appian, *BC* IV.24; cf. Dio, LVI.7.1; Propertius, II.7; Seneca, *Ep.* LIX.15, XCIV.26, XCV.38), so they had little incentive to enter into disreputable marriages for these reasons. And despite the Augustan dispensation permitting non-senators to marry freedwomen, Eck (1999) 18 n.58 could find virtually no evidence for marriages between prominent freeborn individuals and *libertinae* (cf. McGinn (2003) 103), and little evidence to corroborate the assertion in Tacitus, *Annals* XIII.27 that many Julio-Claudian *equites* and senators were ultimately descended from *libertini* / *libertinae*.

³³ See Cicero, *De leg. agr.* II.3-4, *Pro Murena* 17; and Sallust, *Bell. Cat.* XXIII.6, cf. *Bell. lug.* LXIII.6, LXXIII.7. On the terminology *homo novus* and *nobilis* / *nobilitas* see below.

³⁴ Hopkins and Burton (1983) 31-119 esp. 55-66; Badian (1990) 371-413 esp. 409-13. Hopkins and Burton chose to emphasize the fact that by their reckoning 35% of the consuls elected in the period 249-50 B.C. had no consular ancestor in the direct male line in the previous three generations (32). But as they themselves acknowledged (51), and many reviewers observed (see Duncan-Jones (1984) 270-4, esp. 272; Shaw (1984) 453-79, esp. 456-7; von Ungern-Sternberg (1990) 424-8, esp. 425-6), this is partly a matter of perspective for it follows that the majority (62%) of consuls in the period had one or more consular ancestors in the direct male line in the previous three generations and a further 7% could show a consular brother or uncle (58 table 2.4). Moreover, as Hopkins and Burton conceded the true figure was in reality higher still because they were unable to quantify consular descent in the maternal line (48) and excluded consuls whose consular ancestry in the male line was more than three generations distant - although said consuls were indisputably *nobiles*, and Hopkins and Burton accepted that “even distant consular ancestry was a political advantage” (50). Hence Badian, who

exclusivity of aristocracies, but existing attempts to analyse marriage patterns in the Roman Republican elite have been severely hampered by a lack of data.³⁵ Here too a detailed prosopographical study is an indispensable first step toward objectively testing the veracity of the claims made in the literary sources about marriage in the Roman elite. Were we to take the attacks upon the mother and younger sister of Octavian by the *nobilis* M. Antonius (cos. 44) at face value, we would be bound to conclude that all marriages contracted outside the *nobilitas* were regarded as *mésalliances*.³⁶ Yet the prosopographical evidence reveals that the views attributed to Antony are irreconcilable with the actual incidence of exogamy in the nobility, and that they cannot therefore reflect the genuine sentiments of the Roman elite. In fact, representatives of the *nobilitas*, including Antony and his father, not infrequently ‘married-down’ (i.e. outside the nobility) for diverse reasons,³⁷ and Cicero was quick to point out that Octavian’s mother and sister had both married into old plebeian noble families.³⁸ In

factored in men of remote consular ancestry, found that in the 130 years between 179 and 49 B.C. 75% of consuls (i.e. 205 out of 272, or 206 out of 273 consuls – if the suffect of 68 B.C. is included) had consular ancestors in the direct male line, which “fully confirms the overriding control of high office, at practically all times, by men of consular background” (412). See now Beck (2005) 114-54 whose figures for the Middle Republic (290-180 B.C.) show that only 13.5% (26 / 193) of consuls in the period were “Newcomers” (i.e. the first representatives of their family in high office), or to put it another way only 13.5% (30 / 222) of consulships in the period went to “Newcomers.” Cf. the figures of Afzelius (1945) 182. In short, the statistics demonstrate unequivocally that *nobilitas* / consular ancestry conferred a decided political advantage, but as long as the *comitia* remained sovereign it was never a necessary or sufficient qualification, and since a relatively small number of noble / consular families were able to sustain themselves at the highest levels of achievement from generation to generation over long periods, a continual influx of new / non-consular families was required to fill the void. For other valuable discussions of the work of Hopkins and Burton see North (1990) 10f; Burckhardt (1990) 84f; Lintott (1999) 167f; Goldmann (2002) 55f; Jehne (2006) 14f; and Hölkeskamp (2010) 76f. For similar studies of occupancy of the praetorship see Gruen, *LGRR* 163f; Yakobson (1999) 211; and Brennan (2000) II.758f.

³⁵ See Wiseman, *NMRS* 53f; Humbert (1972) 80f; Thomas (1980) 351-8; Shaw and Saller (1984) 432-44; Syme (1986) 1-10; Cébeillac-Gervasoni (1988) 69-83, (1992) 83-106, (1998) 213-9, (2008) 44; Corbier (1990) 225-49, (1991) 127-46; McGinn (2002) 57f, 76f; Zmeskal, *Adfinitas* 429-36; Lomas (2012) 197-214; Beck (2015) 57-72; Patterson (2006) 147-53 and (2016) 487; and Alvarez Melero (2016) 217-37.

³⁶ Cicero, *Philippics* III.15-17.

³⁷ The first wife of M. Antonius Creticus was the daughter of Q. Numitorius Pullus of Fregellae (Cicero, *Philippics* III.17; *RE* Numitoria no.8), and only one of Antony’s three wives, his cousin Antonia (*RE* no.110), belonged to the *nobilitas* (on Fulvia see Shackleton Bailey (1986) 87 n.81, *OCS*² 51; Welch (1995) 187, 197 n.40; Ramsey (2003) 292; and Manuwald (2007) 382).

³⁸ The second husband of Atia Maior was L. Marcus Philippus (cos. 56) and the first husband of Octavia Minor was C. Claudius Marcellus (cos. 50). Some four years after the exchange between Cicero and Antony, Antony himself became the second husband of Octavia Minor. Other exogamous matches include: M. Livius Salinator

(cos. 219, 207) and Calavia (Livy, XXIII.2.5-7); Claudia Ap. f. (*RE* no.383) and Pacuvius Calavius; P. Cornelius Scipio (cos. 218) and Pomponia (*RE* no.28); Ap. Claudius Pulcher (cos. 143) and Antistia (*RE* no.59); (Ti.) Claudius Asellus (*RE* no.60) and Licinia (*RE* no.178); M. Aurelius Cotta (*RE* no.105) and Rutilia (*RE* no.38); (Sex.) Nonius (Sufenas) and Cornelia (*RE* no.410); P. Licinius Crassus (cos. 97) and Venuleia (*RE* no.4); Q. Mucius Scaevola and Caelia (see chapter VI); L. Calpurnius Piso Caesoninus (*RE* no.89) and Calventia; C. Papirius Carbo Arvina (*RE* no.40) and Rubria (*RE* no.25); Cn. Pompeius Magnus (cos. 70) and Antistia (*RE* no.60); Pompeia Cn. Strabonis f. and C. Memmius (*RE* no.7); Pompeia Q. f. (*RE* no.51) and (C.) Sicinius; L. Sergius Silus (*RE* no.39) and Belliena; (M.) Terentius Varro and Fircellia (Varro, *De re rust.* III.2.14-15, 4.1); L. Sergius Catilina and Gratidia/Maria (see chapter IX); Catiline's sister Sergia and Q. Caecilius (*RE* Caecilius no.21); L. Manlius Torquatus (cos. 65) and the *mulier Asculani*; the unnamed son-in-law of C. Verres (*Verr.* II.2.48); L. Valerius Flaccus (*RE* no.179) and Saufeia; L. Calpurnius Piso Caesoninus (cos. 58) and Rutilia (*RE* no.39); Cn. Cornelius Lentulus Marcellinus (cos. 56) and Scribonia (see chapter XVI); L. Manlius Torquatus (*RE* no.80) and Vibia Aurunculeia; M. Fulvius Bambalio and Sempronia Tuditani f. (*RE* no.102); C. Caninius Gallus and Antonia (*RE* no.108); P. Clodius Pulcher, C. Scribonius Curio, Antony, and Fulvia (*RE* no.113); P. Servilius Rullus (*RE* no.80) and Quinctia; Sex. Atilius Serranus Gavianus (*RE* no.70) and Oppia; M. Livius Drusus Claudianus (*RE* no.19) and Alfidia; Sex. Pompeius Magnus and Scribonia (*RE* no.31); D. Iunius Brutus Albinus (cos. des. 42) and Valeria Polla (*RE* no.394); C. Calpurnius Piso Frugi (*RE* no.93) and Tullia; Cornelia L. Scipionis f. (*RE* no.415) and Vatienus; L. Marcius Philippus (cos. suff. 38) and Atia Minor (*RE* no.35); C. Papirius Carbo (*RE* no.36) and Antullia; M. Titius (cos. suff. 31) and Fabia Paullina (*PIR*² F 80); C. Maecenas and Terentia (*RE* no.96); Sex. Appuleius (cos. 29) and Quinctilia (*RE* no.30a). Note also the following uncertain instances of matches between *nobiles* and non-*nobiles*: M. Cornelius Mammula and Eppuleia (*CIL* I² 1444 = XIV.2691) – the identity of Mammula with *RE* no.259 and the status of the Cornelia Mamullae is controversial; the fact that C. Marius (cos. 107) had a stepson named Granius, Plutarch, *Marius* XXXV.6 (9-10), may mean that Marius was married prior to his marriage to Iulia (*RE* no.541), and not that Iulia had previously been married to a Granius as is generally supposed; Annia (*RE* no.101), the wife of L. Cornelius Cinna (*RE* no.106) and M. Pupius Piso Calpurnianus (cos. 61), is often assumed a daughter of T. Annius Rufus (cos. 128), but positive evidence is lacking; a M. Aemilius Lepidus married an Appuleia (Pliny, *NH* VII.122, 186), but the common assumption that Lepidus is identical with the consul of 78 B.C. and Appuleia a near relative of the revolutionary tribune L. Appuleius Saturninus has been challenged; whether C. Aurelius Cotta (cos. 75) was the husband of a Titinia (*RE* no.26) is disputed; M. Terentius Varro (*RE* no.84) and Fundania (*RE* no.8) – assuming Fundania was not descended from the consul of 243 B.C.; L. Cornelius Lentulus Niger (*RE* no.234) and Publicia (*RE* no.27) – assuming Publicia did not belong to the consular Publicii Malleoli; L. Aelius Tubero (*RE* no.150) and Tullia L. f. (some reject the claim that Tubero married a *soror* of M. Cicero); P. Aquillius Gallus and Fannia (*CIL* I² 1490 – the identification of Gallus and their marital status is disputed); T. Statilius Taurus (cos. suff. 37, 26) and Cornelia (*RE* no.420) – Taurus may be the son of the *bis* consul; L. Nonius Asprenas (cos. suff. 36) and Quinctilia (*RE* no.29) – Asprenas may be the son of the consul; M. Appuleius (cos. 20) and Fonteia (*PIR*² F 475) – assuming Fonteia was the daughter of the consul suffect of 33 B.C.; C. Papirius Maso (*RE* no.60) and Ofania, Statia and Laetoria (it is disputed whether Maso was a genuine descendent of the patrician Papirii Masones).

reality, the *nobilitas* had a long tradition of co-opting and absorbing rising families, and the prosopographical evidence strongly suggests that hypergamy ('marrying-up') was an important strategy for ambitious *novi homines*.³⁹

³⁹ In the following list *homo novus* denotes an individual of non-consular ancestry some of whom had senatorial forebears. Licinia (*RE* no.177), who married M. Cato (cos. 195) no later than 192 B.C., was of senatorial, if not noble family. Cato married his low-born second wife, Salonia, long after he had scaled the heights of ambition (Münzer, *RAA* 328f = 301f Ridley). The former *publicanus* P. Rupilius (cos. 132) and his brother Lucius were both protégés of Scipio Aemilianus. Their wives are regrettably unidentifiable, but the daughter of P. Rupilius married a patrician Fabius Maximus before his elevation to the consulship. C. Fannius M. f. (cos. 122), who was probably the nephew of C. Fannius Strabo (cos. 161) and so not strictly a *nobilis*, married a daughter of Scipio's closest friend C. Laelius (cos. 140) at the start of his career. Livia, the long-lived wife of the new man P. Rutilius Rufus (cos. 105), was probably the daughter of C. Livius Drusus (cos. 147), and Rutilius' sister married into the Aurelii Cottae. C. Marius (cos. 107) famously married the paternal aunt of Iulius Caesar between his election to the praetorship and consulship. P. Antistius, the one-time father-in-law of the young Pompey, was married to a daughter of L. Calpurnius Bestia (cos. 111). The *gentilicium* of Flaminia, the wife of the praetorian *homo militaris*, C. Valerius Triarius, evokes the disaster of Lake Trasimene, and there is a chance that L. Volcatius Tullus (cos. 66), married into the Porcii Catones (see chapter XIV). The wife of P. Autronius Paetus (cos. des. 65) is nowhere named, but Autronius was a *propinquus* of the Claudii Marcelli, and it is possible that he married a Iunia or a Claudia Marcella (see *Pro Sulla* 19 with Berry (1996) 171; and note the inscriptions apparently relating to ex-slaves of Autronius' son, L. Autronius Paetus (cos. 33), discovered in and around the so-called *monumentum familiae Marcellae* *CIL* VI.4531; VI.4369 = *AE* (2012) 181; VI.5084a). In his campaign for the consulship M. Tullius Cicero (cos. 63) assiduously courted the *nobilitas* whose good-will he regarded as vital to his success (see *Ad Att.* I.1.2, 4, I.2.2; cf. *Comm. pet.* 4, 6, 50), and his wealthy and well-connected first wife, the half-sister or cousin of the Vestal virgin Fabia, may have belonged to the consular Terentii Varrones, while their daughter was betrothed to the plebeian *nobilis* C. Calpurnius Piso Frugi just after her father was returned as praetor at the head of the poll. The unnamed wife of L. Licinius Murena (cos. 62) was the mother of the young patrician pontifex L. Pinarius Natta and the mother-in-law of P. Clodius Pulcher. The second wife of M. Calpurnius Bibulus (cos. 59), whom he married circa 59 B.C., was the eldest daughter of M. Porcius Cato. C. Memmius, the praetor of 58 B.C. and consular candidate for 53 B.C., married Fausta (Cornelia), the daughter of Sulla, not long before the start of his career, and Fausta's second husband, T. Annius Milo, who married her toward the end of his term as praetor, was another ambitious *novus homo*, if he was not descended through his maternal grandfather from the consular Annii. M. Atius Balbus and the father of Q. Pedius (cos. suff. 43) married sisters of C. Caesar, and Q. Pedius himself married into the patrician Valerii Messallae. P. Vatinius (cos. 47), first married a daughter of M. Antonius Creticus and Iulia, and subsequently a Pompeia, who may be identical with the ex-wife of Caesar – i.e. the granddaughter of Q. Pompeius Rufus (cos. 88) and Sulla. The list of prominent non-*nobiles* known to have married outside the nobility in the period before the end of free elections in 49 B.C. is noticeably shorter. The first consul of the Calpurnii Pisones, C. Piso (cos. 180), married a Hostilia of senatorial family, but his wife's first husband and Piso's three step-sons belonged to the noble plebeian Fulvii Flacci. Badian (1990) 400 n.5 posited that Piso also married a Caesonia, but if the *cognomen* Caesoninus borne by his descendants was a matronymic we would expect the form Caesonianus (see Leumann (1959) 63-83 and Wikander (1996) 119-24. Leumann (1959) 70 suggested that the *cognomen* was a derivative of

The prosopographical evidence is also invaluable as a supplement to, and check upon the other main strands of evidence in other ways. The moralizing and predominantly post-Republican literary sources convey the impression that adultery, divorce, and remarriage were rampant in the later Republic, but if we wish to get beyond the pervasive and superficial *topos* of moral decline, and ask meaningful questions about the causes and the incidence of iterated matrimony, divorce, and adultery in the Roman elite of the Republic, then the prosopographical evidence is an indispensable corrective to the partisan assertions of philosophers, moralists, and satirists.⁴⁰ And although the legal sources are instructive in many ways, not least in terms of prevailing attitudes,⁴¹ much of the surviving juristic corpus is devoted to later historical developments,⁴² and the jurists were primarily concerned with technical and controversial points of law,⁴³ and historic couples of rank seldom intrude.⁴⁴ Plus

the rare *praenomen* Caeso). Cn. Pompeius Strabo (cos. 89) and C. Scribonius Curio (cos. 76) both came from praetorian stock, and both married wives from senatorial families (respectively a Lucilia and a Memmia). Q. Cicero, the younger brother of M. Cicero (cos. 63), married the sister of the wealthy and influential *eques* T. Pomponius Atticus, and A. Gabinius (cos. 58) married a Lollia, who may have been the daughter of the parvenu senator M. Lollius Palicanus. The first wife of P. Sestius was the daughter of the wealthy, but obscure senator C. Albanus, but his second wife Cornelia, whom he married before embarking on a political career, was the patrician daughter of L. Scipio Asiagenus (cos. 83). Lastly, C. Vibius Pansa Caetronianus (cos. 43) married the daughter of Q. Fufius Calenus (cos. 47), but the marriage probably post-dates 49 B.C. and may have been contracted after the consulship of Calenus.

⁴⁰ Divorce see especially Treggiari (1991) 31-46, *Marriage* 473f; Giunti (2004); and Mastrorosa (2016) 65-87. Iterated matrimony see Humbert (1972) 76f; Löbmann (1980); Bradley (1991) 125-55, 156-76. Relative incidence of death versus divorce see Shaw (2002) 232f. Adultery see Richlin (1983) 379-404, (1992) esp. 83f, 215f; Fantham (1991) 267-91; Edwards (1993) 34-62; Treggiari (1994) 86-98.

⁴¹ See Volterra (1940).

⁴² Most notably the marital legislation of Augustus (on which see now Crawford (1996) II.801-9; Spagnuolo Vigorita (2010); McGinn (2013) 7-43; Wardle (2014) 274f), as well as later imperial enactments.

⁴³ See the *Institutes* of Gaius I.29-30, 55-94, 108-18, 136-37a, 148-50, 178, 180, II.63, 86, 90, 98, 139, 142, 235, 238, 241, III.3, 40-1, 46, 49, 82-4, 95-95a, 125, 199, 221-2, IV.44, 60 (37), 62, and the *Digest* books XXIII, XXIV, XXV, XXXIII.4, XXXVI.7, XXXVIII.11, XLI.6, 9, XLVIII.5, XLIX.15. Consequently, much of the modern scholarship on marriage in Rome is still firmly rooted in the Rechtswissenschaft tradition see *inter alia* Robleda (1970) and Huber (1977) with earlier bibliography; Núñez Paz (1988); Cherry (1990); Gergen (1995); Eisenring (2002); Giunti (2004); Fayer (2005); Fiori (2011) 197-233; Sanna (2012); and Astolfi (2002), (2012), and (2014).

⁴⁴ The widows of C. Gracchus (*Digest* XXIV.3.66 pr) and M. Antistius Labeo (*Digest* XXXIV.2.32.6), and the ex-wife of C. Maecenas (*Digest* XXIV.1.64) are the rare exceptions. Cf. *Digest* XLIX.15.5.3 on M. Atilius Regulus (cos. 267, cos. suff. 256) — though his wife Marcia is nowhere mentioned.

there is always the question of how accurately the law reflects social practice,⁴⁵ so that if we wish to understand the true significance of marriage in the Roman elite, there is no better source than the empirical data. Prosopography has been labelled the “poor man’s demography”,⁴⁶ but the actual demographic data, such as it is, is notoriously difficult to interpret,⁴⁷ and is extrapolated from literary and epigraphic sources which overwhelmingly pertain to the lower classes of a later epoch,⁴⁸ so that it is arguable whether the results have anything much to tell us about the Republican elite.⁴⁹ The prosopographical evidence, on the

⁴⁵ See the collection of essays edited by Aubert and Sirks (2002) — especially the papers by Cherry and McGinn; and the remarks of Dixon (2011) 249-55.

⁴⁶ Nicolet (1988) 400 n.16.

⁴⁷ For studies relating to marriage with a demographic focus see especially Hopkins (1965) 309-27; Saller (1987) 21-34; Shaw (1987) 30-46; Parkin (1992) 116f, 123f, 132f; McGinn (1999) 617-32; Shaw (2002) 195-242; Scheidel (2007) 389-402, (2007) 417-34, (2009) 31-40; Hin (2013) 14, 139f, 146f, 175f, 344f, *passim*. Roman Egypt: Bagnall and Frier (1994) 111f and Pudsey (2011) 60-98.

⁴⁸ That is to say, the body of Latin epitaphs from the Roman West assembled by Hopkins, Saller, and Shaw which overwhelmingly post-date the Republic and are “disproportionately concentrated ... in the freed class” (Saller (1994) 26), and the Egyptian census records of the First and Second Centuries A.D. preserved in papyri (for doubts about the general applicability of the latter to other areas of the empire see Parkin (1992) 58-9, 129, and Scheidel (2001) 14f, 33f).

⁴⁹ See, for example, Saller (1987) 29f, (1994) 26, 37, 38, (2007) 90, and Shaw (1987) 33f arguing that there is a disparity between the literary and epigraphic evidence which they attribute to the fact that the former reflects elite practice, while the latter relates to the lower classes, and conceding that their demographic models do not match the behaviour of elite males and females as reflected in the literary sources (cf. Harlow and Laurence (2010) 60f on the apparent disconnect between the demographic modelling and the literary evidence; and Caldwell (2015) 3f). Lelis, Verstraete, and Percy (2003) 9f, 14f, 18f, 37f, 73-90, 103 take a different view. They accept the respective socio-economic biases of the literary and epigraphic evidence, but deny the existence of the “Mediterranean type” model of marriage in Antiquity (20f), and argue that both the literary and epigraphic sources support early ages at first marriage for males and females across all social classes and all periods, and that the discrepancy observed by Saller and Shaw is a result of their misinterpretation of the epigraphic evidence (a conclusion rejected outright by McGinn (2015) 152 n.122). Scheidel (2007) 389-402 conducts a balanced review of the two competing models, properly stressing the limitations of the evidence. See also the critique of Saller and Shaw (1984) 124-56 by Martin (1996) 40-60 (with the response of Rawson (1997) 294-6); Shaw (2002) 238f on the class differential in the incidence of divorce; Hin (2012) 30-1 on different “cultures of reproduction” leading to differential reproductive behaviour between the elite and the masses; and Huebner (2011) 80f on the limitations of the data from the Roman West for the study of household composition, mortality, and sex ratios. Note also the review of Brunt by Den Boer (1973) 29-46 and the ensuing trenchant exchange between Hopkins (1974) 77-8 and Den Boer (1974) 79-82. Syme (1988) 60 was dismissive about the use of statistics, declaring: “It is a question how and when such methods can raise a claim to be valid or valuable. The dearth of evidence for the ancient world (and its caprice) impairs a number of modern attempts to

other hand, for all its shortcomings, represents the concrete manifestation of elite attitudes to the institution of marriage, and in studying how the institution functioned in practice in aristocratic circles, we gain an insight into the mindset and inner workings of the Roman aristocracy.⁵⁰

Furthermore, marriage in the Roman elite has long occupied a pivotal place in modern reconstructions of Roman politics. In *Die Nobilität*, Gelzer attributed the extraordinary success and durability of the Republican elite to the multifarious personal relationships which permeated Roman society, but he made virtually no reference to the role of marriage and dynastic alliances within the elite.⁵¹ It was left to some of the most prominent advocates of the Gelzerian paradigm, above all Friedrich Münzer, Ronald Syme, Lily Ross Taylor, and Ernst Badian, to elucidate the significance of marital alliances within the elite. Münzer and Syme in particular made marriage one of the most important weapons in the armoury of the *nobilitas*

be ‘quantitative’. Results are often obvious or trivial in the contribution they make to social history.” For studies of marriage and de facto unions among the lower classes see Kajanto (1970) 99-113; Rawson (1974) 279-305; Treggiari (1981) 59-81, (1981) 42-69; Treggiari and Dorken (1981) 269-70; Rawson (1989) 10-41, and Brockhaert (2012) 41-65.

⁵⁰ The interplay of ideals and practice is another fruitful area of research. On matrimonial ideals see Harrod (1909) 63f; Lawler (1929) 349f; Williams (1958) 16-29; Gaiser (1974); Bradley (1985) 77-95; Wilson and Makowski (1990); Pomeroy (1999); Smith (2005); Parkin and Pomeroy (2007) 80f; Hersch (2010); Larsson Lovén (2010) 204-220; Mustakallio (2010) 12-24; and Caldwell (2015) 134f.

⁵¹ For the few isolated exceptions see Gelzer (1975) 94 (on Pompey and P. Antistius), 129-30 (on Ti. Gracchus and his *adfines* Ap. Pulcher and Crassus Mucianus), and 134 (on Pompey and Metellus Scipio, cf. p. 92 on the political influence behind the scenes of aristocratic women). *Adfinitas* plays a minor role in *Die Nobilität* because Gelzer was primarily interested in the relationships which bound the lower classes to the nobility and were fundamental to the dominance of the *nobilitas* (rather than the relationships between social equals within the elite). Elsewhere Gelzer acknowledged that a senator’s own immediate and extended family (*eigene Familie und deren weitere Verwandtschaft*) were second only in importance to the manifold reciprocal relationships, dubbed *Treueverhältnisse* and *Nahverhältnisse*, based on *fides* and *officia* (see *HZ* 123 (1921) 4, cf. *NJA* 45 (1920) 10 where kinship is listed first among the “close bonds”, and (1934) 61 where the family relationships of Cato Uticensis are said to exemplify the web of dynastic ties that enveloped the nobility). Nor did he underestimate the political significance of marriage in the elite. In his review of Scullard, Gelzer observed that skillful politicians exploited every imaginable relationship and that while the backing of a *princeps civitatis* had a great impact, no less efficacious were family connections – especially those with noble families ((1950) 637; cf. (1934) 63, 78 where Pompey’s proposed marriage tie with Cato is described as a “characteristically political transaction”, and 84 where Gelzer remarks that the cohesion of Cato’s inner circle, no less than Caesar’s, was reinforced by ties of kinship – notably with his brother-in-law Ahenobarbus and son-in-law Bibulus). In fact, Gelzer recognized that in the absence of formal political structures, like modern parties, personal and familial bonds were correspondingly more important. What he objected to was the kind of superficial analysis that equated these groups to modern parliamentary parties (see (1950) 636).

in their competition for office and power. Syme famously encapsulated the underlying premise in lapidary fashion:

The *nobiles* were dynasts, their daughters princesses. Marriage with a well-connected heiress therefore became an act of policy and an alliance of powers, more important than a magistracy, more binding than any compact of oath or interest.⁵²

But that stark and narrow view of marriage in the elite immediately drew fire,⁵³ and the topic has remained a battleground.⁵⁴ P. A. Brunt in a classic essay on factions in Roman politics highlighted the great importance attached to intermarriage in modern historiography, and after observing that a collection and analysis of all known senatorial marriages was a *desideratum*,

⁵² *RR* 12. Cf. Syme (1964) 25: “Marriage, divorce, or adultery in the *nobilitas* seldom failed to be items of political consequence.”

⁵³ Momigliano (1940) 77-8 in his review of *The Roman Revolution* warned of the distorting effects of one-sided assumptions and generalizations. Syme’s dictum was undoubtedly a rhetorical exaggeration, but it was not without foundation. The “dynasts” Pompey and Caesar were severely criticized by contemporaries for blatantly employing marriage as an instrument of policy (see C. Curio senior and junior in Suetonius, *Divus Iulius* L.1; Cato in Plutarch, *Caesar* XIV.8 and Appian, *BC* II.14; and Cicero, *Ad Att.* II.17.1, *De officiis* III.82), and the brazenly political character of these marriages was such that the repudiation of Iulia and the repudiation of Pompey’s alliance with Caesar were seen as indivisible (Plutarch, *Pompey* XLIX.3), and following Iulia’s death Caesar was prepared to jettison Calpurnia, whose father had served his purpose, in order to preserve the more important bond with Pompey (Suetonius, *Divus Iulius* XXVII.1). Earlier on Cato had spurned Pompey’s proposed double marriage alliance because he would not permit his nieces to be employed as hostages (ὄμηρα) to ensure his co-operation (see Plutarch, *Cato Minor* XXX.1-6 (1-10), *Pompey* XLIV.2-3, and Zonaras, X.5 with Münzer, *RAA* 349f = 320f Ridley; and Geiger (1979) 58-60). The politicization of marriage is also reflected in the language of the sources (see Vell., II.47.2: concordiae pignus; Florus, II.13.13: matrimonii foedere; and Vinson (1992) 163-80).

⁵⁴ See inter alia: Meier (1966) 182-90, (1980) xxxii-xliii and Brunt (1968) 230-1 (who deny that factions based on kinship were ever a significant force in Roman politics); Badian (1972) 669, 674f, 687 and Twyman (1972) 827f for a riposte to Meier and Brunt (cf. Badian (1990) 25, 31 n.12, *passim* where it is argued that Meier’s “contempt for prosopography” leads to basic errors which invalidate his analysis); Shatzman (1974) 197-222; Wiseman (1976) 1-3 (who advances the reductive argument that if every family tie entailed a political imperative this would have resulted in political paralysis. To which the obvious rejoinder is that not all marriages were political and that managing conflicting obligations is the very stuff of politics); Wiseman (1985) 3-19; Brunt (1988) 36f, 444f, 453f, 459; Bruhns (1990) 571-94; Clemente (1990) 595-608 (for a balanced assessment of the prosopographical method and the role of the family in Roman politics); Briscoe (1992) 70-83 (for a critique of Millar and Brunt); Gruen, *LGRR* (1995) xif, 47f; Yakobson (1999) 202 warns against oversimplification; Hölkeskamp (2001) 92-105; Jehne (2006) 5-9; Harders (2008) 51-9; Zmeskal, *Adfinitas* 405-29; Hölkeskamp (2010) 6f, (2012) xixf (for criticism of Münzer and Millar).

remarked that “the practice of drawing quite speculative conclusions from particular marriages is methodologically unsound.”⁵⁵ And although there has been an astonishing amount written on women in classical antiquity in recent decades,⁵⁶ T. C. Brennan remarked that the lack of a prosopographical register of senatorial women in the Republican epoch has resulted in a general tendency to repeatedly study the same “narrow ring” of women,⁵⁷ and has held back the study of Roman Republican women both as individuals and as a class.⁵⁸ A comprehensive prosopographical corpus of marriage in the Roman elite will therefore address a recognized gap in the existing literature.

What is more, as a consequence of the often polemical debate about competing methodologies and perspectives, about “factions and family-trees” and the “political culture” of the Roman Republic, we are in danger of losing sight of the fundamental importance which the Romans attached to an individual’s maternal and paternal heritage and to their relations by marriage (*cognati* and *adfines*). The surviving sources offer abundant and unambiguous testimony to this effect which tends to get drowned out in the theoretical debate.

In his *Liber Annalis* and his works on the Claudii, Iunii, Cornелиi, Fabii and Aemilii, the *eques* Titus Pomponius Atticus is said to have documented the magistrates of the Roman people in such a way that the reader could trace their parentage and their descendants.⁵⁹ The Transpadane scholar, Cornelius Nepos, describes these works as delightful reading for anyone with a desire to know about distinguished men. But a Roman aristocrat of the Republic would never have conceived of his family’s history as merely a diverting pastime, or looked upon his family-tree as an object of purely academic interest, for they were intrinsic to his concept of self, his public image, and his standing.⁶⁰ Roman society was profoundly stratified and the *gradus dignitatis* was so ingrained that birth and rank were inseparable from an individual’s

⁵⁵ (1988) 453 n.11.

⁵⁶ The bibliography on women in classical antiquity is vast. For recent work on Roman women with extensive bibliographies see: Rawson (2010) 324-41, (2011), (2013) 93-109; Dixon (2011) 245-61; Skinner (2011); James and Dillon (2012); Valentini (2012); Glazebrook and Olson (2014) 75-82; Culham (2014) 127-48; Richlin (2014); Osgood (2014); Caldelli (2015) 582-604; Cenerini and Rohr Vio (2016).

⁵⁷ All of whom are well-known and potentially atypical individuals.

⁵⁸ Brennan (2012) 365.

⁵⁹ Cornelius Nepos, *Atticus* XVIII.

⁶⁰ The *stemma* of the *nobilis* was part of his ideological patrimony, and interlopers who attempted to foist themselves on famous families could expect no quarter (see Pliny, *NH* XXXV.8 on the indignant rebukes administered by M. Valerius Messalla Rufus (cos. 53) and Messalla Corvinus). Cf. Cicero, *Pro Cluentio* 72, *Brutus* 241 on C. Aelius Staienus; and Plutarch, *Brutus* I.6-8 on the controversy regarding the pedigree of the Iunii Bruti of the late Republic.

place in society.⁶¹ And this pervasive sense of hierarchy meant that even, or perhaps especially, amongst the upper orders, an individual's ancestry had important real world implications.

We began with Juvenal's question: *Stemmata quid faciunt?* The traditional answer to that question was supplied by the satirist himself. The *stemma* and *imagines* on display in the *atrium* of an elite Roman residence were not only a reminder of the past members and achievements of the family, they were an expression of its expectations for the future. They represented a standard of achievement to which the scions of that family were supposed to aspire, and would ideally exceed.⁶² This expectation also found expression in the speech of thanks which the newly elected curule magistrate gave upon entering office in which he traditionally lauded his ancestors (while his audience, according to Cicero, assessed whether he was worthy of the rank which they had attained).⁶³ Nor was it simply status that was transmissible because heredity was seen as having a formative influence on character, behaviour, and ability for good or ill.⁶⁴ And for members of established senatorial families

⁶¹ On the broadest conception of the *gradus dignitatis*, Roman society was divided into three *ordines* (Cicero, *Phil.* I.37, XIII.45, *De re publica* II.69). The highest, the *summus ordo*, was the senatorial order (*Pro Sestio* 87, 137, *Phil.* XIII.23), beneath it was the *medius* i.e. the *ordo equester* (*De domo* 74, *Pro Cluentio* 152), and the lowest, the *infimus ordo* consisted of the rest of society including former slaves (*Phil.* II.3). But this basic paradigm was subject to far greater refinement so that even at the apex of the social pyramid many gradations in rank were observed within the *summus ordo* including distinctions of birth (viz. patricians versus plebeians, *nobiles* versus *novi homines*) and rank (*consulares*, *praetorii*, *aedilicii* etc., and within each magisterial grade senators were ranked according to seniority and the order of *renuntiatio*). The 'new man' Cicero could not conceive of a just and stable society that did not recognize these distinctions (*De re publica* I.43, 53).

⁶² The sentiment is neatly encapsulated by Sallust, *Bell. Jug.* IV.5-6. On the intense drive to equal or surpass the attainments of one's ancestors see the *elogia* of P. Scipio and Cn. Scipio Hispanus (Flower (1996) 327-8 nos.3 and 5); Cicero, *Pro Plancio* 51; Sallust, *Historiae* I.49.26 Ramsey; *Comm. pet.* 13 (on the envious men of consular families who *locum maiorum consecuti non sunt*); the *Panegyricus Messallae* 28-34; and Martial, II.90.5-6. It was shameful to disregard or fall beneath the standards set by one's forebears (see Cicero, *De oratore* II.225-6; Sallust, *Bell. Jug.* LXXXV.21-3; Val. Max., III.5; Seneca, *Controversiae* I.6.3).

⁶³ Cicero, *De lege agraria* II.1.

⁶⁴ See Cicero, *Post red. in sen.* 15, *In Pisonem* 62, *Pro Sestio* 22 on L. Piso (cos. 58) and the supposedly malign influence of his mother's Transalpine genes (compare the positive influence attributed to heredity in Cicero, *Brutus* 98, 130, 212-13). Cicero, *De inventione* I.35, II.29 shows that the idea of inheriting psychological, moral, and behavioural characteristics was taken seriously. See also Propertius, IV.11.47 *mi natura dedit leges a sanguine ductas* (with Lentano (2012) 127f); Tacitus, *Annals* I.4.3: *insita Claudiae familiae superbia* (with Gill (1983) 484 n.95); Plutarch, *De sera numinis vindicta* 21 = 563 B and Duff (1999) 310-11; and Suetonius' statement that Nero exhibited none of the virtues, but all of the vices of the Ahenobarbi *quasi tradita et ingenua* (*Nero* I.2) where the adverb apparently represents a nod to non-determinism (compare Seneca, *Epist.* XI.2:

their forebears were considered part of their political as well as their genetic heritage. As a result, it was possible to inherit along with the family busts, not only familial traits, but a political program or predisposition.⁶⁵ The Porcii, for instance, had a special affinity with the laws of appeal because three members of the family had passed *leges de provocatione*,⁶⁶ and M. Cato Uticensis consciously emulated his great-grandfather the Censor.⁶⁷ The Iunii Bruti, and M. Brutus in particular (who was descended in the paternal line from the consul of 509 B.C. and from C. Servilius Ahala in the maternal line), were thought of as innately predisposed to tyrannicide.⁶⁸ Similarly, the Cassii posed as hereditary champions of popular sovereignty (*libertas*) and judicial probity due to the *leges Cassiae* of 137 and 104 B.C. and the proverbial severity of L. Cassius Longinus Ravilla (cos. 127, cens. 125),⁶⁹ while the Manlii Torquati were synonymous with an unflinching sense of discipline.⁷⁰ Likewise, Cn. Lentulus Marcellinus (cos. 56) could be commended for displaying the same *virtus* in opposing Clodius that his great-grandfather P. Scipio Nasica Serapio (cos. 138) had exhibited

Quidquid infixum et ingenitum est, lenitur arte, non vincitur). See further Grmek (1991) 11-34; Albin (1997) 59-71; Pomeroy (1997) 67-99; Beltrami (1998) 23f; Doonan (1999) 73-85; Treggiari (2003) 139-64; Bonnard (2006) 307-18; Wilgaux (2011) 222-3, 229; and Xenophontos (2016) 22f, 42f. For the specifically maternal contribution see Moreau (2013) 40-60.

⁶⁵ See Clemente (1990) 606f; Walter (2003) 255-78, (2004) 406-25; Montanari (2009) 75f; Van der Blom (2010) 87f, (2011) 49-67; and Binot (2013) 625-41.

⁶⁶ Cicero, *De rep.* II.54; cf. Crawford, *RRC* I.293 no.270, 313-4 no.301, 351-2 no.343. On the use of coinage as a medium for celebrating ancestral accomplishments see Hollstein (1993); Wikander (1993) 77f; Flower (1996) 333-8; and Meadows and Williams (2001) 37f.

⁶⁷ See Cicero, *Pro Murena* 32, 66; Dio, XXXVII.22.1; and Zerndl (2011) 103-17. Cato's first public act was to oppose tribunician attempts to make alterations to the *Basilica Porcia* built by his great-grandfather (Plutarch, *Cato Minor* V.1).

⁶⁸ See Cicero, *Phil.* I.13, II.26, III.9, 11, IV.7, X.14. Cicero, *Ad Att.* XIII.40.1 consequently implied that M. Brutus was turning his back on his roots when he felt that Brutus was becoming too close to Caesar. On the coinage of M. Brutus see Klein (2010) 301-5. See also Morstein-Marx (2012) 204-13 and Hillard (2013) 112-14 on the political slogans painted on the tribunal of M. Brutus leading up to the *Ides* of March.

⁶⁹ See Cicero, *Verrines* I.29, II.3.146, *Phil.* II.26; Asconius, 78.1-16C; *SHA Avidius Cassius* V.6; Tacitus, *Annals* VI.15; *MRR* I.485, 537, 559; Crawford, *RRC* I.290-1, 403, 440, 452, 513-4 nos.266, 386, 413, 428, 498-9, 500; and Arena (2012) 39f, 57f, 138f, 263f. On Ravilla see esp. Cicero, *Brutus* 97; Asconius, 45C; and Val. Max., III.7.9.

⁷⁰ That this tradition going back to T. Manlius Imperiosus Torquatus (cos. 340) exerted real influence on his descendants can be seen in the case of T. Torquatus (cos. 165) who tried and convicted his son in the *atrium* of his home. With the *imagines* of his ancestors, as it were, looking on, Torquatus is said to have felt compelled to emulate their *severitas* (Cicero, *De finibus* I.24; Val. Max., V.8.3).

in confronting Ti. Gracchus.⁷¹ Conversely, when L. Metellus (cos. 68) fell well below the standard of integrity set by his ancestors, especially the famously scrupulous Metellus Numidicus, Cicero implied that he was not a true and genuine Metellus,⁷² and the shades of the Metelli were employed to good effect in pressuring Q. Metellus Nepos (cos. 57) into acting in a manner befitting his Metellan blood.⁷³ In short, the influence exerted by the *familia* and *maiores* went far beyond the mere equation of good birth and good breeding,⁷⁴ and the instance of M. Brutus clearly illustrates that an individual's maternal ancestors could be equally potent role models.⁷⁵

Nor was the importance of an individual's family confined to the realm of aristocratic socialization and self-representation. For members of the Roman elite their lineage and their relations also directly influenced their activity in the forensic sphere and on the wider political stage. The fierce personal rivalries generated by aristocratic competition often found an outlet in the courts, and while this was conducive to the peaceful resolution of conflict, it also spawned and perpetuated familial rivalries. The obligation to defend the family honour by pursuing inherited feuds in the courts was a form of *pietas* that was not only sanctioned by custom, it was positively lauded, and young men of rank could make a name for themselves

⁷¹ Cicero, *De har. resp.* 22.

⁷² Verrines II.4.147: verus ac germanus Metellus. Cf. Cicero's use of Clodia's ancestors to chastise her (*Pro Caelio* 34), and the attack upon D. Iunius Brutus (cos. 77), Mam. Aemilius Lepidus Livianus (cos. 77), and Q. Lutatius Catulus (cos. 78) which Sallust, *Historiae* I.49.2-4 Ramsey puts into the mouth of M. Lepidus (cos. 78).

⁷³ Cicero, *Post red. in sen.* 25, *Pro Sestio* 130.

⁷⁴ See Baroin (2010) 19-48; and Scholz (2011). On the role of mothers and maternal relatives in the education and socialization of children see Harders (2010) 49-72; Scholz (2011) 94f, 271; Girotti (2016) 339-52; and Xenophontos (2016) 55f. To which may be added the instances of M'. Acilius Glabrio (cos. 67), who was raised and educated by his maternal grandfather Q. Mucius Scaevola the Augur (see Cicero, *In C. Verrem* I.52, *Brutus* 239), and L. Lucullus' son by Servilia who was brought up by his maternal great-uncle M. Cato (see Cicero, *De fin.* III.8-9). On aristocratic women as exemplars for the female members of their families see Flower (2002); and Valentini (2012) 178-97.

⁷⁵ On M. Brutus and C. Servilius Ahala see Cicero, *Ad Att.* II.24.3, XIII.40.1, *Orator* 153, *Phil.* II.26, X.14, *Brutus* 331 (duorum generum amplissimorum); Plutarch, *Brutus* I.5, *Caesar* LXII.1; and Crawford, *RRC* I.455-6 no.433. Brutus was not, of course, unique in this respect. On maternal ancestors as exemplars see: Cicero, *De har. resp.* 41; Val. Max., IV.7.2; Plutarch, *Ti. Gracchus* XVII.4; Auctor, *Ad Herennium* IV.42 (on the Gracchi and their grandfather Scipio Africanus); Cicero, *Pro Sestio* 101 (on M. Aemilius Scaurus and his mother's uncle Metellus Numidicus), Cicero, *Phil.* I.27, II.14, *Ad Att.* XIV.17a.3, *Ad fam.* IX.14.3 (on M. Antonius and his *avunculus* L. Caesar); Cicero, *Verr.* I.52 (on M'. Glabrio and Scaevola the Augur).

by launching prosecutions of this kind.⁷⁶ But in addition to sometimes acting as a direct inducement to forensic activity, an individual's relatives by blood and marriage had a much broader significance in forensic oratory. Cicero's forensic speeches and the surviving rhetorical manuals show that the prosecution and the defence both routinely exploited the ancestry, *cognati* and *adfines* of anyone who found themselves before the courts,⁷⁷ and in the event that the outlook for the accused appeared unfavourable, his ancestors and in-laws might be his last best hope of salvation.⁷⁸ The invocation of the family, past and present, was not simply a rhetorical device designed to appeal to the emotions of the jury, it rested on a solid ethical foundation. Families with a history of public service were held to have earned the gratitude of the Republic, and their success was regarded as a reflection and validation of their moral worth.⁷⁹ Consequently, the standing and achievements of the family of the defendant

⁷⁶ See for example: Cicero, *Acad.* II.1, *De prov. cons.* 22 and Plutarch, *Lucullus* 1 on the Luculli and Servilii; Cicero, *Pro Caelio* 1-2 on L. Sempronius Atratinus and M. Caelius Rufus; Asconius, 62-4C on Metellus Nepos (cos. 57) and C. Curio (cos. 76); Dio, XXXVI.40.4 and Val. Max., V.4.4 on M. Cotta and C. Papirius Carbo; and Tacitus, *Dialogus* XXXVI.3: *adsignatae etiam domibus inimicitiae*. See further Hinard (1980) 197-210; Thomas (1984) 65-100; Epstein (1987) 43f, 92f; Flaig (2004) 145f; and Van der Blom (2016) 26f.

⁷⁷ See Cicero, *De inventione* I.22 (*cognatio*), 35 (*cognatio*, *maiores*, *consanguinei*), 103 (*parentes*, *coniuges*, *consanguinei*), II.29 (*maiores*, *consanguinei*), 35 (*parentes*, *cognati*, *adfines*, *necessarii*), 106 (*maiores*), 107 (*consanguineus*, *maiores*, *nobilitas generis*), 177 (*adfinitas*, *genus*), *De oratore* II.100 (*cognitiones*, *adfinitates*), *De partitione oratoria* 35 (*genus*, *propinqui*, *adfines*), 56 (*parentes*, *coniuges*, *familiae*), 66 (*cognati*), 74 (*genus*), 82 (*generatus*); *Ad Herennium* I.8 (*nobilitas*, *adfinitates*), III.4 (*cognitiones*, *adfinitates*), 10 (*genus*), 13 (*genus*, *maiores*); and Van der Blom (2011) 51-2. In sum, the prosecution would endeavour to convince the jury that the *reus* was a disgrace to his family, or relied solely upon inherited distinction and the influence of his *adfines*, while the defence would argue that he had upheld the noble traditions of his family (*De inventione* I.22, II.177, cf. *Ad Herennium* I.8, III.13; Emporius, *Praeceptum demonstrativae materiae* 567-8 Halm; and Craig (2004) 187f for a typology of invective *loci* including being “unworthy of one's family”). Even the background of the advocates was fair game (see *De Oratore* II.225-6, *Pro Roscio Amerino* 46, and Quintilian, *Inst. or.* VI.3.51 for attempts to discredit the prosecution by means of personal attacks on the opposing counsel).

⁷⁸ In *De inventione* II.106-7 Cicero recommends that where possible a defendant seeking pardon should appeal to the benefits conferred by his forebears (*maiorum suorum beneficia*) and stress the nobility of his family (*nobilitas generis*) and the fact that he was related (*consanguineus*) to *magni et principes viri* — a tactic employed by Cicero in the *Pro Flacco* 24-5, 81, 106, *Pro Scauro* 46f, and *Pro Fonteio* 41. Cf. Cicero, *De leg. agr.* II.100; and Sallust, *Bell. Jug.* LXXXV.4.

⁷⁹ To the Romans, who were prone to conceptualizing politics in moral terms, elections were not only a contest of *gratia*, they were a judgement on the *virtus* (moral excellence) and *dignitas* (merit / worth) of the candidates (see especially Cicero, *Pro Murena* 14-18, *Pro Plancio* 6-8, 10, 13, 50; *Comm. pet.* 2, 7, 13; Earl (1967) 20f, 25f, 31f; May (1988) 6f, 61f, 117f, 126; Hölkeskamp (1993) 26f, 37f; Granet (1997) 327f; Morstein-Marx (1998) 265f; Jakobson (1999) 177f, 189; Treggiari (2003) 140, 142f; Hölkeskamp (2004) 33f; Tatum (2007) 109f, (2009) 216, 220, 225f), which is why electoral bribery, which subverted the claims of *virtus* and *dignitas* (*Ad Att.*

were relevant considerations in any agonistic contest of credibility.⁸⁰ The importance of *adfinitas* and heredity was also recognized in various ways in court procedure. *Adfines* were specifically exempted from being compelled to testify against one another.⁸¹ Nor could patrons be compelled to testify against hereditary clients or *vice versa*,⁸² and the *Lex repetundarum* prohibited the appointment of an advocate for the plaintiff who was an *adfinis* of the accused, or whose ancestors had been the patrons or clients of the defendant's ancestors.⁸³

According to Gelzer, hereditary patronage was one of the keys to the success of the Roman governing class. Recent studies have tended to suggest that the domestic and external influence of *clientela* has been overrated, but no one denies that it was an integral part of the structural fabric of the Roman state,⁸⁴ and the literary and epigraphic sources are explicit about the hereditary nature of the relationship.⁸⁵ The key point is that although patronage was

IV.15.7; *Comm. pet.* 55), was so repugnant (see Cicero, *Ad Att.* I.16.12-13 and Plutarch, *Pompey* XLIX.4). Representatives of established senatorial families could accordingly point to their family record as evidence that they had triumphed in the *contentio dignitatis* and proven their worth in the eyes of the Roman people.

⁸⁰ On the link between the repute derived from the attainment of *honores* and *auctoritas* and credibility see Morstein-Marx (2004) 258f; cf. Lévy (1965) II.27f. The veneration of the past and *mos maiorum* also conferred *auctoritas* on illustrious representatives of previous generations (on the exploitation of personal *maiores* see Blösel (2000) 29f; and Van der Blom (2011) 50, 63 nn.1-2, 64 n.5).

⁸¹ See the *Lex coloniae Genetivae* chp. XCV (Crawford (1996) I.426); the *Lex Iulia de vi* (*Collatio* IX.2.3); the *Lex Iulia iudiciorum publicorum* (*Digest* XXII.5.4-5); and Moreau (2016) 54-96.

⁸² See Lintott (1992) 22, 98-9, 126 and Crawford (1996) I.69, 89, 104 on line 33 of the *Lex repetundarum*. The same rule applied in respect of other offences (see Plutarch, *Marius* V.4-5; and Alexander, *Trials* 18-19 no.36 on the trial of C. Marius *de ambitu* in 116 B.C.).

⁸³ See Lintott (1992) 20, 21, 90-1, 115 and Crawford (1996) I.66, 86, 98 on line 10.

⁸⁴ Domestic *clientelae*: see Brunt (1988) 382-442; Morstein-Marx (1998) 259-88; Yakobson (1999) 65f, 112f; Tatum (1999) 22, (2004) 211f; and Feig Vishnia (2012) 40f who argue the influence of *clientelae* especially in elections has been exaggerated (cf. Deniaux (2006) 416f). Foreign *clientelae*: see Eilers (2002) 61f and Jehne and Pina Polo (2015).

⁸⁵ Contra Eilers (2002) who makes unnecessarily heavy going of the evidence. See Cicero, *Pro Roscio Amerino* 106: multos veteres a maioribus Roscii patronos hospitesque haberent, *Pro Flacco* 52: patronum suum iam inde a patre atque maioribus, *Ad fam.* XIII.64.2: amplissimas clientelas acceptas a maioribus, *Ad fam.* XIII.66.1: clientem familiae vestrae, *Div. in Q. Caec.* 2: in veteribus patronis multis, *Verrines* II.3.45: ad Marcellos antiquissimos Siciliae patronos, *Verr.* II.4.90: certissimis antiquissimisque patronis (cf. Pseudo-Asconius, 187 St); Dion. Hal., *Ant. Rom.* II.10.4; Plutarch, *Marius* V.4-5; Suetonius, *Aug.* XVII.2: Bononiensibus ... in Antoniorum clientela antiquitus erant; cf. *Bell. Afr.* XXII on the Spanish clients Cn. Pompeius junior inherited from his father; and Tacitus, *Dialogus* XXXVII.1 on the *patroni* of the Republic (a maioribus necessitudines). For the statues from the Greek East which predate the Principate and describe the honorand as ancestral patron

viewed as heritable this was not an automatic prerogative. The relationship was created by the conferral of benefits and had to be maintained in the same fashion. Cicero accordingly emphasized that the hereditary link between the Syracusans and the Claudii Marcelli had been revitalized by the recent benefactions of the proconsul C. Marcellus,⁸⁶ and that it was necessary for the young Ti. Claudius Nero to confirm his inherited status as patron of the city of Nysa by his own efforts.⁸⁷ Hence the hereditary patron who was unwilling, or unable, to live up to his responsibilities risked being supplanted by a more effective benefactor.⁸⁸ Furthermore, it is of particular interest in the present context that there is evidence to suggest that the relationship was thought to be transmissible through the maternal line. When C. Gracchus was quaestor in Sardinia the Numidian king Micipsa sent the poorly provisioned Roman army a shipment of grain “out of regard for Caius Gracchus.”⁸⁹ Yet neither C. Gracchus, nor any of his paternal ancestors had any known ties to the Numidian throne,⁹⁰ and the gift must be interpreted as recognition of the fact that C. Gracchus was the grandson of Scipio Africanus through his mother Cornelia, for Micipsa was the successor of Massinissa who was famed for his steadfast loyalty to the house of Africanus.⁹¹ Similarly, when Caesar

(πάτρων διὰ προγόνων) see Eilers C 52, 59, 81, 88 (cf. *SEG* 59 (2009) 2021), 103, 105, 110, 112, 113, 114, 121, 124 (= *SEG* 58 (2008) 1241); and *SEG* 58 (2008) 860. On the so-called *tabulae patronatus* see Beltrán Lloris (2010) 273-86.

⁸⁶ *Verrines* II.2.51: cum recentibus beneficiis C. Marcelli, cf. *Verr.* II.2.8, 3.212, 4.86. On the festival of the *Marcellia* see Rives (1993) 32-5.

⁸⁷ *Ad fam.* XIII.64.2: Quare, si te fautore usus erit, sicuti profecto et utetur et usus est, amplissimas clientelas acceptas a maioribus confirmare poterit et beneficiis suis obligare (Shackleton Bailey (2001) II.67: “With your backing, which I am sure will be and has already been forthcoming, he will be able to confirm the loyalty of the distinguished body of clients inherited from his ancestors and attach them by favours personal to himself”).

⁸⁸ Thus Cicero observed that it fell to him to defend the memory of Scipio Aemilianus and the people of Segesta, a role that properly belonged to P. Scipio Nasica, who belonged to the Scipiones and was the patron of Segesta (vide infra), because Nasica failed to act due to his friendship with Verres (*Verr.* II.4.79-81). Cicero also maintained that Verres was so delusional that he hoped to become the patron of Sicily by displacing the Marcelli (*Verr.* II.4.89-90). Note also Tacitus’ statement that the unceasing activity of the great orators of the Republic, who counted whole nations among their *clientelae* (*Dialogus* XXXVI.5), was motivated in part by the fear that inaction would see their inherited connections pass to others (XXXVII.1: ad alios transirent).

⁸⁹ Plutarch, *C. Gracchus* II.3: χάριτι Γαίου Γράχχου.

⁹⁰ The only prior connection between C. Gracchus and the Numidians stems from his service under Scipio Aemilianus in the Numantine War (*MRR* I.491) when Jugurtha commanded the Numidian auxiliaries sent by Micipsa.

⁹¹ So rightly Münzer, *RE* II.A.2.1382; Badian (1958) 181 n.1; and Paul (1984) 266. Münzer remarked that the Sardinians belonged to the paternal clients of Gracchus, whereas the Numidian king was a “Klient seiner mütterlichen Familie” and he noted Cornelia’s relations with various kings (Plutarch, *C. Gracchus* XIX.2).

invaded Africa in 46 B.C. some of the Gaetulians serving under Metellus Scipio and Juba of Mauretania deserted because, it is said, they considered themselves clients of C. Marius and were aware that Caesar was related to Marius.⁹² Caesar was, of course, only related to Marius by marriage through his paternal aunt Iulia.⁹³ The question is whether the Romans themselves shared this view of patronage. Dixon assumed so,⁹⁴ and we do hear of aristocratic Roman matrons acting as hostesses (*hospitae*) to important Italians and provincials in the early First Century B.C.,⁹⁵ but while *hospitium* and patronage often coincided they were not synonyms

Massinissa even left the appointment of his successor up to Africanus' adoptive grandson Scipio Aemilianus (see Val. Max., V.2. ext. 4; Appian, *Lib.* 105-7; and Zonaras, IX.27). It may also be that the 63 panthers, 40 bears, and 40 elephants from Africa that featured in the *venatio* of P. Scipio Nasica Corculum in 169 were a gift to the husband of Cornelia's older sister from Massinissa (Livy, XLIV.18.8). Corculum's colleague as aedile, P. Lentulus (RE no.202), has no known links to Africa, nor does his father L. Lentulus (RE no.188). Deniaux (2000) 1300 assumed that Corculum had "en effet, hérité du patronage de son parent Scipion l'Africain", but the line of Africanus was not extinct in 169, for even if both sons of Africanus were dead by 169, his adoptive grandson Scipio Aemilianus was alive and well, and it was Aemilianus who inherited the role of patron of Massinisa (see Val. Max., Appian and Zonaras, *loc. cit.*).

⁹² The author of *De bello Africo* XXXV.4 has the two Gaetulians brought into Caesar's camp describe themselves as *clientes C. Marii*. The fathers of the Gaetulians are said to have served under Marius and been rewarded by him, but to have been penalized after Sulla's victory (*De bello Africo* XXXII.3, LVI.3; cf. Dio, XLIII.4.2). Cf. Hurlet (2015) 173f.

⁹³ If one discounts C. Amatius, the self-proclaimed son of C. Marius (cos. 82), Caesar was the only living male relative of C. Marius (cos. 107). The Gaetulians must have known that Caesar was not a direct descendant of Marius even if they did not know the precise details of the relationship. The author of *De bello Africo* claims that they were aware he was a relative by marriage (XXXII.3: *adfinis*). Dio, XLIII.4.2 uses the general term *προσῆκων*.

⁹⁴ See Dixon (1983) 91-112 especially p.94: "If they (sc. aristocratic Roman women) could not themselves carry on the family name, they could inherit and transmit large bodies of *clientes* and *amici*." But many of Dixon's key assumptions and assertions prove to be false on closer examination. Dixon acknowledged that the civil disabilities which largely prohibited women from acting in the public arena (see the *Digest* III.1.1.5, L.17.2) barred aristocratic women from acting as patrons in the traditional sense, but she contended that they could nevertheless effectively operate as patrons from behind the scenes. But the very same disabilities prevented them from functioning as patrons in any meaningful sense because most of the core patronal roles (e.g. representing clients in court, wielding influence in the *curia* or assemblies, writing letters of recommendation to fellow senators in the customary game of reciprocal back-scratching) could not be performed by proxy. Consequently Dixon's central premise is unsustainable.

⁹⁵ Caecilia Metella, the daughter of Q. Metellus Balearicus (cos. 123) was the *hospita* of Sex. Roscius of Ameria (*Pro Roscio Amerino* 27, 147-9), and Servilia, the mother-in-law of Q. Hortensius (cos. 69), was the long-standing *hospita* of Q. Caecilius Dio of Halaesa (*Verr.* II.2.24).

— especially where women were concerned.⁹⁶ Is it nonetheless possible that aristocratic Roman women could transmit a claim to patronage to their sons and their descendants? We know from the *Verrines* that Metellus Scipio was patron of Segesta, but the origins of the relationship are unclear.⁹⁷ As the Scipiones Nasicae have no documented links to Sicily in their own right, Brunt inferred that Metellus Scipio inherited this role because Scipio Aemilianus died without issue.⁹⁸ But the elder Scipio Africanus must have had ties with many Sicilian cities in virtue of his command in Sicily during the Second Punic War,⁹⁹ and it is not inconceivable that Nasica inherited the relationship with Segesta directly from Africanus through his great-great-grandmother Cornelia,¹⁰⁰ rather than by collateral descent from Scipio Aemilianus.¹⁰¹ Regrettably, a firm conclusion is impossible in this instance because we do not know the praetorian provinces that were assigned to the paternal grandfather, great-grandfather, or great-great-grandfather of Metellus Scipio.¹⁰²

⁹⁶ Although *hospitium* and patronage must often have overlapped they were not automatically equivalent. The fact that the terms *hospes* and *cliens/patronus* are often listed side by side shows that they were not identical concepts (see the passages cited by Gelzer (1975) 66. See further Brunt (1988) 386, 415-6 and Nicols (2014) 185f). In the case of the *hospitium* which Caecilia Metella offered Sex. Roscius, Dixon failed to note the crucial distinction that Cicero draws between the public and private interests of Roscius (*Pro Roscio Amerino* 149). The orator says that Metella looked after his personal needs in her home (*domi gerenda* i.e. housed, clothed, and fed him see *Pro Roscio* 147) while M. Messalla represented his affairs at large in the forum and courts (*fori iudicique ratio*), and Messalla was seconded in that role by P. Scipio Nasica and M. Metellus (*Pro Roscio Amerino* 77, 119). Nor did Metella prevail upon Cicero to undertake the defence of Roscius (contra Dixon pp.94, 99, 100). Cicero clearly states that he was induced to take the case by Messalla and other unnamed men of rank (*Pro Roscio* 4, 149).

⁹⁷ Cicero, *Verrines* II.4.80.

⁹⁸ Brunt (1980) 274 n.8, cf. (1988) 395 n.34 (cf. Gelzer (1975) 87 n.221; Nicols (2014) 177). Eilers (2002) 152-4, on the other hand, wavers between accepting some other unknown origin for the relationship and (needlessly) denying that Nasica was patron of Segesta.

⁹⁹ Africanus was assigned Sicily and Africa as consul in 205 and his *imperium* in Sicily and Africa was prorogued in 204 when he crossed to Africa (*MRR* I.301, 308). His brother L. Scipio also must have had ties to Sicily since he was praetor there in 193 B.C. (*MRR* I.347, III.71). Brennan (1993) 178-83 attributes the Sicilian *leges Scipionis* (*Verr.* II.2.123) to Aemilianus rather than Africanus or his brother Lucius.

¹⁰⁰ The wife of P. Cornelius Scipio Nasica Corculum (cos. 162, 155, cens. 159) was the elder daughter of Scipio Africanus (see Polybius, XXIX.14.1, XXXI.27; Livy, XXXVIII.57.2; Velleius, II.3.1; Münzer, *RE* IV.1592 Cornelia no.406; and Etcheto (2012) 170-1, 174-5).

¹⁰¹ Cicero, *Verr.* II.4.72-83 dwells on the figure of Scipio Aemilianus when speaking of Segesta because the statue at the centre of the uproar was returned to the *Segestani* by Aemilianus.

¹⁰² Respectively P. Scipio Nasica (cos. 111) praetor by 114, P. Scipio Nasica Serapio (cos. 138) praetor by 141, and P. Scipio Nasica Corculum (cos. 162) praetor in 165 (see *MRR* I.534, 477, 438). On the notion that the little-

Even more crucially from the perspective of existing and aspiring members of the political elite, the Roman electorate was deeply conservative and status-conscious. According to Horace, who, as the son of a freedman was acutely status-conscious, the Roman voter was absurdly devoted to *fama* (reputation) and utterly captivated by the *tituli* and *imagines* of the aristocracy.¹⁰³ Moreover, the poet states that the voters scrutinized the family background of every candidate, and were intensely interested not only in the identity of his father, but also in whether he was shamed by an unknown mother.¹⁰⁴ And the prejudices of the electorate are confirmed by another outsider and keen observer. Addressing a jury predominantly composed of *equites* and senators, Cicero put a more positive gloss on the same phenomenon, declaring that all sound citizens always favour the *nobilitas*.¹⁰⁵ Elsewhere, the *novus homo consularis* testifies to the electoral appeal of smoke-blackened ancestral *imagines* and the powerful lure exerted by the *commendatio maiorum*, which resulted in a marked preference for candidates from established senatorial families.¹⁰⁶ The ethos underlying this bias is enunciated by Cicero

known father of Metellus Scipio was praetor in Spain see *MRR* III.72; and Brennan, *Praetorship* II.501-2, 707, 744. Morgan (1974) 183-216 argued that Serapio was allotted Macedonia, but see Brennan, *Praetorship* I.229 and Dzino (2010) 73 n.67 (with additional references). Brennan, *Praetorship* II.930 n.510 tentatively suggested that Corculum or Serapio might be the “praetor Scipio” of *De oratore* II.280 whom Brennan maintains was “evidently” praetor in Sicily (Brennan presumably excludes the consul of 111 on the basis that M. Papirius Carbo may have governed Sicily c.114). The praetor Scipio is, however, said to have assigned the Sicilian complainant a *homo nobilis* who was his *hospes* as an advocate, which suggests that the Sicilian plaintiff was residing with his noble *hospes* in Rome (i.e. *hospes* here signifies host not guest) and that Scipio was *praetor peregrinus* and was following the procedure for appointing a *patronus* described in the *Lex repetundarum*. This may therefore be one of the many cases of *repetundae* involving governors of Sicily alluded to by Cicero, *Verrines* II.2.155. It is also possible that any of the foregoing Nasicae could have served as quaestors in Sicily and have established ties with Segesta in this way.

¹⁰³ *Satires* I.6.16-17: *famae servit ineptus ... stupet in titulis et imaginibus*. On the *imagines* which adorned the *atria* of the office-holding elite and were a defining feature of aristocratic funerals see Flower (1996) esp. 60f, 91f, 185f; Flaig (2004) 49f; Badel (2005) esp. 15-56; Montanari (2009) esp. 39-106 (for a studio storico-religioso); and Bettini (2005) 190-202 and Mazzeri (2014) 7-22 for the distinction between the *imagines maiorum* proper (the wax heads in the round displayed in the *atrium* and paraded at funerals) and the masks (*personae*) worn by the *mimetes* impersonating the deceased in the *pompa funebris*, as well as the cultic significance of the *imagines*.

¹⁰⁴ *Satires* I.6.36: *quo patre sit natus, num ignota matre inhonestus*.

¹⁰⁵ *Pro Sestio* 21: *Omnes boni semper nobilitati favemus*.

¹⁰⁶ Literally the recommendation of the ancestors, the *commendatio maiorum* was the “symbolic capital” possessed by candidates from families with a history of public service that gave them a claim on the goodwill of the electorate (see Hölkeskamp (1987) 206f and (2010) 108-9, 121-2). The classic exposition occurs in *In Pisonem* 1-2 where Cicero contrasts his own record of achievement as a *novus homo*, who lacked the

and Seneca.¹⁰⁷ The descendants of men who had accomplished great things, or had at least performed admirably in office, were thought of as being owed a debt by the people which the electorate was bound to discharge.¹⁰⁸ Birth alone was never in fact sufficient qualification for high office, as Cicero's own evidence proves,¹⁰⁹ but the *nobilitas* unquestionably enjoyed a very considerable electoral advantage.¹¹⁰ Since legitimate children inherited their father's status,¹¹¹ throughout the Republic only the direct descendants of consuls (or equivalent magistrates) in the paternal line qualified as *nobiles*, and an individual who possessed consular ancestors only in the maternal line did not technically count as a *nobilis*.¹¹²

commendatio maiorum, and was entirely reliant on his own merits, with that of his noble enemy L. Piso (cos. 58), whom the orator maintains crept into office on the recommendation of his ancestral *imagines*, and was successively elected to all the highest offices solely on account of his illustrious name and family (see also Cicero, *In Catilinam* I.28, *De lege agraria* II.100). Sallust explores the same themes in the speech he attributes to the great *novus homo* C. Marius (see *Bell. Jug.* LXXXV with Flower (1996) 19f). On the strategies which the *novi homines* Cato and Cicero used to counteract the *commendatio maiorum* see Blösel (2000) 29-57; Van der Blom (2010) 152f, 176f; and Hölkeskamp (2011) 17-34.

¹⁰⁷ Cicero, *De leg. agr.* II.1, *Pro Sestio* 21; Seneca, *De beneficiis* IV.30.

¹⁰⁸ Hence from the viewpoint of the patrician *nobilis* Catiline his own record combined with the great services of his forebears (*maiorum plurima beneficia*) entitled him to entertain the highest hopes (Sallust, *Bell. Cat.* XXXI.7). According to Seneca the debt was so sacred that it must be repaid even to the unworthy descendants of great men.

¹⁰⁹ See *Pro Murena* 36, *Pro Plancio* 52, and *Comm. pet.* 11-12 on *nobiles* who suffered electoral defeats at the hands of *novi homines*. Cicero, *Pro Plancio* 14-15 observed that if birth alone were the only relevant criterion elections could be dispensed with altogether as candidates from equestrian families would be obliged to defer to those from praetorian families, and candidates from praetorian families would have to yield to those from consular families. Yakobson (1999) 184f argues that the *commendatio maiorum* only conferred a potential electoral advantage and its realization was dependant on the candidate's public image and behaviour during the campaign (186).

¹¹⁰ Cicero in rhetorical mode asserts that this sentiment induced the Roman people to confer *honores* on *nobiles* while they slept (*Verr.* II.5.180), or in their cradles (*De leg. agr.* II.100; cf. *Ad Att.* IV.8a.2 where L. Domitius Ahenobarbus is described as consul designate from birth). The true extent of the electoral advantage of the *nobilitas* has been quantified by Hopkins, Burton, Gruen, Badian, Brennan, and Beck (vide supra).

¹¹¹ Livy, IV.4.11: *Nempe patrem sequuntur liberi*; cf. Gaius, *Institutes* I.56: *liberi patris condicionem sequuntur*.

¹¹² Had it been otherwise, Antony could not have charged Octavian with *ignobilitas* (*Phil.* III.15) in view of the fact that his maternal grandmother was a patrician Iulia, and Cicero could not have mocked the standing of Antony's wife Fulvia (*Phil.* III.16) whose maternal grandfather was the son of C. Sempronius Tuditanus (cos.129) see Shackleton Bailey (1986) 87 n.81, *OCS*² 51; and Manuwald (2007) 381-2. Bambalio's grandson, M. Antonius Antyllus, was a *nobilis* (*Phil.* II.90) through his paternal great-grandfather M. Antonius (cos. 99). Note also that in expatiating on the *nobilitas* of M. Iuventius Laterensis, Cicero speaks only of his father's family, the Tusculan Iuventii (*Pro Plancio* 19), although the mother of Laterensis was an Otacilia (*RE* no.19) of

Nevertheless, by the late Republic increasing cognizance was being taken of the maternal line which added lustre,¹¹³ and the more distinguished a candidate's family was, the better his prospects of election. As a result, a candidate who possessed senatorial forebears in the maternal and paternal line, like the young *nobilis* M. Iuventius Laterensis whose mother and father both belonged to families of consular rank,¹¹⁴ started a long way ahead of his rivals,¹¹⁵

the consular Otacilii Crassi, who reached the consulship earlier and more often than the Iuventii (i.e. in 263, 261, and 246 B.C. while the one and only consul of the Iuventii held office in 163 B.C.). Moreover, Cicero stipulates that all the competitors of Laterensis were mere *equites* (*Pro Plancio* 17), but one of his rivals, Q. Pedius, the future consul suffect of 43 B.C., was the son of a sister of Iulius Caesar (*RE* no.545) and would have ranked as a *nobilis* if *materna nobilitas* was a relevant consideration. On the recognition of *materna nobilitas* in the Principate see Gelzer (1975) 142f; Oliver (1978) 255f; and Badel (2005) 140f (with additional bibliography).

¹¹³ Witness, for instance, the recurring emphasis on the fact that Tiberius and C. Gracchus were the grandsons of Scipio Africanus (see inter alia: C. Gracchus *ORF*³ frg.47; Cicero, *De har. resp.* 41, *De off.* II.80; Diodorus, XXXIV/XXXV.5.1; Velleius, II.2.1, 7.1; Val. Max., VI.3.1 d; Plutarch, *Ti. Gracchus* XVII.4; Gellius, *NA* XII.8.1; Appian, *BC* I.17); Caesar's attribution of equal weight to the *maternum genus* in the *elogium* of his paternal aunt (Suet., *Iul.* VI.1); Cicero, *Brutus* 212-13 on the maternal forebears of Metellus Scipio; Cicero, *Pro Sulla* 25 on the mother of L. Torquatus; Antony's exaltation of his maternal lineage (Cicero, *Philippics* III.17); Cicero, *Philippics* III.15-17 on Numitoria, the Iuliae, Atia, and Octavia; Cicero, *Post red. in sen.* 15, *In Pisonem* 62, *Pro Sestio* 22 on L. Piso's mother Calventia and his "maternal Transalpine blood"; the denarii of Q. Pompeius Rufus referring to his maternal grandfather Sulla (Crawford, *RRC* I.456 no.434); the development of *laudationes* for women (see Cicero, *De oratore* II.44, 225; Suetonius, *loc. cit.*; Hillard (2001) 45-63; Tylawsky (2001) 283-93; and Valentini (2013) 49-66); M. Iunius Brutus' celebration of his maternal ancestor Servilius Ahala (vide supra); Cicero, *Pro Scauro* 45-6, 48 on L. Metellus Delmaticus the maternal grandfather of M. Aemilius Scaurus; Cicero, *Ad Att.* XIII.21a.7 on Iuventius Thalna (εὐγενέστερος est etiam quam pater with Shackleton Bailey, *CLA* V.371 and (1999) IV.87); M. Atius Balbus' maternal connection with Pompey (Suet., *Aug.* IV.1); Velleius, II.29.2 on Pompey's mother Lucilia; the employment of matronymics like Licinianus, Salonianus, and Albanianus (see Wikander (1996) 119-24); Propertius, IV.11.31-2 on Cornelia's maternal ancestors the Scribonii Libones; and Horace, *Sat.* I.6.3: avus maternus atque paternus (on C. Maecenas). It is usually thought that the emphasis on the maternal line was a late development that was given extra impetus by the failure of Augustus to produce a male heir of his own blood (see Corbier (1994) esp. 275-82, (1995) 178-93). But in discussing "Ahnenbilder und matrimoniales Prestige", Flaig (2004) 62-6, who defers to Bettini (1992) 143 = (1991) 174, contends that cognatically acquired *imagines* and ancestors were included in the *pompa funebris* and *stemmata* of the elite from the earliest times — although apart from Livy, I.34.6 (on Ancus Martius!), Bettini cites no evidence earlier than *In Vatinius* 28.

¹¹⁴ *Pro Plancio* 18: est tuum nomen utraque familia consulare.

¹¹⁵ He was naturally still not assured of election as Laterensis discovered when he was beaten by the *eques* Cn. Plancius when standing for the aedileship. Laterensis, with some justification, ascribed his defeat to electoral fraud (see Gruen, *LGRR* 318f; Alexander (2002) 128-44, and Lintott (2008) 219f).

and the debt which was owed to the descendants of famous men extended to their descendants in the female line.¹¹⁶

The familial ties created by marriage, both vertical and horizontal, also exerted a powerful influence, and the web of *adfinitas*, as it was popularly understood in the late Republic, was significantly broader than the juristic sources imply.¹¹⁷ The universal expectation was that relations by marriage were bound by reciprocal ties of affection and obligation which took a variety of forms ranging from political and financial to moral and emotional support. This requires no lengthy demonstration for to act otherwise was to lay oneself open to charges of deplorable and unpardonable conduct.¹¹⁸ And the closeness of the bond underlies the inclusion of *adfines* in the *Lex Pompeia de parricidiis* of 55 B.C.,¹¹⁹ and the innovations in the rules of succession introduced by praetorian edict to improve the position of *cognati*.¹²⁰

¹¹⁶ Seneca, *De beneficiis* IV.30.2-3 observes that Cn. Cornelius Cinna Magnus (cos. 5 A.D.) owed his advancement to his maternal grandfather Pompey.

¹¹⁷ Moreau (1990) 3-26 demonstrated that the narrow juristic definitions do not reflect popular usage. *Adfinitas* created ties which extended beyond the immediate bonds produced by consanguinity, linking not only the parents and full and half siblings of the bride and groom, but even quite remote relations.

¹¹⁸ An individual's relationship with his *adfines* was regarded as a telling indication of his personality and moral fibre (see *De inventione* II.35, 177). Hence Cicero frequently uses this as a test of character — contrasting the exemplary conduct of his clients with the allegedly despicable behaviour of his adversaries. P. Vatinius, for instance, is said to have been despised by his in-laws (*In Vatinium* 39) and to have acted unconscionably toward C. Antonius (cos. 63), the paternal uncle of his wife Antonia (*In Vatinium* 27-8; Schol. Bob., p.149, 8-15 Stangl). Cicero's *inimicus*, L. Piso (cos. 58), is repeatedly charged with inhumanity toward his *adfines* Cicero — even though the link through Cicero's son-in-law C. Piso Frugi was not that close (see *In Pisonem* 12, *Pro Sestio* 20, 54, *Post reditum in senatu* 17, 38, *Post reditum ad Quirites* 7; and Moreau (1990) 11), and Oppianicus and Sassia are accused of having successively defiled virtually every kind of marital relationship (*Pro Cluentio* 12-15, 21-3, 26-8, 30f, 33f, 41, 125, 179, 188, 190, 199). By contrast, Cn. Plancius and P. Sestius are praised for their exemplary relations with their *adfines* (*Pro Plancio* 27, 29, *Pro Sestio* 6-7).

¹¹⁹ See the *Digest* XLVIII.9.1: *uxor, vir, gener, socrus, vitricus, privignus, privigna*.

¹²⁰ See Gardner (1990) 163f, (1998) 20-41, 103f, 124f, 212f, 228f, (2011) 366f. See also Saller (1991) 31f, (1994) 165f, (1997) 25-6, 29 arguing that property in Rome was never transmitted strictly along patrilineal lines, and emphasizing the diminishing power of the agnatic principle. For recent studies discussing cognatic kinship in relation to agnatic / patrilineal kinship see Martin (2002) 13-24, (2009) 311-28 and Harders (2008) 31-59, 318-21, (2010) 33-47, (2012) 15f, (2013) 18-39, both of whom are heavily indebted to Bettini, whose "sweeping structural characterizations" were justifiably criticized by Saller (1997) 7-34, esp. 20f (see Bettini (2002) 199-226 and (2009) 154f, 159f, 162f, 173, 175, 178 for Bettini's reply; see also Nathan (2016) 243-57).

The political ramifications of marital alliances within the governing class is an especially contentious topic.¹²¹ But it was not pure chance that the two closest advisors and supporters of the program of Ti. Gracchus were his father-in-law Ap. Claudius Pulcher (cos. 143) and the father-in-law of his younger brother P. Licinius Crassus Mucianus (cos. 131).¹²² And even the overtly political fourth marriages of Pompey and Caesar, which led to the political deals and extraordinary commands denounced by contemporaries,¹²³ were a distorted reflection of traditional practice.¹²⁴ Co-operation between *adfines* was taken for granted to the extent that it is often only explicitly reported in exceptional circumstances,¹²⁵ or where it failed to materialize.¹²⁶ Nevertheless, it is demonstrable that *adfines* routinely supported one

¹²¹ See especially Brunt (1988) 453f; Tatum (1991) 122-9; Briscoe (1992) 73-4, 78-9, 81-2; Kunst (2000) 33f; Hölkeskamp (2001) 92-105, (2010) 6f, (2012) xixf; Aguilar (2005) 337-50; Harders (2008) 51-9; Zmeskal, *Adfinitas* 405-29; and Canas (2010) esp. 113f, (2012) 155-65, (2014) 73-84. Harders (2009) 33-47 tries to have her cake and eat it.

¹²² Cicero, *Academica* II.13; Plutarch, *Ti. Gracchus* IX.1. Note also *Ad fam.* XII.2.2 (with Mommsen (1893) 615-6; Münzer, *RAA* 406f = 334-5 Ridley; and Shackleton Bailey (1982) 40-1), where it is said that the *adfinitas nova* contracted by C. Cassius' brother-in-law M. Lepidus (i.e. the betrothal of Lepidus' son to the daughter of Antony) had suddenly transformed the stance of Lepidus' brother toward the tyrannicides. Cf. Plutarch's observation that Pompey's misdeeds were committed for the sake of his relations by marriage (*Comparison of Agesilaus and Pompey* I.3).

¹²³ See Plutarch, *Caesar* XIV.8; Appian, *BC* II.14; Catullus, XXIX.24-5; Cicero, *Ad Att.* II.17.1, VIII.3.3, *De officiis* III.82; M. Caelius Rufus, *Ad fam.* VIII.14.2: *invidiosa coniunctio*; Suetonius, *Divus Iulius* L.1: *cupiditas potentiae*.

¹²⁴ It was chiefly the haste with which Pompey's marriage to Iulia and Caesar's marriage to Calpurnia were arranged, and the blatancy and scale of their objectives that made them exceptional. Sulla's attempt to ensure the loyalty of Pompey through the marriage to his step-daughter Aemilia had been equally transparent (see Plutarch, *Pompey* IX, *Sulla* XXXIII.3-4; Zonaras, X.1; and John the Lydian, *De magistratibus* II.1 who confuses Antistia and Aemilia).

¹²⁵ As, for example, in 136 B.C. when the governor of Hispania Ulterior D. Iunius Brutus (cos. 138) left his own province to support the military aspirations of the governor of Hispania Citerior, his *adfinis* M. Aemilius Lepidus (cos. 137), much to the annoyance of the senate (Appian, *Iberica* 80).

¹²⁶ As when Pompey's hopes of having his *adfines* do his bidding went badly awry upon his return from the Mithridatic War. Having proposed a double marriage alliance with Cato in the hope of securing Cato's support for his Eastern *acta*, Cato divined Pompey's intent and rebuffed the offer because he would not allow his nieces to be used to guarantee his compliance (Plutarch, *Pompey* XLIV, *Cato Minor* XXX; Zonaras, X.5). And to make matters worse, the decision to divorce Mucia so alienated Pompey's former *adfinis* Q. Metellus Celer (cos. 60) that Celer turned to vigorously opposing Pompey's designs (Dio, XXXVII.49.1-4. It is worth recalling that Cato was also somehow related to Mucia see Plutarch, *Cato Minor* XIV.3). In 57 B.C. Cicero mocked the ineffectual attempts by Cn. Oppius Cornicinus to persuade his son-in-law, Sex. Atilius Serranus Gavianus, to cease obstructing senatorial measures associated with his recall (*Post red. ad Quir.* 12, *Pro Sestio* 74, *Ad Att.* IV.2.4),

another in seeking office,¹²⁷ habitually assisted each other in the courts (often in politically motivated trials),¹²⁸ and lobbied on behalf of those in-laws who fell in the race,¹²⁹ and *adfinitas* even impacted on the order of *interrogatio* in the senate.¹³⁰ Doubtless it is also true, as Pseudo-Sallust claims, that some chose sides in the civil war based on ties of *adfinitas*.¹³¹

and the following year he charged P. Vatinius, who was accustomed to explain his support for Caesar in terms of their distant *adfinitas*, with never doing anything without first getting cash up front (Cicero, *In Vatini*. 29, 38; Schol. Bob., 149.22-25, 151.27-32 Stangl). And there was general amazement when Pompey's *adfinis* Ap. Pulcher attacked Pompey's man A. Gabinius in 54 (Dio, XXXIX.60.3; Cicero, *Ad Q. fr.* III.2.3).

¹²⁷ It was normal practice for candidates to call upon the support of their *adfines*. When P. Licinius Crassus Mucianus (cos. 131) was a candidate for the aedileship he was backed by Ser. Sulpicius Galba (cos. 144) who was the father-in-law-to-be of his daughter Licinia (Cicero, *De oratore* I.239, *Brutus* 98). Marcus and Q. Cicero both relied on the assistance of their brother-in-law Atticus (*Ad Att.* I.1.1-4, 2.1-2, 4.1, 10.6, 11.2, 17.5-6; cf. Cornelius Nepos, *Atticus* IV.4). Cicero alleges that P. Vatinius scraped home in the last place during the elections for the quaestorship in 64 B.C. with the help of L. Caesar (cos. 64), the maternal uncle of his wife Antonia (*In Vatinius* 11: non populi beneficio sed consulis. See Pocock (1926) 88 and Gundel, *RE* VIII.A.1.497; cf. Shackleton Bailey, *OCS*² 57). M. Cato threatened the electoral rivals of his brother-in-law, D. Silanus (cos. 62), with prosecution, making good on his threat in the case of Murena (Plutarch, *Cato Minor* XXI.2), and was resolute in his support of his brother-in-law, L. Ahenobarbus, when he stood for the consulship (Plutarch, *Cato Minor* XLI). Caesar is said to have engineered the appointment of his father-in-law L. Piso as his successor in the consulship (see Plutarch, *Caesar* XIV.8, *Cato Minor* XXXIII.4; Appian, *BC* II.14). Cicero also supported the candidacy of his *adfinis* L. Piso (*In Pisonem* 11, *Post reditum in senatu* 17, *Pro Sestio* 19-21). Pompey got his father-in-law, Metellus Scipio, appointed as his consular colleague in 52 B.C. (Plutarch, *Pompey* LV.7 and Dio, XL.51.3). L. Crassus (cos. 95) reportedly excused his father-in-law, Q. Scaevola (cos. 117), from campaigning with him because he feared that the presence of Scaevola would cramp his style (Cicero, *De oratore* I.112; Val. Max., IV.5.4). Cf. [Q. Cicero], *Comm. pet.* 16.

¹²⁸ See for instance: A. Atilius Calatinus and his son-in-law Q. Fabius Maximus (Val. Max., VIII.1.absol.9); Pompey and his father-in-law Metellus Scipio (Plutarch, *Pompey* LV.3-4; Val. Max., IX.5.3; Dio, XL.51.3, 53.1-2); Ap. Pulcher and his son-in-law M. Brutus and *adfinis* Pompey (Cicero, *Brutus* 230, 324, *Ad fam.* III.11.3). P. Sestius was even supported by the father of his deceased first wife (*Pro Sestio* 6). It was considered proof of the exceptional integrity of Metellus Numidicus that he refused to give a testimonial at the trial of his brother-in-law L. Lucullus (Cicero, *Verr.* II.4.147; *De vir. ill.* LXII.4).

¹²⁹ The *adfines* of the exiles P. Popillius Laenas (cos. 132) and Metellus Numidicus pleaded for their restoration (Cicero, *Post red. in sen.* 37, *Post red. ad Quir.* 6), just as C. Piso Frugi was instrumental in the campaign to recall his father-in-law (Cicero, *Ad fam.* XIV.3.3, *Pro Sestio* 68, *Post red. in sen.* 17, 38, *Post red. ad Quir.* 7). Similarly, when the pseudo-Marius, C. Amatius, was banished by the dictator Caesar, he appealed to Cicero in the name of their supposed kinship by marriage via the Gratidii of Arpinum (*Ad Att.* XII.49.2: per cognationem) to intervene.

¹³⁰ Caesar began consulting Pompey ahead of Crassus after his betrothal to Iulia (Suet., *Iul.* XXI; Gellius, *NA* IV.10.5), and although Q. Fufius Calenus (cos. 47) was a comparatively junior consular, his son-in-law, C.

When it comes to the economic impact of marriage in the elite, the focus is normally on dotal arrangements.¹³² The father of the bride did have to make allowance for a dowry commensurate with the family's standing (*dignitas*), and as Cicero put it, the more daughters a man has, the more money he needs.¹³³ But the financial implications did not end there.¹³⁴ *Adfines* were supposed to have a mutual regard for one another's reputation and fortune (*fama ac fortuna*).¹³⁵ This might involve waiving a bequest in favour of an impoverished brother-in-law,¹³⁶ providing dowries for a spouse's needy relatives,¹³⁷ underwriting the political aspirations of an *adfinis*,¹³⁸ making loans available in the event of liquidity problems,¹³⁹ or

Vibius Pansa (cos. 43), habitually called upon him first (Cicero, *Phil.* V.1, X.2-6). Cf. Tansey (2000) 29 n.64 on Cicero and C. Piso (cos. 67) and L. Piso (cos. 58).

¹³¹ Pseudo-Sallust states that some were drawn to Pompey's side by a marriage or some other connection (*Epistula ad Caesarem senem de re publica* II.2: *adfinitas aut alia necessitudo traxit*). Cf. Cicero, *Ad Att.* IX.1.4 and Caesar, *BC* I.4 on Metellus Scipio. Other *adfines*, of course, found themselves on opposite sides during the Civil War (notably Cicero and Dolabella, M. Lepidus and his brothers-in-law M. Brutus and C. Cassius, and the former *adfines* Caesar and Pompey).

¹³² See Humbert (1972) 99f, 264f; Treggiari, *Marriage* 323f; and Saller (1994) 204f; Verboven (2002) 87f; Stagl (2009).

¹³³ *Paradoxa Stoicorum* 44.

¹³⁴ On family members as an informal source of credit see Ioannatou (2006) 229f, esp. 255f (*Solidarité financière et cognation*), and 264f (*Solidarité financière et adfinitas*).

¹³⁵ *Pro Quinctio* 26-8. Hence the heartless and dishonest treatment of P. Quinctius by his *adfinis*, Sex. Naevius, was condemned by Cicero (*Pro Quinctio* 16, 25-7, 48, 53-4, 73-4; and Harries (2011) 127-43).

¹³⁶ Just as L. Lucullus ceded an inheritance to Ap. Claudius Pulcher (Varro, *De re rustica* III.16.2). The mother-in-law of L. Calpurnius Piso Caesoninus (cos. 58) is said to have benefited from a different kind of windfall. Cicero says she received some of the property looted from the orator's Palatine mansion in 58 B.C. (*De domo* 62, *In Pisonem* 26; Asconius, *In Pisonem* 10.15-22 C).

¹³⁷ The husband of the heroine of the *Laudatio Turiae*, along with the husband of her sister, C. Cluvius, provided the funds to dower the young female relatives of their wives (see column I line 45-51).

¹³⁸ Sallust, *Bell. Iug.* LXXXV.4: *cognatorum et adfinium opes*. Before the consular elections for 63 B.C. the step-son of L. Licinius Murena (cos. 62) distributed largesse *in equitum centuriis* (*Pro Murena* 73) — though Murena in all probability supplied the requisite funds and the involvement of L. Natta was a means of evading the regulations on *ambitus*. Caesar is said to have secured the consulship for his father-in-law L. Piso (vide supra), and Cicero implied that bribery was involved (*In Pisonem* 3). The political ambition of T. Annius Milo consumed three fortunes and ate into his wife's property (Shatzman, *Senatorial Wealth* 294; on loans made by a rich wife to her husband see Cato the Censor in Gellius, *NA* XVII.6). Cf. Martial, *Epig.* X.41 on the canny wife who divorced her husband when he became praetor so as to avoid incurring the expense involved in hosting the games.

¹³⁹ Marcus and Q. Cicero frequently drew on the resources of their brother-in-law Atticus (see Shatzman, *Senatorial Wealth* 415, 418, 423, 426). Cicero was mortified by the insolvency of his son-in-law, Dolabella, in

remembering deserving in-laws in one's will.¹⁴⁰ And in the event that a relative by marriage should perish prematurely, the financial responsibility for his relict and offspring might devolve upon the deceased's in-laws.¹⁴¹ Furthermore, those in positions of authority were expected to provide lucrative appointments for their *adfines*,¹⁴² or to facilitate their money-making ventures.¹⁴³ The relatives by blood and marriage of C. Verres are said to have been complicit in the plundering of Sicily,¹⁴⁴ and we know that his son-in-law served under him for a year,¹⁴⁵ that the quaestor T. Vettius was his brother-in-law,¹⁴⁶ and that the legate P. Tadius

early 49 B.C. (*Ad fam.* II.16.5), but there is no record of him intervening. Only a few months earlier he had remarked to Atticus that all but one of the candidates considered as a possible third husband for Tullia would have dragged him into debt because no one else would lend them a farthing (*Ad Att.* VII.3.12).

¹⁴⁰ See Champlin (1991) 128-9. Cicero made fun of Clodius' disappointment at not receiving a legacy from his brother-in-law Q. Marcius Rex (*Ad Att.* I.16.10). Pompey was named as heir in Caesar's will up until the civil war (Suet., *Iul.* LXXXIII.1). *Adfines* were also exempt from the provisions of the *Lex Cincia de donis et muneribus* of 204 B.C. (*Fragmenta Vaticana* 302).

¹⁴¹ As happened when the son-in-law of Q. Mucius Scaevola the Augur (cos. 117) died young (see Cicero, *Ad Att.* VI.1.4, with Münzer, *RAA* 275-6 n.1 = 436 n.139 Ridley and Shackleton Bailey, *CLA* III.240-1, on the financial dealings of Scaevola on behalf of his grandson and ward M.' Acilius Glabrio (cos. 67)). And M. Cato ended up administering the affairs of his niece's son by L. Lucullus (see Cicero, *Ad Att.* XIII.6.2; Varro, *De re rustica* III.2.17). On M. Livius Drusus and his sister's children by Q. Caepio and M. Cato see Harders (2010) 61f.

¹⁴² The two sons-in-law of L. Aemilius Paullus (cos. 182, 168) served with him in the Third Macedonian War and Paullus awarded the impoverished Q. Tubero a large silver bowl from the spoils (Plutarch, *Aemilius Paullus* XXVIII.10-13). Ap. Pulcher and P. Clodius both served under their brother-in-law, L. Lucullus (cos. 74), during the war against Mithridates, and Clodius also served under his brother-in-law, Q. Marcius Rex (cos. 68), in Cilicia, and under L. Licinius Murena (cos. 62), the step-father of Clodius' wife, in Gaul (see *MRR* II.119, 125, 129, 140, 148, 164; Tatum (1999) 44f). They must have shared in the customary profits of imperial administration, especially the vast sums captured by Lucullus (Shatzman, *Senatorial Wealth* 322, 324). Pompey's brother-in-law, C. Memmius served with him in Sicily and Spain (*MRR* II.78, 93, 98), and Metellus Celer and Metellus Nepos, the relatives of Pompey's wife Mucia, both took part in the Pirate War (*MRR* II.148, 156, 160, 164, 170) when Pompey's staff officers received large bounties (Shatzman, *Senatorial Wealth* 309).

¹⁴³ While governor of Cilicia, Ap. Pulcher (cos. 54) appointed the financial agents of his son-in-law, M. Brutus, prefects and gave them a troop of cavalry which they employed to lethal effect in exacting extortionate interest payments on money lent by Brutus (*Ad Att.* V.21.10, VI.1.2, 5-6, 2.8-10, 3.5). Atticus, on the other hand, declined an appointment on the staff of his brother-in-law, Q. Cicero, in Asia and the opportunities for enrichment which it offered (Nepos, *Atticus* VI.4-5; *Ad Att.* I.16.14, 17.7).

¹⁴⁴ *In C. Verrem* II.2.27: ut quisque te maxime cognatione adfinitate necessitudine aliqua attingebat, ita maxime manus tua putabatur.

¹⁴⁵ *Verr.* II.2.48-9. Verres managed to alienate his son-in-law by claiming that he was the recipient of the funds stolen from Heraclius of Syracuse.

was probably related to his mother,¹⁴⁷ and to the financier P. Tadius who laundered money for Verres.¹⁴⁸ The malignant use which Verres made of his relatives may have been atypical, but the appointment of friends and relations to positions of honour and influence certainly was not.¹⁴⁹ Nor was it unknown for senators to sponsor legislation, or to use their influence in the *curia* and behind the scenes where the financial interests of their relatives were at stake.¹⁵⁰

The ethical and emotional bond (*necessitudo*) created by *adfinitas* went well beyond the bride and groom.¹⁵¹ In our male-dominated sources we often hear of the reciprocal sense of affection and duty which bound a father and son-in-law.¹⁵² Occasionally, the exemplary relationship between a son or daughter-in-law and mother-in-law also receives mention.¹⁵³

¹⁴⁶ *Verr.* II.3.168. Verres also apparently antagonized his other brother-in-law, the *publicanus* P. Vettius Chilo, by attempting to cheat his company out of their share of the spoils (see Badian (1983) 72f).

¹⁴⁷ See *Verr.* II.1.128, II.2.49, 5.63, 82, 137.

¹⁴⁸ *Verr.* II.1.100; Ps. Asconius, 247.4-5 Stangl. Münzer, *RE* IV.A.2000 Tadius no.1 identified them.

¹⁴⁹ When Q. Tullius Cicero, the younger brother of Verres' prosecutor, governed the province of Asia, his entourage included his *adfinis* L. Aelius Tubero (Cicero, *Pro Ligario* 21, cf. *Pro Plancio* 100: *necessarius*; *MRR* II.182), and M. Gratidius (Cicero, *Pro Flacco* 49, *Ad Q. fr.* I.1.10), a fellow native of Arpinum who was related to the Cicerones through their paternal grandmother Gratidia (see Mamoojee (1994) 23-4).

¹⁵⁰ Cicero claimed that the real purpose of the agrarian bill proposed by the tribune P. Servilius Rullus in 63 B.C. was to confirm his father-in-law's dubious title to the great tracts of land that he had acquired during the proscriptions and to enable him to divest himself of the less desirable properties at the tax-payers expense (see *De lege agraria* I.14, II.69, III.3, 8, 13-14). Cicero actively lobbied to protect his brother-in-law's business interests at Sicyon and landholdings at Buthrotum (see E. A. Marshall (1986) 97f, 103f and Verboven (2002) 250, 292, 310).

¹⁵¹ Ovid, *Ex Ponto* IV.8.9 coins the phrase *vincula adfinia* to describe his relationship with P. Suillius Rufus, the husband of his step-daughter. See also Moreau (1990) 10-11 on Caesar and P. Vatinius (where the link through the Antonii was tenuous) and Sex. Naevius and the Quinctii who were quite distantly related.

¹⁵² Note Catullus' revealing characterization of his love for Lesbia LXXII.3-4: *Dilexi tum te non tantum ut vulgus amicum, sed pater ut gnatos diligit et generos* ("I loved you then not just as the common man loves his mistress, but as a father loves his sons and sons-in-law"). See also Cicero on the bond between P. Sestius and his fathers-in-law C. Albanus and L. Scipio (*Pro Sestio* 6: *caritas, benevolentia*, *Pro Sestio* 7: *pietas, officium*; cf. *Ad fam.* XIII.8.1). Dolabella also speaks of his duty (*pietas*) and devotion to Cicero (*Ad fam.* IX.9.1). *Amor* is another term which recurs (Cicero, *Pro Plancio* 27, *Brutus* 272). By contrast C. Fannius is said to have been not particularly fond (*non admodum diligebat*) of his father-in-law because he felt C. Laelius had slighted him by co-opting his younger son-in-law into the augural college instead of him (*Brutus* 101). Cf. Cornelius Nepos, *Atticus* XII.1, XXI-XXII on Atticus and Agrippa. Caesar and Pompey were consequently held to have violated this bond in taking up arms against one another (see Plutarch, *Pompey* LXX.4; Lucan, IX.1037-56; Martial, IX.70.1-4; Dio, XLI.57.3-4, XLII.8.1).

¹⁵³ See the *Laudatio Turiae* column I lines 31-3 on the heroine's devotion (*caritas, pietas*) toward her mother-in-law. Ausonius, *Parentalia* XXIV.13-14 praises a son-in-law who loved his mother-in-law like his own mother.

And since familial rather than individual imperatives were often seemingly paramount, and matches were not infrequently arranged by the older generation, the bond established between the parents of the *sponsus* and *sponsa*, particularly between the two *patres familiae*, was naturally of great importance.¹⁵⁴ Indeed, sometimes the rapport between in-laws evidently took precedence over the relationship between the bride and groom. The marriage of Q. Cicero to Pomponia was arranged by their respective older brothers M. Cicero and Atticus, who had been friends since childhood, and the ill-matched and unhappy couple were kept together for decades by constant pressure from their older siblings.¹⁵⁵ The dual marriages linking the brothers-in-law, M. Livius Drusus and Q. Servilius Caepio, also appear to have come about as a consequence of their friendship, and were dissolved when their relationship soured.¹⁵⁶

Moreover, the influence of *adfinitas* was such that it was sometimes felt necessary to take precautions to guard against it in circumstances where its effects might prove deleterious.¹⁵⁷ Needless to say, however, the reality did not always quite match the ideal, and in the dystopian climate of the later First Century B.C. the relationships which subverted normal expectations serve to elucidate the underlying preconceptions. In the aftermath of the

Cicero, *Ad fam.* XIV.1.4 commended C. Piso Frugi for the affection he showed his mother-in-law, Terentia, and other in-laws during the orator's exile (*amor in omnes nos*). Compare Cicero's concern that young Marcus would find an unnamed woman intolerable as a mother-in-law (*Ad Att.* XVI.1.5).

¹⁵⁴ See *Ad fam.* III.10.10 and 11.3 (*fidem benevolentiamque*) on Pompey and Ap. Pulcher. Cf. Cicero, *De oratore* I.239, *Brutus* 98 on Ser. Galba and Crassus Mucianus. Consequently, during the civil wars even very young children were used as political pawns (see e.g. Dio, XLIV.53.6, XLVI.52.2 and Appian, *BC* V.93 on the daughter of Antony and son of M. Lepidus; and Dio, XLVIII.54.4, LI.15.5 on Octavian's daughter Iulia and Antony's son Antyllus).

¹⁵⁵ Cornelius Nepos, *Atticus* V.3-4, XVI.2-3 comments that the primary impetus for the match was the close friendship between M. Cicero and Atticus, and that Marcus was closer to Atticus than to his brother Quintus. The relationship between Quintus and Atticus (*Ad Att.* I.17.2: *officium, necessitudo, amor*) was already strained in 61 B.C. Terentia's relations with her sister-in-law Pomponia were also apparently volatile (see *Ad Att.* I.5.8, *Ad Quint. frat.* II.6 (5).2).

¹⁵⁶ See Cassius Dio, XXVIII fragment 96.3.

¹⁵⁷ The *leges Aebutia* and *Licinia* for instance forbade anyone from appointing relatives by blood or marriage to a position of authority which they had created (Cicero, *De lege agraria* II.21). The *Lex repetundarum* prevented the praetor from appointing as patron of the plaintiff someone who was the father-in-law or son-in-law, step-father or step-son, cousin or nearer blood relation of the accused, nor was he to empanel as a juror anyone who stood in the same relationship to the defendant (see Lintott (1992) 91, 95, 119 on lines 10, 20, 22, 24, 25). The latter stipulation is also found in the Sullan *Lex Cornelia de iniuriis* (see the *Digest* XLVII.10.5 pr). The obvious conflict of interest of the *iudex*, P. Antistius, explains why Pompey's acquittal in 86 or 85 B.C. was regarded as suspect (see Plutarch, *Pompey* IV.1-5; and Amela Valverde (2014) 105-21).

Civil War, Cicero explained to his former client, Cn. Plancius, that his decision to divorce his long-standing wife Terentia and marry a wealthy teenage girl was driven by his need to protect himself by means of new and faithful connections against the treachery of the old ones,¹⁵⁸ and it was the disloyalty (*impietas*) which L. Cornelius Cinna displayed toward his onetime brother-in-law and benefactor Caesar after the *Ides* of March that nearly saw him lynched.¹⁵⁹ Likewise, it was a perversion of the natural order of things for M. Lepidus (cos. 46) to hate his brothers-in-law, M. Brutus and C. Cassius,¹⁶⁰ and for Q. Fufius Calenus (cos. 47) to be perpetually at odds with his son-in-law C. Vibius Pansa (cos. 43).¹⁶¹ Lastly, the failed political marriages of the Triumviral epoch, which were intended to cement the alliances of the dynasts and guarantee their co-operation, testify to the belief that *adfinitas* was founded on concord, and was supposed to entail a sense of solidarity and a community of interests, whereas, in the words of Tacitus, Octavian used the sham marriage (*subdolae adfinitatis*) with his sister to ensnare and destroy Antony.¹⁶²

All this goes to show that for members of the Roman elite, particularly representatives of the senatorial order, their ancestors and *adfines* were an ever-present consideration and it is consequently a fundamental misapprehension to reduce prosopographical research to an exercise in obscurantism, or mere genealogical research divorced from issues of greater moment.¹⁶³ In order therefore to accomplish my stated goal, I set about compiling a

¹⁵⁸ *Ad fam.* IV.14.3: novarum me necessitudinum fidelitate contra veterum perfidiam muniendum putavi. Cicero's version of events was contested by Terentia see Plutarch, *Cicero* XLI.2-5.

¹⁵⁹ See Val. Max., IX.9.1; Appian, *BC* II.121, 126; and *MRR* II.320-1, 324). Equally, the behaviour of P. Clodius when serving under L. Lucullus was considered especially outrageous because they were brothers-in-law (Dio, XXXVI.14.4; Plutarch, *Lucullus* XXXIV.1-2).

¹⁶⁰ *Ad Brut.* II.2.1, where instead of the expected sense of affection (*amor*), Lepidus displayed the opposite sentiment (*oderit*).

¹⁶¹ Cicero, *Philippics* VIII.19, X.2, *Ad Brutum* I.10.1.

¹⁶² *Annals* I.10. Octavian's own short-lived marriages to Antony's step-daughter Claudia and to Scribonia, and the marital alliances associated with the Treaties of Misenum (Appian, *BC* V.73; Dio, XLVIII.38.3) and Tarentum (see Dio, XLVIII.54.4-5, LI.15.5) were also driven purely by evanescent strategic imperatives. On discord between *adfines* as a common cause of divorce see *Pro Cluentio* 190. For the idea that marriage could symbolize the renunciation of *inimicitia* see Val. Max., IV.2.3; Seneca the Elder, *Controversiae* V.2.3; Gellius, *NA* XII.8.1-4; Dio, XIX frg. 65.1; *Panegyrici Latini* VII.13.4; and Grillius on Cicero, *De inventione* I.5 on Scipio Africanus and Ti. Gracchus, and Val. Max., IV.2.6 on C. Antonius and Caninius Gallus (albeit the former story is a fable see chapter II).

¹⁶³ I do not propose to enter into a protracted defence of prosopography, the limitations of which have long been known and frankly acknowledged (see especially Nicolet (1970) 1209-28; Stone (1971) 46-79; Broughton (1972) 250-65; Carney (1973) 156-79; C. and Ö. Wikander (1979) 1-12; Maurin (1982) 824-36; Briscoe (1992)

comprehensive prosopographical database of marriages in the Roman elite from the beginning of the First Punic War to the fall of Alexandria (264—30 B.C.) and the resulting database comprises over 400 entries and several appendices. The study group (dubbed the Roman elite for convenience) essentially corresponds to the Roman governing class, which is to say, the equestrian and senatorial orders. The senate originally consisted of approximately 300 members enrolled by the censors from among former magistrates, but the reforms of Sulla may have increased the notional total to 600, and the number of senators had swollen to over 1000 by the Triumviral epoch.¹⁶⁴ A concise description of the composition of the equestrian order is more difficult.¹⁶⁵ Strictly speaking, the *equites Romani* were those individuals that were assigned horses at public expense by the censors, the *equites equo publico*, and voted in the 18 *centuriae equitum* in the *comitia centuriata*. These included, down to 129 B.C., the members of the senate, who until that time retained their public horse, and some will have been the brothers and sons of senators, while the remainder of the *equites equo publico* were men of property that preferred the tranquil enjoyment of their wealth to the *molestia et difficilia* of public life.¹⁶⁶ But the term *eques* was also applied more loosely to those who

70-83; Eck (1993); Werner (1997) 1-21; Eck (2002) 131-52, (2003) 11-22; Keats-Rohan (2007); and C  beillac-Gervasoni (2011) 69-83), particularly since much of the criticism is founded on the facile application of the prosopographical method back in the 1960's and 1970's, which brought the method into disrepute. Hence many of the faulty presuppositions and premises which have been justifiably denounced (such as the concept of monolithic and durable political parties or factions), as well as a rigid and mechanical schematism, are characteristic of the long-discredited 'Scullardian school' of prosopography. If our ultimate objective is to achieve a synthesis capable of integrating the operation of Roman institutions (Staatsrecht) with a dynamic and competitive 'political culture' and a complex historical model of Roman society, then the different methodological approaches should be seen as complementary, not mutually exclusive (see Linderski (1990) 42-53), and it is difficult to see how any meaningful description of Roman society can be achieved without prosopography.

¹⁶⁴ Since Sulla doubled the number of quaestors and is said to have appointed 300 senators from the equestrian order, it is often thought that he doubled the size of the senate. However, Santangelo (2006) 7-22 argues that the losses sustained in the civil war and the proscriptions had reduced the senate to around 150 members so that the 300 Sullan appointees only brought the total up to about 450, and that in the period 70-49 B.C. the number of senators did not exceed 520. On the Triumviral senate see Suetonius, *Aug.* XXXV.1 and Dio, LII.42.1 with Louis (2010) 290f and Wardle (2014) 279f.

¹⁶⁵ On the terminological complexities and the size of the *ordo equester* see Mommsen (1887) III.1 477f, 480f, 483f; Soltau (1911) 385f; Gelzer (1912) 2f = (1975) 4f; Meier (1966) 64f; Nicolet (1966) 36f, 113-23, 129f, 147-212; Wiseman (1970) 67-83; Badian (1983) 82f; Brunt (1988) 145f; Hackl (1989) 107f; Lintott (1994) 90f; Treggiari (1996) 875f; Stemmler (1997); cf. Rowe (2002) 72f and Duncan-Jones (2006) 183-223, (2016) 89f (on the principate).

¹⁶⁶ See Cicero, *Pro Cluentio* 150-4.

served in the cavalry and possessed the equestrian *census* (400,000 sesterces in the late Republic), and it is not always possible to determine in which sense our sources are using the term. Despite the gradations in rank, the senatorial and equestrian orders were a socially and culturally homogeneous class,¹⁶⁷ but together the two orders constituted a fraction of the citizen population. Lintott calculated that the individuals in possession of the equestrian *census* in the late Third Century amounted to about 8 per cent of the total adult male citizen population, though he posited that this proportion may have risen by the late Second Century due to the influx of wealth from overseas.¹⁶⁸ The raw number of *equites* will certainly have increased significantly in the First Century as a result of the enfranchisement of Italy, but so too did the number of Roman citizens of all property classes,¹⁶⁹ and whether there was a significant proportional increase in the number of *equites* is more difficult to determine. At any rate, the small size of the Roman elite goes some way toward mitigating concerns about the overall size of the sample, and the database represents an exponential improvement on anything currently available. The study group also constitutes the Roman elite in the sense that it reflects the Romanocentric bias of the sources and so largely represents the aristocracy of the capital. But the Roman aristocracy was *ab initio* an agglomeration of various peoples (Latin, Sabine, Etruscan, and Oscan/Sabellic) and was continually expanding its horizons to keep pace with the conquest of the Italian peninsula.¹⁷⁰ As a consequence, the Roman elite

¹⁶⁷ See Nicolet, *OE* 247-84; Brunt (1988) 144f; Shatzman, *Senatorial Wealth* 177f, 185f; Wikander (1991) 73-82; Morley (2006) 305f. On the question of whether senators were subject to a property qualification during the Republic see Nicolet (1976) 20-38, (1988) 3-4, 240, 318, 393; and Lintott (1999) 71.

¹⁶⁸ Lintott (1994) 90; cf. Jakobson (1999) 47. Based on Polybius, II.24.14, Mommsen (1879) 400, 405, (cf. Mommsen (1887) III.1.478 and Nicolet, *OE* 113-23), calculated that in 225 B.C. the *equites equo publico* and the *equites equo privato* combined numbered 22,100, and that the proportion of the wealthy liable for cavalry service and in possession of, or eligible for an *equus publicus* was therefore about 10% of the tax-paying citizen population – excluding that is, the poorest of the poor citizens or *capite censi* (on the reliability of Polybius see Lo Cascio (2001) 130f). On the statement in *De rep.* II.40 (dramatic date 129 B.C.) that the number of citizens registered in a single century of the 96 centuries containing the 2nd to 5th property classes was almost equivalent to the number of citizens registered in all the 97 centuries of the wealthiest citizens (i.e. the 18 equestrian centuries, 70 centuries of the 1st property class, plus the 1 century of *fabri* and the first 8 centuries of the 2nd property class) see Lintott (1999) 57 n.77 contra Jakobson (1999) 46; Stemmler (1997) 148f, 167 n.495; and Lo Cascio (2001) 125, (2016) 153f.

¹⁶⁹ The *Lex Iulia* of 90 B.C. and the *Lex Plautia Papiria* of 89 B.C. doubled the number of Roman citizens registered in the *census* (see *MRR* II.54, 127).

¹⁷⁰ See Farney (2007). Thus the original domicile and powerbase of many elite families, like the Tusculan Fulvii, Iuventii and Porcii, the Marii and Tullii Cicerones of Arpinum, the Plautii and Munatii of Tibur, and the Sentii Saturnini of Atina, was extra-mural.

manifested exogamous tendencies from an early date.¹⁷¹ This was partly motivated by necessity due to the continual senescence and decay of established families, but exogamous marriages were also, like Roman roads, a vital tool of Roman expansion: they connected the capital with the periphery whilst at the same time preventing a shift in the locus of power because as the broader Italian aristocracy was assimilated, the power of the Roman elite was strengthened rather than being diluted or diffused.¹⁷²

The greatest hindrance to a project of this kind is the quantity and quality of information at our disposal. The overwhelming majority of the surviving evidence relates to the Second and First Centuries B.C. and effectively dictates the upper chronological limit of the project,¹⁷³ whereas the lower limit is set at 30 B.C. because the conquest of Alexandria unequivocally marks the transition to autocracy.¹⁷⁴ Moreover, for a variety of reasons, Roman orators and authors often withheld the names of women of rank,¹⁷⁵ so that the sources are full of references to anonymous wives and mothers.¹⁷⁶ The modern researcher can consequently

¹⁷¹ Even the foundation legends of Rome bear witness to this propensity. Consider the marriage of Aeneas and Lavinia, the rape of the Sabine women, the migration of the Sabine Claudii, and the patrician Fabius who married the daughter of Numerius Otacilius of Maleventum. The myths reflect a genuine tradition of intermarriage between the Roman elite and their social equals in the Italian aristocracy which can only be glimpsed in the surviving sources (notably in the case of the Capuan elite in the late Third Century B.C.), and the importance which the Romans ascribed to marriage in inter-state relations (see Münzer, *RAA* chapter 2; Hölkeskamp (1987) 177f; Patterson (2006) 147f; Lomas (2012) 203f; and Beck (2015) 61f, 65f).

¹⁷² It is only rarely, as in the *Pro Cluentio*, that we are afforded a glimpse into the marriages within the local aristocracies of Roman Italy: the *domi nobiles* of the *municipia* and *colonia*. Where possible I have documented marriages in this class as well in the database.

¹⁷³ Note that despite the penchant for elaborate *stemmata* among aristocrats of the late Republic and early Principate (see Flower (1996) 185f, 211f; Flaig (2004) 49f; and Badel (2005) 37f, 106f, 134f), Varro, when writing *De Lingua Latina* in the 40's, confidently asserted that his readers could not name the mother of their great-great-great-great-grandfather (VII.3: *tritavi mater*) which implies that, even among his educated readership, knowledge of the distaff line did not generally extend beyond seven generations (i.e. beyond the last quarter of the Third Century B.C.).

¹⁷⁴ To extend the survey much further would in any case result in needlessly duplicating the work done by M.-Th. Raepsaet-Charlier in her *Prosopographie des femmes de l'ordre sénatorial (I^{er}-II^e siècles)*.

¹⁷⁵ One reason for suppressing the names of women was Roman etiquette (see Moreau (2006) 293-308, esp. 304-6). On the *sanctitudo nominis matronae* see Cicero, *Pro Caelio* 32 and L. Afranius, *Suspecta* frag. IX (O. Ribbeck (1898) II.246).

¹⁷⁶ Note for example: the mother of M. Flavius (Livy, VIII.22.1-4); the mother of Sp. Carvilius (*De oratore* II.249); the imperious wife of an unnamed consular of the Gracchan period (Gellius, *NA* X.3.3); the mother of the disgraced consul designate for 65 B.C. P. Cornelius Sulla (*Pro Sulla* 89: *parens* with Berry (1996) 313); the mother of M. Fonteius (*Pro Fonteio* 46-8); the wives of L. Calpurnius Bestia (Pliny, *NH* XXVII.4); the mother

empathize with the palpable frustration of Asconius when he confesses to being unable to identify the mother-in-law of L. Piso Caesoninus (cos. 58), or the alleged lover of Catiline.¹⁷⁷ Furthermore, much of the information that does survive is related casually or anecdotally, or worse still, in the context of polemic or invective, which often poses problems of interpretation. I have made a point of generally quoting the sources in their original context in order that the reader can fully appreciate the degree to which this is so. The deficiencies in the literary record are remedied to some extent by the epigraphic evidence. Cato the Censor was already protesting about the erection of statues of Roman women in the provinces in 184 B.C.,¹⁷⁸ but there are no extant examples of public honorific statues for Roman women of this period from Italy or the provinces.¹⁷⁹ As a result of the combined effect of cultural constraints,¹⁸⁰ and the ravages of time, the earliest survivals come from the Greek East and date to the First Century B.C.¹⁸¹ Nonetheless, a considerable number of elite marriages are

of L. Pinarius Natta and wife of L. Licinius Murena cos. 62 (*Pro Murena* 73, *De domo* 118, 134, 139); the mother of Murena (*Pro Murena* 88-9); the wife and mother of the senator C. Publicius Malleolus (*Verr.* II.1.90-3); the wife of the senator P. Annius Asellus (*Verr.* II.1.105, 153); the wife of the consul of 73 B.C. C. Cassius Longinus (*Verr.* II.3.97); the widow of Sex. Roscius of Ameria (*Pro Roscio* 96); the mother of M. Plaetorius (Cicero in Quintilian, *Inst. or.* VI.3.51); and the mother of the *equus* Falcidius (*Pro Flacco* 90-2).

¹⁷⁷ *In Pisonem* 10.19-22 C: Socrus Pisonis quae fuerit invenire non potui, videlicet quod auctores rerum non perinde in domibus ac familiis feminarum, nisi illustrium, ac virorum nomina tradiderunt. "I have been unable to discover the identity of the mother-in-law of Piso because it is clear that whereas historians routinely record the names of men in households and families, they do not do the same with women unless they were exceptionally distinguished." *In Toga Candida* 91.27-92.3 C: Dicitur Catilina adulterium commisisse cum ea quae ei postea socrus fuit, et ex eo natam stupro duxisse uxorem, cum filia eius esset. Hoc Lucceius quoque Catilinae obicit in orationibus quas in eum scripsit. Nomina harum mulierum nondum inveni. "It is said that Catiline committed adultery with the woman who was afterwards his mother-in-law, and that he married the daughter born of this affair, who was his own daughter. Lucceius makes this same allegation in the speeches he wrote attacking Catiline. I have not as yet been able to discover the names of these women."

¹⁷⁸ Pliny, *NH* XXXIV.31. In 184 B.C. only the Spains, Sicily, Corsica, and Sardinia were formally constituted *provincia*.

¹⁷⁹ Payne (1984); Kajava (1990) 59-124; and Erkelenz (2003) collect the extant honorific inscriptions.

¹⁸⁰ The "epigraphic habit" was a largely male domain in the Roman elite during the Republic. On the late development and rarity of monuments honouring women in Rome see Flory (1993) 287-92; Sehlmeier (1999) 92f, 98f, 125f, 152f; Flower (2002) 169-79; Hemelrijk (2005) 309-17; Boatwright (2011) 120f; and Valentini (2011) 197-238. Hemelrijk argues that even the few reported early dedications honouring legendary women were probably misattributed and misdated.

¹⁸¹ The date of the dedication in honour of the mother of the Gracchi is much debated. Some regard it as a product of the late Second Century, while others assign it to the Augustan epoch (see Chioffi, *LTUR* IV.357-9; Sehlmeier (1999) 154, 187-9; Flower (2002) 176-9; Hemelrijk (2005) 311-14; and Valentini (2011) 217-22).

known solely from the inscriptional record.¹⁸² Inevitably, the gaps in our knowledge resulting from the shortcomings of the evidence must be filled by deduction, inference, and informed speculation, and I have endeavoured throughout to make the extent of our knowledge, and our ignorance, plain. The reader will find that the adverbs: ‘perhaps’, ‘possibly’, ‘presumably’, and ‘probably’ occur with monotonous regularity, but it is better to frankly admit the limits of our knowledge than to adhere to false certainties. I have also habitually kept a close eye on the chronology because it is often the best, and sometimes the only means of testing modern hypotheses, and on more than one occasion chronological indicators provide the sole evidence for the existence of otherwise unrecorded marriages.

Although the volume of evidence varies dramatically from one marriage to the next, I have adopted a uniform template for each entry and have sought to address certain standardised criteria. Each entry:

- assembles and cites all the relevant ancient *testimonia* for the marriage along with an English translation
- establishes the chronological parameters of the marriage (i.e. the date of its inception and dissolution)
- sets out the status and family of the bride and groom (i.e. whether they were of equestrian, senatorial, or noble family, and the identity of their parents, siblings and in-laws)
- lists the offspring resulting from the marriage
- indicates, where possible, the cause of the dissolution of the marriage (i.e. death or divorce)
- and engages with the relevant modern literature

Each entry accordingly serves a dual purpose: individually they aim to document the specific marriages in as much detail as possible, cumulatively they make up a mosaic of data which offers a unique perspective on the Roman aristocracy as a whole in the later Republic. The resulting database is intended to serve as an easily comprehensible reference tool and it is hoped that it will yield a reliable body of evidence that will facilitate further research and illuminate a broad range of issues.

The earliest epigraphically attested spouses, Cn. Cornelius Scipio Hispallus (cos. 176) and Paulla Cornelia and perhaps M. Cornelius Mammula and Eppuleia, belong to the Second Century, but both inscriptions (CIL VI.1294, I² 1444) are private sepulchral monuments and not public honorific memorials.

¹⁸² Five such cases are included in the present selection (see Chapters VI, X, XIV, XV, and XVI).

As the completed database greatly exceeds the bounds imposed by the thesis format, I have selected 19 entries which illustrate its scope and diversity, as well as the complexities of the evidence (prosopographical, historiographical, lexical, and archaeological), with a particular focus on entries which involve renewed scrutiny of long-standing problems yielding new solutions, introduce previously neglected evidence, or illuminate broader historical or social issues. The entries in the corpus were never designed to be read in serial fashion like the chapters of a book, but I hope that this arrangement will not make excessive demands on the reader's patience.

II.

Ti. Sempronius Gracchus (cos. 177, 163, cens. 169) *RE* no.53
Cornelia *RE* no.407

TESTIMONIA

Polybius, XXXI.27; C. Gracchus, *De legibus promulgatis* (*ORF*³ no.47); Cicero, *De divinatione* I.36, II.62; *De inventione* I.5, I.91; *Brutus* 104, 211, *De haruspicum responsis* 41, *De officiis* II.80; [Cicero], *Rhetorica ad Herennium* IV.22, 42; Cornelius Nepos (*HRR* II.38-40); Diodorus, XXXIV/XXXV.5.1; Livy, XXXVIII.57.2-8, *Periocha* XXXVIII; Velleius, II.2.1, II.3.1, II.7.1; Valerius Maximus, IV.2.3, IV.4 praefatio, IV.6.1, VI.3.1 d, VI.7.1; Seneca the Elder, *Controversiae* V.2.3; Seneca the Younger, *Consolatio ad Marciam* XVI.3, *Consolatio ad Helviam* XVI.6; Pliny, *Naturalis Historia* VII.57, 69, 122, XXXIV.31; Tacitus, *Dialogus de oratoribus* XXVIII.5; Quintilian, *Institutio oratoria* I.1.6; Martial, XI.104.17; Juvenal, *Satire* VI.167-8; Plutarch, *Ti. Gracchus* I.1-5 (2-7), IV.1-3 (1-4), VIII.5-6 (7-8), XVII.4, *C. Gracchus* IV.2-4 (2-6), XIII.2, XIX.1-3 (1-4); Gellius, *Noctes Atticae* XII.8.1-4; Appian, *Bellum Civile* I.17, 20; Dio, XIX frg 65.1, XXIV frg. 83.1; *De viris illustribus* LVII.4, LXIV.1; Solinus, *De mirabilibus mundi* I.67; *Panegyrici Latini* VII.13.4; Jerome, *Adversus Iovinianum* I.49, *Commentarii in Sophoniam prophetam*, *Epistle* LIV.4, cf. *Epistle* CVIII.1, 3; Orosius, V.12.9; Servius, *Ad Aeneid* VI.842; Grilius, *Commentum in Ciceronis rhetorica*, 36.39-49 Jakobi; *CIL* VI.10043 = *ILS* 68 = *ILLRP* 336 = *Inscriptiones Italiae* XIII.3 no.72

DATE

The marriage probably occurred circa 178 or circa 170 and lasted until circa 154 B.C.

MODE OF DISSOLUTION

The marriage was terminated by the death of Gracchus

ISSUE

The marriage produced twelve children of whom only three survived childhood: Ti. Sempronius Gracchus, C. Sempronius Gracchus, and Sempronia the wife of P. Cornelius Scipio Aemilianus (cos. 147, 134, cens.142)

PARENTS

Gracchus was the son of an otherwise unattested P. Sempronius Gracchus and grandson of Ti. Sempronius Gracchus (cos. 238)

Cornelia was the younger daughter of P. Cornelius Scipio Africanus (cos. 205, 194, cens. 199) and Aemilia Tertia

SIBLINGS

Gracchus was probably the younger brother of P. Sempronius Gracchus the tribune of the plebs of 189 B.C.

Cornelia was the younger sister of P. Scipio the Augur, L. Scipio, the praetor of 174 B.C., and Cornelia, the wife of P. Scipio Nasica Corculum (cos. 162, 155, cens.159)

The marriage of Ti. Sempronius Gracchus (cos. 177, 163, cens. 169) and Cornelia is attested in a large number of sources. Much of the evidence, however, consists of brief allusions to the ancestry of their ill-fated sons.

In the extant text of Polybius the marriage of Ti. Gracchus and Cornelia is only referred to in passing when Polybius recounts the generosity of Scipio Aemilianus in paying the residue of the dowries of Africanus' daughters (XXXI.27.1-16)¹⁸³: Μετὰ δὲ ταῦτα ταῖς Σκιπίωνος μὲν τοῦ μεγάλου θυγατράσιν, ἀδελφαῖς δὲ τοῦ κατὰ (θέσιν) πατρός, * * * λαβόντος, αὐτὸν ἔδει τὴν ἡμίσειαν ἀποδοῦναι (2) τῆς φερνῆς. ὁ γὰρ πατήρ συνέθετο μὲν ἑκατέρῃ (3) τῶν θυγατέρων πεντήκοντα τάλαντα δώσειν, τούτων δὲ τὸ μὲν ἡμῖς παραχρῆμα τοῖς ἀνδράσιν ἔδωκεν ἢ μήτηρ, τὸ δ' ἡμῖς κατέλειπεν ἀποθνήσκουσα (4) προσοφειλόμενον, ὅθεν ἔδει τὸν Σκιπίωνα διαλύειν τοῦ(το) τὸ (5) χρέος ταῖς τοῦ πατρός ἀδελφαῖς. κατὰ δὲ τοὺς Ῥωμαίων νόμους δέον ἐν τρισὶν ἔτεσιν ἀποδοῦναι τὰ προσοφειλόμενα χρήματα τῆς φερνῆς ταῖς γυναιξί, προδοθέντων πρώτων τῶν ἐπίπλων εἰς δέκα μῆνας (6) κατὰ τὸ παρ' ἐκείνοις ἔθος, εὐθέως ὁ Σκιπίων συνέταξε τῷ τραπεζίτῃ τῶν εἴκοσι καὶ πέντε τάλαντων ἑκατέρῃ ποιήσασθαι τὴν ἀνταπόδοσιν ἐν τοῖς δέκα (7) μηνί. τοῦ δὲ Τεβερίου (καὶ) τοῦ Νασικά Σκιπίωνος, οὗτοι γὰρ ἦσαν ἄνδρες τῶν προειρημένων γυναικῶν, ἅμα τῷ διελθεῖν τοὺς δέκα μῆνας προσπορευομένων πρὸς τὸν τραπεζίτην καὶ πυνθανομένων, εἴ τι συνετέτακτο Σκιπίων αὐτῷ περὶ τῶν χρημάτων, κἀκείνου κελεύοντος αὐτοὺς κομίζεσθαι καὶ ποιούντος τὴν διαγραφὴν ἑκατέρῳ τῶν εἴκοσι καὶ πέντε τάλαντων, (8) ἀγνοεῖν αὐτὸν ἔφασαν· δεῖν γὰρ αὐτοὺς οὐ πᾶν κατὰ τὸ παρόν, ἀλλὰ τὸ τρίτον μέρος κομίζεσθαι κατὰ τοὺς (9) νόμους. τοῦ δὲ φάσκοντος οὕτως αὐτῷ συνεταχέναι τὸν Σκιπίωνα, διαπιστήσαντες προήγον ἐπὶ τὸν νεανίσκον, διειληφότες ἐκείνον ἀγνοεῖν. καὶ τοῦτ' (10) ἔπασχον οὐκ ἀλόγως· οὐ γὰρ οἶον πεντήκοντα τάλαντα δοῖναι τις ἂν ἐν Ῥώμῃ πρὸ τριῶν ἐτῶν, ἀλλ' οὐδὲ (11) τάλαντον ἐν πρὸ τῆς τεταγμένης ἡμέρας· τοιαύτη τις ἐστὶ καὶ τηλικαύτη παρὰ πάντας ἅμα μὲν ἀκριβεία. περὶ τὸ διάφορον, ἅμα δὲ λυσιτέλεια περὶ τὸν χρόνον. (12) οὐ μὴν ἀλλὰ προσπορευθέντων αὐτῶν καὶ πυνθανομένων πῶς τῷ τραπεζίτῃ συντέταχε, τοῦ δ' εἰπόντος ἀποδοῦναι πᾶν τὸ χρῆμα ταῖς ἀδελφαῖς, ἀγνοεῖν αὐτὸν (13) ἔφασαν, ἅμα τὸ κηδεμονικὸν ἐμφανίζοντες· ἔξειναι γὰρ αὐτὸν κατὰ τοὺς νόμους χρῆσθαι τοῖς διαφόροις ἱκανὸν (14) ἔτι χρόνον. ὁ δὲ Σκιπίων ἔφησεν ἀγνοεῖν τούτων οὐδέν, ἀλλὰ πρὸς μὲν τοὺς ἄλλοτρίους τὴν ἐκ τῶν νόμων ἀκριβείαν τηρεῖν, τοῖς δὲ συγγενέσι καὶ φίλοις (15) ἀπλῶς χρῆσθαι (καὶ) γενναίως κατὰ δύναμιν. διὸ παραλαμβάνειν αὐτοὺς ἐκέλευε πᾶν τὸ χρῆμα παρὰ (16) τοῦ τραπεζίτου. οἱ δὲ περὶ τὸν Τεβέριον ταῦτ' ἀκούσαντες ἐπανήγον σιωπῶντες, καταπεπληγμένοι μὲν τὴν τοῦ Σκιπίωνος μεγαλοψυχίαν, κατεγνωκότες δὲ τῆς αὐτῶν μικρολογίας, καίπερ ὄντες οὐδενὸς δευτέρου Ῥωμαίων.

W. R. Paton, *Polybius. The Histories*, Cambridge MA, (1927) VI.217, 219, 221: In the next place he [sc. Scipio Aemilianus] had to pay the daughters of the great Scipio, the sisters of his adoptive father, the half of their portion. (2) Their father had agreed to give each of his daughters fifty talents, (3) and their mother had paid the half of this to their husbands at once on their marriage, but left the other half owing on her death. (4) Thus Scipio had to pay this debt to his father's sisters. (5) According to Roman law the part of the dowry still due had to be paid to the ladies in three years, the personal property being first handed over within ten months according to Roman usage. (6) But Scipio at once ordered his banker to pay each of them in ten months the whole twenty-five talents. (7) When the ten months had elapsed, and Tiberius and Scipio Nasica, who were the husbands of the ladies, applied to the banker and asked him if he had received any orders from Scipio about the money, and when the banker asked them to receive the sum and made out for each of them a transfer of twenty-five talents, they said he was mistaken; (8) for according to law they should not at once receive the whole sum, but only a third of it. (9) But when he told them that these were Scipio's orders, they could not believe it, but went on to call on the young man, under the impression that he was in error. (10) And this was quite natural on their part; for not only would no one in Rome pay fifty talents three years before it was due, but no one would pay one talent before the appointed day; (11) so universal and so extreme is their exactitude about money as well as their desire to profit by every moment of time. (12) However, when they called on Scipio and asked him what orders he had given the banker, and he told them he had ordered him to pay the whole sum to his sisters, they said he was mistaken, (13) since he had the legal right to use the sum for a considerable time yet. (14) Scipio answered that he was quite aware of that, but that while as regards strangers

¹⁸³ Polybius, XXXI.27.1-16 = XXXII.13 Dindorf. Plutarch, *Ti. Gracchus* IV.3 (4), however, indicates that Polybius mentioned the betrothal of Cornelia and Ti. Gracchus in a portion of the text which has not survived (vide infra).

he insisted on the letter of the law, he behaved as far as he could in an informal and liberal way to his relatives and friends. (15) He therefore begged them to accept the whole sum from the banker. (16) Tiberius and Nasica on hearing this went away without replying, astounded at Scipio's magnanimity and abashed at their own meanness, although they were second to none in Rome.

In his speech *De legibus promulgatis* Caius Gracchus plaintively foreshadowed the extinction of the line descended from Scipio Africanus and Tiberius Gracchus because he and his son were the last remaining male representatives of the family of Ti. Gracchus and Cornelia.¹⁸⁴

Cicero, *De divinatione* I.36: Quid? Ti. Gracchus Publi filius, qui bis consul et censor fuit, idemque et summus augur et vir sapiens civisque praestans, nonne, ut C. Gracchus, filius eius, scriptum reliquit, duobus anguibus domi comprehensis haruspices convocavit? Qui cum respondissent, si marem emisisset, uxori brevi tempore esse moriendum, si feminam, ipsi; aequius esse censuit se maturam oppetere mortem quam P. Africani filiam adolescentem; feminam emisit, ipse paucis post diebus est mortuus.

What then of Ti. Gracchus, the son of Publius, who was twice consul and censor, and moreover was an expert augur, learned man, and pre-eminent citizen? According to the account left by his son C. Gracchus, he summoned the *haruspices* when he found two snakes in his house. They advised him that if he released the male snake, his wife would soon die, if the female, he himself. Considering it more equitable that he as an older man should perish rather than the daughter of P. Africanus, who was still young, he let the female snake go and a few days later he died.¹⁸⁵

Cicero, *De divinatione* II.62: C. Gracchus ad M. Pomponium scripsit duobus anguibus domi comprehensis haruspices a patre convocatos. Qui magis anguibus quam lacertis, quam muribus? Quia sunt haec cotidiana, angues non item. Quasi vero referat, quod fieri potest, quam id saepe fiat. Ego tamen miror, si emissio feminae anguis mortem afferebat Ti. Graccho, emissio autem maris anguis erat mortifera Corneliae, cur alteram utram emisit; nihil enim scribit respondisse haruspices, si neuter anguis emissus esset, quid esset futurum. 'At mors insecuta Gracchum est.' Causa quidem, credo, aliqua morbi gravioris, non emissionem serpentis; neque enim tanta est infelicitas haruspicum, ut ne casu quidem umquam fiat, quod futurum illi esse dixerint.

C. Gracchus wrote to M. Pomponius that his father called in the *haruspices* when he discovered two snakes in his house. Why were snakes more portentous than lizards, or mice? Because we see the latter every day, but this is not so with snakes. As though it matters, if a thing occurs, whether it happens often. However, what mystifies me is that if the release of the female snake was to be fatal for Ti. Gracchus, and the release of the male snake would be the death of Cornelia, why did he let either snake go? For there is no mention of the *haruspices* verdict on what would happen if neither snake was released. 'Yet the death of Gracchus followed.' Granted, but this was the result of some grave illness not the release of the snake. For not even the *haruspices* are so unlucky that their predictions

¹⁸⁴ Si vellem inquit aput vos verba facere et a vobis postulare, cum genere summo ortus essem et cum fratrem propter vos amissem, nec quisquam de P. Africani et Tiberi Gracchi familia nisi ego et puer restaremus, ut pateremini hoc tempore me quiescere, ne a stirpe genus nostrum interiret et uti aliqua propago generis nostri reliqua esset: haud <scio> an lubentibus a vobis impetrassem (Scholia Bobiensia, p.81, 20-25 Stangl = Malcovati, *ORF*³ frg.47). The *familia* of Africanus and Ti. Gracchus denotes the male descendants of Scipio Africanus (cos. 205, 194) and Ti. Gracchus (cos. 177, 163) resulting from the union of Gracchus and Cornelia as Caius includes himself and his son, but excludes his sister Sempronia. Hence the reference to Ti. Gracchus is to Caius' father and not his brother as Earl (1963) 68 seems to have thought (compare: Cicero, *De har. resp.* 41, *De off.* II.80; Diodorus, XXXIV/XXXV.5.1; Velleius, II.2.1, 7.1; Val. Max., VI.3.1 d; Plutarch *Ti. Gracchus* XVII.4; Gellius, *NA* XII.8.1; Appian, *BC* I.17).

¹⁸⁵ C. Gracchus frg.1a in *FRH* II.344-5, III.225. For a detailed discussion of the episode see Citroni Marchetti (2008) 39-68.

never come to pass quite by chance.¹⁸⁶

Cicero, *De inventione* I.5: Quod nostrum illum non fugit Catonem neque Laelium neque eorum, ut vere dicam, discipulum Africanum neque Gracchos Africani nepotes.

This did not escape our Cato, or Laelius, or Africanus, or their disciples – as I might justly describe them – the Gracchi the grandsons of Africanus.

Cicero, *De inventione* I.91: Remotum est, quod ultra quam satis est petitur, huiusmodi: Quodsi non P. Scipio Corneliam filiam Ti. Graccho conlocasset atque ex ea duos Gracchos procreasset, tantae seditiones natae non essent; quare hoc incommodum Scipioni adscribendum videtur.

An argument which goes beyond what is reasonable is far-fetched – for example: If P. Scipio had not married his daughter Cornelia to Ti. Gracchus and she had not borne him the two Gracchi, those great seditions would never have occurred. Hence it seems this misfortune can be imputed to Scipio.

Cicero, *Brutus* 104: Fuit Gracchus diligentia Corneliae matris a puero doctus et Graecis litteris eruditus.

Due to the diligence of his mother Cornelia, Gracchus was well-educated as a child and was thoroughly versed in Greek literature.¹⁸⁷

Cicero, *Brutus* 211: Legimus epistulas Corneliae matris Gracchorum: apparet filios non tam in gremio educatos quam in sermone matris.

Having read the letters of Cornelia, the mother of the Gracchi, it is evident that the sons were schooled not less in the speech of their mother than in her lap.

Cicero, *De haruspicum responsis* 41: Ti. Gracchus convellit statum civitatis, qua gravitate vir, qua eloquentia, qua dignitate! Nihil ut a patris avique Africani praestabili insignique virtute, praeterquam quod a senatu desciverat, deflexisset.

N. H. Watts, *Cicero XI*, Cambridge MA, (1923) 369: The stability of the community was shattered by Ti. Gracchus, so distinguished by strength of character, by eloquence, and by reputation, that, save for his desertion of the senatorial cause, he had swerved not in the least degree from the eminent and remarkable qualities of his father and grandfather Africanus.

Cicero, *De officiis* II.80: Quid nostros Gracchos, Ti. Gracchi summi viri filios, Africani nepotes, nonne agrariae contentiones perdiderunt?

What of our own Gracchi, the sons of the eminent Ti. Gracchus, and grandsons of Africanus, did they not perish as a result of the agrarian disputes?

[Cicero], *Rhetorica ad Herennium* IV.22: Exclamatio est quae conficit significationem doloris aut indignationem alicuius per hominis aut urbis aut loci aut rei cuiuspiam compellationem, hoc modo: “Te hunc adloquor, Africane, cuius mortui quoque nomen splendori ac décori est civitati. Tui clarissimi nepotes suo sanguine aluerunt inimicorum crudelitatem.

H. Caplan, [Cicero]. *Ad Herennium*, Cambridge MA, (1954) 283, 285: Apostrophe is the figure that expresses grief or indignation by means of an address to some man or city or place or object, as follows: “It is you I now address, Africanus, whose name even in death means splendour and glory to the state. It is your famous grandsons who with their own blood have fed the cruelty of their enemies.”

[Cicero], *Rhetorica ad Herennium* IV.42: Pronominatio est quae sicuti cognomine quodam extraneo demonstrat id quod suo nomine non potest appellari; ut si quis cum loquatur de

¹⁸⁶ C. Gracchus frg.1b *FRH* II.344-5, III.225.

¹⁸⁷ Cf. Cicero, *Brutus* 126 for an anonymous allusion to Africanus as the grandfather of C. Gracchus.

Graccis: “At non Africani nepotes”, inquiet, “istiusmodi fuerunt.”

H. Caplan, [*Cicero*]. *Ad Herennium*, Cambridge MA, (1954) 335: Autonomasia or Pronomination designates by a kind of adventitious epithet a thing that cannot be called by its proper name – for example, if someone speaking of the Gracchi should say: “Surely the grandsons of Africanus did not behave like this!”

Among the fragments of the works of Cornelius Nepos are preserved what purport to be excerpts from letters of Cornelia to her son Caius.¹⁸⁸ Apart from the *titulus* identifying the extracts as: *ex epistula Corneliae Gracchorum matris*, and ‘Cornelia’s’ reference to her many pregnancies, the fragments make no mention of the marriage of Ti. Gracchus and Cornelia.¹⁸⁹

Diodorus, XXXIV/XXXV.5.1: Ὅτι Τιβερίος ὁ Γράκχος ἦν υἱὸς Τιβερίου τοῦ δις ὑπάτευκότος καὶ πολέμους ἐπιφανεῖς καὶ μεγάλους κεχειρικώτος, ἔτι δὲ καλῶς πεπολιτευμένου, θυγατρίδους δὲ Ποπλίου Σκιπίωνος τοῦ καταπεπολεμηκότος Ἀννίβαν καὶ Καρχηδονίους.

Tiberius Gracchus was a son of that Tiberius who was twice consul, directed famous and extensive campaigns and was a fine statesman, and through his mother was a grandson of Publius Scipio, the conqueror of Hannibal and the Carthaginians.

Livy, XXXVIII.57.2-8: Huic Graccho minorem ex duabus filiis - nam maior P. Cornelio Nasicae haud dubie a patre collocata erat - nuptam fuisse convenit. Illud parum constat, utrum post mortem patris et desponsa sit et nupserit, an verae illae opiniones sint, Gracchum, cum L. Scipio in vincula duceretur, nec quisquam collegarum auxilio esset, iurasse sibi inimicitias cum Scipionibus quae fuissent manere, nec se gratiae quaerendae causa quicquam facere, sed, in quem carcerem reges et imperatores hostium ducentem vidisset P. Africanum, in eum se fratrem eius duci non passurum. Senatum eo die forte in Capitolio cenantem consurrexisse et petisse, ut inter epulas Graccho filiam Africanus desponderet. Quibus ita inter publicum sollemne sponsalibus rite factis cum se domum recepisset, Scipionem Aemiliae uxori dixisse filiam se minorem despondisse. Cum illa, muliebriter indignabunda nihil de communi filia secum consultatum, adiecisset non si Ti. Graccho daret expertem consilii debuisse matrem esse, laetum Scipionem tam concordii iudicio ei ipsi desponsam respondisse.

It is agreed that the younger of Africanus’ two daughters was given in marriage to this Gracchus – for the elder was without doubt given to P. Cornelius Nasica by her father. What is unclear is whether she was betrothed and married after her father’s death, or if the statements are true, that when L. Scipio was being led in chains and none of Gracchus’ colleagues came to his assistance, Gracchus swore that although he still opposed the Scipiones and had no desire to solicit their goodwill, he would not allow the brother of Africanus to be confined in the same prison into which he had witnessed Africanus lead enemy kings and commanders. The Senate, which happened to be dining that day on the Capitol, rose as one and begged Scipio to betroth his daughter to Gracchus at the banquet. Having arranged the engagement amidst the festivities, Scipio returned home and announced to his wife Aemilia that he had betrothed their younger daughter. When she, indignant, in feminine fashion, at not having been consulted about their daughter, objected that even were Cornelia being given to Ti. Gracchus her mother ought not to have been excluded from the negotiations, Scipio, delighted that they were of one mind, announced that it was to Gracchus that she was betrothed.

Livy, *Periocha* XXXVIII: L. Scipio Asiaticus, frater Africani, eodem crimine peculatus accusatus damnatusque cum in vincula et carcerem duceretur, Ti. Sempronius Gracchus tr. pl., qui antea Scipionibus inimicus fuerat, intercessit et ob id beneficium Africani filiam duxit.

L. Scipio Asiaticus, the brother of Africanus, was indicted and convicted on the same charge of

¹⁸⁸ Peter, *HRR* II.38-40 Nepos, *De illustribus viris* no.15. The authenticity of the letters has long been disputed see N. Horsfall (1989) 41f; Rieger (1991) 42-8; López López (1991) 161-73; Hemelrijk (1999) 193f; Petrocelli (2001) 48f; and Santangelo (2007) 469. On fictitious letters of famous women as a literary genre note Sidonius Apollinaris, *Epist.* I.1.2.

¹⁸⁹ In fragment 2 ‘Cornelia’ speaks of all those children I bore in the past (omnium eorum quos antehac habui liberos).

embezzlement and when he was being led in chains to prison, the tribune Ti. Sempronius Gracchus, who previously had been at odds with the Scipiones, interceded and on account of this kindness married the daughter of Africanus.

Velleius, II.2.1 testifies to the marriage by describing Ti. Gracchus minor as the son of Ti. Gracchus maior and a daughter of Scipio Africanus.¹⁹⁰

Velleius, II.3.1 confirms the relationship in calling P. Scipio Nasica Serapio (cos. 138) the *consobrinus* of Ti. Gracchus the tribune of 133 thereby indicating that Serapio and Gracchus were the children of sisters.¹⁹¹

Velleius, II.7.1: Hunc Ti. Gracchi liberi, P. Scipionis Africani nepotes, viva adhuc matre Cornelia, Africani filia, viri optimis ingeniis male usi, vitae mortisque habuere exitum.

Thus ended the lives of the sons of Ti. Gracchus, the grandsons P. Scipio Africanus, while their mother Cornelia, the daughter of Africanus, still lived – men whose great abilities were misused.

Valerius Maximus, IV.2.3: Clarum etiam in Africano superiore ac Ti. Graccho depositarum inimicitarum exemplum, si quidem ad cuius mensae sacra odio dissidentes venerant, ab ea et amicitia et adfinitate iuncti discesserunt: non contentus enim Scipio auctore senatu in Capitolio Iovis epulo cum Graccho concordiam communicasse, filiam quoque ei Corneliam protinus ibi despondit.¹⁹²

D. R. Shackleton Bailey, *Valerius Maximus. Memorable doings and sayings*, Cambridge MA, (2000) I.363: Famous too was the example of grudges laid aside in the case of the elder Africanus and Ti. Gracchus. They came to the rites of a common table as enemies hating one another, they left it joined in amity and affinity. For not content with reconciling himself to Gracchus by the senate's behest on the Capitol at the banquet of Jupiter, Scipio forthwith betrothed his daughter Cornelia to him on the spot.

Valerius Maximus, IV.4 praefatio: Maxima ornamenta esse matronis liberos apud Pomponium Rufum collectorum libro sic invenimus: Cornelia Gracchorum mater, cum Campana matrona apud illam hospita ornamenta sua, pulcherrima illius saeculi, ostenderet, traxit eam sermone dum e schola redirent liberi, et 'haec' inquit 'ornamenta sunt mea.'

Children are the most fitting adornment for married women as we find in Pomponius Rufus' book of miscellanies: Cornelia, the mother of the Gracchi, had a Campanian visitor who showed off her jewellery, which was the finest of that era. Cornelia drew out the conversation until her children returned from school and then said: "These are my jewels."

Valerius Maximus, IV.6.1: Ti. Gracchus anguibus domi suae mare <et> femina apprehensis, certior factus ab aruspice mare dimisso uxori eius, femina ipsi celerem obitum instare, salutare coniugi potius quam sibi partem augurii secutus, marem necari, feminam dimitti iussit, sustinuitque in conspectu suo se ipsum interitu serpentis occidi. Itaque Corneliam nescio utrum felicior dixerim quod talem virum habuerit, an miseriores quod amiserit.¹⁹³

D. R. Shackleton Bailey, *Valerius Maximus. Memorable doings and sayings*, Cambridge MA, (2000) I.403: A male and a female snake were caught in Ti. Gracchus' house. He was informed by the soothsayer that if the male

¹⁹⁰ Tiberii Gracchi clarissimi atque eminentissimi viri filius, P. Africani ex filia nepos.

¹⁹¹ P. Scipio Nasica ... cum esset consobrinus Ti. Gracchi, patriam cognationi praeferens et quidquid publice salutare non esset, privatim alienum existimans. Velleius here uses the term *consobrinus* strictly, but it is sometimes used of cousins in general see *TLL* IV fasc. II 473-4; Bush (1972-3) 161-5.

¹⁹² Cf. Iulius Paris, IV.2.3: Scipio, ut diximus, post intercessionem Ti. Gracchi depositis inimiciis, protinus filiam ei suam Corneliam despondit. Valerius Maximus, IV.1.8 recounts the intervention of Ti. Gracchus on behalf of L. Scipio, but not the story of the resulting marriage.

¹⁹³ Cf. Iulius Paris, IV.6.1: Ti. Gracchus domui suae anguibus mari ac femina deprehensis, cum haruspex respondisset fore ut si occidisset marem, ipse moreretur, si feminam, uxor eius, marem occidit.

were let go, his wife, and if the female, he himself would shortly die. Pursuant to that part of the prediction which made in favour of his wife rather than himself, he ordered the male to be killed and the female let go, thus letting himself be slaughtered in his own sight by the destruction of the snake. So I know not whether to call Cornelia more happy in having such a husband, or more unfortunate in losing him.¹⁹⁴

Valerius Maximus, VI.3.1 d: Viguit in nostra civitate Ti. et C. Gracchorum summa nobilitas ac spes amplissima. Sed quia statum civitatis conati erant convellere, insepulta cadavera iacuerunt supremusque humanae condicionis honos filiis Gracchi et nepotibus Africanus defuit.

D. R. Shackleton Bailey, *Valerius Maximus. Memorable doings and sayings*, Cambridge MA, (2000) II.33: The exalted nobility and splendid promise of the Gracchi, Tiberius and Caius, flourished in our community. But because they had tried to overthrow its constitution, their bodies lay unburied and the final honour of humanity was not accorded to the sons of Gracchus and the grandsons of Africanus.

Valerius Maximus, VI.7.1: Atque ut uxorem quoque fidem attingamus, Tertia Aemilia, Africanus prioris uxor, mater Corneliae Gracchorum, tantae fuit comitatus et patientiae ut cum sciret viro suo ancillulam ex suis gratam esse, dissimulaverit, ne domitorem orbis Africanum, femina magnum virum, impatientiae reum ageret.

D. R. Shackleton Bailey, *Valerius Maximus. Memorable doings and sayings*, Cambridge MA, (2000) II.73: To touch also upon wifely fidelity, Tertia Aemilia, wife of the elder Africanus and mother of Cornelia of the Gracchi, was so accommodating and patient that although she knew that one of her slave girls had found favour with her husband, she pretended to be ignorant of it, lest she, a woman, charge a great man, world-conquering Africanus, with lack of self-control.

Seneca the Elder, *Controversiae* V.2.3: Mortales esse inimicitiae debent. Scipio Gracchi inimicus et tamen postea socer.

Personal rivalries should be transient. Scipio was an enemy of Gracchus, but subsequently became his father-in-law.

Seneca the Younger, *Consolatio ad Marciam* XVI.3: Quod si tibi vis exempla referri feminarum, quae suos fortiter desideraverint, non ostiatim quaeram; ex una tibi familia duas Cornelias dabo: primam Scipionis filiam, Gracchorum matrem. Duodecim illa partus totidem funeribus recognovit. Et de ceteris facile est, quos nec editos nec amissos civitas sensit: Tiberium Caiumque, quos etiam qui bonos viros negaverit magnos fatebitur, et occisos vidit et insepultos. Consolantibus tamen miseramque dicentibus: “Numquam” inquit “non felicem me dicam, quae Gracchos peperit.” (4) Cornelia Livi Drusi clarissimum iuvenem inlustris ingenii, vadentem per Gracchana vestigia imperfectis tot rogationibus intra penates interemptum suos, amiserat incerto caedis auctore.

J. W. Basore, *Seneca. Moral essays*, Cambridge MA, (1932) II.49, 51: But if you wish me to cite examples of women who have bravely suffered the loss of dear ones, I shall not go from door to door to find them. From one family I shall present to you the two Cornelias - the first one, the daughter of Scipio and mother of the Gracchi. Twelve births did she recall by as many deaths. The rest whom the state never knew as either born or lost matter little; as for Tiberius and Gaius, who even the man who denies that they were good will admit were great men, she saw them not only murdered but left unburied. Yet to those who tried to comfort her and called her unfortunate she said: “Never shall I admit that I am not fortunate, I who have borne the Gracchi.” Cornelia, the wife of Livius Drusus, lost a son a young man of distinguished ability and very great renown, who, while following in the footsteps of the Gracchi, was killed at his own hearth by an unknown murderer, just when he had so many measures pending and was at the height of his fame.

Seneca the Younger, *Consolatio ad Helviam* XVI.6: Corneliam ex duodecim liberis ad duos fortuna redegerat; si numerare funera Corneliae velles, amiserat decem, si aestimare, amiserat Gracchos. Flentibus tamen circa se et fatum eius execrantibus interdixit, ne fortunam accusarent, quae sibi filios Gracchos dedisset. Ex hac femina debuit nasci, qui diceret in contione: “Tu matri meae male dicas, quae me peperit?” Multo mihi vox matris videtur

¹⁹⁴ Cf. Val. Max., IV.7.2 for an anonymous reference to Africanus as the maternal grandfather of the Gracchi.

animosior; filius magno aestimavit Gracchorum natales, mater et funera.

J. W. Basore, *Seneca. Moral essays*, Cambridge MA, (1932) II.473: Cornelia bore twelve children, but Fortune had reduced their number to two; if you wished to count Cornelia's losses, she had lost ten, if to appraise them, she had lost the two Gracchi. Nevertheless, when her friends were weeping around her and cursing her fate, she forbade them to make any indictment against Fortune, since it was Fortune who had allowed the Gracchi to be her sons. Such a woman had right to be the mother of him who exclaimed in the public assembly: "Do you dare to revile the mother who gave birth to me?" But to me his mother's utterances seems more spirited by far; the son set great value on the birthdays of the Gracchi, but the mother on their funerals as well.

Pliny, *Naturalis Historia* VII.57: Est quaedam privatim dissociatio corporum, et inter se steriles, ubi cum aliis iungere se, gignunt, sicut Augustus et Livia. Item alii aliaeque feminas tantum generant aut mares, plerumque et alternant, sicut Gracchorum mater duodeciens et Agrippina Germanici noviens.

Certain individuals are physically incompatible, and couples who are childless may have offspring with other partners like Augustus and Livia. Also some men and women have only female or only male children, though generally/often they alternate as in the case of the mother of the Gracchi (who gave birth) twelve times, and Agrippina (the wife) of Germanicus' nine times.¹⁹⁵

Pliny, *Naturalis Historia* VII.69: Quasdam concreto genitali gigni infausto omine Cornelia Gracchorum mater indicio est.¹⁹⁶

Some females are born with the genitals closed – this is an ill-omen as is shown by the case of Cornelia the mother of the Gracchi.

Pliny, *Naturalis Historia* VII.122: Gracchorum pater anguibus prehensis in domo, cum responderetur ipsum victurum alterius sexus interempto: immo vero, inquit, meum necate, Cornelia enim iuvenis est et parere adhuc potest. Hoc erat uxori parcere et rei publicae consulere; idque mox consecutum est.

H. Rackham, *Pliny Natural History books III-VII*, Cambridge MA, (1942) 587: In the house of the father of the Gracchi two snakes were caught, and in reply to an enquiry an oracle declared that he himself would live if the snake of the other sex was killed: "No," said he, "kill my snake: Cornelia is young and still able to bear children." This meant, to spare his wife and think of the public interest; and the result prophesied soon followed.

Pliny, *Naturalis Historia* XXXIV.31: Exstant Catonis in censura vociferationes mulieribus statuas Romanis in provinciis poni; nec tamen potuit inhibere, quo minus Romae quoque ponerentur, sicuti Corneliae Gracchorum matri, quae fuit Africani prioris filia. Sedens huic posita soleisque sine ammento insignis in Metelli publica porticu, quae statua nunc est in Octavia operibus.¹⁹⁷

H. Rackham, *Pliny Natural History books XXXIII-XXXV*, Cambridge MA, (1952) 151: Some declamatory utterances made by Cato during his censorship are extant protesting against the erection in the Roman provinces of statues to women; yet all the same he was powerless to prevent this being done at Rome also: for instance there is the statue of Cornelia the mother of the Gracchi and daughter of the elder Scipio Africanus. This represents her in a sitting position and is remarkable because there are no straps to the shoes; it stood in the public colonnade of Metellus, but is now in Octavia's buildings.

Tacitus, *Dialogus de oratoribus* XXVIII.4-5 'Messalla' speaking: Nam pridem suus cuique filius, ex casta parente natus, non in cellula emptae nutricis, sed gremio ac sinu matris

¹⁹⁵ As the interpretation of the phrase plerumque et alternant is much disputed (vide infra), I have deliberately adopted a translation where the meaning is opaque, but see further below.

¹⁹⁶ Cf. Solinus, I.67 below. The passage is sometimes bracketed in the belief that it has been misplaced. On the condition see Beagon (2005) 246.

¹⁹⁷ On the statue of Cornelia see also Plutarch, *C. Gracchus* IV.3 (5) and *CIL* VI.10043 (vide infra).

educabatur, cuius praecipua laus erat tueri domum et inservire liberis ... Sic Corneliam Gracchorum, sic Aureliam Caesaris, sic Atiam Augusti matrem praefuisse educationibus ac produxisse principes liberos accepimus.

It was formerly the practice that a son, born of respectable parentage, was raised not in the living quarters of some slave wet-nurse, but in the lap and embrace of his mother, for whom the highest commendation was that she looked after the house and devoted herself to her children ... We are told that this was the manner in which Cornelia (the mother) of the Gracchi, Aurelia (the mother) of Caesar, and Atia the mother of Augustus, directed the education and upbringing of their illustrious sons.

Quintilian, *Institutio oratoria* I.1.6: In parentibus vero quam plurimum esse eruditionis optaverim. Nec de patribus tantum loquor: nam Gracchorum eloquentiae multum contulisse accepimus Corneliam matrem, cuius doctissimus sermo in posteros quoque est epistulis traditus.

H. E. Butler, *The Institutio oratoria of Quintilian*, London, (1920) I.23: As regards parents, I should like to see them as highly educated as possible, and I do not restrict this remark to fathers alone. We are told that the eloquence of the Gracchi owed much to their mother Cornelia, whose letters even today testify to the cultivation of her style.

Martial, *Epigrammata* XI.104.17-18 inverts traditional sexual mores and lampoons three idealized matrons:

Pedicare negas: dabat hoc Cornelia Graccho,
Iulia Pompeio, Porcia, Brute, tibi.¹⁹⁸

You baulk at anal sex, but Cornelia submitted to Gracchus, Iulia to Pompey, and Porcia to you Brutus.

Juvenal, *Satire* VI.166-171:

Quis feret uxorem cui constant omnia? malo,
malo Venustinam quam te, Cornelia, mater
Gracchorum, si cum magnis virtutibus adfers
grande supercilium et numeras in dote triumphos.
tolle tuum, precor, Hannibalem victumque Syphacem
in castris et cum tota Carthagine migra.¹⁹⁹

Who can bear a wife who is beyond reproach? I would prefer, much prefer, Venustina to you Cornelia, mother of the Gracchi, if your abundant virtues come with an arrogant demeanour and you reckon up your triumphs as part of your dowry. I beg you be off with your Hannibal and your Syphax conquered within his ramparts and your Carthage and all!

Plutarch, *Ti. Gracchus* I.1-5 (2-7): οὗτοι Τιβερίου Γράγχου παῖδες ἦσαν, ᾧ τιμητὴ τε Ῥωμαίων γενομένῳ καὶ δις ὑπατεύσαντι καὶ θριάμβους δύο καταγαγόντι λαμπρότερον ἦν τὸ ἀπὸ τῆς ἀρετῆς (3) ἀξίωμα. διὸ καὶ τὴν Σκιπίωνος τοῦ καταπολεμήσαντος Ἀννίβαν θυγατέρα Κορνηλίαν, οὐκ ὦν φίλος, ἀλλὰ καὶ διάφορος τῷ ἀνδρὶ γεγονώς, λαβεῖν ἡξιώθη μετὰ τὴν (4) ἐκείνου τελευτήν. λέγεται δέ ποτε συλλαβεῖν αὐτὸν ἐπὶ τῆς κλίνης ζεύγος δρακόντων, τοὺς δὲ μάντιες σκεψαμένους τὸ τέρας, ἄμφω μὲν οὐκ ἔαν ἀνελεῖν οὐδ' ἀφεῖναι, περὶ δ' ἐκατέρου διαίρειν, ὥς ὁ μὲν ἄρσεν τῷ Τιβερίῳ φέροι θάνατον ἀναιρεθεῖς, ἡ δὲ θήλεια τῇ Κορνηλίᾳ. (5) τὸν οὖν Τιβέριον, καὶ φιλοῦντα τὴν γυναῖκα, καὶ μᾶλλον αὐτῷ προσήκειν ὄντι πρεσβυτέρῳ τελευτᾶν ἡγούμενον ἔτι νέας οὔσης ἐκείνης, τὸν μὲν ἄρρενα κτείνει τῶν δρακόντων, ἀφεῖναι δὲ τὴν θήλειαν· εἰθ' ὕστερον οὐ πολλῷ χρόνῳ τελευτήσαι, δεκαδύο παῖδας ἐκ τῆς Κορνηλίας (6) αὐτῷ γεγονότας καταλιπόντα. Κορνηλία δ' ἀναλαβοῦσα τοὺς παῖδας καὶ τὸν οἶκον, οὕτω σῶφρονα καὶ φιλότεκνον καὶ μεγαλόψυχον αὐτὴν παρέσχεν, ὥστε μὴ κακῶς δόξαι βεβουλεῦσθαι τὸν Τιβέριον ἀντὶ τοιαύτης (7) γυναικὸς ἀποθανεῖν ἐλόμενον· ἢ γε καὶ Πτολεμαίου τοῦ βασιλέως κοινουμένου τὸ διάδημα καὶ μνωμένου τὸν γάμον αὐτῆς ἡρνήσατο, καὶ

¹⁹⁸ For a lucid exposition of the epigram see Watson (2005) 62-87.

¹⁹⁹ Cornelia is also pictured boasting of the spoils of Carthage as part of her dowry in Claudian, *Laus Serenae* 42-3: claram Scipiadum taceat Cornelia gentem / seque minus iactet Libyeis dotata tropaeis.

χηρεύουσα τοὺς μὲν ἄλλους ἀπέβαλε παῖδας, μίαν δὲ τῶν θυγατέρων, ἣ Σκιπίωνι τῷ νεωτέρῳ συνώκησε, καὶ δύο υἱοὺς περὶ ὧν τάδε γέγραπται, Τιβέριον καὶ Γάιον, διαγενομένους οὕτως φιλοτίμως ἐξέθρεψεν, ὥστε πάντων εὐφροσύναις Ῥωμαίων ὁμολογουμένως γεγονότας, πεπαιδεύσθαι δοκεῖν βέλτιον ἢ πεφυκέναι πρὸς ἀρετὴν.

B. Perrin, *Plutarch's Lives X*, Cambridge MA, (1921) 145, 147: They [sc. Tiberius and Caius Gracchus] were sons of Tiberius Gracchus, who, although he had been censor at Rome, twice consul, and had celebrated two triumphs, derived his more illustrious dignity from his virtue. (2) Therefore, after the death of the Scipio who conquered Hannibal, although Tiberius had not been his friend, but actually at variance with him, he was judged worthy to take Scipio's daughter Cornelia in marriage. We are told, moreover, that he once caught a pair of serpents on his bed, and that the soothsayers, after considering the prodigy, forbade him to kill both serpents or to let both go, but to decide the fate of one or the other of them, declaring also that the male serpent, if killed, would bring death to Tiberius, and the female, to Cornelia. (3) Tiberius, accordingly, who loved his wife, and thought that since she was still young and he was older it was more fitting that he should die, killed the male serpent, but let the female go. A short time afterwards, as the story goes, he died, leaving Cornelia with twelve children by him. (4) Cornelia took charge of the children and of the estate, and showed herself so discreet, so good a mother, and so magnanimous, that Tiberius was thought to have been made no bad decision when he elected to die instead of such a woman. For when Ptolemy the king offered to share his crown with her and sought her hand in marriage, she refused him, and remained a widow. (5) In this state she lost most of her children, but three survived; one daughter, who married Scipio the younger, and two sons, Tiberius and Caius, whose lives I now relate. These sons Cornelia reared with such scrupulous care that although confessedly no other Romans were so well endowed by nature, they were thought to owe their virtues more to education than to nature.

Plutarch, *Ti. Gracchus* IV.1-3 (1-4): Ἐκεῖνος τοίνυν εὐθὺς ἐκ παίδων γενόμενος οὕτως ἦν περιβόητος, ὥστε τῆς τῶν αὐγούρων λεγομένης ἱερωσύνης ἀξιωθῆναι δι' ἀρετὴν μᾶλλον ἢ διὰ τὴν εὐγένειαν. (2) ἐδήλωσε δ' Ἀππίος Κλαύδιος, ἀνὴρ ὑπατικός καὶ τιμητικός καὶ προγεγραμμένος κατ' ἀξίωμα τῆς Ῥωμαίων βουλῆς καὶ πολὺ φρονήματι τοὺς καθ' αὐτὸν ὑπεραίρων· ἐστιωμένων γὰρ ἐν ταύτῃ τῶν ἱερέων, προσαγορεύσας τὸν Τιβέριον καὶ φιλοφρονηθεὶς αὐτὸς ἐμνάτο τῇ θυγατρὶ (3) νυμφίον. δεξαμένου δ' ἀσμένως ἐκείνου καὶ τῆς κατανέσεως οὕτως γενομένης, εἰσιὼν ὁ Ἀππίος οἶκαδε πρὸς αὐτὸν ἀπὸ τῆς θύρας εὐθὺς ἐκάλει τὴν γυναῖκα, [καὶ] μεγάλη τῇ φωνῇ βοῶν· “ὦ Ἀντιστία, τὴν Κλαυδίαν ἡμῶν ἀνδρὶ καθωμολόγηκα.” κάκεινη θαυμάσασα “τίς” εἶπεν “ἢ σπουδὴ, ἢ τί τὸ τάχος; εἰ δὲ Τιβέριον αὐτῇ (4) Γράγχον εὐρήκεις νυμφίον.” οὐκ ἄγνοω δ' ὅτι τοῦτό τινες ἐπὶ τὸν πατέρα τῶν Γράγχων Τιβέριον καὶ Σκιπίωνα τὸν Ἀφρικανὸν ἀναφέρουσιν, ἀλλ' οἱ πλείους ὡς ἡμεῖς γράφομεν ἱστοροῦσι, καὶ Πολύβιος μετὰ τὴν Σκιπίωνος Ἀφρικανοῦ τελευτὴν τοὺς οἰκείους φησὶν ἐκ πάντων προκρίναντας τὸν Τιβέριον δοῦναι τὴν Κορνηλίαν, ὡς ὑπὸ τοῦ πατρὸς ἀνέκδοτον καὶ ἀνέγγυον ἀπολειφθεῖσαν.

As soon as Tiberius entered manhood, he was so well-known that he was thought worthy of being co-opted into the college of augurs; and this was due more to his personal virtues than his noble birth. This was demonstrated by Appius Claudius, a man who was consul, censor, and princeps senatus, and surpassed all his contemporaries in loftiness of spirit, and who, at an augural banquet greeted Tiberius warmly and offered him his daughter in marriage. (2) Tiberius gladly accepted and the betrothal was concluded at once. Later when Appius returned home, he called to his wife in a loud voice from the doorway: “Antistia, I have betrothed our Claudia.” Antistia responded in surprise: “Why such haste? What is the rush, unless you have secured Tiberius Gracchus for a husband?” (3) I know that some refer this story to Tiberius, the father of the Gracchi, and Scipio Africanus, but the majority subscribe to the version I have given, and Polybius says that after the death of Scipio Africanus the relatives of Cornelia chose Tiberius in preference to all others and gave her to him, as she had neither been given in marriage nor betrothed by her father.

Plutarch, *Ti. Gracchus* VIII.5-6 (7-8) states that most authorities agree that Tiberius was inspired to tackle the problem of land reform by Diophanes and Blossius, but some lay the blame partly upon his mother Cornelia who often reproached her sons with the fact that she was still called the mother-in-law of Scipio rather than the mother of the Gracchi (ἐνιοὶ δὲ καὶ Κορνηλίαν συνεπαιτῶνται τὴν μητέρα, πολλάκις τοὺς υἱοὺς ὀνειδίζουσιν, ὅτι Ῥωμαῖοι Σκιπίωνος αὐτὴν ἔτι πενθεράν, οὐπω δὲ μητέρα Γράγχων προσαγορεύουσιν).

Plutarch, *Ti. Gracchus* XVII.4 relates that Tiberius' journey to the Capitol on the day of his murder was marked by a series of portents, but Blossius of Cumae remarked that it would be

shameful if a son of Gracchus and grandson of Scipio Africanus (Γράγχου μὲν υἱός, Ἀφρικανοῦ δὲ Σκιπίωνος θυγατρίδους) should disobey the summons of the Roman people for fear of a raven.

Plutarch, *C. Gracchus* IV.2-4 (2-6): τούτων τῶν νόμων ἄντικρυς ὁ μὲν Μάρκον Ὀκτάβιον ἡτίμου, τὸν ὑπὸ Τιβερίου τῆς δημαρχίας ἐκπεσόντα, τῷ δ' ἐνείχετο Ποπίλλιος· οὗτος γὰρ στρατηγῶν τοὺς τοῦ Τιβερίου (3) φίλους ἐξεκήρυξε. καὶ Ποπίλλιος μὲν οὐχ ὑποστάς τὴν κρίσιν ἔφυγεν ἐξ Ἰταλίας· τὸν δ' ἕτερον νόμον Γάιος αὐτὸς ἐπανείλετο, φήσας τῇ μητρὶ Κορνηλίᾳ δεηθεῖσιν χαρίζεσθαι (4) τὸν Ὀκτάβιον. καὶ ὁ δῆμος ἠγάσθη καὶ συνεχώρησε, τιμῶν τὴν Κορνηλίαν οὐδὲν ἦπτον ἀπὸ τῶν παίδων ἢ τοῦ πατρὸς, ἥς γε καὶ χαλκὴν εἰκόνα στήσας (5) ὕστερον ἐπέγραψε Κορνηλίαν μητέρα Γράγχων. ἀπομνημονεύεται δὲ καὶ τοῦ Γαίου πολλὰ ῥητορικῶς καὶ ἀγοραίως ὑπὲρ αὐτῆς εἰρημένα πρὸς τινὰ τῶν ἐχθρῶν “σὺ γάρ” ἔφη “Κορνηλίαν λοιδορεῖς (6) τὴν Τιβέριον τεκοῦσαν”; ἐπεὶ δὲ διαβεβλημένος ἦν εἰς μαλακίαν ὁ λοιδορηθεὶς, “τίνα δ’” εἶπεν “ἔχων παρορησίαν συγκρίνεις Κορνηλίᾳ σεαυτόν; ἔτεκες γὰρ ὡς ἐκείνη; καὶ μὴν πάντες ἴσασι Ῥωμαῖοι πλείω χρόνον ἐκείνην ἀπ’ ἀνδρὸς οὔσαν ἢ σὲ τὸν ἄνδρα.” τοιαύτη μὲν ἡ πικρία τῶν λόγων ἦν αὐτοῦ, καὶ πολλὰ λαβεῖν ἐκ τῶν γεγραμμένων ἔστιν ὅμοια.

B. Perrin, *Plutarch's Lives* X, Cambridge MA, (1921) 207: Of these laws [proposed by C. Gracchus], one had the direct effect of branding with infamy Marcus Octavius, who had been deposed from the tribunate by Tiberius; and by the other Popillius was affected, for as praetor he had banished the friends of Tiberius. Popillius, indeed, without standing his trial, fled out of Italy; but the other law was withdrawn by Caius himself, who said that he spared Octavius at the request of his mother Cornelia. (3) The people were pleased at this and gave their consent, honouring Cornelia no less on account of her sons than because of her father; indeed, in after times they erected a bronze statue of her, bearing the inscription: “Cornelia, Mother of the Gracchi.” There are on record also many things which Caius said about her in the coarse style of forensic speech, when he was attacking one of his enemies: “What,” said he, “dost thou abuse Cornelia, who gave birth to Tiberius?” (4) And since the one who had uttered the abuse was charged with effeminate practices, “With what effrontery,” said Caius, “canst thou compare thyself with Cornelia? Hast thou borne such children as she did? And verily all Rome knows that she refrained from commerce with men longer than thou hast, though thou art a man.” Such was the bitterness of his language, and many similar examples can be taken from his writings.

Plutarch, *C. Gracchus* XIII.2: ἐνταῦθα καὶ τὴν μητέρα λέγουσιν αὐτῷ συστασιάσαι, μισθουμένην ἀπὸ τῆς ξένης κρύφα καὶ πέμπουσιν εἰς Ῥώμην ἄνδρας, ὥς δὴ θεριστάς· ταῦτα γὰρ ἐν τοῖς ἐπιστολίαις αὐτῆς ἠνιγμένα γεγράφθαι πρὸς τὸν υἱόν. ἕτεροι δὲ καὶ πάνυ τῆς Κορνηλίας δυσχεραίνουσιν ταῦτα πράττεσθαι λέγουσιν.

B. Perrin, *Plutarch's Lives* X, Cambridge MA, (1921) 227: Here, we are told, his mother also took active part in his seditious measures, by secretly hiring from foreign parts and sending to Rome men who were ostensibly reapers; for to this matter there are said to have been obscure allusions in her letters to her son. Others, however, say that Cornelia was very much displeased with these activities of her son.

Plutarch, *C. Gracchus* XIX.1-3 (1-4): Καὶ μέντοι καὶ ἡ Κορνηλία λέγεται τὰ τ' ἄλλα τῆς συμφορᾶς εὐγενῶς καὶ μεγαλοψύχως ἐνεγκεῖν, καὶ περὶ τῶν ἱερῶν ἐν οἷς ἀνηρέθησαν εἰπεῖν, ὥς ἀξίους οἱ νεκροὶ τάφους ἔχουσιν. (2) αὐτὴ δὲ περὶ τοὺς καλουμένους Μισηνοὺς διέτριβεν, οὐδὲν μεταλλάξασα τῆς συνήθους διαίτης. ἦν δὲ καὶ πολὺ φίλος καὶ διὰ φιλοξενίαν εὐτράπεζος, αἰεὶ μὲν Ἑλλήνων καὶ φιλολόγων περὶ αὐτὴν ὄντων, ἀπάντων δὲ τῶν βασιλέων καὶ δεχομένων παρ' αὐτῆς δῶρα καὶ πεμπόντων. (3) ἡδίστη μὲν οὖν ἦν [αὕτη] τοῖς ἀφικνουμένοις καὶ συνοῦσι διηγουμένη τὸν τοῦ πατρὸς Ἀφρικανοῦ βίον καὶ δίαίταν, θαυμασιωτάτη δὲ τῶν παίδων ἀπενθής καὶ ἀδάκρυτος μνημονεύουσα καὶ πάθη καὶ πράξεις αὐτῶν ὥσπερ ἀρχαίων τινῶν ἐξηγουμένη τοῖς πυνθανομένοις. (4) ὅθεν ἔδοξεν ἐνίοις ἔκνους ὑπὸ γῆρως ἢ μεγέθους κακῶν γεγονέναι καὶ τῶν ἀτυχημάτων ἀναίσθητος, αὐτοῖς ὡς ἀληθῶς ἀναισθήτοις οὔσιν, ὅσον ἐξ εὐφυΐας καὶ τοῦ γεγονέναι καὶ τεθράφθαι καλῶς ὀφελός ἐστι πρὸς ἀλυπίαν ἀνθρώποις, καὶ ὅτι τῆς ἀρετῆς ἢ τύχῃ φυλαττομένης μὲν τὰ κακὰ πολλάκις περίεστιν, ἐν δὲ τῷ πταίσει τὸ φέρειν εὐλογίστως οὐ παραιρεῖται.

B. Perrin, *Plutarch's Lives* X, Cambridge MA, (1921) 239, 241: And further, Cornelia is reported to have borne all her misfortunes in a noble and magnanimous spirit, and to have said of the sacred places where her sons had been slain that they were tombs worthy of the dead which occupied them. She resided on the promontory called

Misenum, and made no change in her customary way of living. (2) She had many friends, and kept a good table that she might show hospitality, for she always had Greeks and other literary men about her, and all the reigning kings interchanged gifts with her. She was indeed very agreeable to her visitors and associates when she discoursed to them about the life and habits of her father Africanus, but most admirable when she spoke of her sons without grief or tears, and narrated their achievements and their fate to all enquirers as if she were speaking of men of the early days of Rome. (3) Some were therefore led to think that old age or the greatness of her sorrows had impaired her mind and made her insensible to her misfortunes, whereas, really, such persons themselves were insensible how much help in the banishment of grief mankind derives from a noble nature and from honourable birth and rearing, as well as of the fact that while fortune often prevails over virtue when it endeavours to ward off evils, she cannot rob virtue of the power to endure those evils with calm assurance.

Gellius, *Noctes Atticae* XII.8.1-4: P. Africanus superior et Tiberius Gracchus, Tiberii et C. Gracchorum pater, rerum gestarum magnitudine et honorum atque vitae dignitate inlustres viri, dissenserunt saepenumero de republica et ea sive qua alia re non amici fuerunt. Ea similtas cum diu (2) mansisset et sollemni die epulum Iovi libaretur atque ob id sacrificium senatus in Capitolio epularetur, fors fuit ut apud eandem mensam duo illi iunctim locarentur. Tum, quasi diis immortalibus arbitris in (3) convivio Iovis Optimi Maximi dexteris eorum conducentibus, repente amicissimi facti. Neque solum amicitia incepta, sed adfinitas simul instituta; nam (4) P. Scipio filiam virginem habens iam viro maturam, ibi tunc eodem in loco despondit eam Tiberio Graccho, quem probaverat elegeratque exploratissimo iudicii tempore, dum inimicus est.

J. C. Rolfe, *The Attic Nights of Aulus Gellius*, Cambridge MA, (1927) II.387: Publius Africanus the elder and Tiberius Gracchus, father of Tiberius and Gaius Gracchus, men illustrious for their great exploits, the high offices which they held, and the uprightness of their lives, often disagreed about public questions, and for that reason, or some other, were not friends. When this hostility had lasted for a long time, the feast was offered to Jupiter on the appointed day, and on the occasion of that ceremony the senate banqueted in the Capitol. It chanced that the two men were placed side by side at the same table, and immediately, as if the immortal gods, acting as arbiters at the feast of Jupiter, Greatest and Best of Gods, had joined their hands, they became the best of friends. And not only did friendship spring up between them, but at the same time their families were united by a marriage; for Publius Scipio, having a daughter that was unwedded and marriageable at the time, thereupon on the spot betrothed her to Tiberius Gracchus, whom he had chosen and approved at a time when judgment is most strict; that is, while he was his personal enemy.

Appian, *Bellum Civile* I.17: Οὕτω μὲν δὴ Γράκκος, ὁ Γράκκου τοῦ δις ὑπατεύσαντος καὶ Κορνηλίας τῆς Σκιπίωνος τοῦ Καρχηδονίου τὴν ἡγεμονίαν ἀφελομένου παῖς, ἀρίστου βουλευματος ἔνεκα, βιαίως αὐτῷ προσιών, ἀνήρητο ἔτι δημαρχῶν ἐν τῷ Καπιτωλίῳ.

It was in this way that Gracchus, the son of that Gracchus who had twice been consul, and of Cornelia, the daughter of that Scipio who put an end to the supremacy of Carthage, lost his life pursuing an admirable goal too violently, while still tribune and on the Capitol.

Appian, *Bellum Civile* I.20: Ὃν ὁ δῆμος ἀκροώμενος ἐδεδίει, μέχρις ὁ Σκιπίων, ἐσπέρας παραθέμενος ἑαυτῷ δέλτον, εἰς ἣν νυκτὸς ἐμελλε γράψειν τὰ λεχθησόμενα ἐν τῷ δήμῳ, νεκρὸς ἄνευ τραύματος εὗρέθη, εἴτε Κορνηλίας αὐτῷ, τῆς Γράκκου μητρός, ἐπιθεμένης, ἵνα μὴ ὁ νόμος ὁ Γράκκου λυθείη, καὶ συλλαβούσης ἐς τοῦτο Σεμπρωνίας τῆς θυγατρὸς, ἣ τῷ Σκιπίωνι γαμουμένη διὰ δυσμορφίαν καὶ ἀπαιδίαν οὐτ' ἐστεργετο οὐτ' ἐστεργεν, εἶθ', ὥς ἔνιοι δοκοῦσιν, ἐκὼν ἀπέθανε συνιδὼν, ὅτι οὐκ ἔσοιτο δυνατὸς κατασχεῖν ὧν ὑπόσχοιτο.

H. White, *Appian's Roman History*, Cambridge MA, (1913) III.39, 41: When the people heard these charges they were in a state of alarm until Scipio, after placing near his couch at home one evening a tablet on which to write during the night the speech he intended to deliver before the people, was found dead in his bed without a wound. Whether this was done by Cornelia, the mother of the Gracchi (aided by her daughter Sempronia, who though married to Scipio was both unloved and unloving because she was deformed and childless), lest the law of Gracchus should be abolished, or whether, as some think, he committed suicide because he saw plainly that he could not accomplish what he had promised, is not known.

Dio, XIX fragment 65.1: ὅτι ὁ Γράκκος ἄλλως μὲν ἔκ τε τοῦ πλήθους ἦν καὶ ἐδημηγόρει δεινότατα, οὐ μέντοι καὶ ὁμοιώθη Κάτωνι, ἀλλὰ καίπερ παλαιάν τινα πρὸς

τοὺς Σκιπίωνας ἔχθραν ἔχων οὐκ ἤνεγκε τὸ γιννόμενον, ἀλλ' ὑπὲρ τοῦ Ἀφρικανοῦ καὶ ἀπελογήσατο ἐρήμην κατηγορηθέντος, ὅπως τε μηδεμίαν κηλίδα λάβη διεσπούδαστο, τὸν τε Ἀσιατικὸν ἐκώλυσεν ἐς τὸ οἶκημα ἐμβληθῆναι. καὶ διὰ ταῦτα αὐτῷ οἱ Σκιπίωνες τήν τε ἔχθραν κατέλυσαν καὶ κῆδος συνήψαν· τὴν γὰρ θυγατέρα τὴν ἑαυτοῦ ὁ Ἀφρικανὸς συνώκισεν.

E. Cary, *Dio's Roman History books XII-XXXV*, Cambridge MA, (1914) 329: Gracchus was thoroughly a man of the people and a very eloquent public speaker, yet his disposition was very different from Cato's. For, although he had an enmity of long standing against the Scipios, he did not acquiesce in what was taking place, but spoke in defence of Africanus, who was accused while absent, and he exerted himself to prevent any stain from attaching to his name; he also prevented the imprisonment of Asiaticus. Consequently the Scipios gave up their enmity toward him and arranged a family alliance, Africanus bestowing upon him his own daughter.

Dio, XXIV fragment 83.1: ὅτι ὁ Γράκχος ὁ Τιβέριος ἐτάραξε τὰ τῶν Ῥωμαίων, καίπερ καὶ γένους ἐς τὰ πρῶτα πρὸς τὸν πάππον τὸν Ἀφρικανὸν ἀνῆκων.

E. Cary, *Dio's Roman History books XII-XXXV*, Cambridge MA, (1914) 423: Tiberius Gracchus caused an upheaval of the Roman state notwithstanding the fact that he belonged to one of the foremost families through his grandfather Africanus.

De viris illustribus LVII.4: Cum in domo Tiberii duos angues e geniali toro erepsissent, responso dato eum de dominis perituro cuius sexus anguis fuisset occisus, amore Corneliae coniugis marem iussit interfici.

When two snakes emerged from the marital bed in the house of Tiberius, he was informed that the sex of the snake that was killed would determine which of the couple would perish. Due to his love for his wife Cornelia, Tiberius ordered the male snake killed.

De viris illustribus LXIV.1: Tiberius Gracchus, Africani ex filia nepos, quaestor Mancino in Hispania foedus eius flagitiosum probavit.

Tiberius Gracchus, the grandson of Africanus by his daughter, when quaestor of Mancinus in Spain endorsed his shameful treaty.

C. Iulius Solinus, *De mirabilibus mundi* I.67: Feminis perinde est infausta nativitas, si concretum virginal fuerit, quo pacto genitalia fuere Corneliae, quae editis Gracchis ostentum hoc piavit sinistro exitu liberorum.

It is also unlucky to be born of a woman when the vagina is unperforated, as it is said were the genitalia of Cornelia, who bore the Gracchi and atoned for this portent by the untimely fate of her sons.

Panegyrici Latini VII.13.4: The author of the anonymous panegyric expresses the hope that the newly contracted *affinitas* between Maximian and Constantine will perform its traditional function of cementing the *concordia* between the *summi viri* of the State - just as the marriage of Cornelia and Ti. Gracchus healed the rift between their families.²⁰⁰

Jerome, *Adversus Iovinianum* I.49: Mulieris virtus proprie pudicitia est. Haec Lucretiam Bruto aequavit ... Haec aequavit Corneliam Graccho ...

The special virtue of women is chastity. It was this that made Lucretia a match for Brutus ... It was this that made Cornelia the equal of Gracchus ...

²⁰⁰ Perpetuis profecto pietatis stirpibus affinitas ista coalescat, quae semper summos in re publica viros ad concordiam copulavit. Etenim si quamvis dissidentes familias Gracchi et Corneliae matrimonium reduxit in gratiam. The panegyric celebrates the marriage of Constantine to Fausta the daughter of Maximian (see Nixon, Mynors, and Rodgers (1994) 178f).

Jerome, *Commentarii in Sophoniam prophetam prologus*: Plato inducit Aspasiā disputantem: Sappho cum Pindaro scribitur, et Alcaeo: Themista inter sapientissimos Graeciae philosophatur: Corneliam Gracchorum, id est, vestram, tota Romanae urbis turba miratur: Carneades eloquentissimus philosophorum, acutissimus rhetorum, qui apud consulares viros et in Academia plausus excitare consueverat, non erubuit in privata domo, audiente matrona, de philosophia disputare.²⁰¹

Plato included Aspasia in debates, Sappho is copied alongside Pindar and Alcaeus, Themista philosophized among the wisest of the Greeks, your Cornelia²⁰² (the mother) of the Gracchi, was admired by the entire city of Rome, Carneades, the most eloquent of philosophers and most perspicacious of orators, who received plaudits from consulars and in the Academy, was not ashamed to speak on philosophy in a private residence with a woman listening.

Jerome, *Epistle* LIV.4 advises the widow Furia not to rush into remarriage for the sake of children given the uncertainties of parenthood: Cornelia vestra, pudicitiae simul et fecunditatis exemplar, Graccos (sic) suos se genuisse laetata est?

Did your Cornelia, at once a model of chastity and fecundity, have cause to rejoice that she bore the Gracchi?

Jerome, *Epistle* CVIII.1, 3, 34 also refers to Blaesilla and her daughter Paula as descendants of the Scipiones and the Gracchi – presumably on the basis of a claim to descent from Ti. Gracchus and Cornelia.²⁰³

Orosius, V.12.9: Caput Gracchi excisum consuli adlatum est, corpus ad Corneliam matrem Misenum oppidum devectum est. Haec autem Cornelia, Africani maioris filia, Misenum, ut dixi, prioris filii morte secesserat.²⁰⁴

The severed head of Gracchus was taken to the consul, his body was conveyed to his mother Cornelia in the town of Misenum. This Cornelia, the daughter of the elder Africanus, had retired to Misenum, as I said, after the death of her elder son.

Servius, *Ad Aeneid* VI.842: Quis Gracchi genus. Gracchos seditiosos constat fuisse, nobiles tamen genere namque per Corneliam nepotes Scipionis Africani fuerunt, unde Iuvenalis ad eam tolle tuum precor Hannibalem victumque Syphacem. Ergo Scipiones dicit per ‘Gracchi genus.’²⁰⁵

Who could pass over the family of the Gracchi? The Gracchi were considered very factious, but they were of noble birth for they were the grandsons of Scipio Africanus through Cornelia, whence Iuvenal begs her to be off with her Hannibal and down-trodden Syphax. Hence Vergil refers to the Scipiones as belonging to the ‘stock of the Gracchi.’

Grillius on Cicero, *De inventione* I.5: Neque eius Gracchos nepotes. Dictum est Sempronio inimico Scipionis a quodam in convivio, qui amicos illos facere volebat: ‘Amas rem publicam?’ Dixit: ‘Amo.’ Respondit illi: ‘Ergo amas Scipionem?’ Dixit: ‘Amo ex eo, ex quo rei publicae profuit.’ Dixit iterum ad Scipionem: ‘Amas rem publicam?’ Dixit: ‘Amo, siquidem

²⁰¹ J. P. Migne, *Patrologia Latina* volume 25, 1337 C.

²⁰² Jerome’s addressees Paula and Eustochium claimed to be descended from the Gracchi (vide infra).

²⁰³ See also Jerome, *Epistles* LIV.4 and CVII.2; and Settiani (2000) 129f.

²⁰⁴ In spite of Orosius’ *ut dixi* there is no previous reference to Cornelia’s departure to Misenum after the murder of Tiberius.

²⁰⁵ Compare the Scholia on Lucan, VI.796: Gracchos seditiosos constat fuisse, nobiles tamen genere namque per Corneliam nepotes Scipionis Africani fuerunt (Cavajoni (1984) 73).

conservavi.’ Dixit ille: ‘Ergo amas Sempronium?’ ‘Amo’ dixit. ‘Si amas Sempronium, da ei filiam tuam.’ Quod et fecit. Inde nati sunt Gracchi, oratores quos modo dicit.²⁰⁶

Nor his grandsons the Gracchi. It is said that someone who wished to turn Sempronius, the enemy of Scipio, into a friend said to him at a certain banquet: ‘Do you love the Republic.’ Gracchus replied: ‘I do.’ He next inquired: ‘Do you then love Scipio?’ He responded: ‘I love those who serve the State. He put the same question to Scipio: ‘Do you love the Republic.’ Scipio answered: ‘I do, since I saved it! Whereupon he asked: ‘Do you love Sempronius?’ To which Scipio replied: ‘I do.’ ‘If then you love Sempronius, give your daughter to him.’ So it happened and from this match were born the Gracchi, the orators of whom Cicero speaks here.

Finally, the marriage is attested by the inscribed statue base of uncertain date found in the ruins of the *Porticus Octaviae* in 1878:

Opus Tisicratis / Cornelia Africani f. / Gracchorum

The work of Tisicrates / Cornelia daughter of Africanus / (mother) of the Gracchi.²⁰⁷

The image of the marriage of Ti. Gracchus and Cornelia was being carefully crafted for popular consumption from a very early date. The fable of the portentous snakes which so captured the imagination of later writers was first elaborated by C. Gracchus himself.²⁰⁸ And the union rapidly attracted its own mythology.²⁰⁹ Subsequent authors inserted a fictitious narrative on the betrothal of Gracchus and Cornelia into the fast growing body of legend surrounding the final years of Cornelia’s father Scipio Africanus. It was alleged that the betrothal had been arranged by Gracchus and Africanus at the urging of the Senate after Gracchus as tribune put aside his feud with the Scipiones and came to their assistance.²¹⁰ The betrothal accordingly came to be seen as an exemplary instance of the renunciation of *inimicitia*. Yet the story was pure

²⁰⁶ Jakobi (2002) 36.39-49 on which see Rieger (1991) 40, 158-9 and Jakobi (2005) 166.

²⁰⁷ *CIL* VI.10043 = *ILS* 68 = *ILLRP* 336 = *Inscriptiones Italiae* XIII.3 no.72. Debate continues on the relationship of the extant statue base to the statue described by Pliny, *NH* XXXIV.31 and Plutarch, *C. Gracchus* IV.3 (5) and the date of the original dedication see Coarelli (1978) 13-27; Lewis (1988) 198-200; Kajava (1989) 119-31; Chioffi, *LTUR* IV (1999) 357-9; Sehlmeier (1999) 187-9; Alföldy and Chioffi, *CIL* VI pars 8 fasc. 3 (2000) p.4772 no.31610; Flower (2002) 176-9; Ruck (2004) 477-94; Hemelrijk (2005) 312-4; Santangelo (2007) 469; Boatwright (2011) 119f; Etcheto (2012) 282-7; Valentini (2011) 217-222; and Mayer i Olivé (2014) II.657-74.

²⁰⁸ Cicero, *De divinatione* I.36, II.62 (quoted above).

²⁰⁹ See below on the idealization of the union and of Cornelia in particular.

²¹⁰ See Livy, XXXVIII.57.2-8, *Per.* XXXVIII; Val. Max., IV.2.3; Seneca, *Controversiae* V.2.3; Gellius, *NA* XII.8.1-4; Dio, XIX frg. 65.1; *Panegyrici Latini* VII.13.4; cf. Cicero, *De inventione* I.91. Grilius (quoted above) even purports to record the dialogue on the occasion of the betrothal. Livy makes it clear that the dispute related only to the date of the betrothal — no one seems to have doubted that the marriage took place after Africanus’ death. The betrothal is supposed to have taken place at the *epulum Iovis* (i.e. on 13th of September or November) in 187 or 184 B.C. (depending on the date assigned Gracchus’ tribunate see *MRR* I.376, 378 n.4, III.189). The tale was seemingly modelled on the story of the betrothal of the younger Ti. Gracchus and Claudia see Plutarch, *Ti. Gracchus* IV.3 (4). Konrad (1989) 155-7, who recognized that the episode is fictitious, proposed a minor emendation of Livy’s text (which is rejected by Briscoe (2008) 203).

fiction for Polybius explicitly stated that the betrothal was only decided upon by a family council after the death of Africanus.²¹¹ Seneca took the blurring of fact and fiction a stage further — claiming that the daughters of Africanus were given a dowry by the Senate from the treasury because their impoverished father had left them nothing.²¹² In fact, as Polybius makes clear, Africanus bequeathed both his daughters a very substantial dowry.²¹³

In reality, Polybius affirmed that Cornelia was only betrothed to Gracchus after the death of Africanus, and the arrangements made for the payment of Cornelia's dowry show that the marriage post-dated Scipio's demise. Polybius states that Africanus stipulated that both of his daughter's should receive a dowry of 50 talents (1.2 million HS), but that it was Africanus' wife, Aemilia Tertia, who paid the first instalment of the dowries when the marriages took place.²¹⁴ That this task fell to Aemilia is proof that Africanus was already dead and Boyer elucidated the probable course of events.²¹⁵ Africanus left a will in which he disinherited his daughters, but provided for them by means of legacy *per damnationem* which his heir Aemilia was obliged to discharge.²¹⁶ Aemilia accordingly settled half the debt at the time of the marriages and left the other half owing at her own death — so that her heir Scipio Aemilianus was required to pay the residue. In this way Africanus was able to arrange for the payment of the dowries even when the

²¹¹ Plutarch, *Ti. Gracchus* I.1-2 (2-4), IV.3 (4) quoted above. The fictitious betrothal was woven into the saga of the trials of the Scipiones which are suspect in many other respects, and Fraccaro (1911) 257f = (1956) 289f; Carcopino (1928) 49f; and Corradi (1946) 8-10 argued that even the supposed *inimicitia* between Ti. Gracchus and the Scipiones is fictive (on which see Geer (1938) 381-8).

²¹² Seneca, *Consolatio ad Helviam* XII.6-7 and *Quaestiones naturales* I.17.8-9. That assertion is plainly founded on the Senate's provision of a dowry for the daughter of Cn. Scipio Calvus (see Val. Max., IV.4.10; Front., *Strat.* IV.3.4; Apuleius, *Apol.* XVIII; Ammian., XIV.6.11; Zon., IX.3.10; and Münzer, *RE* IV.1591-2 on Cornelia no.405. Pace Dixon (1985) 152-3; Treggiari, *Marriage* 98, 344; and Shackleton Bailey (2000) I.394 n.11, Valerius Maximus, IV.4.10 refers only to Cn. Scipio Calvus not Africanus).

²¹³ It is unclear whether Seneca was consciously engaged in myth-making or simply made a mistake.

²¹⁴ Polybius, XXXI.26.2-3 (quoted above). Carcopino (1928) 65 suggested that it was not Africanus, but his son Scipio the Augur who arranged the dowries for the two Corneliae. Were that so, it would in any case indicate that Africanus was dead when his daughters married, but Carcopino's interpretation is untenable (see Boyer (1950) 173f; Bandelli (1975) 132f; and Walbank (1979) III.506).

²¹⁵ Boyer (1950) 173. See also Bandelli (1975) 132-5; Walbank (1979) 505-9; Guarino (1981) 12-13; Dixon (1985) 152-6. On testamentary practice with regard to daughters and their dowries see also Champlin (1991) 115f.

²¹⁶ Boyer (1950) 175 nn.14, 15 cites parallel cases recorded by the jurists. Boyer (1950) pointed out that Africanus must have made a will for otherwise the rules of intestate succession would have applied and he could not have made separate provision for his daughters. As the will predated the *Lex Voconia*, Africanus was free to institute Aemilia as heir — though she was not necessarily his sole heir (see Boyer, 176-7).

identity of Cornelia's husband was as yet undetermined.²¹⁷

Both of Africanus' daughters therefore married after his death. The elder, who unlike her younger sister was betrothed in their father's lifetime, married P. Scipio Nasica Corculum (cos. 162, 155, cens. 159) very soon after for their son P. Scipio Nasica Serapio (cos. 138) was born by 181 B.C.²¹⁸ But the date of the younger Cornelia's marriage has long been the subject of controversy. We have two firm *termini*: the betrothal and the marriage post-dated the death of Africanus in 184/183 B.C., while the birth of Tiberius Gracchus junior late in 163, or early in 162 B.C., provides a *terminus ante quem*.²¹⁹ We also know that the marriage lasted long enough to produce twelve children — all of whom are said to have been alive at their father's death.²²⁰ That data nonetheless leaves a good deal of scope for argument and the proposed dates for the marriage differ significantly.

Mommsen, who made the first attempt to establish the chronology, presented a clear and concise argument. He held that Tiberius junior was born in 162 B.C. and was probably the oldest male child since he bore the paternal *praenomen*, and that he was the first or second of the twelve children.²²¹ Mommsen therefore reasoned that the marriage cannot have occurred before 165 B.C.²²²

Carcopino in the course of an elaborate disquisition set out to prove that Mommsen's case was seriously flawed. In essence Carcopino advanced two arguments. The first went wide

²¹⁷ Since nothing prevented Africanus from instituting his daughters as heirs along with their mother, and brother(s), there has been some debate as to why he resorted to this elaborate procedure. Bandelli and Guarino thought Africanus experienced financial difficulties after the 'trial of the Scipiones', but it is probable, as Mommsen (1866) 204-5 = (1879) II.489-90 suggested, that Africanus structured the dowries in this way so as to ensure that Aemilia had the benefit of much of his fortune while she lived (cf. Gardner (1990) 100).

²¹⁸ On the date of Serapio's birth see Earl (1963) 57; Sumner, *Orators* 60; and Walbank (1979) III.508. Carcopino (1928) 66-7 and Corradi (1946) 12, following Mommsen's account of the *leges annales* (since shown to be erroneous by Astin and Sumner), dated the marriage to 177 on the mistaken belief that Serapio's consulship indicated that he was born in 176 B.C.

²¹⁹ Tiberius was not yet thirty in the summer of 133 (Plut., *C. Gracchus* I.2) and so was born in the latter half of 163 or early in 162 (see Sumner, *Orators* 58).

²²⁰ Pliny, *NH* VII.57; Seneca, *Ad Marc.* XVI.3, *Ad Helv.* XVI.6; Plutarch, *Ti. Gracchus* I.5 (7). Note also the mention of Cornelia in the *consolatio* alleged by Sigonius to be Cicero's lost work: *duodecim iam foetu amisso* (folio 45 on which see Sage (1910) 18; and McCuaig (1989) 291f).

²²¹ (1866) 204-6 = (1879) II.489-91.

²²² Mommsen's argument was endorsed by Münzer, *RE* IV.1592-3 Cornelia no.407, *RE* II.A.2.1408-9 Ti. Sempronius Gracchus no.53, and *RAA* 107 = 103 Ridley; and Mommsen's date still commands uncritical acceptance in some quarters see: Lelis, Verstraete, and Percy (2003) 122 "around 164 or soon after"; Beagon (2005) 315 implying a date in 163; cf. Hallett (2006) 122; and Lindsay (1995) 4.

of the mark. Carcopino insinuated Mommsen had contended that Polybius' statement that the residue of Cornelia's dowry was payable within three years meant that the marriage cannot have predated 165 B.C.²²³ This, he continued, was demonstrably false for the same reasoning would dictate that Cornelia Maior and Scipio Nasica Corculum were married no earlier than 165 B.C. and that was plainly impossible in view of the age of their son P. Scipio Nasica Serapio (cos. 138). But that argument is illegitimate for it rests on a misunderstanding, if not a misrepresentation, of Mommsen's thesis. Mommsen explicitly stated that the payment schedule was reckoned not from the date of the marriage, but from when the dowries became due.²²⁴ And Carcopino's equation played no part in Mommsen's calculations.²²⁵ Carcopino was on firmer ground when he contested Mommsen's actual argument which was based on the ages of the children of Cornelia and Ti. Gracchus.²²⁶ Carcopino inferred that Mommsen's chronology was underpinned by the assumption that the twelve children of Gracchus and Cornelia consisted of six boys and six girls born in an alternating sequence of sexes.²²⁷ This belief, Carcopino maintained, was founded on a fundamental misinterpretation of Pliny's observations on human fertility for Pliny speaks of unions which are sterile, of unions which produce only girls, or only boys, and of those unions which produce children of both sexes.²²⁸ He makes no reference to sex ratios or the alternation of the sexes. The proof lies in the adverb *plerumque*. Pliny evidently thought the majority of unions fell into the last category which is hardly possible if he intended a strict alternation and equal division of the sexes. Rather Pliny merely meant to convey that unions which produce children of both sexes are more numerous than the other aforementioned types. This conclusion is reinforced by the other historical *exempla* he produced. Pliny

²²³ (1928) 61-2, 66-7.

²²⁴ (1879) II.490: Dass diese Termine nicht von dem Tage an liefen, wo die Ehe geschlossen, sondern von dem, wo die Mitgift fällig geworden war, ist in der Ordnung. That is, Scipio Aemilianus had up to three years from the date of Aemilia's death to come up with the 25 talents still owing to Nasica Corculum and Ti. Gracchus. On the significance of Polybius' remark see also Mommsen (1879) II.490 n.152; Boyer (1950) 176f; Walbank (1979) 507; and Guarino (1981) 13.

²²⁵ See Fraccaro (1931) 309. Hence Geer (1938) 385 n.10 justifiably complained that Carcopino's case was partly founded on straw men.

²²⁶ (1928) 62-4, 72-7.

²²⁷ Mommsen never enunciated this belief, but it appears to underlie his assertion that Tiberius junior was the first or second born child, and the inference made by Münzer, *RE* IV.1592, Carcopino, and Moir (*vide infra*) is supported by Mommsen's elliptical statement on Pliny, *NH* VII.57 in (1878) 251 n.1 which implies he believed that Pliny thought the children of Germanicus were born in this fashion. Mercklin (1844) 10 evidently interpreted the passage in the same way for he observes that Cornelia had six boys and six girls.

²²⁸ Pliny, *NH* VII.57 (quoted above); Carcopino (1928) 74-6.

juxtaposes Cornelia with Agrippina the Elder who had nine children — six boys and three girls — and the three girls were born last in consecutive years.²²⁹ It follows that Pliny's *alternant* cannot possibly signify that Agrippina produced an equal number of boys and girls, or that a precise rotation of the sexes was observed in the order of their births. The corollary is clear. In the case of Cornelia and Ti. Gracchus we can neither determine the order of the births of their children, nor even the ratio of boys to girls. Consequently, Mommsen's prime assumption that Tiberius junior was the eldest boy and was the first or second born child is unsustainable. In addition, Mommsen's thesis presupposes an impossible sequence of births. Mommsen's chronology entails that Cornelia bore Ti. Gracchus twelve children in the space of approximately 12 years of marriage between circa 165 and the death of Tiberius shortly after 153 B.C.²³⁰ Carcopino not unreasonably commented that the birth of twelve children in this timeframe would be remarkable in itself, but becomes positively miraculous when one insists on a rigorous alternation of the sexes, and he went on to show that Mommsen's schema was unworkable in practice.²³¹ Having abandoned Mommsen's chronology, Carcopino argued that the marriage probably took place in 176 B.C. when Cornelia was probably 15 years of age and Tiberius 32,²³² and the birth of their twelve children was spread out over the twenty-one years between 175 B.C. and the death of Ti. Gracchus senior in 154 B.C.²³³

²²⁹ Suetonius, *Caligula* VII: continuo triennio. Mommsen confirmed the sequence of Agrippina's pregnancies in (1878) 245-65. See now Lindsay (1995) 3-11; and Beagon (2005) 220-1.

²³⁰ Mommsen (1879) II.491 dated the death of Tiberius "bald nach 601." Carcopino (78f) argued for a date in the first half of 154, but for the sake of argument in testing Mommsen's hypothesis allowed for his survival down to 151 or 150 B.C.

²³¹ Carcopino (1928) 72-4 tried various scenarios where the children were born in alternating sequences of boys and girls with Tiberius (born in 163) as the first or second born child and Caius (born nine years after Tiberius) among the tail end. Guarino (1980) 329-40 = (1982) I.53-6 suggested that Mommsen's chronology might be salvaged if it were supposed that some of the deliveries involved multiple births and some were premature/stillborn (cf. Parkin (1992) 181 n.16), but Pliny clearly intends twelve deliveries and Guarino ignores the fact that Plutarch, *Ti. Gracchus* I.5 (7) specifically says that all twelve children were alive at their father's death. It should also be noted that Mommsen and Carcopino failed to take account of Ti. Gracchus' absence from Rome in the East in 165, in Sardinia in 162, and in Greece and Asia in 162-1 which compound the difficulty of trying to fit the birth of twelve children into the period circa 165-153 B.C.

²³² On the date of birth of Ti. Gracchus senior see further below.

²³³ Carcopino (1928) 67, 70, 76-7. Fraccaro (1931) 308, 310 endorsed Carcopino's interpretation of Pliny, but dated the marriage c.170-165 B.C. Carcopino's date was adopted by Geer (1938) 385 n.10; Corradi (1946) 12-13; H. Stegmann, *DNP* Cornelia I.1; Hemelrijk (1999) 65, 263-4 n.31; and Dixon (2007) xxi, 3, *passim* "largely for ease of calculation" (p.3); but was rejected as unproven by Lelis, Verstraete, and Percy (2003) 17 n.8. Burckhardt and von Ungern-Sternberg (1994) 103 regard Carcopino's arguments as plausible, but no more than that. Flower (2002) 184

A number of subsequent scholars, while they offered no detailed argument, also rejected Mommsen's chronology and dated the marriage of Cornelia and Ti. Gracchus even earlier than Carcopino, putting it around the same time as the marriage of Scipio Nasica Corculum and Cornelia Maior (which was contracted by 181 B.C.).²³⁴

Moir, on the other hand, proposed a date as early as 181 B.C., or alternatively as late as 170 B.C., based on a new interpretation of Pliny.²³⁵ Moir maintained that Pliny's remarks are closely modelled on the observations of Aristotle as a comparison of the two passages shows:

Aristotle, *Historia animalium* VII.6.585 B: Συμβαίνει δὲ πολλοῖς καὶ πολλαῖς γυναῖξι καὶ ἀνδράσι μετ' ἀλλήλων μὲν συνεzeugμένοις μὴ δύνασθαι τεκνοποιεῖσθαι, διαzeugθεῖσι δέ. Τὸ δ' αὐτὸ συμβαίνει καὶ περὶ ἀρρενογονίας καὶ θηλυγονίας· ἐνίοτε γὰρ καὶ γυναῖκες καὶ ἄνδρες μετ' ἀλλήλων μὲν ὄντες θηλυγόνοι εἰσὶν ἢ ἀρρενογόνοι, διεzeugμένοι δὲ γίνονται τοῦναντίον. Καὶ κατὰ τὴν ἡλικίαν δὲ μεταβάλλουσιν· νέοι μὲν ὄντες μετ' ἀλλήλων θήλεα γεννῶσι, πρεσβύτεροι δ' ἄρρενα· τοῖς δὲ καὶ ἐπὶ τούτων συμβαίνει τοῦναντίον. Καὶ ἐπὶ τοῦ γεννᾶν δ' ὅλως τὸ αὐτό· νέοις μὲν οὐσιν οὐδὲν γίνεται, πρεσβυτέροις δέ· οἱ δὲ τὸ πρῶτον, ὕστερον δὲ γεννῶσιν οὐδέν. Εἰσὶ δὲ καὶ τῶν γυναικῶν τινὲς αἱ μόλις μὲν συλλαμβάνουσιν, ἐὰν δὲ συλλάβωσιν, ἐκφέρουσιν· αἱ δὲ τοῦναντίον συλλαμβάνουσι μὲν ῥαδίως, οὐ δύνανται δ' ἐκφέρειν. Εἰσὶ δὲ καὶ ἄνδρες θηλυγόνοι καὶ γυναῖκες ἀρρενογόνοι, οἷον καὶ κατὰ τοῦ Ἡρακλέους μυθολογεῖται, ὃς ἐν δύο καὶ ἑβδομήκοντα τέκνοις θυγατέρα μίαν ἐγέννησεν. Αἱ δὲ μὴ δυνάμεναι συλλαμβάνειν ἐὰν ἢ διὰ θεραπείαν συλλάβωσιν ἢ δι' ἄλλην τινὰ σύμπτωσιν, ὥς ἐπὶ τὸ πολὺ θηλυτοκοῦσι μᾶλλον ἢ ἀρρενοτοκοῦσιν.

Many men and many women are unable to produce children with one another, but succeed in doing so with other partners. The same thing occurs in the production of male and female offspring. Sometimes men and women produce only male or only female children with one partner, but children of the opposite sex when paired with different partners. And changes can occur in this respect with age for sometimes a couple while they are young produce female children and in later life male children, or vice versa. The same is true of the ability to procreate: some are childless in youth, but produce offspring when they are older; others have children early on, but none later. Some women conceive only with difficulty, but if they conceive, deliver the child successfully; while others conceive readily enough, but cannot carry the child full term. Furthermore, some men tend to produce female offspring and some women male offspring, as reportedly did Hercules, who according to legend sired seventy-two children, but only one girl. Those women who cannot conceive, without medical intervention or some other adventitious circumstance, generally bear daughters rather than sons.

Pliny, *Naturalis Historia* VII.57: Est quaedam privatim dissociatio corporum, et inter se steriles, ubi cum aliis iunxere se, gignunt, sicut Augustus et Livia. Item alii aliaque feminas tantum generant aut mares, plerumque et alternant, sicut Gracchorum mater duodeciens et Agrippina Germanici noviens. Alii sterilis est iuventa, aliis semel in vita datur gignere. 58

n.72 puts the marriage in the mid-170s citing Carcopino and Moir – although the latter actually advocates an earlier or later date (vide infra). Stockton (1979) 24 put the marriage perhaps as early as 175 or as late as 165 B.C. (i.e. took the dates proposed by Mommsen and Carcopino as effective *termini*).

²³⁴ See Earl (1963) 55, 58 (between 183 and 180 B.C.); Walbank (1979) 508 (probably about 181 B.C.); and more recently Briscoe (2008) 202 (retracting the view expressed earlier in (1964) 76 that the marriage post-dated 169 B.C.). Bernstein (1978) 29-30 also apparently favoured an early date. The assertion of Earl (55) and Briscoe that it is implied that the betrothal took place as an immediate consequence of the death of Africanus carries no weight. Etcheto (2012) 60, 175 opts for a date between 183 and the end of the 170's. Valentini (2012) 224 does not specify a date.

²³⁵ (1983) 136-45.

Quaedam non perferunt partus, quales, si quando medicina et cura vicere, feminam fere gignunt.

Certain individuals are physically incompatible, and couples who are childless may have offspring with other partners like Augustus and Livia. Also some men and women have only female or only male children, though generally/often they alternate as in the case of the mother of the Gracchi (who gave birth) twelve times, and Agrippina (the wife) of Germanicus' nine times. Some are childless in youth, some produce offspring only once in a lifetime. Certain women are prone to deliver prematurely, but if they succeed with medical assistance, they usually produce a daughter.

Both Aristotle and Pliny begin their analysis with individuals who are infertile with some partners, and yet fertile with others. Aristotle then proceeds to individuals who produce male or female children with one partner, and children of the opposite sex with another partner. Pliny's paraphrase is more succinct: *Item alii aliaeque feminas tantum generant aut mares*. Aristotle next identifies a third group who produce female children while they are young and male children later in life, or *vice versa*. Here again, according to Moir, Pliny reproduces Aristotle's meaning more concisely and it is to this circumstance that Pliny's *plerumque et alternant* applies.²³⁶ Hence Pliny does not mean to say that: 'the sexes usually come alternately', but rather that: 'often, too, they (sc. the parents) change over' (i.e. from producing children of one sex to the other).²³⁷ Pliny's *alternant* therefore signifies not a repeated alternation of the sexes as envisaged by Mommsen, but that Cornelia, like Agrippina, bore first children of one sex and then the other. Agrippina bore six boys and then three girls, whereas in Cornelia's case the girls must have preceded the boys for Sempronia, who was married by 147 B.C., was unquestionably older than her brother Caius who was born in 154 or 153 B.C.²³⁸

Based on this premise Moir posited two alternative scenarios reasoning as follows. Plutarch says that all the children of Ti. Gracchus and Cornelia were alive and in their mother's care at their father's death which probably occurred circa 154 B.C. If then the eldest girl was as yet unmarried at her father's death, she was probably not more than 15, which places the marriage no earlier than 170 B.C. (assuming as is likely that the eldest child was born within a

²³⁶ In other words, *plerumque et alternant*, approximates: Καὶ κατὰ τὴν ἡλικίαν δὲ μεταβάλλουσιν· νέοι μὲν ὄντες μετ' ἀλλήλων θήλεα γεννῶσι, πρεσβύτεροι δ' ἄρρενα· τοῖς δὲ καὶ ἐπὶ τούτων συμβαίνει τοῦναντίον.

²³⁷ The latter translation is Moir's own. Moir adduces as a possible parallel Pliny, *NH* X.178: *primos quosque mares pariunt, in ceteris alternant*. Pliny is here remarking on fertility among dogs and his source is once again Aristotle (*Historia animalium* VI.20.574 A-B), but there is no corresponding sentence in the original to clarify Pliny's meaning.

²³⁸ Sempronia was married by 147 B.C. and so was born sometime prior to 159 B.C. (see Plutarch, *Ti. Gracchus* IV.4 (5); Münzer, *RE* IV.1460; Hemelrijk (1999) 65, 265 n.39; Lelis, Verstraete, and Percy (2003) 104, 107 no.9, 121, 122 no.1; Dixon (2007) 12; and Harders (2008) 128f). Caius was nine years younger than Tiberius (Plut., *Ti. Gracchus* III.1, *C. Gracchus* I.2) and so was born in 154 or 153 (see Sumner, *Orators* 70). Note that according to Moir's thesis there is no way of knowing the exact sex ratio of Cornelia's children — hence Moir refers only to a number of daughters (p.140-1; cf. p.144 several daughters; p.145 a string of daughters).

year of the marriage). Moir noted, however, that a marriage in 170 B.C. only allows Cornelia about fifteen years to produce twelve children, and implies that Cornelia was born very late in her father's life and a long time after her known siblings.²³⁹ Consequently Moir theorized that if some of Cornelia's older daughters were in fact no longer in her care in 154 B.C., the marriage could be dated somewhat earlier. This in turn would permit an earlier date of birth for Cornelia (thereby putting her birth closer to that of her siblings), and allow her more time to produce twelve children. Moir suggested that a date of birth in 195 B.C. was consistent with Polybius' statement that Cornelia was unmarried in 183 B.C. (an observation which would have been absurd unless she was then of marriageable age i.e. at least 12), and compatible with the date of Caius' birth (when she would have been 41), and her survival beyond Caius' death in 121 B.C. (when she would have been 74). Moir concluded a date of birth in 195 B.C. would suit a betrothal between 183 and 180 B.C. and a marriage either before Ti. Gracchus left for Spain in 180 B.C. or after his return in 178/177 B.C.²⁴⁰

Despite its ingenuity, Moir's thesis, suffers from an inherent implausibility. Carcopino pointed out that Mommsen's interpretation of Pliny was incompatible with the adverb *plerumque* for Pliny can scarcely have believed that it was usual for children to be born in a strictly alternating sequence of boys and girls. Moir rightly concurred with Carcopino. Yet Moir's interpretation is open to the same objection since Pliny is equally unlikely to have thought it was a common phenomenon to produce first children of one sex and then the other — especially in large families like those of Cornelia and Agrippina.²⁴¹ It is probable therefore that Pliny has here,

²³⁹ Moir calculated that a marriage in 170 would indicate Cornelia was born around 185 B.C. only two years before Africanus' death and more than twenty-five years after the birth of her brother L. Scipio.

²⁴⁰ Since Gracchus was in Sardinia from 177 to early 175 B.C. (*MRR* I.398, 401, 402 – he triumphed on the 23rd of February 175), Carcopino's preferred date for the marriage (176 B.C.) may be excluded.

²⁴¹ Moir's attempts to circumvent this difficulty are not convincing (p. 138). She rightly says that the probability of producing 12 children in an alternating sequence of sexes as apparently envisaged by Mommsen (i.e. beginning boy, girl, boy ..., or girl, boy, girl ...) is remote (the odds are 2 in 4096 or 0.048828125%). She then observes that the chances of a single alternation between the sexes are higher, half of all families with 3 children show it, and it is "fully ten times" as likely as an alternating sequence in a family of 12 children, although the occurrence is "proportionally less frequent" as the size of the family increases. "Thus Pliny could reasonably have described this pattern as occurring 'often'." Since Moir does not dwell on the arithmetic, the numbers deserve emphasis. The probability of a single switch from one sex to the other occurring in a family of 3 children is indeed 4 in 8 or 50% (i.e. BBG, GGB, BGG, GBB), but the odds of this occurring decreases exponentially as the number of children increases: for example from 10/64 or 15.625% in a family of 6 children to 22/4096 or 0.537109375% in a family of 12 children. Whether this occurrence can therefore justly be described as common is ultimately a matter of opinion, but the probability of Moir's favoured model for the Gracchi (i.e. 6 girls followed by 6 boys) is 1 in 4096 or

as elsewhere, adapted his source material and that we should return to Carcopino's interpretation.²⁴² Pliny's *plerumque et alternant* is to be understood as a qualification of the foregoing observation that some couples produce only male or female children — by contrast most couples, Pliny continues, alternate (i.e. produce children of both sexes).²⁴³ Pliny is not concerned with sex ratios, or the sequence in which the sexes appear, he merely intends to convey that unions which produce children of one or other sex are less common than those which produce children of both sexes.²⁴⁴

Where then does this leave us? Mommsen's interpretation of Pliny, *NH* VII.57 and his chronology are untenable. Pliny must have known that the children of Agrippina the Elder were not born in a strictly alternating sequence of the sexes and it is not feasible to cram the birth of twelve children into a period of approximately 12 years between a marriage supposedly contracted c.165 B.C. and the death of Gracchus which Mommsen put shortly after 153 B.C.²⁴⁵

0.0244140625%. That is to say, the scenario posited by Mommsen is mathematically twice as likely as Moir's reconstruction.

²⁴² Pliny not only abbreviates Aristotle's remarks excising considerable detail, he entirely omits Aristotle's observation that some men and women tend to produce offspring of the opposite sex, and Aristotle's contrast between women who conceive with difficulty and those that do so with ease. Pliny's willingness to abbreviate, add to, or otherwise deviate from Aristotle is evidenced throughout book VII (see for instance Beagon, 20f, 41f, 163, 178, 209, 219f, 223-5, *passim*; cf. above on *NH* X.178). Some discrepancies may be attributable to the fact that Pliny was sometimes seemingly only acquainted with Aristotle at second-hand (see Münzer (1897) 37f, 51f, 102, 110, 414f who favoured Iuba as an intermediary source).

²⁴³ That is, *plerumque et alternant* may be translated as: generally they (sc. the parents) alternate (i.e. have children of both sexes). The passage might also be translated: generally they (sc. male and female offspring) alternate (i.e. occur indiscriminately). But that seems less likely for *alternant* would be a strange way to signify a random occurrence.

²⁴⁴ In a survey of 3,000 families from the New England area between 1640 and 1800 which produced between six and twenty-one children, Nichols (1905) 24-36 found only 21 families or 0.07% had unisex offspring. Similar results were obtained in a study of nearly 4.8 million births in Nineteenth Century Saxony (see Geissler (1889) 2, 8-9 with Samuels, Witmer, and Schaffner (2012) 116f).

²⁴⁵ Moir, 138 and Beagon, 221 rightly argue that it is difficult to credit that Pliny was not well-informed about the children of Germanicus and Agrippina since he was studying in Rome during the reign of Caligula, must have learned a good deal about the family when composing his treatise on the German wars, and consulted the *Acta* which recorded imperial births (Pliny, *NH* VII.58, 60). Moreover, the birthdays of the members of the dynasty occasioned much fanfare (see for instance the *fasti* of the arval brethren which record sacrifices on the birthdays of Caligula, Drusilla, and Agrippina the Younger - *CFA* fragments 12 1.77-9, 14 1.22-3, 25b, 1.6, 27 1.15-6; cf. Herz (1978) 1159-62 and (1981) 324-36; and Donahue (2004) 80), and the children of Germanicus were subject to intense publicity before and after his death (see Tac., *Ann.* II.41, III.4; the *senatus consultum de Cn. Pisone patre* 139, 145f; and the *Tabula Siarensis* 1.9-21).

Moir's interpretation of Pliny is equally unsatisfactory for Pliny means only that Cornelia and Agrippina had both sons and daughters. As a consequence, neither the sex ratio, nor the relative seniority of the children of Gracchus and Cornelia can be determined from Pliny, *NH* VII.57 and the passage forfeits its purported chronological significance. Nevertheless, Moir's chronology may be retained for it is the evidence of Plutarch not Pliny that is vital.

Firstly, it is possible to make some rudimentary deductions from the little that is known about the offspring of the marriage:

The twelve children of Gracchus and Cornelia included more than one daughter since Plutarch says that most of the children perished, but one of the daughters (μίαὶν δὲ τῶν θυγατέρων) lived to marry Scipio Aemilianus.²⁴⁶

The twelve children also included at least three sons. Ti. Gracchus senior was the son of a Publius and grandson of a Tiberius and it is probable therefore that when Caius was born an older sibling named Publius was still alive.²⁴⁷

Tiberius junior was born in 163 or 162 B.C. and Caius nine years later in 154 or 153 B.C.²⁴⁸ Sempronia was some years older than Caius.²⁴⁹ But she was probably quite close in age to Tiberius.²⁵⁰

Caius was born last, or next to last, as his father died not long after his birth.²⁵¹

²⁴⁶ Plutarch, *Ti. Gracchus* I.5 (7).

²⁴⁷ The *praenomen* Caius seems to go back to Tiberius' great-great-grandfather (i.e. the grandfather of Ti. Sempronius Ti. f. C. n. Gracchus the consul of 238 B.C.).

²⁴⁸ See Sumner, *Orators* 58, 70.

²⁴⁹ Sempronia was married by 147 which implies a date of birth no later than 159 and in probability at least a few years earlier.

²⁵⁰ If Sempronia had been more than a few years older than Tiberius she would have been married off prior to her father's death. Conversely, if Sempronia had been more than a few years younger than Tiberius she could not have been married by 147.

²⁵¹ The date of Ti. Gracchus senior's death is not certified. He is last attested when Caius was conceived in 155 or 154 B.C. Carcopino (1928) 78f argued that the story that Ptolemy VIII Euergetes II Physcon, who came to Rome in late 154 or the first half of 153 B.C., proposed to Cornelia, presupposes that Cornelia was a widow and had observed the statutory ten months of mourning following her husband's death which puts Gracchus' demise in the first half of 154. Carcopino therefore raised the possibility that Caius was born posthumously, but this would contradict Plutarch's statement that all twelve children were alive and in their mother's care at their father's death. Fraccaro (1914) 42 and Corradi (1946) 15-16 put his death c.148 B.C. based on the (unwarranted) assumption that Tiberius junior succeeded his father in the augural college. But that scenario entails a rather unlikely synchronism as the death of Tiberius senior probably belongs some years before 148, whereas Tiberius junior was probably co-opted sometime after his return from Carthage in 146 see Münzer, *RE* II.A.2.1411 no.54; and Rüpke, *Fasti sacerdotum* no.3011).

It is impossible to fit the birth of ten children into the period between the birth of Tiberius junior in 163 or 162 B.C. and the death of Tiberius senior circa 154 B.C. Even supposing that Tiberius was born late in 163 and Caius in 154 and that one child was born every year in between there is only room for eight births at most and this still leaves two children unaccounted for. And it is unlikely in any case that Cornelia presented Tiberius with one child every year for a decade without interruption especially in view of her husband's absences in 162 and 161 B.C. It follows that Tiberius junior was not the oldest child.

Next, these data must be combined with Plutarch's statement that all the children were alive and in their mother's care when their father died — which is of crucial significance.

If all the older children were still alive when the last child was born, the *praenomina* assigned the boys will reflect their actual seniority.²⁵² Thus Tiberius junior, who bore the paternal *praenomen*, must have been the oldest boy, and Caius, who was named after his great-great-grandfather, was the third son. Furthermore, since Caius was only the third son, but was among the last born, if not the last, most of the children must have been girls. Indeed, there were perhaps as many as nine girls to three boys.²⁵³ And since Tiberius was the oldest boy, but not the oldest child, he must have had one or more older sisters.

Finally, the statement that all the children were in their mother's care when their father died is critical for, as Moir saw, it imposes a relatively late date for the marriage. If, as is likely, the eldest child was born soon after the marriage was contracted, and was not more than 14 or 15 years of age when Gracchus died, the marriage can be dated no earlier than circa 170 B.C.²⁵⁴

Having arrived at this result by a different route, Moir was disconcerted by some of the implications of the date, but the problems may have been overstated. That this chronology

²⁵² In other words, the survival of the children excludes the possibility that Tiberius and Caius were so named after the premature death of older siblings who had borne these *praenomina*.

²⁵³ The suggested comparison between Cornelia and Niobe in Juvenal, VI.167-177 (see Nadeau (2011) 119-20; and Beness and Hillard (2013) 64) is not helpful on the gender of Cornelia's children because there was no agreement in antiquity on the number or sex-ratio of Niobe's offspring (numbers range from 5 to 20 children, and while most sources indicate an equal number of males and females, Herodorus stated that Niobe had 2 boys and 3 girls, and Hellanicus 4 sons and 3 daughters see Apollodorus, *Bibliotheca* III.5.6; Frazer (1921) I.340-1 n.1; Lesky (1936) 647-9, 663-5; and Parada (1993) 126), and Juvenal was in any case manifestly not interested in the specifics (he says that Niobe was more prolific than the famous Lavinian sow that bore 30 piglets see Dion. Hal., I.56.5; Vergil, *Aen.* III.390-1, VIII.43-4). The salient point of the suggested parallel is that the children of Niobe were the victims of their mother's excessive pride (VI.173-4: *parce, precor, Paeon, et tu, dea, pone sagittas; nil pueri faciunt, ipsam configite matrem*), as were the two sons of Cornelia according to a hostile tradition (*vide infra*), and both women could be held responsible (indirectly in Cornelia's case) for the death of their husbands (*vide supra* for the parable of the ill-omened serpents).

²⁵⁴ Cornelia's congenital deformity (Pliny, *NH* VII.69; Solinus, I.67) evidently did not impact on her fertility.

allows Cornelia at most seventeen years to produce twelve children is not a serious objection. In the absence of the intent and the means of effective birth-control, it is more likely that the children were born close together than that their births were spread out over a long period.²⁵⁵ In the Roman elite the existence of significant gaps between siblings born of the same parents is normally attributable to the high incidence of infant mortality (i.e. implies the birth of other siblings who perished prematurely), or to the unavoidable absences entailed by military service and political office. But if all the children were alive at their father's death we need make no allowance for gaps due to infant mortality, and Ti. Gracchus senior was in Rome throughout the period 170-154 B.C. apart from his absences in 165, mid-162, and from late 162 into 161 B.C.²⁵⁶ Moir also noted that a date circa 170 implies that Cornelia was born circa 185 B.C. which is late in her parents' lives and many years after her brother L. Scipio. But in 185 B.C. Africanus was only around 50 years old and the age of Cornelia's mother Aemilia cannot be accurately established.²⁵⁷ Nor is it certain that Aemilia was the mother of all of Africanus' children. Indeed, Münzer conjectured that Lucius may have been the product of an earlier unrecorded match.²⁵⁸ As to Cornelia's age, the fact that she was not betrothed at her father's death implies that she was not close to being nubile in 184/183 B.C. — i.e. she was born some years after 195 B.C.²⁵⁹ A relatively late date of birth for Cornelia also has the advantage of not requiring her to live to a

²⁵⁵ One might adduce in this context Mommsen's own experience of parenthood. He married Marie Reimer on the 10th of September 1854 and over the next twenty-one years had 16 children (Marie 1855-1936, Wolfgang 1857-1930, Lisbeth 1859-1910, Karl 1861-1922, Kurt 1862-1869, Ernst 1863-1930, Käthen 1864-1880, Oswald 1865, Hildegard 1866-1951, Adelheid 1869-1953, Luise 1870-1957, Konrad 1871-1946, Anna 1872-1953, Hans Georg 1873-1941, Max 1874, and Otto 1876-1877). I owe this observation to Tom Hillard and Lea Beness. Note incidentally the sequence of the births did not conform to Mommsen's or Moir's theories on the alternation of the sexes.

²⁵⁶ The duration of the legation to the East in 165 is unknown (see *MRR* I.438), but it must have taken some months. In 162 Gracchus departed for Sardinia after presiding over the consular elections for 162 (*MRR* I.442-3 i.e. after January or February when the *comitia consularia* were normally conducted in this period) and campaigned in Sardinia for some time before returning to Rome and being appointed a legate late in 162 (*MRR* I.443 n.1). The resulting tour of Greece and Asia must have extended well into 161 (*MRR* I.444). Nevertheless, in all three cases Gracchus was in Rome for some portion of the year and so might still have managed to father a child.

²⁵⁷ Africanus was born in 236 or 235 B.C. (see Sumner, *Orators* 34-5). The date of Aemilia's birth is not recorded. All that is known for certain is that she was conceived before her father was killed at Cannae in 216. And even supposing Aemilia was born around the same time as her brother L. Paullus (i.e. c.228) a date of birth for Cornelia c.185 is biologically possible as Moir conceded.

²⁵⁸ See *RAA* 107 and the *stemma* on p.102 (= p.103 and table 4 in Ridley).

²⁵⁹ Moir's attempt to turn logic on its head and use Cornelia's status in 183 to prove that she was of marriageable age and so born by 195 was rightly rejected by Hemelrijk (1999) 263 n.31.

great age in outliving Caius.²⁶⁰

If, however, it is assumed that Plutarch is wrong in stating that all twelve children were alive and in their mother's care when their father died, there is nothing to prevent the marriage being dated significantly earlier. Since Africanus had not made arrangements for Cornelia's betrothal prior to his death, it must be presumed that Cornelia Minor was some years younger than her sister Cornelia Maior which suggests that she was born no earlier than the late 190's. If that approximation is correct, the marriage most likely occurred late in 178 or early in 177 B.C. between Gracchus' return from Spain and his departure for Sardinia. It ought to be stressed, however, that we have no pressing reason to disregard the testimony of Plutarch.

In spite of the uncertainty surrounding the precise date of the marriage and of Cornelia's birth, it is clear that there was a very significant disparity in age between the bride and groom. The age difference is explicitly remarked upon by a number of sources and is confirmed by the facts.²⁶¹ Cornelia evidently married Gracchus as soon as she came of age and was probably no more than 14 or 15 years old. Gracchus, on the other hand, was somewhere between 42 and 50 years of age when the marriage took place.²⁶² And although Gracchus was significantly older than his brother-in-law P. Scipio Nasica Corculum (cos. 162, 155), he married the younger of the two Corneliae.²⁶³ In the circumstances, the conclusion is inescapable that Gracchus had been married before.²⁶⁴

The sources afford little genuine insight into the character of the marriage and we are better informed about Cornelia's conduct as a widow than as a wife.²⁶⁵ Although he never knew

²⁶⁰ As most commentators recognize, the claim that Cornelia survived all her children (Seneca, *Consolatio ad Marciam* XVI.3-4, *Consolatio ad Helviam* XVI.6), which requires her to outlive Sempronia who was still alive in 101 (Val. Max., III.8.6; *De vir. ill.* LXXIII.3-4), is almost certainly erroneous see Carcopino, (1928) 77f; Petrocelli (2001) 60.

²⁶¹ See Cicero, *De divinatione* I.36; Pliny, *NH* VII.122; and Plutarch, *Ti. Gracchus* I.3 (5).

²⁶² Gracchus will have been consul in 177 B.C. in accordance with the provisions of *Lex Villia* which indicates that he was born no later than 220 B.C. (as per Münzer, *RE* II.A.2.1404; Earl (1963) 55; and Sumner, *Orators* 38. Hence he cannot have been born in 208 B.C. as Carcopino, 70-2 proposed). Assuming then that Gracchus was born in 220 and the marriage occurred as early as possible (i.e. 178) Gracchus was 42 when he married Cornelia, whereas if the marriage is dated to 170 Gracchus was 50 years of age.

²⁶³ Corculum was born in 206 or 205 B.C. (see Sumner, *Orators* 10 n.3, 39, 61; cf. Bandelli (1974) 35; Lelis, Verstraete, and Percy (2003) 104 no.4; and Etcheto (2012) 170).

²⁶⁴ Presumably the previous marriage (or marriages) ended without male issue given the *praenomina* assigned the sons of Gracchus and Cornelia.

²⁶⁵ There have been several significant studies of the historical Cornelia and/or her depiction in the literary sources. Note especially: Barnard (1990) 383-92; Flower (2002) 159-84; Dixon (2007); Hänninen (2007) 73-88; Valentini (2012) 222-44; and Beness and Hillard (2013) 61-79.

his father, C. Gracchus depicted him in the fable of the premonitory snakes as a loving husband who willingly sacrificed himself for his young wife. The theme proved congenial to subsequent authors. Valerius Maximus registered the anecdote under the rubric of remarkable instances of conjugal love.²⁶⁶ For Pliny the story was a demonstration of *pietas* and Gracchus was not only an ideal husband, but an exemplary citizen, for he spared his wife both out of love and for the good of the State as she was still capable of bearing more children. But more illuminating than the idealized portrait painted by C. Gracchus is the fact, casually related by Jerome, that Cornelia heard Carneades speak when he visited Rome in 155 B.C.²⁶⁷ The episode indicates that Ti. Gracchus indulged the intellectual interests of his wife to a degree that was surely atypical in the period. Moreover, it shows that Cornelia pursued those interests during the marriage and not only as a widow late in life when she hosted a veritable salon frequented by men of letters.²⁶⁸

C. Gracchus was also active in shaping the popular image of his mother, and any criticism of Cornelia was apt to draw a stinging rebuke from his acid tongue.²⁶⁹ And despite traces of a hostile tradition in the sources, it was the positive portrait of Cornelia that ultimately prevailed.²⁷⁰ Cornelia came to be seen as an ideal Roman matron and a paragon of virtue.²⁷¹ She

²⁶⁶ Plutarch, *Ti. Gracchus* I and the Auctor, *De viris illustribus* LVII.4 also both emphasize Gracchus' love for Cornelia.

²⁶⁷ *Commentarii in Sophoniam prophetam prologus* (quoted above). The private residence mentioned by Jerome was presumably Ti. Gracchus' house. On the public lectures attended by the *principes* see Cicero, *De or.* II.155; Gellius, *NA* VI.14.8; Plutarch, *Cato Maior* XXII.

²⁶⁸ Plutarch, *C. Gracchus* XIX. Given Carneades' critique of Roman imperialism the episode also raises intriguing questions regarding Cornelia's influence on the politics of her sons.

²⁶⁹ As an unidentified adversary discovered when Caius forcibly defended Cornelia's reputation (Malcovati, *ORF*³ no.65 = Seneca, *Cons. ad Helviam* XVI.6; Plutarch, *C. Gracchus* IV.3-4 (5-6) quoted above. Caius appears to have often referred to his mother in public thereby contributing to Cornelia's unusually high profile. He openly deferred to her in rescinding the bill directed against M. Octavius (Plut., *C. Gracchus* IV.2-3 (2-5)). See also Cicero, *De or.* III.214; Charisius, *Ars grammatica* I.102-3 = *ORF*³ no.67. Cf. Santangelo (2005) 210-12.

²⁷⁰ The vestiges of the hostile tradition can be seen in the claim that Cornelia fuelled the ambition of her sons (Plutarch, *Ti. Gracchus* VIII.5 = 7-8), and the allegations that she was complicit in the murder of her son-in-law Scipio Aemilianus (Appian, *BC* I.20), and aided and abetted the seditious activities of Caius (Plutarch, *C. Gracchus* XIII.2). Note also Quintilian, *Inst. or.* III.7.21 where the actions of the sons are said to have brought their parents into disrepute. See further Meyer (1910) 386f and Kreck (1975) 47f for the delineation of a favourable popular and a critical optimate tradition; Beness and Hillard (2013) 61-79; and Mayer i Olivé (2014) 657-74.

²⁷¹ Hence Cornelia features in various lists of renowned Greek and Roman women. Jerome, *Adversus Iovinianum* I.49 drawing on Seneca's lost treatise *De matrimonio*, compares Cornelia with Lucretia and Porcia. Plutarch, *Coniugalia praecepta* 145 E-F casts a wider net and registers Cornelia in a diverse company which includes the wife of Pythagoras, the redoubtable Timoclea, and the Vestal virgin Claudia (note that many of the women named by Plutarch recur at Jerome, *Adv. Iovin.* I.49 perhaps indicating that Plutarch and Jerome were drawing on a common

had the rare distinction of serving simultaneously as an exemplar of *pudicitia* and *fecunditas*.²⁷² The twelve children that she bore Ti. Gracchus were undeniable proof of her fertility. While her reputation for chastity rested on her decision not to remarry after the death of Gracchus which elevated her to the status of a *univira*.²⁷³ Plutarch states that as a sole parent Cornelia was equally adept at managing her husband's estate and raising the children.²⁷⁴ But it was for her devotion to her children above all else that Cornelia was renowned. This trait was encapsulated in her rejoinder to a matron who flaunted her extravagant jewelry — Cornelia ushered in her children as they returned from school and proudly declared: “These are my jewels.”²⁷⁵ Having had the benefit of an extraordinary education herself, Cornelia took an active interest in the schooling of her children and was said by her own example and the selection of the best instructors to have cultivated the eloquence for which her sons became famous.²⁷⁶ Her pride in her children was reportedly coupled with a fierce determination that they live up to the extraordinary standards set

source). Aelian, *Varia historia* XIV.45.1 juxtaposes Cornelia with three saintly wives from Greek mythology (Penelope, Alcestis, and Laodamia), with Porcia, and an otherwise unknown Cestilla (the suggestion that Cestilla is a corruption of Cloelia is not persuasive for Cloelia was not a matron like all the other women named, plus the list appears to be in chronological order, and Cestillus/Cestilla is a genuine *cognomen* see Solin (2013) 268). Indeed, Cornelia became such an icon that Martial, *Epigrammata* XI.104.17 and Juvenal, *Satire* VI.166-171 (vide supra) could not resist satirizing the stereotype.

²⁷² Jerome, *Epistle* LIV.4, cf. *Adv. Iovin.* I.49; and C. Gracchus in Plutarch, *C. Gracchus* IV.3-4 (5-6) quoted above. Cornelia shared this distinction with the unidentifiable wife of Metellus Macedonicus (Val. Max., VII.1.1) and Agrippina (Tac., *Ann.* I.41).

²⁷³ Thus Caius stated that Cornelia had refrained from intercourse with men longer than one of her detractors although he was a man (Plutarch, *C. Gracchus* IV.3-4 = 5-6 quoted above). The claim that Cornelia turned down an offer of marriage from Ptolemy is surely fictitious (see Günther (1990) 124-8; cf. Hemelrijk (1999) 262-3 n.28; and Santangelo, (2007) 470), but given her exalted lineage, wealth, connections, and proven record of fertility, Cornelia probably did receive genuine offers from Roman suitors.

²⁷⁴ Plutarch, *Ti. Gracchus* I.4 (6). Widows were not normally thought of as effective estate manager's (see Plut., *Cato Maior* XXI.8).

²⁷⁵ Valerius Maximus, IV.4 praefatio citing the little known Pomponius Rufus. The story may be apocryphal as Plutarch, *Phocian* XIX.3 credits a similar dictum to the wife of Phocion. Note, however, a similar sentiment is embodied in Plutarch's reference to Cornelia at *Coniugalia praecepta* 145 E-F. If Cornelia did disdain ostentatious luxury, the contrast with her mother Aemilia (Polybius, XXXI.26) cannot have escaped notice.

²⁷⁶ See Cicero, *Brutus* 104, 211; Tacitus, *Dialogus* XXVIII.4, 5; Quintilian, *Inst. or.* I.1.6; Plutarch, *Ti. Gracchus* I.5 (7); Jerome, *Epistle* CVII.4. Tacitus compares Cornelia with Caesar's mother Aurelia and with Atia Maior, the mother of Augustus, but neglects to point out one common denominator — the maternal influence of all three women was enhanced by the early death of their husbands. On Cornelia's education see Hemelrijk (1999) 64f passim.

by their father and grandfather.²⁷⁷ She is said to have repeatedly upbraided her sons with the fact that she was still known as the mother-in-law of Scipio Aemilianus rather than the mother of the Gracchi.²⁷⁸ In the end Cornelia got her wish as the inscription on the statue base from the *Porticus Octaviae* attests, but the family was to pay an inordinately high price. It is no coincidence then that Juvenal paired Cornelia with Niobe whose overweening pride in her offspring sealed their fate.²⁷⁹

Snakes or no snakes, the marriage did come to an end with the death of Ti. Gracchus. Cornelia long outlived her husband, dying sometime between 121 and 101 B.C.²⁸⁰ After the murder of Tiberius she retired to Misenum where she maintained a high profile exchanging pleasantries with the emissaries of kings (with whom she was acquainted through her father and husband), and entertaining friends and scholars.²⁸¹ Seneca and Plutarch extol her Stoic demeanour in refusing to bemoan her Fate and cheerfully regaling her guests with stories about her father and sons as though they were heroes of a former age.²⁸² Cornelia's fortitude was worthy of remembrance for she had ample reason to lament her lot. Of her twelve children only Sempronia survived her and Cornelia's exertions on behalf of an ill-starred house proved to be all in vain.²⁸³ Sempronia's dynastic match with the adoptive grandson of Africanus came to naught for the marriage was loveless and barren, her three grandsons by Tiberius and Claudia all

²⁷⁷ Cornelia's ambition was perhaps honed by the fact that both her brothers, the sons of Africanus, had been a conspicuous disappointment.

²⁷⁸ Plutarch, *Ti. Gracchus* VIII.5-6 (7-8).

²⁷⁹ *Satire* VI.161-184; see Münzer, *RAA* 400 = Ridley 387; Anderson (1956) 78; Coffey (1976) 142; Rieger (1991) 59f; Beness and Hillard (2013) 63-4; Mayer i Olivé (2014) 669; and Watson and Watson (2014) 130-1.

²⁸⁰ Cornelia survived the murder of Caius in 121, but was dead by 101 when it fell to Sempronia to spurn the imposter Equitius (Val. Max., III.8.6; *De vir. ill.* LXXIII.3-4).

²⁸¹ Orosius, V.12.9 states that Cornelia retired to Campania after the murder of Tiberius and has her established at Misenum before the murder of Caius. It appears, however, that she lived with Caius in Rome for sometime after the assassination of Tiberius (see C. Gracchus in Cicero, *De or.* III.214 = Malcovati, *ORF*³ no.61). Münzer, *RE* IV.1594 harmonized the accounts by assuming Cornelia occasionally visited Rome, but it is possible that Cornelia remained in Rome up to the death of Caius for Orosius' claim that the body of Caius was conveyed to Misenum also seems inaccurate (see Münzer, *RE* II.A.2.1396). On Cornelia at Misenum see also Hemelrijk (1999) 94f, 286f; and D'Arms (2003) 22.

²⁸² See Plutarch, *C. Gracchus* XIX who observes that Cornelia's behaviour led some people to question her sanity; and Seneca, *Cons. ad Marciam* XVI.3, *Cons. ad Helviam* XVI.6. Note, however, that C. Gracchus in Cicero, *De or.* III.214 paints a rather different picture - referring to his mother as grieving and despondent following the murder of Tiberius (matrem miseram lamentantem et abiectam; cf. tantum molestiae tantumque laboris in 'Cornelia's' letter to Caius (Nepos frg. I.2); and Seneca, *Octavia* 882-6.

²⁸³ Tacitus, *Annals* IV.13 considered the Gracchi blighted (infaustum genus); cf. Solinus, I.67 (infausta nativitas).

perished in their youth, while her solitary grandson by Caius and Licinia outlived his father, but is not heard of thereafter.²⁸⁴

²⁸⁴ It is disputed whether the Gracchi of the Principate were descendants of the son of Caius (see chapter III).

III.

C. Sempronius Gracchus quaestor 126, tribune of the plebs 123, 122 *RE* no.47
Licinia *RE* no.180

TESTIMONIA

Plutarch, *Ti. Gracchus* XXI.1-2 (1-4), *C. Gracchus* XV.1-4 (XXXVI.1-5), XVII.5 (XXXVIII.6); *Digest* XXIV.3.66 pr. = *Scholia in Basilicorum* XXVIII.8.63; Ampelius, *Liber Memorialis* XIX.4, XXVI.2

DATE

The marriage was in place by 133 B.C. and lasted until Caius' death in 121 B.C.

MODE OF DISSOLUTION

The marriage was terminated by the murder of Caius

ISSUE

Only one child of the marriage is recorded — a son who was still a small boy at his father's death

PARENTS

Gracchus was the son of Ti. Sempronius Gracchus (cos. 177, 163, cens. 169) and Cornelia

Licinia was the daughter of P. Licinius Crassus Dives Mucianus (cos. 131) and Ignota

SIBLINGS

Gracchus was the younger brother of Ti. Sempronius Gracchus, and Sempronia the wife of P. Cornelius Scipio Aemilianus (cos. 147, 134, cens. 142)

Licinia was the sister of Crassus Dives (*RE* no.70) and Licinia the wife of C. Sulpicius Galba (*RE* no.51)

Plutarch, *Ti. Gracchus* XXI.1: Ἡ δὲ βουλὴ θεραπεύουσα τὸν δῆμον ἐκ τῶν παρόντων, οὔτε πρὸς τὴν διανομὴν ἔτι τῆς χώρας ἠναντιοῦτο, καὶ ἀντὶ τοῦ Τιβερίου προὔθηκε τοῖς πολλοῖς ὀριστὴν ἐλέσθαι. (2) λαβόντες δὲ τὰς ψήφους εἶλοντο Πόπλιον Κράσσον, οἰκεῖον ὄντα Γράγχω· θυγάτηρ γὰρ αὐτοῦ Λικιννία Γαίῳ Γράγχῳ συνώκει. (3) καίτοι Νέπως ὁ Κορνήλιός φησιν οὐ Κράσσου, Βρούτου δὲ τοῦ θριαμβεύσαντος ἀπὸ Λυσιτανῶν θυγατέρα γῆμαι Γάιον· (4) ἀλλ' οἱ πλείους ὡς ἡμεῖς γράφομεν ἱστοροῦσιν.²⁸⁵

B. Perrin, *Plutarch's Lives* X, Cambridge MA, (1921) 195: But the senate, trying to conciliate the people now that matters had gone too far, no longer opposed the distribution of the public land, and proposed that the people should elect a commissioner in place of Tiberius. So they took a ballot and elected Publius Crassus, who was a relative of Gracchus; for his daughter Licinia was the wife of Caius Gracchus. (2) And yet Cornelius Nepos says that it was not the daughter of Crassus, but of the Brutus who triumphed over the Lusitanians, whom Caius married; the majority of writers, however, state the matter as I have done.

Plutarch, *C. Gracchus* XV.1-4 (XXXVI.1-5): Ἄμα δ' ἡμέρα τὸν μὲν Φούλβιον ἐκ τοῦ πότου καθεύδοντα μόλις ἐπεγείραντες, ὠπλίζοντο τοῖς περὶ τὴν οἰκίαν αὐτοῦ λαφύροις, ἃ Γαλάτας νενικηκώς ὅθ' ὑπάτευεν εἰλήφει, καὶ μετὰ πολλῆς ἀπειλῆς καὶ κραυγῆς ἐχώρουν καταληψόμενοι τὸν Ἀβεντίνον λόφον. (2) ὁ δὲ Γάιος ὀπλίσασθαι μὲν οὐκ ἠθέλησεν, ἀλλ' ὥσπερ εἰς ἀγορὰν ἐν τηβέννῳ προήει, μικρὸν ὑπεξωσμένος ἐγγειρίδιον, ἐξιώντι δ' αὐτῷ περὶ τὰς θύρας ἡ γυνὴ προσπεσοῦσα καὶ περιπτύξασα τῶν χειρῶν τῇ μὲν αὐτὸν ἐκείνον, τῇ δὲ τὸ παιδίον, (3) “οὐκ ἐπὶ τὸ βῆμά σε” εἶπεν “ὦ Γάιε προπέμπω δῆμαρχον ὡς πρότερον καὶ νομοθέτην, οὐδ' ἐπὶ πόλεμον ἔνδοξον, ἵνα μοι καὶ παθὼν τι τῶν κοινῶν ἀπολίπης τιμώμενον γοῦν πένθος, ἀλλὰ τοῖς Τιβερίου φονεῦσιν ὑποβάλλεις ἑαυτόν, ἄνοπλον μὲν καλῶς ἵνα πάθῃς τι μᾶλλον ἢ δρᾶσης, πρὸς οὐδὲν δὲ τοῖς κοινοῖς ὄφελος ἀπολῇ. (4) κεκράτηκεν ἤδη τὰ χεῖρω· βία καὶ σιδήρῳ τὰς δίκας πράττουσιν. εἰ περὶ Νομαντίαν ὁ σὸς ἀδελφὸς ἔπεσεν, ὑπόσπονδος ἂν ἡμῖν ἀπεδόθη νεκρός· νῦν δ' ἴσως ἀγῶ ποταμοῦ τινος ἢ θαλάσσης ἰκέτις ἔσομαι, φῆναί ποτε τὸ σὸν σῶμα φρουρούμενον. τί γὰρ ἢ νόμοις ἔτι πιστὸν ἢ θεοῖς μετὰ τὸν Τιβερίου φόνον”; (5) τοιαῦτα τῆς Λικιννίας ὀδυρομένης, ἀτρέμα τὰς περιβολὰς ἀπολυσάμενος αὐτῆς ὁ Γάιος ἐχώρει σιωπῇ μετὰ τῶν φίλων. ἡ δὲ τοῦ ἱματίου λαβέσθαι γλιχομένη, καταρρυεῖσα πρὸς τοῦδαφος ἔκειτο πολὺν χρόνον ἄναυδος, μέχρι οὗ λιποθυμήσασαν αὐτὴν οἱ θεράποντες ἀράμενοι πρὸς Κράσσον ὥχοντο τὸν ἀδελφὸν κομίζοντες.

B. Perrin, *Plutarch's Lives* X, Cambridge MA, (1921) 231, 233: When day came, Fulvius was with difficulty roused from his drunken sleep by his partisans, who armed themselves with the spoils of war about his house, which he had taken after a victory over the Gauls during his consulship, and with much threatening and shouting went to seize the Aventine hill. Caius, on the other hand, was unwilling to arm himself, but went forth in his toga, as though on his way to the forum, with only a short dagger on his person. (2) As he was going out at the door, his wife threw herself in his way, and with one arm round her husband and the other round their little son, said: “Not to the rostra, O Caius, do I now send thee forth, as formerly, to serve as tribune and law-giver, nor yet to a glorious war, where, shouldst thou die (and all men must die), thou wouldst at all events leave me an honoured sorrow; but thou art exposing thyself to the murderers of Tiberius, and thou doest well to go unarmed, that thou mayest suffer rather than inflict wrong; but thy death will do the state no good. (3) The worst has at last prevailed; by violence and the sword men’s controversies are now decided. If thy brother had only fallen at Numantia, his dead body would have been given back to us by terms of truce; but as it is, perhaps I too shall have to supplicate some river or sea to reveal to me at last thy body in its keeping. Why, pray, should men longer put faith in laws or gods, after the murder of Tiberius?” (4) While Licinia was thus lamenting, Caius gently freed himself from her embrace and went away without a word, accompanied by his friends. Licinia eagerly sought to clutch his robe, but sank to the ground and lay there a long time speechless, until her servants lifted her up unconscious and carried her away to the house of her brother Crassus.

Plutarch, *C. Gracchus* XVII.5 (XXXVIII.6): τὰ δὲ σώματα καὶ τούτων καὶ τῶν ἄλλων εἰς τὸν ποταμὸν ἐρρίφη, τρισχιλίων ἀναιρεθέντων, καὶ τὰς οὐσίας αὐτῶν ἀπέδοντο πρὸς τὸ δημόσιον· ἀπέιπαν δὲ πενθεῖν ταῖς γυναιξί, τὴν δὲ Γαίου Λικιννίαν καὶ τῆς προικὸς ἀπεστέρησαν.

²⁸⁵ Malcovati (1963) fragment 50 = Peter, *HRR* II.37 fragment 9 = Marshall (1977) fragment 51.

B. Perrin, *Plutarch's Lives X*, Cambridge MA, (1921) 237: The bodies of Caius and Fulvius and of the other slain were thrown into the Tiber, and they numbered three thousand; their property was sold and the proceeds paid into the public treasury. Moreover, their wives were forbidden to go into mourning, and Licinia, the wife of Caius, was also deprived of her marriage portion.

Digest XXIV.3.66 pr. Iavolenus VI ex posterioribus Labeonis: In his rebus, quas praeter numeratam pecuniam doti vir habet, dolum malum et culpam eum praestare oportere Servius ait. Ea sententia Publii Mucii est: nam is in Licinnia Gracchi uxore statuit, quod res dotales in ea seditione qua Gracchus occisus erat, perissent, ait, quia Gracchi culpa ea seditio facta esset, Licinniae praestari oportere.²⁸⁶

Javolenus, Book VI from the posthumous works of Labeo: Servius stated that a husband was liable for fraud and negligence in respect of property, other than money, that he received by way of a dowry. This was also the opinion of Publius Mucius for in the case of Licinia, the wife of Gracchus, he ruled that because the dotal property was destroyed in the seditio in which Gracchus was killed, and Gracchus was to blame for the seditio, Licinia was entitled to compensation.

Ampelius, *Liber Memorialis XIX Romani qui in toga fuerunt illustres*: 4. Decimus Brutus Calpurnius qui Gracchum generum agrariis legibus republicae statum turbantem cum Opimio consule oppressit.

Decimus Brutus Callaecus, who together with the consul Opimius, suppressed the civil discord inspired by the agrarian laws of his son-in-law Gracchus.

Ampelius, *Liber Memorialis XXVI Seditiones*: 1. Seditiones in urbe quattuor: Prima seditio Tiberi Gracchi quem de iudiciariis et agrariis legibus statum civitatis moventem Scipio Nasica facta manu in Capitolio oppressit. 2. Secunda seditio Gracchi fratris eius quem ob similes largitiones novos motus excitantem Opimius consul cum Decimo Bruto Callaeco socero eius convocatis ad pilleum servis in Aventino monte oppressit ...

There were four uprisings in the city: The first insurrection was that of Tiberius Gracchus who destabilized the State with his judiciary and agrarian laws. It was put down by the hand of Scipio Nasica on the Capitol. The second revolt was due to his brother, C. Gracchus, who by similar outlays caused a recurrence of anarchy, the consul Opimius, with Decimus Brutus Callaecus, his father-in-law, crushed it on the Aventine when the slaves were offered their freedom.

According to Plutarch the majority of authors agreed that the wife of C. Gracchus was the daughter of P. Licinius Crassus Dives Mucianus (cos. 131), whereas Cornelius Nepos maintained that Caius was married to a daughter of D. Iunius Brutus Callaecus (cos. 138). And the authority of Nepos is seconded by the testimony of Ampelius. Yet there is no doubting that Caius was married to a daughter of Mucianus for the *nomen* of his wife Licinia is assured by the legal controversy over her dowry and by the *gentilicium* of her freedman.²⁸⁷ It remains then to

²⁸⁶ The wording of the *Digest* is reproduced virtually *verbatim* in the *Scholia in Basilicorum XXVIII.8.63*: "Ὅσα πράγματα χωρὶς νομισμάτων λαμβάνει ἐν προικὶ ὁ ἀνὴρ, χρεωστὲι ἐπ' αὐτοῖς μήτε δόλον ἀμαρτάνειν μήτε ῥαθυμεῖν αὐτῶν. Τοῦτο δὲ εἶπεν ὁ Σέργιος ἀκολουθῶν γνώμῃ τοῦ Κοῖντου Μουκίου· ὁ γὰρ Κόϊντος Μούκιος ἐπὶ τῆς γυναικὸς Λικινίου Γράγχου ἀπεφώνησε τὰ προικιμαῖα πράγματα ἀπολόμενα ἐν τῇ ἐφόδῳ, ἐν ᾗ Γράγχος ὁ ἀνὴρ αὐτῆς ἀνηρέθη, ὀφείλειν παρασχεθῆναι τῇ αὐτοῦ γυναικί, ἐπειδὴ παρ' αἰτίαν αὐτοῦ τοῦ Λικινίου Γράγχου γέγονεν ἡ ἔφοδος (Scheltema and Holwerda (1961) p.1938).

²⁸⁷ On Licinia's dowry see the *Digest XXIV.3.66 pr.* (quoted above) and further below. The freedman, *RE Licinius* no.5, was a cultivated Greek who had helped C. Gracchus moderate his exuberance when speaking (Cic., *De or.*

account for the discrepancy.

Radin tentatively proposed a simple solution, suggesting that Caius “may have married twice.”²⁸⁸ But that proposition has little to commend it. Firstly, it presupposes that Callaecus was unmoved by the claims of *adfinitas* when he actively assisted L. Opimius (cos. 121) in crushing C. Gracchus.²⁸⁹ Secondly, a marriage to an otherwise unattested daughter of Callaecus poses chronological difficulties. Caius and Licinia were married by 133 B.C. and remained so until Caius was murdered in 121 B.C.²⁹⁰ Plus Licinia and Caius must have been engaged for some period prior to the marriage and Münzer conjectured they were betrothed very young.²⁹¹ It would have to be supposed therefore that the marriage to ‘Iunia’ took place very early and ended very rapidly. Moreover, Plutarch leaves no doubt that Licinia and ‘Iunia’ were considered mutually exclusive alternatives.

Münzer opted for a more elaborate explanation and attributed the anomaly to an error on the part of Plutarch.²⁹² Münzer observed that Ampelius merely describes Callaecus and Gracchus as *socer* (father-in-law) and *gener* (son-in-law), and he conjectured that Cornelius Nepos likewise never named the wife of Gracchus, that is to say Nepos simply referred to her as the daughter of Callaecus. Based on this presumption Münzer theorized that when Mucianus was killed fighting Aristonicus in Asia, Callaecus had promptly married his widow.²⁹³ As a result, Nepos could accurately describe the daughter of Mucianus as the daughter (i.e. step-daughter) of Callaecus, and Ampelius could with equal right call Callaecus the father-in-law of her husband Gracchus. But Plutarch, Münzer postulated, was unaware of the remarriage of Mucianus’ widow, and so detected a contradiction where none in fact existed.²⁹⁴

III.225; Plut., *Ti. Gracchus* II.5 = 6; cf. Val. Max., VIII.10.1; Quintilian, *Inst. or.* I.10.27; Gell., *NA* I.11.10-16; Ammian., XXX.4.19; Plut., *De cohibenda ira* 6 = *Moralia* 456 A; Dio, XXV frg. 85.2) and was subsequently emancipated by Licinia. The *Mss* of Plutarch and the *Digest* give the *nomen* of Caius’ wife as Licinnia, but I have adopted the normal Latin spelling of the *gentilicium* with a single ‘n’ (also favoured elsewhere in the *Digest* and Plutarch).

²⁸⁸ (1913) 355 n.1.

²⁸⁹ For Callaecus’ role in 121 see Ampelius, XIX.4 and XXVI.2 quoted above and Orosius, V.12.7.

²⁹⁰ Plut., *Ti. Gracchus* XXI.1-2 (2-4).

²⁹¹ Münzer conjectured that Caius and Licinia were betrothed in 143 when they were mere children (vide infra). That remains highly speculative, but they will have been betrothed for some time prior to the marriage.

²⁹² Münzer, *RE* X.1024-5 D. Iunius Brutus Callaicus no.57, *RAA* 270f = Ridley 248f, *RE* XIII.337 P. Licinius Crassus Dives Mucianus no.72.

²⁹³ On the death of Mucianus see Münzer, *RE* XIII.336; and *MRR* I.503.

²⁹⁴ Münzer’s hypothesis was adopted *inter alios* by: Valiglio (1957) 102; Earl (1963) 12; Gruen (1968) 24-5, 52; Wieacker (1970) 197 n.82, 200; Humbert (1972) 96; Briscoe (1974) 129; Bernstein (1978) 112; Stockton (1979) 27;

It need hardly be said that Münzer's hypothesis is remarkably adventurous and requires some considerable leaps of faith. For one thing, it is perilous to assume on the basis of Plutarch's brief citation that Nepos did not at any point call the wife of Gracchus Iunia,²⁹⁵ and it is possible that Nepos simply got his facts wrong for his reputation as a careless writer who frequently errs is not undeserved.²⁹⁶ For another, one must consider the likelihood that a step-daughter (*privigna*) of Callaecus would be referred to as his daughter (*filia*) without clarification, and that Licinia's alleged step-father (*vitricus*) would be baldly described as the father-in-law (*socer*) of her husband. What is more, Münzer's prosopographical reconstruction is unsound. The wife of Mucianus is nowhere on record — so we cannot even be certain that she survived him.²⁹⁷ Callaecus, on the other hand, is known to have married a Clodia whom Münzer identified as the sister of Ap. Claudius Pulcher (cos. 143).²⁹⁸ According to Münzer, Clodia was already around 40 years of age when widowed in 130, but around 128 B.C. she married Callaecus and presented him with a son, D. Iunius Brutus (cos. 77), and a daughter.²⁹⁹ Initially Münzer was inclined to put the birth of the consul of 77 circa 120 B.C. (when Clodia was 50 on his reckoning).³⁰⁰ Subsequently he realized that Brutus was among those advanced to the consulship by Sulla after

Scullard (1982) 25; Perelli (1993) 66; Verboven (1997) 201; Arnaud-Lindet (2003) 74 n.7; Ridley (1998) I.377; cf. Beness and Hillard (2001) 139 n.17. Astin (1967) 93 n.4 was not persuaded.

²⁹⁵ Münzer apparently assumed that Plutarch quotes Nepos *verbatim*, but this is hardly an inevitable inference.

²⁹⁶ Even sympathetic treatments concede his carelessness (see Jenkinson (1973) 713f; McCarty (1974) 383f). For a particularly scathing assessment see Horsfall (1982) II.290-2 and (1989) xviii. Among the more egregious mistakes of Nepos are the conflation of Miltiades, the victor of Marathon, with his homonymous uncle (*Miltiades* I-II); the confusion of the battles of Eurymedon and Mycale (*Cimon* II.2); 'Sagoras' the alleged frater of Miltiades (*Miltiades* VII.5 see Hammond (1956) 127 and Davies (1971) 301); the miscalculation of the ages of Alcibiades (*Alcibiades* X.6), Hannibal (XIII.1), and Cicero (Gellius, *NA* XV.28); situating Lemnos among the Cyclades (*Miltiades* II.5); the substitution of Callicrates for Callippus (*Dion* VIII); the misquotation of the *Iliad* V.576 (*Datames* II.2); turning the son of Admetus (Thucydides, I.136-7) into a daughter (*Them.* VIII.4); the claim that Agesilaus was descended of Eurysthenes, i.e. was an Agiad, instead of Prokles, and hence a Eurypontid (*Agesilaus* VII.4); making Mardonius the son-in-law instead of the brother-in-law of Xerxes (*Pausanias* I.2) and Iphikrates the son-in-law rather than the brother-in-law of Cotys (*Iph.* III.4; see Davies (1971) 249); and the assertion that Alcibiades was the step-son of Pericles (*Alcibiades* II.1; see Cromey (1984) 385-401, esp. 396). And the list could readily be expanded. For a, not wholly successful, defense of Nepos see Titchener (2003) 85-99 — the fact that Nepos was writing biography, not history, does not absolve him of all responsibility for checking his facts.

²⁹⁷ Orelli identified the consular P. Crassus, who married a Vinuleia (Cicero, *Ad Atticum* XII.24.2), as Crassus Mucianus rather than P. Licinius Crassus (cos. 97), but this was refuted by Groebe, *GR*² IV.602-13, esp. 604-10.

²⁹⁸ See Cicero, *Ad Att.* XII.22.2; *RE* IV.105 Clodia no.65; *RAA* 242, 273f, 407 = 221, 251f, 393 Ridley.

²⁹⁹ Iunia the wife of C. Claudius Marcellus the praetor of 80 B.C. Münzer made Clodia the mother of Mucianus' three children and put her birth c.170 (*RAA* 271, 273, 275 *stemma* = 249, 251, 252 table 14 Ridley).

³⁰⁰ *RE* X.968 no.46 and X.1025 no.57.

suffering prolonged delays and dated his birth circa 128/127 B.C.³⁰¹ But Sumner showed that Cicero juxtaposes D. Brutus with men who held the praetorship in the 90's, making it likely that he was praetor by 90 (at the latest) and that he had already seen the light of day in 130 B.C.,³⁰² which effectively precludes the notion that he was the son of Mucianus' widow.³⁰³ Moreover, when composing his lost *consolatio* in 45 B.C., Cicero asked Atticus to verify that Clodia outlived her son, who was still among the living in 63 B.C.³⁰⁴ And while Cicero could have been mistaken in thinking that Clodia survived her son, he is unlikely to have even entertained the possibility if Clodia was born circa 170 B.C.³⁰⁵ In short, Münzer's thesis must be abandoned.³⁰⁶

Since the solutions proposed by Radin and Münzer are untenable, we must seek an alternative explanation of the discrepancy. The discrepancy must be due to a misunderstanding because Gracchus undoubtedly married a daughter of Crassus Mucianus, and a possible solution is suggested by Ampelius. The reader of Ampelius, XXVI.2 could be forgiven for thinking that Callaecus was the father-in-law of L. Opimius (cos. 121) as the passage is grammatically ambiguous,³⁰⁷ and that ambiguity may lie at the root of the confusion over the identity of Caius' wife. Suppose that Nepos, or Nepos' source, when speaking of the death of C. Gracchus

³⁰¹ RAA 271-2, 275 stemma, 406-7 = 249, 252 table 14, 392-3 Ridley.

³⁰² Cicero, *Brutus* 175. Sumner, *Orators* 103-4; cf. *MRR* III.112. Brutus is grouped with L. Gellius Poplicola, praetor in 94 and born by 135, Cn. Pompeius Strabo, praetor by 92 and born by 132, and L. Scipio Asiagenes, who was praetor by 86, but there is a chance that he was already of praetorian standing in 90 (see Sumner, *Orators* 102-5). It is probable therefore that Brutus was conceived upon his father's return from Spain (on the date see *MRR* I.487; and Keaveney (1998) 66f).

³⁰³ Münzer dated Clodia's alleged marriage to Callaecus circa 129/128 B.C. (RAA 242, 275 stemma, 406 = 221, 252 table 14, 392 Ridley). Allowing for the fact that Mucianus' widow must have observed the requisite 10 months of mourning, 129 B.C. would be the earliest possible date — though Callaecus was a legate in Illyria under C. Sempronius Tuditanus (cos. 129) from early 129 until sometime prior to the triumph of Tuditanus on the 1st of October (Münzer, *RE* X.1024; *MRR* I.505).

³⁰⁴ Cicero, *Ad Att.* XII.22.2.

³⁰⁵ Münzer, RAA 407-8 = 393-4 Ridley perforce concluded that Cicero must have been mistaken (contra Münzer, *RE* X.968), but Cicero must have known that Clodia lived to an advanced age and had died around the same time as her son because he can hardly have considered the possibility that she was alive as late as 63 B.C., if he had never personally laid eyes on her, or if his only recollection of her was in the distant past.

³⁰⁶ Münzer went on to compound the implausibility of his reconstruction by supposing that Sempronia, the wife of D. Brutus (cos. 77), was the daughter of C. Gracchus, which is impossible (vide infra), and would mean on Münzer's reconstruction that Brutus married the daughter of his half-sister Licinia — i.e. the marriage was incestuous.

³⁰⁷ *Secunda seditio Gracchi fratris eius quem ob similes largitiones novos motus excitantem Opimius consul cum Decimo Bruto Callaeco socero eius convocatis ad pilleum servis in Aventino monte oppressit.* Ampelius, XIX.4, however, shows that Ampelius, like Nepos, thought that Callaecus was the father-in-law of C. Gracchus.

mentioned the role of Callaecus and referred to Callaecus as the father-in-law of Opimius in a similarly ambiguous fashion. It is easy to see how some such formulation might deceive the inattentive reader. As a result the daughter of Callaecus was inadvertently transferred from L. Opimius to Opimius' *inimicus* C. Gracchus. If that conjecture is correct, it is possible that it was Nepos who misconstrued his source, or that Plutarch and Ampelius misinterpreted what they found in Nepos.³⁰⁸ Moreover, Callaecus and Opimius make very plausible *adfines* as both men were uncompromising conservatives,³⁰⁹ and the proposed relationship makes the prominent role that Callaecus played in the bloody crackdown in 121 B.C. much more comprehensible.³¹⁰

Plutarch indicates that Licinia and Caius were already married when her father Mucianus was appointed to replace Ti. Gracchus on the agrarian commission, so the marriage was in place by 133 B.C.³¹¹ Münzer reckoned the marriage was arranged in 143 B.C., when Caius and Licinia were children, based on the assumption that the negotiations were concluded at the same time that Licinia's sister was engaged to C. Sulpicius Galba.³¹² But there is no evidence that the betrothals occurred simultaneously and Münzer's date for the betrothal of Galba and Licinia is insecure.³¹³ In any event, the marriage cannot have taken place before Caius donned the *toga virilis* circa 139 B.C.³¹⁴ It might be inferred from Licinia's parting words to Caius that the couple were already married in 137 B.C., but it would be unwise to place much reliance on fictitious

³⁰⁸ Nepos might be thought less likely to be in the wrong because as a friend of Atticus he was familiar with Atticus' genealogical studies which included a treatise on the Iunii Bruti (*Atticus* XVIII), but many of Nepos' other mistakes could have been avoided with a bare minimum of research. Nor did his personal acquaintance with Cicero prevent him from miscalculating the orator's age (*vide supra*). As Ampelius is likely to be dependent, whether directly or indirectly, on Nepos, he either inherited the error from Nepos, or Ampelius and Plutarch both misconstrued Nepos. On Plutarch's competence in Latin see now Stadter (2014) 133f.

³⁰⁹ Callaecus was the consular colleague of P. Scipio Nasica Serapio (cos. 138), the murderer of Ti. Gracchus, and together with Serapio had obstinately resisted tribunician intervention in 138 (see *MRR* I.483-4).

³¹⁰ Callaecus launched an assault on the *Gracchani* from the direction of the *vicus Publicius* and seems to have borne the brunt of the fighting until M. Fulvius Flaccus and C. Gracchus were dislodged from their positions (see Orosius, V.12.7; cf. Ampelius, XIX.4, XXVI.2).

³¹¹ *Ti. Gracchus* XXI.1-2 (2-4); *MRR* I.495.

³¹² *RAA* 268-9 = 246-7 Ridley, *RE* II.A.2.1378 C. Sempronius Gracchus no.47, *RE* XIII.1.334 P. Licinius Crassus Dives Mucianus no.72, *RE* XIII.1.496 Licinia no.180.

³¹³ Münzer's date for the betrothal of C. Galba and Licinia may be some years too early. All that is known for certain is that Galba and Licinia were already betrothed when Mucianus was standing for the aedileship at some point between the years 143 and 138 B.C. (see Sumner, *Orators* 52; cf. *MRR* III.120).

³¹⁴ Caius began his military service at 15 or 16 years of age in 138 (see Plut., *C. Gracchus* II.5; Münzer, *RE* II.A.2.1378; Briscoe (1974) 126 n.13; and Sumner, *Orators* 6, 70). Lelis, Verstraete, and Percy (2003) 107 no.11 suppose that the marriage occurred immediately after Caius put on the *toga virilis*.

dialogue.³¹⁵

The match brought together three illustrious houses of the plebeian nobility and was on par with the splendid marriages contracted by Caius' two older siblings Tiberius and Sempronia. The father-in-law of Caius, P. Licinius Crassus Mucianus (cos. 131), was by birth the younger son of P. Mucius Scaevola (cos. 175),³¹⁶ and was the adoptive grandson of the *pontifex maximus* P. Licinius Crassus Dives (cos. 205). The Mucii Scaevolae and Licinii Crassi, like the Sempronii Gracchi, came to prominence in the later Third Century,³¹⁷ and in the judgement of his contemporaries Mucianus possessed five of life's foremost distinctions in as much as he was very wealthy, of the highest birth, the most accomplished speaker, an expert jurist, and *pontifex maximus*.³¹⁸ It may be that Mucianus recognized in C. Gracchus a kindred spirit for Caius was the finest orator of his generation and seemed destined for greatness,³¹⁹ and he was also, like Mucianus, a man of taste and refinement.³²⁰ But Münzer attributed a deeper political significance

³¹⁵ Plutarch, *C. Gracchus* XV.3 (XXXVI.4) has Licinia say that if Ti. Gracchus had fallen in battle at Numantia his body would have been returned to us (ἡμῖν) — as though Licinia was already a member of Tiberius' family in 137 B.C.

³¹⁶ Mucianus was the biological brother of P. Mucius Scaevola (cos. 133). Their cousin Q. Mucius Scaevola the Augur (cos. 117) was the late-born son of their paternal uncle Q. Mucius Scaevola (cos. 174).

³¹⁷ Leaving aside the would-be assassin of Porsenna (*RE* no.10) and the dubious tribune of 486 B.C. (*RE* no.7, 15), the Mucii Scaevolae first attained real prominence during the Hannibalic War (see *RE* no.19). The first attested Licinius Crassus was the adoptive grandfather of Mucianus, though it is often assumed that the consul of 205 B.C. was a nephew of C. Licinius Varus (cos. 236), and that the Crassi were descended from the consular Licinii Calvi/Stolones (see Münzer, *RAA* 182f = 168f Ridley, *RE* XIII.247, 331; Afzelius (1938) 72 and (1945) 155-6; Brunt (1982) 4; and Badian (1990) 398 n.1). The first recorded Gracchus, Caius' great-grandfather Ti. Sempronius Gracchus (cos. 238), had no consular forebears unless he claimed descent from the patrician Atratii (see Afzelius, 166-7 and Brunt, 2).

³¹⁸ Sempronius Asellio *FRH* frg.13 = Gellius, *NA* XIII.I.10: Is Crassus a Sempronio Asellione et plerisque aliis historiae Romanae scriptoribus traditur habuisse quinque rerum bonarum maxima et praecipua: quod esset ditissimus, quod nobilissimus, quod eloquentissimus, quod iurisconsultissimus, quod pontifex maximus (see Livy, XXX.1.4-6 and Münzer, *RAA* 263-5 n.1 = 432-3 n.108 Ridley for the close correspondences with the obituary of Mucianus' adoptive grandfather). The historian Sempronius Asellio served alongside C. Gracchus in the Numantine War (Broughton, *MRR* I.491; M. Pobjoy, *FRH* I.274-5). Mucianus became *pontifex maximus* in 132 B.C. after the marriage (see Münzer, *RAA* 259f = 240f Ridley; Rüpke, *Fasti sacerdotum* no.2236).

³¹⁹ That at least was the verdict of Cicero, *Brutus* 125-6. Mucianus betrothed his other daughter to C. Sulpicius Galba, the son of the great patrician orator Ser. Sulpicius Galba (cos. 144). Like his brother-in-law C. Gracchus, Galba was a gifted orator whose career was cut short (Cicero, *Brutus* 127).

³²⁰ Mucianus see *De oratore* I.170: elegantem hominem et ornatum. Gracchus: Plutarch, *Ti. Gracchus* II.3-4 (4-5); Pliny, *NH* XXXIII.147. The fact that Caius and his brother Tiberius were doctus et Graecis litteris eruditus (*Brutus*

to the match. He maintained that Crassus Mucianus and Tiberius' father-in-law, Ap. Claudius Pulcher (cos. 143), were inveterate adversaries of Scipio Aemilianus and that a grand coalition of the enemies of the "Scipionic party" was formed in 143 B.C. when Tiberius married one of Appius' three daughters and the ten year old Caius was betrothed to Mucianus' daughter Licinia, and he speculated that this großes politisches Bündnis drove a wedge between the Gracchi and the Scipiones.³²¹ Münzer's grand alliance is, however, dubious for several reasons. In the first place, there is no evidence that Caius' marriage to Licinia was arranged in 143 B.C. when he was only 9 or 10 years of age, and it is altogether more likely that Caius, like his brother Tiberius, became engaged after assuming the *toga virilis* and married several years prior to his quaestorship – in which case the engagement will have been arranged sometime after circa 139 B.C. and the marriage will have been celebrated in, or not long before, 133 B.C.³²² Furthermore, there is no evidence that Ap. Pulcher or Mucianus were confirmed enemies of Scipio Aemilianus in 143 B.C. Cicero and Plutarch state that Appius and Crassus supported the reforms of Ti. Gracchus, which Scipio opposed,³²³ and Cicero affirms that Appius and Mucianus led the senatorial opposition to Scipio prior to their deaths in 131/130.³²⁴ But we do not know when Ap. Claudius, Mucianus, and Scipio became adversaries. The truth is that nothing is known about Ap. Pulcher before his consulship and we hear precious little of him between 143 and his death. Even the attested clash between Scipio and Appius when they were rivals for the censorship in

100, 104), like their father before them (*Brutus* 79), will also have appealed to Mucianus who prided himself on his fluency in Greek (Val. Max., VIII.7.6; Quintilian, *Inst. or.* XI.2.50).

³²¹ RAA 269 = Ridley 247. Meyer (1910) 420 similarly wrote that the breach between Scipio Aemilianus and Ti. Gracchus, which became irreparable (unheilbar) as a result of the conflict over the *foedus Mancinum*, may have been initiated earlier because Tiberius married the daughter of Scipio's bitter rival, Appius Claudius, sometime before 136 B.C.

³²² Tiberius was betrothed sometime after assuming the *toga virilis* c. 148, was married c. 143-139, and was quaestor in 137 (see *MRR* I.485). Caius was quaestor in 126 (*MRR* I.508). In RAA 268 = 247 Ridley, Münzer implies that Caius and Licinia married in 133 since he put the birth of Caius in 153 B.C. and stated that Caius and Tiberius both married at age 20, whereas in *RE* XIII.1.496 Münzer says that Caius and Licinia had already been married for a while in 133.

³²³ Cicero, *Academica* II.13; Plutarch, *Ti. Gracchus* IX.1. Appius and Mucianus supported the reforms of Tiberius in 133 and after his death (see Astin (1967) 349).

³²⁴ Cicero, *De re publica* I.31; cf. *Pro Scauro* 32. Mucianus was killed in Asia in 130 B.C. (see *MRR* I.503; Daubner (2006) 122f). Appius died around the same time — perhaps in the previous year (see *MRR* I.500; Astin (1967) 238; Carcopino (1967) 136-7, 169-70, 185-7, 246; Appius died in 130; Ryan (2004) 7: Appius was dead by 131 and was never *princeps senatus* contra Ryan (1998) 185: Appius was appointed *princeps* in 136 and 131 and died in 130).

142 B.C. is explicable in terms of the normal cut and thrust of electioneering.³²⁵ We are somewhat better informed about the early career of Mucianus,³²⁶ but there is no evidence that Crassus and Scipio were at odds before 133 B.C.³²⁷ Hence the evidence as it stands is perfectly consistent with the view that the genuinely adversarial relationship between Appius, Mucianus and Scipio only developed as a consequence of the catastrophic turn of events in 133 B.C. Moreover, the first sign of friction between Scipio and his brothers-in-law occurs in 137-136 B.C.³²⁸ We are told that Scipio used his influence to prevent the staff officers of Mancinus, including his quaestor Tiberius, from being surrendered to the Numantines, but that he was blamed for not saving Mancinus and for not insisting on the ratification of the treaty negotiated by Tiberius.³²⁹ But Plutarch says that the breach caused by the disagreement was not irreparable,³³⁰ and Caius was still on sufficiently close terms with Scipio to serve under him in the Numantine War as late as 134/133 B.C.³³¹ Nor did the relationship ever deteriorate to the

³²⁵ See Plutarch, *Aemilius Paullus* XXXVIII.3-5, *Praecepta gerendae reipublicae* 810 B = 14.10; *Apophthegmata Romana* 200 D = Scipio 9; and Broughton (1991) 31. McDougall (1992) 452-60 speculates that Scipio was also instrumental in blocking Appius' request for a triumph.

³²⁶ We have anecdotal references to his quaestorship (Val. Max., II.2.1) and aedileship (Cicero, *De or.* I.239-40, *De off.* II.57; cf. Pliny, *NH*.XXI.6 with Sumner, *Orators* 52; Marshall (1973) 461f; and Ryan (1996) 74-8).

³²⁷ Münzer, *RAA* 265-6 = 244 Ridley, *RE* XIII.335 conjectured that Scipio sabotaged the career of Mucianus during his censorship in 142 B.C., and Wieacker (1970) 200 claimed that Mucianus, Ap. Pulcher, and Metellus Numidicus (sic) were already promoting the plans of Ti. Gracchus in opposition to Scipio Aemilianus in 140 B.C. (citing Münzer's grand alliance and Cicero, *Acad.* II.13), but the only surviving evidence of antagonism relates to the period after 133 B.C. Scipio is known to have backed the consular campaign of L. Rupilius and Rupilius may have been a competitor of Mucianus in the elections for 131 B.C. (see Münzer, *RE* I.A.1229 no.4, *RAA* 259 = 240 Ridley; Broughton (1991) 16; and Ryan (1995) 263-5), and Scipio and Mucianus were rivals for the eastern command in 131 B.C. (see Cicero, *Phil.* XI.18; Münzer, *RAA* 261f = 241f Ridley; and Astin (1967) 234-5).

³²⁸ Some have consequently sought to date the marriage of Tiberius and Claudia after the first demonstrable signs of discord between Tiberius Gracchus and Scipio Aemilianus: notably Earl (1963) 69-70 and Briscoe (1974) 127, who put the marriage in or after 137 B.C. (cf. Schietinger (2014) 169 who puts the marriage in 136 B.C.), but the son of Tiberius and Claudia that died whilst on military service in Sardinia (Val. Max., IX.7.2) was dead by 123/122 when C. Gracchus lamented that he and his son were the last remaining (male) representatives of the family of Ti. Gracchus and Cornelia (Schol. Bob. p.81, 20-25 Stangl = Malcovati, *ORF*³ frg. no.47). It follows that the son of Tiberius and Claudia had reached the age of enlistment by 122 B.C. and so was born no later than 139 B.C. (17 years of age was fixed as the minimum age for enlistment by C. Gracchus see Plutarch, *C. Gracchus* V.1; *MRR* I.514; and Rosenstein (2004) 183-4). Brunt (1988) 454 tried to turn the problem on its head by suggesting that the marriage was an abortive attempt to heal the rift between Appius and Scipio.

³²⁹ Plutarch, *Ti. Gracchus* VII.3 (5-6).

³³⁰ *Ti. Gracchus* VII.4 (6): ἀνήκεστος.

³³¹ Plutarch, *Ti. Gracchus* XIII.1; *MRR* I.491; Sumner, *Orators* 70.

point that Scipio and Sempronia were obliged to separate. In sum, Münzer's conspiratorial coalition of 143 B.C. goes well beyond the facts and it does not appear likely that Appius and Mucianus were responsible for poisoning the minds of Tiberius and Caius against their brother-in-law Scipio Aemilianus.³³² In fact, it can be argued that Tiberius' marriage to Claudia is more plausibly interpreted as a reflection of the close and recurring links between the fathers of Ap. Pulcher and Tiberius than as an expression of some nascent hostility to Aemilianus,³³³ and there is no reason to think that the pairing of C. Gracchus and Licinia was not the end result of the same traditional process of elite match-making.³³⁴

In 133 B.C. Caius was 20 or 21 years old.³³⁵ Münzer assumed that Licinia was the younger of the two daughters of Mucianus and was close to Caius' own age,³³⁶ but the relative seniority of the two Liciniae is not certified. Münzer's conjecture was presumably predicated on his belief that C. Galba was around five years senior to C. Gracchus and that Galba married years before Gracchus.³³⁷ Yet that argument is vulnerable. Firstly, it is not unknown for the younger man to marry the elder sister.³³⁸ Secondly, Sumner argued that Gracchus was older than Galba and not *vice versa*.³³⁹ And thirdly the date of Galba's marriage to Licinia cannot be precisely fixed.

The marriage came to an end with the murder of Caius in 121 B.C. Plutarch's depiction

³³² Plutarch attributes the disagreement between Tiberius and Scipio to Tiberius' friends and the sophists in his circle (φίλοι καὶ σοφιστῆς) rather than Tiberius' *adfines*. See also Cicero, *De amic.* 37: C. Blossius ... nec comes ... sed dux (and Nicolet (1967) 154f and Sordi (2002) 325-38, 371-84).

³³³ Münzer himself remarked that the close connection between the fathers of Tiberius and Appius was the foundation for the subsequent marriage tie and political co-operation between the two families (RAA 258 = 239 Ridley; cf. Perelli (1993) 57, 67-8). Ti. Gracchus senior and C. Claudius Pulcher both held the praetorship in 180, were consular colleagues in 177, censors together in 169, and were both members of the augural college (as were their sons). And the two men worked in close co-operation as consuls (Livy, XLI.10.5, 11-12) and during their censorship (Cicero, *De rep.* VI.2, *De inventione* I.48; Livy, XLIII.16.15, XLV.15.7-9; Val. Max., VI.5.3).

³³⁴ On which see Treggiari, *Marriage* 83-160.

³³⁵ Caius was born in 154 or 153 (see Sumner, *Orators* 70).

³³⁶ RAA 269 = 247 Ridley.

³³⁷ Münzer, RAA 266-8 = 245-6 Ridley put Galba's birth in 158 B.C., and his marriage to Licinia "soon after" 143.

³³⁸ As happened for instance with the daughters of Scipio Africanus (the wives of Ti. Gracchus senior and P. Scipio Nasica Corculum see *RE* Cornelia no.406 and 407), and the daughters of C. Laelius (the wives of C. Fannius and Q. Mucius Scaevola see *RE* Laelia no.25 and 26).

³³⁹ Sumner, *Orators* 72-4 put the birth of Galba between 153 and 150.

of the final moments of Caius and Licinia is laden with *pathos*.³⁴⁰ Licinia is even made to foreshadow the dumping of the bodies of the *Gracchani* into the Tiber. But Licinia's woes did not end there for the victors took additional punitive measures against the vanquished. The widows of the fallen were forbidden to go into mourning and the property of the *Gracchani* was declared forfeit to the treasury.³⁴¹ The house of M. Fulvius Flaccus was razed to the ground and the site confiscated,³⁴² and the residence of Caius must have suffered a similar fate — assuming that he owned one.³⁴³ The pecuniary reprisals potentially spelt financial ruin for the relicts of the deceased for their dowries were liable to confiscation along with the rest of their husbands' estate. In Licinia's case the losses must have been considerable for her father had been one of the

³⁴⁰ For the suggestion that the scene was influenced by the parting of Hector and Andromache in the *Iliad* VI.390-502 and by a tragedy on the life of C. Gracchus see Münzer, *RAA* 270 = 247 Ridley; Wiseman (1998) 52-9, (2009) 54; and Beness and Hillard (2001) 135-9 with further references.

³⁴¹ Plutarch, *C. Gracchus* XVII.5; Orosius, V.12.9.

³⁴² Cicero, *De domo* 102.

³⁴³ Licinia and Caius initially occupied a house on the Palatine before moving in 122 B.C. to a house adjoining the Forum (see Plutarch, *C. Gracchus* XII.1; Shatzman, *Senatorial Wealth* 285; W. Eck, *LTUR* II (1995) 176 Domus C. Sempronius Gracchus). Salerno (1990) 121 and Eck take διαρπάζω in Appian, *BC* I.26 to mean that the houses of Gracchus and Flaccus were both demolished (though Eck was uncertain which of the two houses occupied by the couple was destroyed and whether the house on the Palatine belonged to Licinia or Gracchus; cf. Coarelli (2012) 333, 336). Yet no other surviving source refers to the destruction of the home of Gracchus and Flower (2006) 77-8 and Roller (2010) 132-3 follow Horace White in understanding Appian to mean that the houses of Gracchus and Flaccus were plundered by the supporters of Optimus. Since διαρπάζω can mean plunder or destroy (see the *Diccionario griego-español V: δαίνυμι - διώνυχος*, Madrid, (1997) 1027) both interpretations are possible and Flower speculates that Caius did not own a home of his own which could be seized and demolished (she posits that the property on the Palatine belonged to Licinia while the house near the Forum was a rental property). Flower goes on to infer from *Digest* XXIV.3.66 pr that Licinia was subsequently compensated for the damage done to her Palatine residence when it was plundered by the mob. It is not certain, however, that Licinia was compensated (vide infra), and the *res dotales* which were destroyed (perissent) in 121 might have included the matrimonial home which technically belonged to Gracchus while the marriage lasted. But it is also possible that up until 122 Caius and Licinia were living with Licinia's brother (for the cohabitation of adult siblings see Plutarch, *Crassus* I.1, *Cato Minor* III.5-IV.1; and Cerutti (1997) 420-1 on the Claudii Pulchri). The location of his house, which he may have inherited from their father, is unknown (see Plutarch, *C. Gracchus* XV.4; C. Bruun, *LTUR* V.249). It is worth noting in this connection that G. Koepfel posited that Cicero bought his Palatine residence from P. Licinius Crassus Dives, the praetor of 57 and great-grandson of Crassus Mucianus, not from M. Crassus (see E. Papi, *LTUR* II.90 Domus Crassus and Coarelli (2012) 306-7). But even if Koepfel's conjecture is correct, the praetor of 57 B.C. cannot have inherited the house from Mucianus because Cicero's Palatine mansion occupied the site which formerly belonged to M. Livius Drusus (Velleius, II.14.3).

richest men in Rome.³⁴⁴ Plutarch gives the impression that Licinia was singled out, but her situation will have been no different from the other widows — except in the scale of her losses.³⁴⁵ Licinia's paternal uncle, P. Mucius Scaevola (cos. 133), put his famed legal expertise at her disposal, arguing that Licinia, like any other wife, was entitled to restitution where the losses sustained were occasioned by the fault of her husband.³⁴⁶ And since Licinia's losses were the result of the *sedition* caused by Caius she was entitled to compensation. Opinion is divided whether Scaevola's plea was successful for Plutarch speaks only of confiscation, not of restitution. Some maintain that Plutarch is correct and that Scaevola failed.³⁴⁷ Others argue that Scaevola was wholly or partially successful.³⁴⁸

At the time of Caius' death the couple had one small child.³⁴⁹ Plutarch's παιδίον does not make the sex of the infant explicit, but the child is undoubtedly identical with the *puer* whom

³⁴⁴ See Shatzman, *Senatorial Wealth* 253-4, 285. Kay (2014) 293 n.96 notes that the figure *aeris milliens* in *De re publica* III.17 has been variously interpreted as 100 million HS or 1 million HS and does not regard the passage as a reliable indicator of the wealth of Mucianus. But other sources confirm that Mucianus was "very rich" including Mucianus' contemporary Sempronius Asellio (see *FRH* frg.13 = Gellius, *NA* XIII.I.10: ditissimus; see also Apuleius, *Apol.* XX.4-6 with Marshall (1974) 62-6) and at the time of his death in 130 B.C. the possessor of a fortune of 1 million HS would not have been considered ditissimus. L. Aemilius Paullus died in 160 B.C. leaving an estate worth more than 60 talents or 370,000 drachmas i.e. over 1,440,000 HS (Polybius, XXXI.28.3; Plutarch, *Aem.* XXXIX.10) which Polybius, another contemporary of Mucianus, described as "rather meagre" (XVIII.35.5-6). And Mucianus was richer than Paullus' son Scipio Aemilianus (Apuleius, *loc. cit.*) whose fortune exceeded 60 talents / 1.44 million HS (Polybius, XXXI.28.2-4; and Plutarch, *loc. cit.*) which only qualified as moderately well off (Polybius, XVIII.35.10-11).

³⁴⁵ As there is no mention of the widow of M. Fulvius Flaccus, it may be that his unidentified wife predeceased him.

³⁴⁶ *Digest* XXIV.3.66 pr. Scaevola was the brother of Licinia's father Mucianus who had been adopted into the Licinii Crassi.

³⁴⁷ Thus Waldstein (1972) 343-61 and Bauman (1978) 238-42 who argue that Licinia was treated as complicit in her husband's designs and so refused compensation.

³⁴⁸ Münzer, *RE* XIII.1.496-7 Licinia no.180 seems to have thought that Scaevola prevented the confiscation of Licinia's property. Radin (1913) 354-6 believed Licinia got all or part of her dowry back. Daube (1965) I.199-212 argued that Licinia received an *ex gratia* payment from the treasury equivalent to the value of the proceeds realized from the sale of Gracchus' property, but it was decided not to reimburse her for the property destroyed or plundered by the mob (cf. Grosso (1968) 206f and Wieacker (1970) 212: partial reimbursement). Bernstein (1972) 46 inexplicably conflates the matter of Licinia's dowry with the affair involving the Vestal Licinia (*De domo* 136).

³⁴⁹ Plutarch, *C. Gracchus* XV.2; *RE* Sempronius Gracchus no.40. The term παιδίον is applied to both sexes (see Dickey (1996) 71-2, 220, 267).

Caius commended to the people in 123 or 122 B.C.³⁵⁰ Münzer's contention that Sempronia, the Catilinarian sympathizer and wife of D. Brutus (cos. 77), was the daughter of C. Gracchus is untenable.³⁵¹ Firstly, Münzer emphasized that Caius' lament that he and his son were the last representatives of the family of Ti. Gracchus senior and Cornelia was no impediment to his thesis since Caius was only referring to male progeny.³⁵² That is true enough, but is beside the point for Plutarch plainly indicates that Caius had only one child at his death. Hence Münzer was forced to admit that the idea that Caius also had a daughter conflicts not only with the testimony of Plutarch, but with his own demonstration that the child was a boy.³⁵³ Secondly, there is not the slightest evidence to suggest that the wife of D. Brutus belonged to the Gracchi and while Sallust implies that Sempronia was past her prime in 63 B.C., it beggars belief that the vivacious conspirator was around 60 years of age as a daughter of Caius would have been.³⁵⁴ Thirdly, the conjecture entails the implausible corollary that D. Brutus married a daughter of C. Gracchus despite the fact that his father Callaicus had helped Opimius murder Caius. Nor is it very likely, as Cadoux pointed out, that Sallust would have called the daughter and niece of the murdered tribunes fortunate in her family.³⁵⁵ Finally, according to Münzer's *stemma* Sempronia was the daughter of D. Brutus' maternal half-sister Licinia which would make her marriage to Brutus incestuous.³⁵⁶ In fine, Münzer's conjecture is indefensible and must be categorically rejected.³⁵⁷

³⁵⁰ Si vellem inquit apud vos verba facere et a vobis postulare, cum genere summo ortus essem et cum fratrem propter vos amissem, nec quisquam de P. Africani et Tiberi Gracchi familia nisi ego et puer restaremus, ut pateremini hoc tempore me quiescere, ne a stirpe genus nostrum interiret et uti aliqua propago generis nostri reliqua esset: haud <scio> an lubentibus a vobis impetrassem (Scholia Bobiensia, p.81, 20-25 Stangl = Malcovati, *ORF*³ frg. no.47). The fragment from Caius' speech *De legibus promulgatis* dates to 123 (so Münzer, *RE* II.A.2.1371, 1384-5 and Stockton (1979) 120-1, 162, 222) or 122 (Fraccaro (1913) 104-113; Malcovati, pp. 190-1; and Earl (1963) 69). Earl (1963) 68-9 maintained that this *puer* was a son of Tiberius and Claudia, not Caius and Licinia, because Caius left only a single female child at his death, but Earl's assertion that Caius' child was a girl was entirely based on Münzer's untenable conjecture that Catiline's associate Sempronia was the daughter of C. Gracchus.

³⁵¹ *RAA* 272-3 = 250-1 Ridley; cf. *RE* II.A.2.1446 Sempronia no.103. Münzer was following the lead of Boissier (1905) 128f.

³⁵² Caius omitted his sister Sempronia who was still living at the time.

³⁵³ Münzer, *RE* II.A.2.1378 C. Sempronius Gracchus no.47. The only way around this would be to suppose that the girl was born posthumously — but there is no hint of this in the sources.

³⁵⁴ Sallust, *Bell. Cat.* XXIV.3.

³⁵⁵ Sallust, *Bell. Cat.* XXV.2: genere ... satis fortunata. Compare Tacitus, *Annals* IV.13 on the Gracchi of the Principate: infausti generis. See Cadoux (1980) 106.

³⁵⁶ Münzer made Brutus and Licinia the children of the same mother — i.e. Clodia (vide supra) and marriage to a sister's daughter remained taboo even after Claudius made it legal to marry a brother's daughter (see Caius, *Institutes* I.62; Tac., *Annals* XII.5-7; Suet., *Claudius* XXVI.3; Dio, LXVIII.2.4; cf. the *Digest* XXIII.2.12.4, 14.2,

Thus although Caius and Licinia were married for at least twelve years, Caius was survived by only one infant son, which suggests that the couple may have shared the dolorous experience of Caius' parents and brother in burying most of their children in infancy.

It is unclear whether Caius' presentiment of the impending extinction of the family was fulfilled. The three sons of Ti. Gracchus and Claudia all perished in their youth, and Sempronia's marriage to Scipio Aemilianus proved childless.³⁵⁸ But the fate of the solitary heir of Caius and Licinia is unknown. The boy is not heard of after 121 and Münzer assumed he died in infancy.³⁵⁹ That being the case, the origins of the Sempronii Gracchi of the Triumviral epoch and Principate comes into question.³⁶⁰ It is sometimes asserted that they merely usurped the *cognomen*.³⁶¹ Yet, as Cadoux observed, Tacitus' emphasis on the nobility of Iulia's paramour and the evil fortunes of his family suggest Tacitus considered him a genuine descendant of the Gracchi of the Republic.³⁶² There is, however, a middle course. It is not unthinkable that the post-Republican Gracchi were descended of a collateral line which would make them neither rank imposters, nor

56, XLVIII.5.39.1; and Moreau (2002) 198f. See also Caius, *Institutes* I.63; *Digest* XXIII.2.17.2 for the prohibition against marriage to a maternal uncle).

³⁵⁷ Münzer's thesis has found few adherents. It was rightly rejected by Ciaceri (1929/1930) 219-30; Corradi (1946) 22 and n.25; Balsdon (1962) 48; Syme (1964) 134-5 and AA 26; Astin (1967) 320; Briscoe (1974) 126 n.14; Gruen, *LGRR* 422 n.67; Vretska (1976) 347-8; Cadoux (1980) 104-7 (with extensive bibliography); Paul (1986) 10; Weiden Boyd (1987) 184; Moreau (2002) 198-9; and Ramsey (2007) 133. Among Münzer's few disciples are: Potter (1934) 673; Pastorino (1950) 359-60; and Herrmann (1964) 103; cf. Levick (2015) 57.

³⁵⁸ Strictly speaking, of course, Sempronia could not in any case have perpetuated the line of the Gracchi for her offspring would have been Cornelii Scipiones.

³⁵⁹ *RE* II.A.2.1371 no.40.

³⁶⁰ *RE* nos.41-44, 48, 56-8; *PIR*¹ S 265-8, *PIR*² G 196-201, *PIR*² S 352-355, cf. 344.

³⁶¹ Groag, *RE* II.A.2.1370-1 remarked that no Gracchus is attested between the prematurely deceased sons of the tribunes and the *monetalis* of c.40 B.C. (*RE* no.56; *MRR* III.190) and it is conceivable that another branch of the Sempronii, possibly the Aselliones, assumed the famous *cognomen*.

³⁶² Cadoux (1980) 106 n.40. Tacitus, *Annals* I.53 familia nobili, cf. *Annals* IV.13 on the paramour's son C. Gracchus whose life is said to have been imperiled by his rank (magna fortuna) and the fame of a doomed house (claritudine infausti generis — plainly a reference to his paternal family since his mother belonged to the obscure Alliarum). Tacitus, *Annals* IV.13 also remarks that Iulia's lover met his death with a *constantia* worthy of the Sempronian name. Juvenal, *Sat.* II.117-148, VIII.199f likewise emphasizes the aristocratic pedigree of the family (II.129 clarus genere, cf. 145-8 where the *retiarius* Gracchus is said to be *generosior* than the Capitolini, Marcelli, Catuli, Pauli, and Fabii). Note also that Crawford, *RRC* II.530 sees in the plough and *decempeda* on the denarius issued by the *monetalis* Ti. Sempronius Gracchus c.40 (*RRC* no.525, 2-4) an allusion to Octavian's settlement of veterans after the Perusine War, but an allusion to the agrarian legislation and colonial foundations of the Gracchi may also be intended. The family was elevated to the patriciate by Caesar or Augustus (see *RE* nos.44 and 58 and Pistor (1965) 24 *passim*) which argues against the notion that their claims were utterly spurious.

direct descendants of the tribunes.³⁶³

³⁶³ That was the view of Brunt (1988) 452. They could conceivably have descended from Caius' presumed uncle, P. Sempronius Gracchus the tribune of 189 B.C., or his great-uncle, Ti. Gracchus (cos. 215, 213). On the claims to descent from the Gracchi in the later empire see Settipani, *Continuité* 134f.

IV.

M. Livius Drusus (cos. 112, cens. 109) *RE* no.17
Cornelia *RE* no.409

TESTIMONIA

Seneca, *Consolatio ad Marciam* XVI.4

DATE

The marriage probably took place between 132 and 125 B.C.

MODE OF DISSOLUTION

The marriage was terminated by the death of Drusus in 109 B.C.

ISSUE

The marriage produced a son, M. Livius Drusus (*RE* no.18) tribune of the plebs 91, and a daughter, Livia (*RE* no.35) the wife of Q. Servilius Caepio (*RE* no.50) and M. Porcius Cato (*RE* no.12), and perhaps another son - Mam. Aemilius Lepidus Livianus (cos. 77)

PARENTS

Drusus was the son of C. Livius M. Aemiliani f. Drusus (cos. 147)
Cornelia was probably the daughter of P. Cornelius Scipio Nasica Serapio (cos. 138)

SIBLINGS

Drusus was the brother of C. Livius Drusus (*RE* no.15) and probably of Livia (*RE* no.34) the wife of P. Rutilius Rufus (cos. 105)

Cornelia was probably the sister of P. Cornelius Scipio Nasica (cos. 111). Cornelia may also have had a sister who was the grandmother of Cn. Cornelius Lentulus Marcellinus (cos. 56)

Seneca, *Consolatio ad Marciam* XVI.3-5: Quod si tibi vis exempla referri feminarum quae suos fortiter desideraverint, non ostiatim quaeram; ex una tibi familia duas Cornelias dabo: primam Scipionis filiam, Gracchorum matrem. Duodecim illa partus totidem funeribus recognovit. Et de ceteris facile est, quos nec editos nec amissos civitas sensit; Tiberium Gaiumque, quos etiam qui bonos viros negaverit magnos fatebitur, et occisos vidit et insepultos. Consolantibus tamen miseramque dicentibus: “Numquam”, inquit, “non felicem me dicam, quae Gracchos peperit.” (4) Cornelia Livi Drusi clarissimum iuvenem inlustris ingenii, vadentem per Gracchana vestigia imperfectis tot rogationibus intra penates interemptum suos, amiserat incerto caedis auctore. Tamen et acerbam mortem filii et inultam tam magno animo tulit, quam ipse leges tulerat. (5) Iam cum fortuna in gratiam, Marcia, reverteris, si tela, quae in Scipiones Scipionumque matres ac filias exegit, quibus Caesares petit, ne a te quidem continuit?

J. W. Basore, *Seneca. Moral essays II*, Cambridge MA, (1932) 49, 51: But if you wish me to cite examples of women who have bravely suffered the loss of dear ones, I shall not go from door to door to find them. From one family I shall present to you the two Cornelias — the first one, the daughter of Scipio and mother of the Gracchi. Twelve births did she recall by as many deaths. The rest whom the state never knew as either born or lost matter little; as for Tiberius and Gaius, who even the man who denies that they were good will admit were great men, she saw them not only murdered but left unburied. Yet to those who tried to comfort her and called her unfortunate she said: “Never shall I admit that I am not fortunate, I who have borne the Gracchi.” Cornelia, the wife of Livius Drusus, lost a son, a young man of distinguished ability and very great renown, who, while following in the footsteps of the Gracchi, was killed at his own hearth by an unknown murderer, just when he had so many measures pending and was at the height of his fame. Yet she showed as much courage in supporting the death of her son, untimely and unavenged as it was, as he had shown in supporting his laws. If Fortune, Marcia, has pierced the Scipios and the mothers and daughters of the Scipios with her darts, if with them she has assailed the Caesars, will you not now pardon her if she has not held them back even from you?

In the consolation addressed to Marcia on the death of her second son, Seneca singles out two Roman matrons who exhibited Stoic fortitude in the face of the loss of their children: Cornelia the wife of Ti. Sempronius Gracchus (cos. 177, 163, cens. 169) and mother of the Gracchi, and Cornelia the wife of M. Livius Drusus (cos. 112, cens. 109) and mother of the like-named tribune. Seneca unequivocally indicates that both Corneliae belonged to the patrician Corneli Scipiones.³⁶⁴ This is made clear not only by Seneca’s opening statement that the two Corneliae stemmed from the one family (*ex una familia*), but by his closing reference to the Scipiones and the mothers and daughters of the Scipiones (*Scipiones Scipionumque matres ac filias*).³⁶⁵ Plainly the wives of Gracchus and Drusus are the eponymous *filiae Scipionum*.³⁶⁶ The

³⁶⁴ Which explains the recurrent emphasis on the high birth of Cornelia’s son Drusus (see Cicero, *Pro Rab. Post.* 16 *Potentissimo et nobilissimo*, *Pro Milone* 16 *nobilissimus*, *Pro Cluent.* 153 *clarissimo ac potentissimo*, *De domo* 120 *clarissimus*; Velleius, II.13.1 *nobilissimus*, II.14.3 *clarissimus*; Pliny, *NH* XXV.52 *clarissimus*; *De vir. ill.* LXVI.1 *genere et eloquentia magnus*; Appian, *BC* I.35 ἀνὴρ ἐπιφανέστατος ἐκ γένους, cf. Diodorus, XXXVII.10.1, 2. Dio, XXVIII frg. 96.2 even considered Drusus had the advantage in wealth and birth over the patrician Q. Servilius Caepio, whereas Florus, II.5.4 put them on par with one another).

³⁶⁵ It is inexplicable therefore that Münzer, *RE* XIII.856 M. Livius Drusus no.17, XIII.861 M. Livius Drusus no.18 treated the ancestry of Cornelia as a matter of conjecture, and only tentatively suggested descent from the Scipiones. Favez (1928) 52, and Manning (1981) 92 offer no comment on the ancestry of Cornelia. Gelzer (1934) 61 = (1963) II.259 merely says that she belonged to the patriciate. Settipani, *Continuité* 209 n.2 rightly observes that Cornelia

wife of Ti. Gracchus was the daughter of Scipio Africanus (cos. 205, 194, cens. 199), as Seneca observes, but Seneca fails to specify the parentage of the wife of M. Livius Drusus. The father of Cornelia must be sought among the three *stirpes* of the Scipiones still in evidence in the latter part of the Second Century B.C. namely: the Asiatici/Asiageni (the heirs of L. Scipio the brother of Africanus), the Hispalli/Hispani and the Nasicae (both branches descended from the first cousins of Africanus). A number of factors favour the likelihood that Cornelia Drusi belonged to the Scipiones Nasicae.

Firstly, although the evidence has been routinely overlooked, P. Scipio Nasica Serapio (cos. 138) had a nubile daughter available just at the right time for John of Antioch preserves the following anecdote:

Ὅτι ἐν τούτῳ τῷ χρόνῳ, ἐπαναστάντος τοῦ δήμου, Σκιπίων [Ἀφρικανὸς] φυγὰς τῆς πόλεως γίνεται, ζημοῦται δὲ καὶ τὴν ἑαυτοῦ γυναῖκα σὺν παρθένῳ παιδί, καὶ τῆς οἰκίας ἅμα τοῖς ὑπάρχουσιν ἀποστερεῖται. Τὰ μὲν γὰρ πυρὶ κατεφλέχθη, τὰ δὲ ὑπὸ τοῦ δήμου διηρπάγη τε καὶ ἀνηρέθη· ὥς δόγματι τῆς βουλῆς μετὰ ταῦτα ἐκ τοῦ δημοσίου μοῖραν οὐ μικρὰν τῷ ἀνδρὶ ἐπιδοθῆναι.³⁶⁷

In that period, as a result of popular demonstrations Scipio [Africanus] fled the city leaving behind his wife and an unmarried daughter, and he was deprived of his house and substance. In fact, some of his possessions were consumed in a fire, others were plundered or destroyed by the people, consequently the senate decreed that he be compensated with a significant amount of public money.

The *cognomen* Africanus is patently an erroneous interpolation, as all editors have recognized, for Scipio Africanus was never obliged to quit Rome as a consequence of popular demonstrations.³⁶⁸ When Africanus retired to Liternum in Campania, he did so of his own

was “sans doute de la branche des Scipiones” (but inadvertently makes her the partner of her son). Etcheto (2012) 60, 190 comes to no firm conclusion on the branch of the Scipiones to which Cornelia belonged.

³⁶⁶ The reference to the *matres Scipionum* is puzzling as Seneca does not mention any mothers of the Scipiones in the *consolatio*. The context presupposes an allusion to Scipiones who died untimely deaths and were survived by their mothers and *exempla* of this kind will not have been hard to find judging by the *elogia* of the Scipiones which record a series of early deaths (see *ILS* 4, 5, 6, 7, 8). See also Münzer, *RAA* 308f = 284f Ridley on Scipio *Lepidi filius*, and *RAA* 317 = 291 Ridley for a possible son of Metellus Scipio. Moreover, both the sons of Aemilia, the wife of Scipio Africanus, probably predeceased her.

³⁶⁷ Müller (1851) IV.560 frg.63 = Roberto (2005) 212-3 frg.140 = Mariev (2008) 102-3 frg.94. Cf. Capozza (1977) 400, 402, 404. The fragment is preserved among the historical anecdotes compiled in the Tenth Century on the orders of Constantine VII Porphyrogenitus under the rubric Περί ἐπιβουλῶν κατὰ βασιλέων γεγонуμένων (commonly rendered as *De Insidiis* = De Boor (1905) 67 no.25).

³⁶⁸ Almost every aspect of the so-called trial of the Scipiones has been called into question (see Briscoe (2008) 175f and Rich, *FRH* III.352f). But the developed tradition in any case portrays the abortive trial of Africanus as a politically motivated prosecution which lacked popular or senatorial support.

volition, leaving behind two unmarried daughters (not one).³⁶⁹ Nor was Africanus' residence in Rome plundered or consumed by fire — it was still standing in 169 B.C., long after his death, when it was sold to make way for the *Basilica Sempronia*.³⁷⁰ The anecdote recounted by John of Antioch manifestly pertains to P. Scipio Nasica Serapio (cos. 138) who was driven into exile by the *invidia* resulting from his violent suppression of his cousin Ti. Gracchus.³⁷¹ It follows that when Serapio was dispatched to the East in 132 B.C., ostensibly to assist in the organization of the province of Asia, but actually to escape the popular fury, he left behind an unmarried daughter.³⁷²

Secondly, the phrase *ex una familia* may simply mean that Cornelia Gracchi and Cornelia Drusi were both Scipiones, but the formulation takes on added significance if Cornelia Drusi was the daughter of P. Scipio Nasica Serapio (cos. 138) for Serapio was the son of P. Scipio Nasica Corculum (cos. 162, 155, cens. 159) and Cornelia, the elder daughter of Scipio Africanus and the older sister of the mother of the Gracchi. If therefore Cornelia Drusi was a daughter of Serapio, she carried the blood of Africanus in her veins, and the wife of Ti. Gracchus was the sister of her paternal grandmother, so they were quite literally from the one family.³⁷³

Thirdly, during his tribunate in 122 B.C. Cornelia's husband was in the forefront of opposition to C. Gracchus, and Drusus was also on record as having publicly approved the murders of Tiberius and Caius Gracchus.³⁷⁴ It is tempting therefore to suppose that Drusus' opposition to the Gracchi was at least partly actuated by loyalty to his father-in-law Serapio.³⁷⁵ It should also be noted in this context that one of the principal backers of the younger M. Drusus

³⁶⁹ The first installment of the dowry bequeathed to Africanus' two daughters was paid by his widow Aemilia (see chapter II).

³⁷⁰ See Livy, XLIV.16.10-11; and E. Papi, *LTUR* II.88.

³⁷¹ Serapio is also wrongly equipped with the *cognomen* Africanus in the preceding fragment (Müller frg.62 = Roberto frg.139 = Mariev frg.93) which deals with the murder of Ti. Gracchus.

³⁷² See *MRR* I.499; and Schleussener (1976) 97-112).

³⁷³ That is to say, the mother of the Gracchi was the *matertera magna* of Cornelia Drusi, or to put it the other way around Cornelia Drusi was her great-niece.

³⁷⁴ On the tribunate of Drusus see Münzer, *RE* XIII.857-61 no.17; and *MRR* I.517. For his approval of the murders of Tiberius and C. Gracchus see Cicero, *Orator* 213-5. Drusus also attacked the extravagance of C. Gracchus (Plutarch, *Ti. Gracchus* II.1).

³⁷⁵ Münzer, *RE* XIII.856, who oddly regarded Cornelia's background as uncertain, nonetheless speculated that Drusus was possibly induced to act in the interests of the Scipiones because he was related to them by marriage (durch Verschwägerung ganz in die Interessen der Scipionenen hineingezogen war). Boren (1956) 29 baldly asserted that Cornelia was "presumably a relative of Scipio Aemilianus." It is likely that it was Drusus' colleague L. Piso Caesoninus (cos. 112) who presided over the election of Serapio's son, P. Scipio Nasica (cos. 111), for Drusus was probably in Macedonia when the elections were conducted.

was the great orator L. Licinius Crassus (cos. 95, cens. 92) whose elder daughter was married to P. Scipio Nasica — the grandson of Serapio.³⁷⁶

Furthermore, it is possible that the identification has a bearing on another historical puzzle. P. Mucius Scaevola (cos. 133) refused to sanction Serapio's call to arms in 133 B.C., but Cicero states that after the death of Ti. Gracchus, Scaevola not only defended Serapio's actions in several senatorial decrees, he actually lauded it.³⁷⁷ Cicero's statement is sometimes queried or rejected on the basis that there is no evidence for any such *senatus consulta*.³⁷⁸ But the fact that Serapio was compensated with public funds implies that the damage to his home was considered to have been politically motivated, that is to say, *contra rem publicam*.³⁷⁹ and it was presumably attributed to Gracchan sympathizers.³⁸⁰ In justifying Serapio's entitlement to compensation the senate can hardly have done otherwise than defend and extoll Serapio's actions in 133 B.C., and Scaevola must have concurred.³⁸¹ What is more, the senate's decision was surely the precedent upon which Scaevola based his claim for compensation for C. Gracchus' widow some twelve years later. In Licinia's case her husband was held to have instigated the *sedition* which resulted in the destruction of her property, and it is disputed whether she received any compensation,

³⁷⁶ On L. Crassus and Drusus see Cicero, *De domo* 50, *De or.* I.97. On Scipio Nasica and Licinia see Cicero, *Brutus* 211-213, *De oratore* III.8, 134; Münzer, *RE* XIII.497-8 Licinia no.183, *RE* IV.1497 P. Scipio Nasica no.351, *RE* Suppl. I.331 and Suppl. III.261 no.351; and Etcheto (2012) 184.

³⁷⁷ *De domo* 91, cf. *Pro Plancio* 88.

³⁷⁸ See Bauman (1978) 229f, (1983) 274. Astin (1967) 228, 350 accepted the existence of the *senatus consulta* which he infers were "precautionary measures to forestall a renewal of violence", but questions Cicero's claim that Scaevola defended Scipio Nasica. Cf. Fraccaro (1914) 177f; Briscoe (1974) 128-9; Flower (2006) 70. Gaughan (2010) 113 assumes that one of the decrees alluded to was the *senatus consultum* of 132 B.C. which established the commission to identify and punish the followers of Ti. Gracchus.

³⁷⁹ Similarly in 57 B.C. the attacks on Cicero's properties on the Palatine, at Tusculum, and Formiae were declared *contra rem publicam* and he was compensated by the treasury (see Cicero, *De har. resp.* 15; Lintott (1999a) 116f; Shatzman, *Senatorial Wealth* 403-5, 407; and E. Papi, *LTUR* II.203). Cicero, *In Pisonem* 52, *De har. resp.* 16 (cf. Asconius, 13-14C) could nonetheless justifiably represent his own case as unique because his house had been confiscated, looted, burned, and consecrated by order of a magistrate of the plebs (*De domo* 62-3, 100-8), and was restored on the authority of the senate, the *comitia centuriata*, and the pontifical and augural colleges (*De har. resp.* 11-15).

³⁸⁰ On the hatred and threats directed towards Serapio see Cicero, *De Rep.* I.6; Plutarch, *Ti. Gracchus* XXI.2-4 (4-7); *De vir. ill.*, LXIV.9. See also Powell (1990) 100, 168 and Beness (2009) 60-1 for the argument that *De amicitia* 41 alludes to reprisals against Serapio, not to the supposed murder of Scipio Aemilianus.

³⁸¹ Since the destruction of Serapio's home must have occurred sometime after the death of Ti. Gracchus in the summer or autumn of 133 B.C., it is possible that the compensation was decreed late in 133, or in 132 B.C. (when the consuls P. Popillius Laenas and P. Rupilius were engaged in punishing the associates of Ti. Gracchus). In the latter case P. Mucius Scaevola may have played a less conspicuous role in the passage of the measure.

whereas in Serapio's case it must have been argued that the damage was a politically inspired reprisal for his leading role in the suppression of Licinia's brother-in-law. It was also presumably this event incident which convinced Serapio that he could no longer safely remain in Rome and the senate devised the embassy to Asia as a suitable face-saving pretext for his departure.

The timing of the marriage of Drusus and Cornelia also fits with the supposition that Cornelia is identical with the daughter of P. Scipio Nasica Serapio (cos. 138). When Serapio left Rome in 132 B.C., never to return, he left behind an unmarried daughter, Cornelia, who will have been less than 12 years old (i.e. she was born after 144 B.C.). Drusus, on the other hand, was born by, or perhaps in 155 B.C., making him very close in age to Cornelia's older brother P. Scipio Nasica, who was consul in 111 B.C., and hence born by 154 B.C.³⁸² What is known of the ages of the children of Drusus and Cornelia suggests that their parents married no later than circa 125 B.C. and the probable sequence of events now becomes clear.³⁸³ In 132 B.C. Drusus was about 23 years old, but his prospective bride, the daughter of Serapio, had not yet come of age — so Drusus was obliged to bide his time until Cornelia attained a suitable age for matrimony. Sometime after the departure of Serapio, probably in the first half of the 120's B.C., Cornelia came of age and the couple were promptly married.

If that reconstruction is accurate, the marriage lasted for around 20 years until it was dissolved by the death of Livius Drusus in 109 B.C. Drusus died suddenly during his censorship when his like-named son was still a boy.³⁸⁴ Cornelia, on the other hand, was still alive late in 91 B.C. when she was a witness to her son's murder in his palatial home on the Palatine.³⁸⁵

Cornelia bore Drusus a son, M. Livius Drusus the tribune of 91 B.C., and a daughter

³⁸² On Drusus' date of birth see Münzer, *RE* XIII.857 and Sumner, *Orators* 17, 64; on Nasica's see Sumner, *Orators* 61, 74, 79.

³⁸³ M. Drusus the tribune of 91, was born between 124 and 122 B.C. (see Münzer, *RE* XIII.861; Sumner, *Orators* 22, 110-1), and Mam. Aemilius Lepidus Livianus (cos. 77), who is generally believed to be the brother of the tribune (vide infra), was born by 124 (Sumner, *Orators* 111). Livia's date of birth is unknown, but it appears likely that she was younger than the tribune.

³⁸⁴ See *MRR* I.545; Seneca, *De brevitate vitae* VI.1: pupillus et praetextatus.

³⁸⁵ Drusus was killed sometime after the death of L. Crassus on the 20th of September 91 (for the sources see *MRR* II.22; plus the *Commenta Bernensia* on Lucan, VI.795 = Usener (1869) 218 and Seneca, *Octavia* 887f). The Author of the *Rhetorica ad Herennium* IV.31 says that the tribune's blood *vultum parentis aspersit*. Münzer, *RAA* 403 = 390 Ridley argued this must refer to the face of Cornelia as the father of the tribune was long dead, but Haug (1947) 113 = (1975) 113 interpreted the phrase as a reference to the *imago* of the tribune's father on display in the *atrium* of his house. The statement is surely hyperbole for Drusus was stabbed in the thigh and amidst the throng, so his blood is unlikely to have sprayed anyone in the face or reached high enough to besmirch the *imagines* on the walls, but as Cornelia was undoubtedly still alive and Velleius, II.14.2 says that Drusus was surrounded by friends and relatives (*propinqui amique*), it is not unlikely that she was present at his death.

Livia. Livia was married in quick succession to Q. Servilius Caepio and M. Porcius Cato, but predeceased her brother leaving a crop of young children in his care.³⁸⁶ The younger Drusus married and divorced Servilia, the sister of Q. Caepio, and apparently died without issue.³⁸⁷ When the tribune and Caepio were slain it presumably fell to Cornelia to bring up her orphaned grandchildren.³⁸⁸ It is also very possible that Cornelia bore the consul of 112 B.C. another son who was adopted into the Aemilii and came to be known as Mam. Aemilius Lepidus Livianus (cos. 77).³⁸⁹

³⁸⁶ Plutarch, *Cato Minor* I.1; *Valerius Maximus*, III.1.2; *De vir. ill.*, LXXX.1.

³⁸⁷ Drusus and Servilia see Dio, XXVIII fragment 96.3; Borghesi (1869) V.177; Münzer, *RAA* 293f = 268f Ridley, *RE* II.A.2.1817 Servilia no.99, *RE* XIII.863, 864 M. Livius Drusus no.18; and Harders (2008) 139f. M. Livius Drusus Claudianus, the father of the empress Livia, is generally held to have been adopted by Drusus (see for instance: Borghesi (1869) V.314-7; Münzer, *RE* XIII.811, 882, *RAA* 298 = 275 Ridley; Groebe, *GR*² II.546-7; Syme, *RR* 229, *AA* 199; Petersen, *PIR*² L 294; Shackleton Bailey, *Two Studies*² 77; Perkounig (1995) 31f; and Barrett (2002) 8. Münzer, *RAA* 298 = 275 Ridley astutely observed that M. Livius Drusus may have adopted a Claudius Pulcher despite having two orphaned infant nephews, Caepio and Cato, in his house because his nephews were the only remaining male representatives of their paternal families).

³⁸⁸ See Münzer, *RAA* 296f, 403f = 273f, 389f Ridley.

³⁸⁹ The specifics of the adoptive and biological ancestry of Lepidus Livianus are not recorded. Klebs, *RE* I.564 and Drumann, *GR*² I.3 no.16 offered no guidance. Münzer, *RE* XIII.859 and *RAA* 311f = 286f Ridley proposed that Livianus was the son of Drusus and Cornelia (cf. Sumner (1964) 44, 48 and *Orators* 64, 66, 111; Syme, "M. Aemilius Lepidus (cos. 78 B.C.)", Santangelo forthcoming, *AA* 105 n.8; Badian (1990) 391). The alternative is to suppose that Livianus descended from some other little known branch of the Livii, or from C. Livius Drusus the blind older brother of the consul of 112. But there is some indirect confirmation that Livianus belonged to the Salinatores/Drusi. Suetonius, *Tiberius* III.1 states that the Salinatores and Drusi accumulated 8 consulships, 2 censorships, and 3 triumphs, as well as producing a dictator and *magister equitum*. Mommsen (1864) I.73 n.5 could not account for the figure of 8 consulships, but Sansone (1986) 274 observed that all the other offices are accurately recorded (viz. censorships in 204, and 109, a dictatorship in 207, a *magister equitum* in 324, and triumphs in 219, 207, and 110), and by adding the consulship of Lepidus to the other 7 Livian consulates (302, 219, 207, 188, 147, 112, 15), one arrives at the Suetonian total of 8. And Münzer's thesis that Livianus was a son of the consul of 112 derives some support from the fact that Livianus was immensely wealthy (Cicero, *De off.* II.58), like his putative brother the tribune of 91 (Diod., XXXVII.10.1; Pliny, *NH* XXXIII.141). Note also that Livianus inflicted a severe defeat on Q. Poppaedi Silo (*MRR* II.43; and Sumner (1964) 44 n.34) who had been the *cliens* and *hospes* of Drusus (Plut., *Cato Minor* I.1; Val. Max., III.1.2; *De vir. ill.*, LXXX.1).

V.

Cn. Pompeius Strabo (cos. 89 B.C.) *RE* no.45
 Lucilia *RE* no.33

TESTIMONIA

Velleius, II.29.2; Porphyrio on Horace, *Satires* II.1.75; Pseudo-Acro on Horace, *Satires* II.1.29, 75

DATE

The marriage took place no later than 107 B.C.

MODE OF DISSOLUTION

Unknown

ISSUE

Cn. Pompeius Magnus (cos. 70, 55, 52), and Pompeia the wife of C. Memmius and P. Cornelius Sulla (cos. des. 65)

PARENTS

Strabo was the son of Sex. Pompeius (*RE* no.17) the praetor of c.121 B.C.
 Lucilia was of senatorial stock, but the *stirps* to which she belonged is disputed

SIBLINGS

Strabo was the brother of Sex. Pompeius (*RE* no.18), and perhaps also of the mother of M. Atius Balbus, or else the mother of Balbus was a sister of Lucilia

See Figure 2

Velleius, II.29.2: Fuit hic genitus matre Lucilia stirpis senatoriae.

He (sc. Pompey) was descended through his mother Lucilia from a senatorial family.

Pseudo-Acro on Horace, *Satires* II.1.29 NOSTRUM MELIORIS UTROQUE: Fuit enim valde nobilis Lucilius, utpote qui esset Magni Pompei avus.³⁹⁰

Lucilius was very distinguished in as much as he was the grandfather of Pompeius Magnus.

Pseudo-Acro on Horace, *Satires* II.1.75 INFRA LUCILI CENSUM: Ideo quia fertur Lucilius maior avunculus fuisse Pompei Magni.³⁹¹

Since it is said that Lucilius was the brother of the great-grandmother (sic) of Pompeius Magnus.

Porphyrio on Horace, *Satires* II.1.75 INFRA LUCILI CENSUM: Constat enim Lucilium maiorem <avunculum> Pompei fuisse. Etenim avia Pompei Lucilii soror fuerat.³⁹²

It is agreed that Lucilius was the brother of the great-grandmother (sic) of Pompeius because the grandmother of Pompey was the sister of Lucilius.

The only extant source to name the mother of Pompey, Velleius Paterculus, says that she was a Lucilia of senatorial family. Velleius, it will be noted, says nothing about Lucilia's relationship to the celebrated satirist C. Lucilius.³⁹³ Porphyrio, on the other hand, states that the satirist was the *avunculus maior* of Pompey and adds in explication that the poet was the brother of Pompey's grandmother. The latter statement shows that Porphyrio used the term *avunculus maior* improperly and that the scholiast actually thought that the satirist was the *avunculus magnus* of Pompey.³⁹⁴ Pseudo-Acro complicates matters further by referring to C. Lucilius as

³⁹⁰ Hauthal (1866) II.191: me – avus γ (XIth century codex Parisinus 7975) rell. om.. Keller (1904) II.119: Γ' = Γ (r, X-XIth century codex Parisinus Latinus 9345, et γ) + v (Xth century codex Dessauensis).

³⁹¹ Hauthal (1866) II.198: quia γ rell. quoniam. maior om. γ.

³⁹² See Hauthal (1866) II.203 and Holder (1894) 290. According to the apparatus of Hauthal *avunculum* occurs in G (the codex Guelpherbytanus) and as a marginal correction in 2 (the XVth century codex Bernensis 516), but is omitted in M and R (respectively the IXth or Xth century codex Monacensis 181, and the codex Parisiensis 7988). Note also the so-called *Commentator Cruquianus*: Infra Lucili c. Hoc est, etsi non sum eorum natalium quorum Lucilius fuit: constat enim Lucilium maiorem avunculum Pompeii fuisse, etenim avia Pompeii soror Lucilii fuerat (Cruquius (1611) 409). On Botschuyver's theories regarding the composition of the *scholia in Horatium* see Reynolds (1996) 160 n.35.

³⁹³ Velleius briefly registers the poet in his list of notable literary figures at II.9.4.

³⁹⁴ An *avunculus magnus* was the brother of a maternal or paternal grandmother, whereas an *avunculus maior* was the brother of a maternal or paternal great-grandmother (see the *Digest* XXXVIII.10.1.6, XXXVIII.10.10.15, 16, 17; the *Tractatus de gradibus cognationum* VI; Paul the Deacon, 121 Lindsay; Paulus, *Sententiae* IV.11.4 with Bush (1972) 39-47; Isidore, *Etymologiae* IX.6.26 with Bush (1972) 41; Reydellet (1984) 212f; and figure 2). The use of *avunculus maior* for *avunculus magnus* is found elsewhere. Velleius, II.59.2, Suetonius, *Augustus* VII.2, and the author of the *Epitome de Caesaribus* I.2 all inaccurately describe Caesar as the *avunculus maior* of Augustus, and Suetonius, *Claudius* III.2 and Seneca, *Apocolocyntosis* XI wrongly refer to Augustus as the *avunculus maior* of

both the *avunculus maior* and the grandfather (*avus*) of Pompey.

It is difficult therefore to reconcile the testimony of Velleius with the Horatian scholia. The notion that C. Lucilius was the grandfather (*avus*) of Pompey accords with Velleius' statement that Pompey's mother was a Lucilia, and is not chronologically inconceivable,³⁹⁵ but it conflicts with the belief that the satirist was unmarried and childless,³⁹⁶ and is incompatible with Pseudo-Acro's own declaration that Lucilius was the *avunculus maior* (i.e. *magnus*) of Pompey. Moreover, Velleius' affirmation that Lucilia belonged to a *stirps senatoria* would be a somewhat surprising description of a daughter of the equestrian satirist.³⁹⁷ Most commentators accordingly consider the statement an error of some description.³⁹⁸

On the other hand, the claim that C. Lucilius was the *avunculus maior* (sic. i.e. *avunculus magnus*) of Pompey can only be reconciled with the evidence of Velleius on the assumption that

Claudius. Note also the *Commentum Cornuti* on Persius, *Sat.* VI.59 which defines an *avunculus maior* as a *frater aviae* (i.e. an *avunculus magnus*). Assuming therefore that the exegesis of Porphyrio is internally consistent, *avunculus maior* must stand for *avunculus magnus*.

³⁹⁵ The date of the satirist's birth is a notorious crux (for a succinct overview see Gruen (1993) 274-6; cf. Stewart (1925) 285-91 and Herbert-Brown (1999) 535-43), but since Lucilius certainly survived into the last quarter of the Second Century and reportedly died in 103/102 B.C. (Jerome, *Chronicon* 148 Helm), he could theoretically have been the grandfather of Pompey who was born on the 29th of September 106 B.C. (Sumner, *Orators* 129).

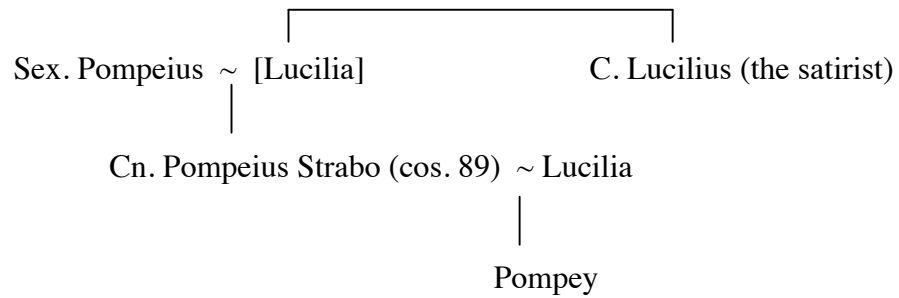
³⁹⁶ In view of Lucilius' attitude to women and matrimony (on which see especially Galdi (1920) 77-91; Terzaghi (1934) 146f, 184f, 239f, 361f; Heldmann (1979) 339-44; Bernardi Perini (1979) 65-7; Richlin (1992) 173f; Haß (2001) 111-20; Bellandi (2003) 159-68; and Smith (2005) 32, 72-4, 156, 112-3, 184) and his relations with the *meretrices* Phryne, Cretaea, Hymnis, and Collyra, it is generally thought that he never married (see Müller (1876) 6; Marx (1904) I.xviii-xix; Cichorius (1908) 1, 93f, 133, (1922) 68; Münzer (1909) 180, 192; Kappelmacher, *RE* XIII.1620 C. Lucilius no.4; Terzaghi (1934) 14, 92; Warmington (1938) x; Krenkel (1970) I.21). This is to assume that the views expressed in the satires represent Lucilius' genuine beliefs and not simply the voice of his authorial persona, but Horace, *Sat.* II.1.30-3 testifies to the strongly autobiographical character of Lucilius' work (see Haß (2007) 9f, 19f, 90f, 160f; and Roman (2014) 35f).

³⁹⁷ It was possible of course to be the child of an *equus* and nonetheless of senatorial stock like the renowned jurist Ser. Sulpicius Rufus (cos. 51) who belonged to a venerable patrician senatorial family (Cicero, *Pro Murena* 16). The equestrian rank of C. Lucilius emerges from numerous "indices convergents" (see Nicolet, *OE* II.926-8 no.204), but no senatorial antecedents of the satirist are recorded. The discrepancy is usually resolved by the inference that the poet's father and/or brother were senators (see Cichorius (1908) 2f, 20f; Münzer (1909) 182; Kappelmacher, *RE* XIII.1619-20; Terzaghi (1934) 86; Nicolet, *OE* II.927-8; Broughton, *MRR* III.129; and Gruen (1993) 277).

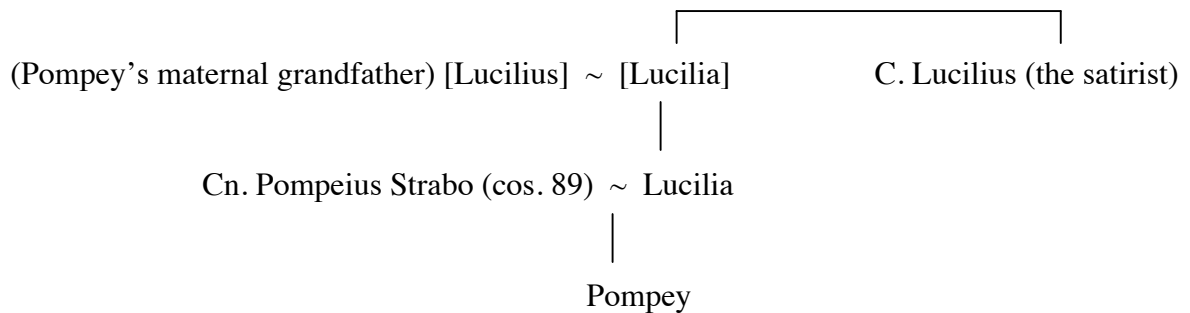
³⁹⁸ Schanz and Hosius (1927) I.153 imply a scribal error, suggesting *avunculus* should probably read instead of *avus* at II.1.29 (cf. Della Corte (1968) 257 who prints: *avu<nculu>s*). As the majority of *Mss* have: *maior avunculus* at II.1.75 this would not entirely eliminate the contradiction. Terzaghi (1934) 86 n.4 treats *avus* as an "obviously erroneous explanatory gloss" arising from the fact that the satirist was a great uncle of Pompey (i.e. a brother of his grandfather).

the mother and grandmother of Pompey were both called Lucilia, since there are only two possible reconstructions (A or B), and the end result is the same irrespective of whether the satirist is made the brother of Pompey's paternal or maternal grandmother. Furthermore, the second scenario requires the additional assumption that the maternal grandfather of Pompey was also a Lucilius in order to account for his daughter's *gentilicium*.³⁹⁹

A: Paternal great-uncle (*avunculus magnus*)



B: Maternal great-uncle (*avunculus magnus*)

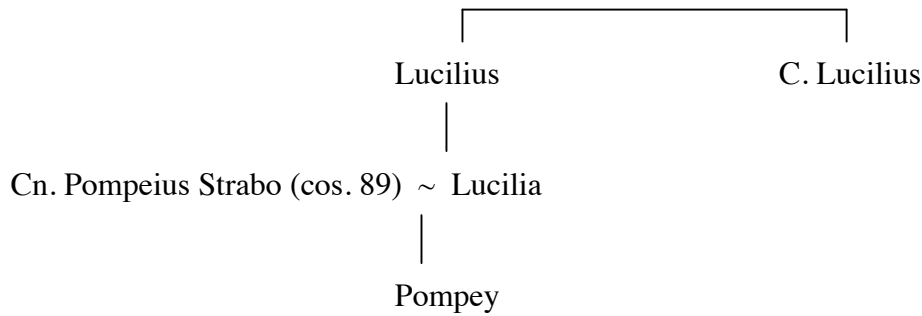


Formerly most scholars regarded it as unlikely that the mother and grandmother of Pompey were both Luciliae and so championed one or the other alternative. Thus Drumann and Groebe flatly rejected the testimony of Velleius and identified the paternal grandmother of Pompey as a sister of the poet.⁴⁰⁰ Other scholars were inclined to put more faith in Velleius than Porphyrio and Pseudo-Acro, but nonetheless did not completely reject the testimony of the scholiasts. Accepting both Velleius' statement that Pompey was the son of a Lucilia, and the claim of Porphyrio and Pseudo-Acro that Lucilius was the great-uncle of Pompey, they made the satirist the brother of Pompey's maternal grandfather — that is to say, converted an *avunculus*

³⁹⁹ The crux of the problem was recognized long ago (see S. Havercamp's 1743 edition of Lucilius p.184; Van Heusde (1842) 35-7; Orelli (1844) II.193; and Estré (1846) 77).

⁴⁰⁰ Drumann and Groebe, *GR*² IV.311, 323-4 Sex. Pompeius no.16, 332 Cn. Pompeius Strabo no.22. So also Teuffel (1848) V.1846 Sex. Pompeius no.12; and Warmington (1938) x.

magnus into a *patruus magnus*⁴⁰¹:



West, on the other hand, accepted both relationships as reported, arguing that three distinct branches of the *gens* Lucilia are attested in the Second Century distinguished by the *cognomina* Balbus, Hirrus, and Rufus, and that Pompey's grandmother was an otherwise unattested sister of the satirist C. Lucilius, who belonged to the senatorial Lucilii Hirri,⁴⁰² while Pompey's mother was a Lucilia from the senatorial Lucilii Rufi and was unrelated to the poet.⁴⁰³ West emphasized that his own reconstruction was consistent with all the evidence, whereas the interpretation popularized by Marx and Cichorius contradicted the scholia in making the satirist the *patruus magnus* rather than the *avunculus magnus* of Pompey.

Despite a few dissenting voices,⁴⁰⁴ the hypothesis of West seems now to have supplanted

⁴⁰¹ Whereas an *avunculus magnus* was the brother of a maternal or paternal grandmother, a *patruus magnus* was the brother of a maternal or paternal grandfather (see the *Digest* XXXVIII.10.1.6, 10.10.15; Iustinian, *Institutes* III.6.3; Paulus, *Sententiae* IV.11.4 erroneously restricts the term to the paternal line see Bush (1972) 39-47, esp. 40, 41; and F. Hickson Hahn, *TLL* X pars 1 fasc. V col. 794.19-27. For this reconstruction see Teuffel (1846) IV.1182; Borghesi (1865) IV.35 and (1869) V.130; Müller (1876) 6; Marx (1904) I.xviii-xix, (1905) II.cxxv; Cichorius (1908) 1, 6, (1922) 68, 146; Münzer (1909) 180, 182; Stewart (1925) 288 n.4; Schanz and Hosius (1927) I.153; Münzer, *RE* XIII.1647 Lucilia no.33, (1926) 268; Kappelmacher, *RE* XIII.1619; Terzaghi (1934) 86; Gelzer (1941) 6, (1949) 27; Miltner, *RE* XXI.2059 Sex. Pompeius no.17, *RE* XXI.2262 Cn. Pompeius Strabo no.45; van Ooteghem (1954) 32-3; Gruen (1993) 277; M. Strothmann, *DNP* Lucilia no.1; Elefante (1997) 274; Seager (2002) 194 n.2; Christ (2004) 25; and Zmeskal, *Adfinitas* 173-4.

⁴⁰² Asconius indirectly affirms that C. Lucilius Hirrus (*RE* no.25), the tribune of 53 B.C. and unsuccessful candidate for the curule aedileship of 50 B.C., was a relative of Pompey (see 35.22 with 51.7 C: propinquus).

⁴⁰³ West (1928) 240-52, esp. 246-8.

⁴⁰⁴ Notably Terzaghi (1934) 86; Della Corte (1968) 257-8; and Gruen (1993) 277. Terzaghi and Gruen revert to the interpretation advocated by Marx and Cichorius. Della Corte rejects the hypothesis of West, but comes to no firm conclusion. He accepts that Velleius learned from a good source that the mother of Pompey was a Lucilia related to the poet, but argues that Lucilius may have been the *avunculus*, *avunculus magnus*, or *avunculus maior* of Pompey depending on the date of the poet's birth. He does not, however, come to grips with the fact that the latter scenarios presuppose that the mother and grandmother/great-grandmother of Pompey were both Luciliae.

that of Marx and Cichorius as the dominant paradigm,⁴⁰⁵ but Gruen was unconvinced by West's attempts to "harmonize" the evidence, remarking that it is "surely easier to believe that the scholiast (i.e. Porphyrio) got the generation wrong and posited a sister of Lucilius to account for his status as *avunculus maior*."⁴⁰⁶ A generational miscalculation would not explain the fundamental contradiction between the *nomen* of Pompey's mother Lucilia and Pompey's reported relationship to the satirist — because even were it supposed that the satirist was the *avunculus*, not the *magnus avunculus* of Pompey, which is unlikely on chronological grounds,⁴⁰⁷ Pompey's mother would still be descended from a sister of the poet and ought to bear a different *gentilicium* from her maternal uncle — which is why Marx, like Havercamp and Borghesi before him, conjectured that the scholiasts were inadvertently responsible for making the satirist the *avunculus* of Lucilia instead of her *patruus*. At first sight it appears implausible that the scholiasts could have been ignorant of the distinction between a maternal and paternal uncle, and the analogy adduced by Marx is not a true parallel.⁴⁰⁸ An exact analogy is, however, ready to hand. Seneca was the *patruus* of Lucan, but the scholiasts on Lucan manage to transform Seneca into the *avunculus* of the poet despite the fact that the actual relationship was well-attested, and the mistake ought to have been evident to anyone with a basic understanding of Roman nomenclature (both men bore the *gentilicium* Annaeus whereas Lucan's mother was an Acilia).⁴⁰⁹ It is likely therefore that the genealogical confusion posited in Pompey's case is likewise attributable to ignorance or sheer carelessness rather than a dispute about Latin kinship

⁴⁰⁵ See for instance: Nicolet, *OE* I.258 and II.926 (the mothers of Pompey and Strabo were both Luciliae); Krenkel (1970) I.18-19; Christes (1972) 1195-6 and *DNP* C. Lucilius I.6; Charpin (1978) 8-9; Raschke (1987) 300; and von Albrecht (1997) I.250). E. Rawson (1985) 104 did not align herself with either camp. She considered Pompey "probably the great-nephew" of the satirist and a relative of the Lucilii Balbi.

⁴⁰⁶ *Culture and National Identity*, London, (1993) 278 n.24.

⁴⁰⁷ As the satirist cannot have been born later than 148 B.C., and Pompey was born in 106 B.C., it would have to be assumed that the poet was significantly older than his putative sister.

⁴⁰⁸ Marx (1904) I.xix noted that Jerome calls Pacuvius the son of a daughter of the poet Ennius (*Ennii poetae ex filia nepos*), whereas, according to Pliny, *NH* XXXV.19, Pacuvius was the son of Ennius' sister (*Enni sorore genitus*). In other words, Jerome turned an *avunculus* into a maternal grandfather, whereas Marx envisaged the Horatian scholiasts converting a paternal uncle (*patruus*) into a maternal uncle (*avunculus*).

⁴⁰⁹ *Commenta Bernensia*: Seneca ... ut quidam volunt avunculus Lucani, ut quidam volunt frater (Usener (1869) 8-9); *Adnotationes super Lucanum*: Seneca ... ut quidam volunt avunculus Lucani, ut quidam frater (Endt (1909) 6); anonymous *Vita Lucani* in the Codex Vossianus: avunculo suo Senecae, ... Seneca autem, qui fuit avunculus eius (Hosius (1905) 337 lines 16-7, 20). Lucan was, of course, the son of Seneca's brother M. Annaeus Mela and Acilia see Tacitus, *Annals* XV.56, 71, XVI.17; Jerome, *Chronicon* 184 Helm: Seneca ... patruus Lucani and *Chronicon* 185 Helm: Mela is the frater of Seneca and father of Lucan; and the *Vita Lucani* sometimes attributed to Vacca (in Hosius, 344, lines 4-10).

terminology which led one jurist to define an *avunculus magnus* as the brother of a maternal grandfather (i.e. as a *patruus magnus* according to orthodox terminology).⁴¹⁰ What is more, Terzaghi argued that an apparently autobiographical fragment from book XII, indicates that Lucilius had only one sibling, his brother, whereas the exegesis of the scholiasts, and the reconstruction of West, both presuppose the existence of a sister of the poet.⁴¹¹

If then it comes down to a contest of credibility between Velleius and the Horatian scholia in their current mutilated guise, the latter must surely come off the worse for it is easier to believe that the scholiasts, who betray some confusion as to the nature of Pompey's relationship to the poet, got the facts muddled than it is to believe that Velleius, who was an admirer of Pompey and had a familial connection with him, was mistaken about the identity of Pompey's mother.⁴¹² It is nevertheless open to those who seek to save the reputé of the scholiasts to maintain that they are not formally in conflict with Velleius since Velleius does not say that Pompey's mother was a relative of the satirist, and to posit that Cn. Pompeius Strabo and his

⁴¹⁰ Iulius Paulus apparently extended the definition of the term *avunculus magnus* to include the brother of a maternal grandfather in order to fill the terminological void created by his restriction of the term *patruus magnus* to the brother of a paternal grandfather (*Sententiae* IV.11.4) see Bush, *TAPA* 103 (1972) 39-43, esp. 43 n.14. If the source of Pseudo-Acro and Porphyrio shared the anomalous conviction that the term *avunculus magnus* was applicable to the brother of a maternal grandfather, but the scholiasts themselves adhered to the orthodox definition, this could account for the transformation of a *patruus magnus* into an *avunculus magnus* since the language of Porphyrio (constat ... etenim) suggests that the explanatory gloss he offers is his own. But this hypothesis requires a complicated sequence of errors.

⁴¹¹ Terzaghi (1934) 86 n.4, cf. p.390f. Lucilius fragment 427 Marx = 455 Warmington = 431 Krenkel = XII.5 Charpin: Hunc, si quid pueris nobis, me et fratre, fuisset [...]. Warmington, p.145 translates: "If anything had become of us, me and my brother, in our boyhood this man [...]." It is generally accepted that Lucil. 427 M is autobiographical, but West, p.247 cited the fragment and Marx's commentary as proof of the existence of a sister "not otherwise recorded, though not unexpected."! Evidently West misconstrued Marx's meaning. Marx, I.xx, II.160 took the *hunc* of the fragment to be a tutor appointed by the father of Lucilius to look after his pueri ... sorores ... totaque domus in the event of his death. The *sorores* in question, not mentioned elsewhere by Marx, or evidenced in the fragments of Lucilius, must accordingly be putative paternal aunts of the poet since Marx calls them the *sorores* not *filiae* of the testator (i.e. the sisters, not the daughters, of Lucilius' father) and because Marx himself concluded from the fragment that the father of Lucilius had only two sons (I.xx: duo tantummodo filios habuerat). In any event, the existence of these *sorores* is purely hypothetical.

⁴¹² The historian's grandfather C. Velleius served Pompey as *praefectus fabrum* and was selected as a juryman by Pompey presumably in 52 (Vell., II.76.1). With regard to the reliability of the scholia in genealogical matters, Porphyrio on *Sat.* I.5.27 was certainly wrong in stating that L. Cocceius Nerva (*RE* no.12) was the grandfather of the emperor Nerva, and it is usually thought that Pseudo-Acro erred in making L. Nerva the great-grandfather of the emperor, but see Beness and Hillard (2015) 756-65. For a survey of Porphyrio's intellectual horizons, his sources, and the reliability of his factual explanations see Diederich (1999) 44-99.

father Sex. Pompeius married Luciliae from different branches of the gens.⁴¹³

Cn. Pompeius Strabo (cos. 89 B.C.) was the son of the praetor Sex. Pompeius who was killed in battle during his term as governor of Macedonia.⁴¹⁴ Velleius says that Lucilia belonged to the senatorial Lucilii, but her lineage cannot be traced in detail. Cichorius identified her father as the senator M'. Lucilius M. f. Pomptina.⁴¹⁵ West also thought that Lucilia was related to Manius Lucilius, though West considered him a Rufus not a Hirrus and unrelated to the satirist.⁴¹⁶ It is also worth noting, in view of Borghesi's and Rawson's supposition that Lucilia belonged to the Lucilii Balbi, that the Balbi may have already attained senatorial rank in the Second Century.⁴¹⁷ We cannot say with any certainty, whether or how the various branches of the senatorial Lucilii were interrelated, but given that we know that Pompey was related to C. Lucilius Hirrus, and that the Lucilii Hirri were already senatorial in the lifetime of Pompey's mother,⁴¹⁸ it is most economical to assume that Pompey's mother and the satirist belonged to the same family as the legate of M. Antonius (cos. 99).

The marriage produced a son, Cn. Pompeius Magnus (cos. 70, 55, 52), and a daughter,

⁴¹³ Dual links between two families in succeeding generations are not unknown. Pompey proposed that he and his son Cnaeus should marry two of the daughters of D. Silanus (cos. 62) and Servilia. L. Marcius Philippus (cos. 56) and his son L. Marcius Philippus (cos. suff. 38) married the sisters Atia Maior and Minor. And the Memmii and Scribonii Curiones and possibly the Lutatii Catuli and Mummii were linked by two successive marriages.

⁴¹⁴ *RE* no.17; see *MRR* I.526; Allamani-Souri (1994) 77-107; and Brennan, *Praetorship* II.521, 584-7 *passim*. On the relationship of the praetor to Q. Pompeius (cos. 141, cens. 131) see Sumner (1977) 18f.

⁴¹⁵ *RE* no.11; *MRR* III.128 named as a witness to the *s.c. de agro Pergameno* (which Cichorius dated to 110 B.C.). Cichorius regarded M'. Lucilius as the grandfather of the tribune C. Lucilius C. f. Hirrus (*RE* no.25) - although Hirrus was registered in the tribe Pupinia (*Ad fam.* VIII.8.5; Taylor, *VDRR* 227). Cichorius also suggested that the *monetalis* M. Lucilius Rufus (*RE* no.31) was the brother of Lucilia. The identification was challenged by Kappelmacher, *RE* XIII.1619, (1909) 82-9; cf. Floch (1916) 162-5. Coarelli (1996) 259-62 tries to reconcile the tribal registration of M'. Lucilius with the poet's *patria* of Suessa Aurunca.

⁴¹⁶ (1928) 241, 247; cf. Taylor, *VDRR* 227; Crawford, *RRC* I.327 no.324; and *MRR* III.128, 129. West was not specific about the nature of Lucilia's relationship to M'. Lucilius.

⁴¹⁷ Borghesi (1865) IV.35; Rawson (1985) 104. West, 241 saw no reason for linking the Balbi with the poet, and neither Borghesi nor Rawson offered any rationale. The three families did share some common intellectual interests. Pompey's uncle, Sex. Pompeius (*RE* no.18) and the Lucilii Balbi were both learned in Stoicism and the law (Cicero, *De or.* III.78, *Brutus* 154, 175), and Clitomachus dedicated a treatise to the satirist when he was the head of the Academy (Cicero, *Acad.* II.102). On the Lucilii Balbi see Syme (1955) 64; and *MRR* III.128-9. Note also L. Lucilius L. f. (*RE* no.18) the praetorian governor of Asia c.90 (*MRR* III.128-9; Brennan, *Praetorship* II.553 *passim*; Ferrary (2000) 175f) whom Syme held identical with the jurist L. Lucilius Balbus.

⁴¹⁸ On the Hirrus who served as *legatus pro praetore* under M. Antonius in 102-1 B.C. see *CIL* I² 2662; *MRR* I.569, 573; Brennan, *Praetorship* II.873 n.187, 892 n.84; Gebhard and Dickie (2003) 272-7; and Cugusi and Sblendorio Cugusi (2011) 161f no.1.

Pompeia the wife of C. Memmius and P. Cornelius Sulla. Sumner conjectured that a second daughter married Sex. Nonius Sufenas, the praetor of 81 B.C., but the evidence for that hypothesis is tenuous.⁴¹⁹ The marriage must have taken place no later than 107 B.C. for Pompey was born on the 29th of September 106 B.C.⁴²⁰ Pompey bore the paternal *praenomen*, but given the high incidence of infant mortality in Rome he need not have been the first born son of Strabo (merely the eldest surviving son at the time of his birth). Pompey was presumably older than his sister for both her husbands, C. Memmius and P. Sulla (cos. des. 65), were Pompey's own age and Pompeia was doubtless some years younger than her husbands.⁴²¹ A marriage contracted sometime before 107 B.C. is consistent with the age of Strabo.⁴²² Lucilia's date of birth is unknown, but she cannot have been born later than circa 121 B.C.⁴²³

The fate of the marriage is unknown. Late in 87 B.C. when disease was ravaging the forces encamped around Rome Pompeius Strabo was incapacitated by illness in his tent when the tent and Strabo himself were reportedly struck by lightning during a violent storm.⁴²⁴ When steps were taken to relieve the ailing general of his command, Strabo's condition temporarily improved, but he soon relapsed and died.⁴²⁵ The claim that Strabo was actually killed by lightning is an apocryphal reflection of Strabo's great unpopularity for the laws of Numa prohibited the celebration of funeral rites for persons killed by lightning,⁴²⁶ whereas a traditional *pompa funebris* was organized for Strabo and was attended by members of the senate.⁴²⁷ Lucilia

⁴¹⁹ Sumner (1977) 11 (*stemma*), 18-20 posited that the nephew of Pompey, who was an *aequalis* of Cato and bore the *praenomen* Sextus (Plutarch, *Cato Minor* III.1), was a Sex. (Nonius), rather than a Sex. (Pompeius) as is generally assumed. That is to say, a son of a second otherwise unknown sister of Pompey and Sex. Nonius Sufenas the praetor in 81 B.C.

⁴²⁰ Velleius, II.53.4; Pliny, *NH* XXXVII.13. Marx suggested c.108.

⁴²¹ *RE* no.7. Memmius was quaestor in 77 or 76 and so was born by 108/107 B.C., P. Sulla was consul designate for 65 and so born by 108. Sumner (1977) 18-19 reckoned that Pompeia was not much younger than her brother.

⁴²² Strabo was quaestor circa 106 or 104 B.C. (*MRR* III.165-6) and so was born circa 137 or 135 B.C.

⁴²³ Cichorius (1908) 2 estimated that Lucilia was born c.126 B.C.

⁴²⁴ On the circumstances of Strabo's death see Drumann and Groebe, *GR*² IV.331; Watkins (1988) 143-50; and Hillard (1996) 135-45; cf. Hillman (1996) 81-9. The contagion claimed the lives of thousands. Orosius, V.19.18 reports that 11,000 perished in the camp of Pompeius alone.

⁴²⁵ The fragmentary account of Granius Licinianus, XXXV (22-23 Flemisch = 17-18 Criniti) makes the sequence of events and the real cause of Strabo's death clear.

⁴²⁶ Festus, 190 L *Occisum*; Pliny, *NH* II.145; cf. Tertullian, *Apology* XLVIII.14-15.

⁴²⁷ The claim is also refuted by the account of Granius Licinianus which shows that Strabo survived the lightning strike which supposedly killed him. The funeral was interrupted by a mob which dragged the body from the bier, but the *patres* and tribunes restored order and the body was taken away on a common bier (Granius Licinianus, 17-18 Criniti; cf. Velleius, II.21.4; Obsequens, LVI a; and Plutarch, *Pompey* I.2). Hillard argues that the people disrupted

is otherwise unattested, and it is unknown whether Lucilia survived Strabo, or if the marriage was still in place at the time of his death. Given Pompey's affinity with C. Lucilius, it seems unlikely to be coincidental that two of the scholars in his circle evince personal and professional links to the satirist.⁴²⁸

the funeral because it was *nefas*, but it would have been up to the *pontifices* and *haruspices* to intervene if it was genuinely believed that Strabo had been killed by lightning.

⁴²⁸ Pompey's freedman Cn. Pompeius Lenaeus was a pupil of Lucilius' friend Laelius Archelaus and attacked Sallust in Lucilian verse, while the grammarian Curtius Nicias was the author of a monograph on Lucilius (Suet., *De gramm.* II.2, XIV.4, XV.2 with Kaster (1995) 67, 176-7, 179-80, cf. Kaster, 339-41 on the claim that Lenaeus, like Lucilius, was a native of Suessa Aurunca). Cf. Rawson (1985) 104.

VI.

Q. [Mucius] Scaevola *PIR*² S 239 = Q. Mucius Scaevola (cos. 95) the Pontifex (*RE* no.22)?

Caelia M. f. *PIR*² C 143

TESTIMONIA

Inscriptionen von Ephesos 630 A

DATE

Before 94 B.C.

MODE OF DISSOLUTION

Unknown

ISSUE

Q. Mucius Scaevola (*RE* no.23), P. Mucius Scaevola (*RE* no.18), Mucia Tertia (*RE* no.28), and perhaps a C. Mucius Scaevola (not in *RE*)

PARENTS

Scaevola was the son of P. Mucius Scaevola (cos. 133)

Caelia was the daughter of an otherwise unknown M. Caelius

SIBLINGS

Scaevola presumably had an older brother who bore the paternal *praenomen* Publius, but may not have survived infancy

No siblings of Caelia are recorded

Stemma I

A statue base set up by the *boule* and *demos* of Ephesus in front of the Artemision bears an incomplete inscription in honour of Caelia the wife of Qu[intus Mucius] Scaevola:

ἡ βουλὴ καὶ ὁ δῆμος ἐτείμησαν]
 Καίλιαν Μάρκου θυγατέρα]
 τὴν γυναῖκα τὴν Κοῖντου Μουκίου]
 Σκαίουόλα τοῦ πάτρωνος]
 [διὰ] τὴν περὶ αὐτὴν [...].⁴²⁹

The boule and p[eople honour] Caelia, the d[aughter] of Marcus, and wife of Qu[intus Mucius] Scaevola, their pa[tron], on account of her [...]

Homonyms in the Roman aristocracy are a recurring problem. Q. Mucius Q. f. Scaevola (cos. 117) and his cousin Q. Mucius P. f. Scaevola (cos. 95) are a case in point. The potential for confusion was exacerbated by the fact that both men were renowned jurists and governed the province of Asia.⁴³⁰ Cicero, who studied under both men in his youth, sometimes distinguishes between them by means of the sobriquets the Augur and the Pontifex.⁴³¹ Regrettably such labels rarely carry over into the realm of epigraphy.⁴³² Nonetheless, Q. Scaevola (cos. 117) the Augur can be excluded from consideration as the husband of Caelia as he was married to the elder daughter of C. Laelius (cos. 140) from the time of his youth up until his death.⁴³³ That helps

⁴²⁹ Engelmann, Knibbe and Merkelbach (1980) III.27-8 no.630 A; Eilers and Milner (1995) 80-4; *SEG* 45 (1995) 1574; Canali De Rossi (2001) 134 Ephesus no.8; Eilers (2002) 234 C 90.

⁴³⁰ Cicero describes the Augur (*Brutus* 102, 212, 306) and the Pontifex (Cicero, *Brutus* 145, 148, 152, 194f) as expert jurists, but it was the latter's work on the *ius civile* that was regarded as seminal. The Augur does not even rate a mention in the *Digest*.

⁴³¹ See *Philippics* VIII.31: Q. Scaevolam augurem, *Pro Balbo* 45: Q. Scaevola ille augur, *Brutus* 102: Mucius autem augur, *Brutus* 212: Q. Scaevola augure, *De amic.* 1: Q. Mucius augur ... pontificem Scaevolam, *Topica* 29: Scaevolam pontificem. The same device is employed by other authors (see for instance: Val. Max., III.8.5: Q. Scaevolam augurem, Pliny, *NH* X.20: augur Mucius; Asconius, *In Pisonem* 14 C: Q. Scaevola pontifex). More rarely Cicero supplies their filiation (see *De officiis* I.116, III.62, *Brutus* 306, *De leg.* II.47, *Topica* 37, *Ad Att.* VI.1.15).

⁴³² The inscriptions which refer to Cn. Lentulus (cos. 14 B.C.) and L. Piso (cos. 1 B.C.) as the Augur (Rigsby (1996) 404 no.186; *IG* XII.2, 219) in order to distinguish them from contemporary homonyms who were *pontifices*, namely L. Piso (cos. 15 B.C.) and presumably Cn. Lentulus (cos. 18 B.C.), are notable exceptions to the rule.

⁴³³ That is from circa 141 B.C. until 88/87 B.C. Scaevola was already the son-in-law of C. Laelius prior to the death of Scipio Aemilianus in 129 B.C. (Cicero, *De rep.* I.18; *De amic.* 3, 5 *passim*, *Ad Att.* IV.16.2, *Ad Q. fr.* III.5.1; Quintilian, *Inst. or.* VII.9.12) and his wife Laelia was still alive in September 91 (the dramatic date of *De oratore*) for Cicero has her son-in-law L. Crassus refer to her in the present tense (*De or.* III.45: audio ... audio). Hence the Augur was certainly married to Laelia when he governed Asia circa 120/119 B.C. Eilers (1995) 81 rightly therefore ruled out the Augur, but Canali De Rossi (2001) 59 n.2 contended that such a slight discrepancy in the name (i.e.

narrow the range of possibilities, but according to Knibbe stylistic considerations (namely the elongated arms of the *upsilons*) make a Republican date for the inscription improbable, while the absence of any reference to Ephesus' metropolitan or *neokoric* status indicates that the inscription predates the reign of Domitian.⁴³⁴ That being so, the inscription dates to the latter half of the First Century B.C. or the first half of the First Century A.D., and Q. Mucius Scaevola (cos. 95) the Pontifex is also *prima facie* eliminated from contention, so that the honorand must be presumed a homonymous descendant of the Augur or the Pontifex. Eilers and Milner, on the other hand, argued that a number of factors suggest that the inscription predates the First Century A.D. Firstly, Caelia has no *cognomen*, which was common among Roman women during the Republic, but becomes increasingly rare as the Principate progresses.⁴³⁵ Secondly, Scaevola is described as the patron of Ephesus, and Roman patrons of Greek cities are rare after the reign of Augustus.⁴³⁶ And thirdly, the survival of the Mucii Scaevolae cannot be proven beyond the reign of Augustus.⁴³⁷ Moreover, they pointed out that Q. Mucius Scaevola the Pontifex was the

Caelia versus Laelia), could be imputable to the manuscript tradition. De Rossi's thesis is self-evidently untenable. Firstly, Caelia M. f. versus Laelia C. f. is not a slight discrepancy. Secondly, Cicero unequivocally and repeatedly identifies the father-in-law of the Augur as C. Laelius (cos. 140), so it is impossible that Laelia is a corruption of Caelia attributable to the *Mss.* Consequently, it would have to be argued that Caelia is an engraver's error for Laelia which is nonsensical and would not account for the filiation M. f.

⁴³⁴ (1980) III.27: Die Arme des Buchstabens Y sind immer hoch über die Zeile gezogen; dies macht ein republikanisches Datum unwahrscheinlich. Andererseits kann die Inschrift auch nicht später sein als Domitian, da von Ephesos nicht als von einer Metropolis und nicht von der Neokorie die Rede ist. Knibbe regrettably does not cite any analogues for the elongated *upsilons*. Eilers (1995) 80 n.28 extended the *terminus post quem non* to the early Second Century A.D. on the grounds that the title *neokoros* does not regularly appear in the civic titlature of Ephesus until the reign of Hadrian. Note, however, that Burrell (2004) 59f argues that the coins issued by Ephesus under the proconsul M'. Acilius Aviola (cos. 54) in A.D. 65/66 may relate to the imperial cult not to the cult of Artemis and so indicate that Ephesus first acquired the title *neokoros* in relation to the imperial cult in the reign of Nero (cf. Friesen (2004) 229-50). The use of the *hedera* (ivy-leaf) motif in line 4 is not especially instructive. *Hederae* feature in the inscriptions of Ephesus at least as early as the reign of Nero (see *Die Inschriften von Ephesos* 410 Addenda, and 3003), and continue in use for centuries (see for instance *Inschriften von Ephesos* nos.508, 518, 3008 from the late First Century A.D., nos.271, 271a, 283, 431, 438, 3512 from the Second Century, and nos.3709, 3751 from the Third Century).

⁴³⁵ See Kajanto (1973) 402-4; and the Roman women documented by Kajava (1990) 59-124 and M.-T. Raepsaet-Charlier in *PFOS*.

⁴³⁶ Eilers elaborates the argument for a decline in senatorial patronage in the Principate in his *Roman patrons of Greek cities*, Oxford, (2002) 161f, plus Appendix 4.

⁴³⁷ The title of the book *Ad Q. Mucium* written by the Hadrianic jurist Laelius Felix (*PIR*² L 51) was probably an homage to the Pontifex, rather than an indication that it was addressed to a contemporary Q. Mucius who was

recipient of many honours in Greek cities within and outside the province of Asia as a result of his benevolent administration,⁴³⁸ and argued that it is highly probable that the Pontifex was patron of the Ephesians in virtue of his involvement in the treaty negotiated between Ephesus and Sardis.⁴³⁹ In addition, they argued that an inscription of Oenoanda in Lycia, which honours a Q. Mucius as son of the patron and benefactor Q. Mucius Scaevola,⁴⁴⁰ as well as a very fragmentary inscription of Cos, which records a son of a proconsul and patron Q. Scaevola,⁴⁴¹ probably commemorate a homonymous son of the Pontifex. Eilers and Milner accordingly concluded that the apparent chronological discrepancy between the style and content of the Ephesian inscription suggest that it is an imperial replica of a Republican monument⁴⁴² erected in honour of the wife of Q. Mucius Scaevola (cos. 95) the Pontifex.⁴⁴³

More recently an inscription from Nysa in Caria, some 90 kilometres to the east of Ephesus, has come to light that adds weight to the hypothesis of Eilers and Milner. The new

descended from the Pontifex (see Kunkel (1967) 170f; Palmer (1970) 69). And the impoverished wannabe *eques* Scaevola of Martial, I.103 (*RE* II.A.1.343 Scaevola no.2; *PIR*² S 238) was hardly a noble Mucius.

⁴³⁸ The festival of the Μουσεία was founded and named in the Pontifex's honour and persisted even after his death (see *SEG* 38 (1988) 1267, *SEG* 49 (1999) 2460, *SEG* 51 (2001) 2351; and Ferrary (1997) 217). He was also honoured at Pergamon (*SEG* 38 (1988) 1267) and Olympia (*Inscriptionen von Olympia* no.327 = Tuchelt, *Frühe Denkmäler* 195) and was perhaps the recipient of an equestrian statue at Claros (Ferrary and Verger (1999) 840f). The στρατηγός Q. Mucius honoured at Claros has been identified as either the Augur or the Pontifex (see Eilers (2002) 127f, 131f).

⁴³⁹ On the treaty and Scaevola's involvement see *OGIS* 437; Sher, *RGEDA* 68-9 no.57; *SEG* 38 (1988) 1267; and Ager (1996) 496-502 no.170. Laffi (2010) 22f and Ferriès and Delrieux (2011) 224f reject the attempt by Rigsby (1988) 141-9 to dissociate the Pontifex from the treaty.

⁴⁴⁰ *SEG* 45 (1995) 1816 = Eilers (2002) 253 C 131: Ὁ δῆμος ἐτίμησεν Κοῖντον Μούκιον / Κοῖντου υἱὸν Μουκίου Σκαϊόλα / πάτρωνος καὶ εὐεργέτου τῆς πόλεω[ς] / εἰκόνι χρυσῇ, ἀριστείῳ, προεδραῖ ἐν / το[ῖ]ς ἀγῶσιν ἀρετῆς ἔνεκα καὶ εὐνο[ί]α- / ας τῆς πρὸς αὐτόν.

⁴⁴¹ *SEG* 45 (1995) 1128 = Eilers and Milner (1995) 78-9: [ὁ δᾶμος ἐτίμα]σε / [Κοῖντον Μούκιον] Κοῖν- / [του υἱὸν Μουκίου Σκα]ιόλα / [τοῦ στραταγοῦ ἀνθυ]πάτου / [πάτρωνος τᾶς πόλιος, ἀρ]ετᾶς ἔνε- / [κα καὶ εὐνο]ίας τ]ᾶς ἐς αὐτόν.

⁴⁴² That phenomenon is attested elsewhere. Eilers and Milner (1995) 81 n.36 cite the dedications to Q. Lepidus at Cibra (Eilers (2002) 245 C 113) and L. Lucullus at Synnada (Eilers (2002) 254 C 134). Note also the inscription from the Athenian Acropolis in honour of Sempronia Atratinia (*IG* II² 5179) which was restored in the reign of Claudius, and *Inscriptionen von Ephesos* nos.702 and 3066 which date to the early Second Century A.D., but perpetuate the memory of P. Servilius Vatia Isauricus (cos. 48, 41) who governed Asia from 46 to 44 B.C.

⁴⁴³ The identification is endorsed by Raßelnberg (vide infra); and Ferriès and Delrieux, 211, 214. Ferrary (1997) 223 n.63 and M. Heil, *PIR*² S 239 do not commit themselves. But see also Ferrary (2012) 157-80 who does not mention Caelia, but appears to implicitly reject the identification, since he says that we have no information on the marriage(s) of the Pontifex (p.175).

dedication commemorates a Q. Mucius Q. f. Scaevola, son of the proconsul Q. Mucius Scaevola.⁴⁴⁴ Blümel and Raßelberg assign the monument to the First Century B.C. on stylistic grounds, as well as the use of the locution στρατηγὸς ἀνθυπάτος,⁴⁴⁵ and the proposed date is supported by Eilers' demonstration that the remaining gaps in the consular *fasti* and the *fasti* of Asia mean that there is little likelihood that an otherwise unknown Q. Mucius Q. f. Scaevola was consul and proconsul of Asia in the early Principate.⁴⁴⁶ Raßelberg, following the lead of Eilers and Milner, attributes the monument to a son of the Pontifex, and thinks the dedication was part of a larger monument honouring other members of the family including the Pontifex himself.⁴⁴⁷

Furthermore, the argument of Eilers and Milner derives additional support from a reconsideration of the *stemma* of the Mucii Scaevolae. Münzer identified two surviving children of Q. Mucius Scaevola (cos. 95) the Pontifex: Mucia Tertia, the wife of Pompey and M. Aemilius Scaurus,⁴⁴⁸ and the pontifex P. Scaevola who was present at the banquet to celebrate the inauguration of L. Cornelius Lentulus Niger as *flamen Martialis*, but was dead by 57 B.C.⁴⁴⁹ On the other hand, Münzer maintained that Q. Mucius Scaevola, the tribune of the plebs in 54 B.C. and augur, was a grandson of Q. Mucius Scaevola (cos. 117) the Augur by an unknown son.⁴⁵⁰ Eilers, however, suggested that the tribune was a grandson of Q. Mucius Scaevola (cos. 95) the Pontifex by an unknown son whom he identified with the Q. Mucius Scaevola honoured at Oenoanda and on Cos. That the tribune was indeed descended from the consul of 95, not the

⁴⁴⁴ Blümel (2007) 46-7 no.4: ὁ δῆμος καὶ ἡ βουλὴ / Κοῖντον Μούκιον Κοῖντου υἱὸν / Καιουόλαν τὸν υἱὸν Κοῖντου Μουκίου / Καιουόλα στρατηγοῦ ἀνθυπάτου / Ῥωμαίων. Raßelberg (2007) 52-4.

⁴⁴⁵ The title στρατηγὸς ἀνθυπάτος had already begun to be superseded by ἀνθυπάτος in the late Republic and στρατηγὸς ἀνθυπάτος does not occur after the reign of Augustus (see Eilers (1995) 79; Ferrary (2000) 347f; Raßelberg (2007) 53).

⁴⁴⁶ Eilers (1995) 78-9. On the gaps in the *fasti* of Asia see also Thomasson (2009) 76-81.

⁴⁴⁷ Ferrary (2012) 162 follows Raßelberg.

⁴⁴⁸ *RE* no.28; cf. Münzer's *stemma* (*RE* XVI.1.413-4).

⁴⁴⁹ *RE* no.18. Followed by Lily Ross Taylor (1941) 402; Eilers (1995) 82, 84; and Rüpke, *Fasti sacerdotum* no.2481. Münzer noted that the *praenomen* Publius was appropriate for a son of the Pontifex who was himself P. f. P. n. Münzer dated the banquet circa 64 B.C., but it is probable that it took place in 70 (see Tansey (2000) 237-58). P. Scaevola is omitted from Cicero's complete list of the pontifical college in September 57 B.C. (*De har. resp.* 12; *MRR* II.205-6), and it is generally assumed that he died (see Münzer and Rüpke, *loc. cit.*; Taylor (1941) 391, 411; *MRR* II.186). It remains controversial whether *pontifices*, unlike *augures*, forfeited their place in the college if convicted of some offence in a criminal court during the Republic (see Cicero, *Brutus* 127; *Ad Herenn.* I.20; Pliny, *Ep.* IV.8; Plutarch, *Quaest. Rom.* 287 D; Badian (1968) 37f, (1969) 199f).

⁴⁵⁰ *RE* no.23.

consul of 117, should never have been doubted.⁴⁵¹ For one thing, no male heirs of Q. Mucius Scaevola (cos. 117) the Augur are attested. Cicero, who was intimately connected with the family, speaks fondly of the Augur's two daughters, but never mentions a son, and it is difficult to credit that the Muciae could have had a brother whom Cicero passes over in silence. By contrast Q. Mucius Scaevola (cos. 95) the Pontifex definitely had at least one son and one grandson.⁴⁵² Nor does the fact that the tribune was a member of the augural rather than the pontifical college tell us anything about his ancestry. The places (*decuriae*) in the major priestly colleges were strictly limited in number, and all the major priesthoods were keenly sought after. Given therefore that vacancies only occurred sporadically, and *gentiles* were reportedly prohibited from simultaneous membership of the colleges,⁴⁵³ even families with an historic affiliation with one or other college could not afford to be too choosy. Thus over time the Mucii Scaevolae acquired places in three of the four major priestly colleges,⁴⁵⁴ and it was not uncommon for fathers and sons to hold different priesthoods.⁴⁵⁵ More importantly, there is clear

⁴⁵¹ Shackleton Bailey, *CLA* II.216-7 conceded that there was no proof that the tribune was descended from the Augur rather than the Pontifex.

⁴⁵² P. Mucius Scaevola, the grandson of the Pontifex (vide infra), was overlooked in *RE*, *PIR*¹, and *Der Neue Pauly*, and received only a perfunctory and inaccurate entry in *PIR*² (M 692a which should read P. Mucius not Q. Mucius) although the essential facts had already been set out by Teuffel (1848) V.188-9 no.21.

⁴⁵³ Dio, XXXIX.17.1-2 implies the restriction applied to all the priestly colleges, but it has often been thought that it was limited to the augural college see now Drummond (2008) 367-407. If the ban did apply to the pontifical college, then the tribune Q. Scaevola was effectively blocked from membership of the pontifical college as long as P. Mucius Scaevola (*RE* no.18) retained his place, and it could be that Q. Scaevola became an augur before the death of P. Scaevola.

⁴⁵⁴ *Pontifices*: P. Mucius Scaevola (*RE* no.17), P. Licinius Crassus Mucianus (*RE* no.72), P. Mucius Scaevola (*RE* no.18), Q. Mucius Scaevola (*RE* no.22). *Augures*: Q. Mucius Scaevola (*RE* no.21), Q. Mucius Scaevola (*RE* no.23). *Decimviri/Quindecimviri sacris faciundis*: Q. Mucius Scaevola (*RE* no.19), C. (Mucius) Scaevola (*RE* no.14). See Rüpke, *Fasti sacerdotum* nos.2236, 2475-2481. The pontifex P. Scaevola circa 48 B.C. in Eilers' *stemma* (p.84) is a phantom based on Broughton's erroneous statement in *MRR* III.145 that an inscription from Tarraco naming a P. Mucius Scaevola (vide infra) refers to him as a pontifex.

⁴⁵⁵ Thus for example: M. Claudius Marcellus (cos. 222, suff. 215, 214, 210, 208) was an augur, while his son M. Marcellus (cos. 196) was a pontifex (Rüpke, *Fasti sacerdotum* nos.1206, 1207); conversely P. Servilius Vatia (cos. 79) was a pontifex and his son P. Servilius Isauricus (cos. 48, 41) was an augur (Rüpke, *Fasti sacerdotum* nos.3067, 3072. Contra Rüpke, *Fasti sacerdotum* no.3071 C. Servilius Vatia, the father of the consul of 79, was not an augur see Badian (1984) 301f, (1984) 59f); Q. Hortensius Hortalus (cos. 69) was an augur, but his son Q. Hortensius was a XVvir (Rüpke, *Fasti sacerdotum* no.1914; Kremydi-Sicilianou (1998-9) 65-6); P. Cornelius Lentulus Spinther (cos. 57) was a pontifex, while his homonymous son was an augur (Rüpke, *Fasti sacerdotum* nos.1353, 1354); M. Valerius Messalla Niger (cos. 61) was a pontifex, whereas one son, Messalla Corvinus (cos. suff. 31), was an augur,

evidence that the tribune and augur Q. Scaevola was a descendant of Q. Mucius Scaevola (cos. 95) the Pontifex. Cicero states that a C. Rutilius often regaled the tribune Scaevola and his friend M. Brutus with his recollections of Q. Scaevola (cos. 95),⁴⁵⁶ and C. Rutilius was unquestionably a close relative of P. Rutilius Rufus (cos. 105),⁴⁵⁷ who had been a pupil of P. Mucius Scaevola (cos. 133) alongside Scaevola's son, the future consul of 95 B.C.,⁴⁵⁸ and was famously the legate of Q. Scaevola (cos. 95) when he governed Asia.⁴⁵⁹ Also when tribune in 54 Q. Scaevola aided M. Scaurus, the second husband of the Pontifex's daughter Mucia Tertia,⁴⁶⁰ and he later served in Cilicia under Ap. Claudius Pulcher (cos. 54) who was related to Mucia Tertia.⁴⁶¹ There is consequently no doubt about the tribune's descent from Q. Scaevola the Pontifex, but what was the nature of their relationship? Eilers posited that the tribune was a grandson of the Pontifex, but there is no reason to distinguish the tribune from the Q. Scaevola honoured at Oenoanda, Cos, and Nysa.⁴⁶² We know that the tribune repeatedly visited the East. He is almost certainly the Scaevola who was in the *cohors amicorum* of Q. Cicero when Quintus governed the province of Asia.⁴⁶³ He subsequently joined Ap. Pulcher in Cilicia and visited Ephesus itself in 51.⁴⁶⁴ And he

and another son, Potitus Messalla (cos. suff. 29) was a XVvir, while Corvinus' son M. Messalla Messallinus (cos. 3) was a XVvir (Rüpke, *Fasti sacerdotum* nos.3411, 3412, 3414, 3415).

⁴⁵⁶ Cicero, *Brutus* 147. That *Scaevola noster* and the tribune/augur Scaevola are identical is clear for the tribune/augur was around the same age as Brutus and was still active when the dialogue was written (*Ad fam.* IV.9.1), whereas the pontifex P. Mucius Scaevola (*RE* no.18) was long dead. Plus the tribune/augur had served on the staff of Ap. Pulcher in Cilicia with M. Brutus (*MRR* II.229, 231), whose wife Claudia, the daughter of Appius, was related in some fashion to Scaevola (*vide infra*).

⁴⁵⁷ C. Rutilius *RE* no.2. Münzer, *RE* I.A.1247, 1276 supposed that the unnamed son of Rutilius Rufus who served in the legions during his father's consulate (Frontinus, *Strat.* IV.1.12) died young, and that C. Rutilius (*RE* no.2) was a nephew or client of Rutilius Rufus, but he might equally be a younger son of the consul.

⁴⁵⁸ *Digest* I.2.2.40.

⁴⁵⁹ *MRR* II.8.

⁴⁶⁰ *MRR* II.223. Shackleton Bailey, *CLA* II.217 (cf. Eilers, *AS* 45 (1995) 83) was certainly right to argue that Scaevola held up the consular elections in order to help not harm Scaurus for Cicero, *Ad Q. fr.* III.2.3 explicitly states that all the candidates wanted the elections to be delayed.

⁴⁶¹ Shackleton Bailey (1983) 191 plus Dio, XXXVIII.15.6 (*vide infra*).

⁴⁶² Eilers (1995) 83 n.45 conjectured the otherwise unknown son of the Pontifex and father of the tribune was born circa 115 B.C. and accompanied his putative father to Asia in the 90's where he was honoured at Oenoanda in his late teens or early 20's (so also Ferrière and Delrieux, 214-5).

⁴⁶³ *Ad Q. fr.* I.2.13 (November - December 59 B.C.). The pontifex P. Mucius Scaevola (*RE* no.18) was perhaps already dead in 59. Shackleton Bailey (1980) 163-4 denied that Scaevola and the other young men mentioned (L. Marcus Censorinus *RE* no.48, one of the three Antonii *RE* nos.20, 23, 30, and Caius and Lucius or Q. Cassius Longinus *RE* nos.59, 65, 70 see Shackleton Bailey, *OCL* 16, 31, 67) were with Q. Cicero in Asia, postulating that they had simply communicated their support in the event of a prosecution. But what are the chances that this diverse

was heading East again when he delivered a letter to M. Marcellus in Athens in 46 B.C.⁴⁶⁵ There was ample opportunity therefore for the tribune to have been honoured during his travels in Asia Minor. It is also chronologically unnecessary to insert an unattested generation between the tribune and the Pontifex. Q. Mucius Scaevola (cos. 95) was born in 140 B.C.,⁴⁶⁶ but his surviving children appear to have been born relatively late.⁴⁶⁷ The age of his presumed son P. Scaevola cannot be accurately established.⁴⁶⁸ If, as is sometimes suggested, he is identical with the *monetalis* Cordus of circa 70 B.C.,⁴⁶⁹ then he is likely to have been born around 98 B.C. or a little later.⁴⁷⁰ But the identification remains speculative.⁴⁷¹ The daughter of the Pontifex, Mucia Tertia, was born circa 95 B.C., or shortly thereafter.⁴⁷² The epithet Tertia suggests that Mucia was not the first born child, and although the age of her two elder siblings cannot be determined, their birth need not have long preceded her own.⁴⁷³ The tribune of 54 B.C. was probably born in

group had all individually offered their support? And what help could they offer at their age? M. Antonius was possibly in Rome in 59 — he was certainly there in 58 whence he departed for Greece. The whereabouts of the others in 59 B.C. cannot be independently established.

⁴⁶⁴ *Ad fam.* III.5.5; *MRR* II.351.

⁴⁶⁵ *Ad fam.* IV.9.1.

⁴⁶⁶ Münzer, *RE* XVI.437; Sumner, *Orators* 97.

⁴⁶⁷ This seems to have been something of a family tradition in the Scaevolae (see the *stemma* of Sumner, *Orators* 56). Q. Scaevola (cos. 117) the Augur was the son of Q. Scaevola (cos. 174) !

⁴⁶⁸ As he was a member of the pontifical college by 70 B.C. he can have been born no later than circa 85 B.C. Appointment at such a young age was uncommon, but P. Cornelius Lentulus Spinther junior was made an augur in 57 in the same year that he donned the *toga virilis* (*MRR* II.207; Rüpke, *Fasti sacerdotum* no.1354). Taylor (1941) 411 estimated that P. Scaevola became a pontifex in the period 74 – 69 B.C.; Rüpke, *Fasti sacerdotum* no.2481 about 72 B.C.

⁴⁶⁹ See Crawford, *RR* I.413 no.403 and Rüpke, *Fasti sacerdotum* no.2481. Hersh and Walker (1984) 103-34 table II put the issue in 68 B.C.; Hollstein (1993) 132, 381 circa 70.

⁴⁷⁰ Syme (1987) 323-4 argued that the post of *monetalis* seems normally to have been held a year or two prior to the quaestorship in the late Republic (i.e. around 28 years of age). In that case the *cognomen* Cordus (Chordus), which means late-born (see Reisch, *TLL Onomasticon* II.595.75 - 596.50; and Kajanto (1965) 295), would acquire some significance.

⁴⁷¹ The *cognomen* Cordus was not restricted to the Mucii Scaevolae (see *TLL loc. cit.*), and Ryan (2004-2005) 109-15 argues that the *monetalis* was a relative of Servius Cordus the proquaestor of 48 B.C. Wiseman considered the possibility that the legend CORDI represents the *gentilicium* Cordius (see Reisch, *TLL Onomasticon* II.593.70 - 594.34; and *MRR* III.61).

⁴⁷² Mucia was presumably about 14 when she married Pompey circa 81 – 79 B.C. and she was still of child-bearing age when she married Scaurus (their son was born sometime between 61 and 55 B.C.). It is likely therefore that Mucia was somewhat younger than Scaurus who was born circa 97/96 B.C. (see Sumner (1977) 18).

⁴⁷³ The epithet suggests Mucia had two older sisters who evidently died in infancy.

or shortly before 87 B.C.,⁴⁷⁴ which is why much of what he knew of the Pontifex, who was assassinated in 82 B.C. when the tribune was still a boy, was learned from C. Rutilius. The tribune was accordingly only a few years younger than Mucia Tertia, and Roman onomastic practice dictates that Mucia and the pontifex P. Scaevola must have had a brother who bore the paternal *praenomen* Quintus. It is an obvious supposition therefore that the tribune Q. Scaevola was that brother.⁴⁷⁵ Moreover, only one grandson of the Pontifex is explicitly attested — a certain P. Mucius Scaevola — who was the heir of the elderly childless jurist A. Cascellius.⁴⁷⁶ The heir of Cascellius was presumably a son of the pontifex P. Scaevola, or of the tribune Q. Scaevola, for he was surely a much younger man,⁴⁷⁷ since Cascellius though already a *senex* in

⁴⁷⁴ Eilers (1995) 83 n.45 put the tribune's birth circa 90 B.C. Tribunes in the post-Sullan epoch had to be at least 32 (Sumner, *Orators* 7), but some held the tribunate only a year or two before the praetorship — i.e. in their late 30's (see Brennan, *Praetorship* II.393, 787 nn.29-31). Scaevola, however, cannot have been praetor soon after his tribunate for he joined Ap. Pulcher in Cilicia no later than 51 and perhaps as early as 53. It is probable therefore that Scaevola was tribune shortly after his quaestorship, and he may have been quaestor as late as 56 B.C. and hence born by 87 B.C.

⁴⁷⁵ It is just possible that the tribune was the elder brother of the pontifex P. Scaevola, if the latter was made a pontifex very young (vide supra), but it could also be that there was an older Quintus whose early demise enabled the *praenomen* to be reused upon the birth of the tribune.

⁴⁷⁶ *Digest* I.2.2.45: Aulus Cascellius, Quintus Mucius Volusii auditor, denique in illius honorem testamento Publium Mucium nepotem eius reliquit heredem. There is clearly something amiss with the clause *Quintus Mucius Volusii auditor* and various emendations have been proposed (see Teuffel (1848) V.188-9 no.21; Mommsen (1880) 114 n.3; Jörs, *RE* III.1635-6; and Bauman (1985) 67-9, 117). It is best to read: *Quinti Mucii et Volusii (or Volcatii) auditor* (Pliny, *NH* VIII.144 calls Cascellius' teacher Volcatius). The bequest to the grandchild of the Pontifex was evidently intended as a tribute to the more famous of Cascellius' teachers, and since Cascellius was quaestor circa 75 B.C. (see Ryan (2005) 269-70) he was easily old enough to have studied under Q. Scaevola (cos. 95). Plus P. Mucius is undeniably a grandson of the Pontifex for Pomponius in the preceding text refers to the people who studied under the Pontifex, or under the disciples of the Pontifex, and he never mentions the Augur in his list of jurists because the Augur took no pupils *per se* (Cicero, *Brutus* 306; Bauman (1983) 313).

⁴⁷⁷ It need hardly be said that the jurist's heir must be distinguished from the pontifex P. Scaevola (*RE* no.18) who predeceased Cascellius. Note also that the *iudex* P. Mucius P. f. attested on an inscription discovered in the territory of Interamna Nahars, whom Münzer thought might be a member of the Republican Scaevolae (see *RE* no.8), was probably an inhabitant of Spoletium unrelated to the senatorial family (see Panciera (1996) 53-6). There remains the question of the identity of the P. Mucio / Scaevo[la] named on an opisthographic inscription of Tarraco (on which see now G. Alföldy, *CIL* II² pars XIV fasc. 2 (2011) no.988 with full bibliography). The inverted inscription on the reverse honours [Cn.] Pompei[o] / [Ma]gn. Im[p]. The second line is usually assumed to have once read: Im(perator) iter(um) — which permits the inference that the stone was put up at some point between Pompey's second and third imperial acclamations (i.e. between 71 and 61), and was reused after the Caesarian conquest of Spain in 49. The elder son of Pompey also of course bore the title *imperator* in Spain in 46–45 B.C. (see Dio, XLIII.30.2; *RRC* I.479-81 nos.469-471; Díaz Ariño (2005) 234 nos.25-49), but he did not, so far as we know, receive multiple

43 B.C.,⁴⁷⁸ survived long enough to refuse a consulship proffered by Augustus,⁴⁷⁹ and perhaps lived on until circa 10 B.C.⁴⁸⁰ In any event, P. Mucius must have come into his inheritance well after 43. Lastly, it is probable that Q. Mucius Scaevola (cos. 95) the Pontifex had another grandson who was also a much younger man than the tribune of 54 B.C. or P. Scaevola the pontifex. The involvement of the state religion lent a dignity and solemnity to the *ludi saeculares* of 17 B.C. and one of the members of the Quindecimviral college at that time was a C. Scaevola.⁴⁸¹ Groag refused to be drawn on his relationship to the Republican Scaevolae, but more recent finds have clarified the picture. A series of fragmentary inscriptions from Amiternum in the Sabine highlands supply the XVvir's filiation (C. f. Q. n.),⁴⁸² and it is overwhelming likely that the XVvir is identical with the proconsul C. Mucius C. f. Scaevola who governed Sardinia sometime in the period between 27 B.C. and 6 A.D.,⁴⁸³ which is entirely

salutations, and his power base was Baetica rather than Tarraconensis. Assuming then that the inscription honouring P. Scaevola was inscribed no earlier than 49 B.C., the honorand cannot, as is sometimes suggested, be identified with the homonymous pontifex who was dead by 57. Who then was he? Alföldy supposes he was a son of the pontifex and that he served as a legate under Caesar in Spain and was honoured after the victory of Ilerda perhaps for acting as Caesar's representative in the *deductio* of the Caesarian colony of Tarraco. If, however, the inscription was erected sometime after 49 B.C., it could be that it honours P. Scaevola, the heir of Cascellius, rather than an otherwise unknown son of the pontifex P. Scaevola. Cascellius' heir might have served in Spain during the Triumviral or Augustan epochs.

⁴⁷⁸ Val. Max., VI.2.12. Cascellius' age and childlessness emboldened him to defy the Triumvirs.

⁴⁷⁹ *Digest* I.2.2.45.

⁴⁸⁰ The fact that Horace, *Ars poetica* 369-71 refers to Cascellius in the present tense (abest ... scit) is often taken as proof that he was still alive when the poem was composed (see inter alia Jörs, *RE* III.1635 and Bauman (1985) 118. Brink (1971) 375 denied this was a necessary inference). But the date of the poem is notoriously controversial (for the range of proposed dates see Duckworth (1965) 84f). Most now favour a date a few years either side of circa 20 B.C., or a date around 10 B.C. (see Syme, *AA* 379f; and Rudd (1989) 19f; Frischer (1991) 17f; and Pandolfi (1993) 61-74).

⁴⁸¹ *RE* no.14; *PIR*¹ M 506; *PIR*² M 694. *CIL* VI.32323 line 107: Scaevola, line 150: C. Scaevola, cf. line 167: C. S[...]. See also Hoffman Lewis (1952) 289-94 and (1955) 49, 86f; Broughton, *MRR* II.424, 427; Syme, *AA* 48; Rüpke, *Fasti sacerdotum* no.2475; and Tansey (2008) 197f.

⁴⁸² *CIL* IX.4414: C. Mucius C. f. Q. n. Scaevo[la]. The same site produced *CIL* IX.4444: C. Muc[...]/XV[...] and *AE* (1992) 380 = *Supplementa Italica* 9 (1992) Amiternum 51: [...]aevola / [...]iundis. Segenni (1992) 81 no.28 notes that the latter two fragments may be part of one inscription which originally read: C. Muc[ius] C. f. Q. n. S[caevola] XV[ir] sacris fac[i]iundis. The finds lay to rest the uncertainty about the *gentilicium* of the XVvir (Salomies (1984) 93-4).

⁴⁸³ *CIL* X.7543 = *AE* (2001) 1110, Nora Sardinia: C. Mucius C. f. Scaevola proc[os ...]nta sua pec(unia) fecit. Zucca (2001) 513-35, 524-7 rightly favoured the identification of the XVvir and the proconsul and suggested that he

apposite for the Scaevolae had an ancestral connection with the island.⁴⁸⁴ As regards the XVvir's

governed Sardinia and Corsica between circa 27 and 17 B.C. The proconsul is perhaps also mentioned in a fragmentary inscription of Aleria (*AE* (1991) 919).

⁴⁸⁴ Q. Mucius Scaevola (*RE* no.19) governed Sardinia from 215 until 212 B.C. Torelli (2009) 207-23 contends that the XVvir was a *novus homo* promoted after Actium as a consequence of the bravery of his father who had been a member of Octavian's bodyguard during the Illyrian war. But that hypothesis lacks substance. Firstly, the identity of the σωματοφύλαξ at the siege of Metulum remains unclear. Appian, *Illyr.* 20 states that Octavian, in an attempt to spur on his flagging troops, grabbed a shield and charged the enemy συνέθεον δ' αὐτῷ τῶν ἡγεμόνων Ἀγρίππας τε καὶ Ἱέρων καὶ ὁ σωματοφύλαξ † Λούτος καὶ Οὐόλας †, τέσσαρες οἶδε μόνοι (the Latin translation of Petrus Candidus gives: Luciusque ex corporis custodibus Iolas). Schweighäuser considered the names Λούτος and Οὐόλας corrupt and in as much as the intervening καὶ seems redundant proposed the emendations: αὐτοῦ Σκαιόλας or Λούκιος or Μύτιος Σκαιόλας i.e. Octavian was accompanied by Agrippa and Hiero as well as 'his own bodyguard Scaevola', or 'his bodyguard Lucius (or Mutius) Scaevola.' Münzer, *RE* XVI.424 no.13 registered this alleged Mucius Scaevola, but elsewhere objected that Appian refers to four men in addition to Octavian (*RE* XIII.2101 'Lutus?'), which would imply Λούτος καὶ Οὐόλας represents two individuals not one. Yet ὁ σωματοφύλαξ is plainly singular and Appian seems to include Octavian among the 4 men who led the charge hence Λούτος καὶ Οὐόλας should be one man (Suetonius, *Aug.* XX.2 and Florus, II.23 also refer to the incident, but give few specifics). Schweighäuser's emendations are nonetheless far from confirmed. In Appian σωματοφύλαξ is used of any personnel that functioned as a bodyguard. In *Mithr.* 111 it describes the bodyguard of Mithridates Eupator. In *BC* II.107 and 109 it refers to the Spanish cohorts which served the dictator Caesar as a bodyguard during the civil war. In *BC* III.39 it denotes Antony's bodyguard of Caesarian veterans in 44. In *BC* III.97 it is applied to the Celtic bodyguard of Decimus Brutus, in *BC* IV.62 to the bodyguard of Dolabella at Laodicea in 43, and in *BC* V.95 to the 1, 000 picked men promised to Antony from Octavian's legionaries. Consequently Octavian's σωματοφύλαξ in 35 B.C. could be a member of his *cohors praetoria* proper recruited at this date from Caesarian veterans of Italian origin (see Keppie (2000) 99-122), or of his Spanish bodyguard composed of *Calagurritani* (Suetonius, *Aug.* XLIX.1), or of the *Germani corporis custodes* who were predominantly Batavians and Ubii. It is possible therefore that Λούτος καὶ Οὐόλας may be the corrupted Latin or Italic name of a soldier of the praetorian guard, but Μύτιος Σκαιόλας is most unlikely for Appian invariably spells the *gentilicium* Μούκιος (see *BC* I.88, V.69, 72), and the cognomen Σκαιόλα (*BC* I.88) not Σκαιουόλα. It is worth noting therefore that the *gentilicium* Lutius/Luttius, which is paleographically much closer to Λούτος, is recorded (see Schulze, *LE* 424; and Solin and Salomies (1994) 108) — though as Schweighäuser noted the *praenomen* Λούκιος is another possibility (for the conjunction καὶ interposed between *praenomen* and *nomen* observe Dio, XVII = Zonaras, IX.11: Πούπλιος καὶ Λικίννιος Κράσσοις. Note also the *cognomina* Cervola and Suavola). Moreover, if the soldier belonged to the *Calagurritani* or *Germani* his name may have been of Iberian, Germanic, Latin, or even Greek origin (see Keune, *RE* IV.1901; Bellen (1981) 74f; and Speidel (2005) 18, 19, 25. Holder (1904) II.354 equated Appian's Λούτος to the Celtic name Lutos, while Keil and Wilhelm (1931) III.134 no.218e relate the enigmatic Λούτος in an inscription of Korykos to the Cilician name Λούε. Cf. a Κοίντος Λούτις sic. in Lane (1978) IV.48 no.150; and Holder (1907) III.436 on the place name Volas / Οὐόλας). Hence, as Šašel Kos (2005) 435, 466 and Olujić (2007) 92 rightly concluded, the name of Octavian's bodyguard cannot be definitively resolved, but Mucius Scaevola is not a plausible emendation. Secondly, one need only look at the membership of XVviral college in 17 B.C. to see that C. Scaevola undoubtedly belonged to the noble Mucii Scaevolae for his

place in *stemma* of the Scaevolae there can be no absolute certainty, but the two most economical and plausible scenarios are as follows:

1. The XVvir C. Mucius C. f. Q. n. Scaevola was a grandson of Q. Mucius Scaevola (cos. 95) the Pontifex. The XVvir's father C. Mucius Q. f. Scaevola would therefore be the brother of Q. Mucius Scaevola the tribune of 54 B.C., P. Scaevola the pontifex, and Mucia Tertia.⁴⁸⁵ That hypothesis has the advantage of explaining his *praenomen*, which was otherwise seldom used by the Scaevolae,⁴⁸⁶ and bespeaks a younger son. Caius senior may have died prematurely, but not perhaps before taking the first steps on the *cursus honorum*, as it is conceivable that he is identical with the monetar Cordus for the legendary Mucius Scaevola Cordus, who reputedly attempted to slay Porsenna, likewise bore the *praenomen* Caius.⁴⁸⁷ This scenario would imply that the XVvir C. Scaevola was born in the 50's, was appointed to the XVviral college in the Triumviral epoch, and was praetor and proconsul of Sardinia sometime before 17 B.C.⁴⁸⁸

2. The alternative is to suppose that the XVvir was a great-grandson of the Pontifex, and to identify his grandfather Quintus with the tribune of 54 B.C. In that case it becomes likely in view of his *praenomen* that the father of the XVvir was a younger brother of Cascellius' heir P. Scaevola, and of an otherwise unknown Q. Scaevola named after the tribune himself. On this

colleagues were all consulars, *nobiles*, or of senatorial extraction — with the possible exception of M. Fufius M. f. Strigo whose background is mysterious (his relationship to the Fufii Caleni and Gemini is unknown). The son of a simple *miles* would have been utterly out of place in this very select company, whereas C. Scaevola the *nobilis* and proconsul of Sardinia would have been in his element. Thirdly, Torelli's notion that the 'palaestra' in the 'obscure vicus' of Amiternum is irreconcilable with a scion of the noble Mucii Scaevolae does not stack up. Amiternum was surely not the *origo* of the Mucii Scaevolae (Silius Italicus, VIII.379-89 implies their *patria* was in the vicinity of the Pomptine marshes — which might be so, compare the Tullii Cicerones whom Silius accurately places at Arpinum). But Amiternum, the *patria* of Sallust, was not that obscure, and other members of the Roman nobility, like L. Marcius Philippus (cos. 91) and M. Terentius Varro, owned property in the heartland of the Sabines (see Wiseman, *NMRS* 195).

⁴⁸⁵ The filiation of the XVvir (C. f.) means that he cannot have been the son of Q. Scaevola the tribune of 54 B.C. (as per the *stemma* of Eilers (1995) 84).

⁴⁸⁶ Aside from the XVvir and his father, the *praenomen* Caius is only attested for C. Mucius Scaevola Cordus (*RE* no.10) the would-be assassin of Porsenna. C. Mucius (*RE* no.4) the architect of C. Marius' temple to *Honos* and *Virtus* is sometimes assumed a freedman of the Scaevolae because Marius' son was married to a granddaughter of Scaevola the Augur, but if that is so he ought by rights to have been a Q. Mucius, and it should be borne in mind that the *praenomen* C. which occurs only in Vitruvius, VII praef. 17 may be a corruption of Q. (observe for instance Livy, *Per.* LXX: C. Mucii sic. and Apuleius, *Apologia* LXVI.4: C. Mucius sic.).

⁴⁸⁷ As the *monetalis* was certainly older than the tribune of 54 B.C. (vide supra), it would be necessary to suppose that the tribune was the younger born after the death of an earlier Quintus.

⁴⁸⁸ The XVvir C. Scaevola is usually reckoned among the "Triumviral intake" to the college following the analysis of Hoffman Lewis.

hypothesis the XVvir would need to have been born in the 30's, have become a *XVvir sacris faciundis* in early youth not long before 17 B.C., and to have gone on to govern Sardinia sometime later.

Yet irrespective of the precise placement of the XVvir C. Scaevola it seems clear that the grandsons of Q. Mucius Scaevola (cos. 95) the Pontifex were significantly younger than the tribune of 54 B.C., who is accordingly to be assumed a son, rather than a grandson of the Pontifex, which has important implications for the identification of the Scaevolae honoured in Asia. The proconsul Q. Mucius Scaevola named at Nysa and on Cos must be Q. Mucius Scaevola (cos. 95) the Pontifex. Thus Q. Mucius Q. f. Scaevola the son of the proconsul mentioned at Nysa and Cos will be the tribune of 54 B.C. Q. Mucius Scaevola the patron and benefactor of Oenoanda is also probably the Pontifex for while Oenoanda in Lycia was not within the territorial boundaries of the province of Asia, which accounts for the omission of the title proconsul, the governor of the neighbouring province of Asia, as the highest ranking Roman official in the vicinity, was understandably worth cultivating by the Lycians.⁴⁸⁹ The son of the Pontifex bears no official title in any of the inscriptions because he had no official standing when he visited Nysa, Cos, and Oenoanda.⁴⁹⁰ The patron of Ephesus might be the father or the son, but the former is the most likely candidate. The absence of the title proconsul is explicable on the inference that originally the statue in honour of Caelia was accompanied by another dedicated to the Pontifex himself which reflected his official position. Moreover, if the statue pertained to the tribune of 54 B.C., it is likely that he would have been described as the hereditary patron (πάτρων διὰ προγόνων) of Ephesus like his younger contemporary Cn. Domitius Ahenobarbus (cos. 32 B.C.).⁴⁹¹ The original dedication may have been destroyed in 88 B.C. when the Ephesians joined Mithridates Eupator and overthrew the statues dedicated to their Roman overlords,⁴⁹² or it may have been damaged in one of the earthquakes which periodically afflicted Ephesus.⁴⁹³

The husband of Caelia was very probably therefore Q. Mucius Scaevola (cos. 95) the Pontifex and the original dedication was presumably set up shortly after his governorship of the

⁴⁸⁹ See Eilers (1995) 9-12; and Ferriès and Delrieux (2011) 210f, 214f.

⁴⁹⁰ In 59 B.C. the tribune was merely a *comes* of the governor of Asia, and in 51, when he visited Ephesus, he was probably a legate of Ap. Pulcher, the governor of Cilicia, but had no official standing in Asia or Lycia.

⁴⁹¹ See Eilers (2002) 233 C 88.

⁴⁹² Appian, *Mith.* 21. Note that Cato the Censor was already complaining about honours being paid to Roman women in the provinces in 184 B.C. (Pliny, *NH* XXXIV.31) — well before Asia became a Roman province.

⁴⁹³ Such as the earthquakes of 26/25 B.C., 11 B.C., A.D. 17, and 53 A.D.

province of Asia in 98/97 or 94 B.C.⁴⁹⁴ That implies that Caelia was certainly the mother of Mucia Tertia, who was born close to 95 B.C., and assuming Caelia was the mother of Scaevola's younger son, the tribune of 54 B.C., the marriage must have endured into the early 80's at least. Whether Caelia survived the assassination of the Pontifex in 82 B.C. is unknown.

The identification of the husband of Caelia with Q. Scaevola the Pontifex prompts the inevitable question whether Caelia is the much married lady sometimes posited as an explanation of the complicated family ties binding the Mucii Scaevolae, Caecilii Metelli, and Claudii Pulchri of the following generation.⁴⁹⁵ Liebs suggested that Caelia was probably the mother of Mucia Tertia, Q. Metellus Celer (cos. 60), and Q. Metellus Nepos (cos. 57), and Shackleton Bailey argued that Q. Scaevola the Pontifex, Ap. Claudius Pulcher (cos. 79), and Q. Metellus Nepos (cos. 98) all married the same unidentified woman.⁴⁹⁶ While Shackleton Bailey's hypothesis is no longer sustainable, the most plausible explanation of Mucia's relationship to Metellus Celer is that they were maternal half siblings — in which case, assuming Caelia is correctly identified as the wife of Q. Scaevola (cos. 95) and the mother of Mucia, Caelia will have married Metellus Nepos (cos. 98) prior to her marriage to the Pontifex.⁴⁹⁷

Concerning Caelia's origins the only thing that is known for certain is that she was the daughter of a M. Caelius.⁴⁹⁸ The *gentilicium* is not uncommon and a number of senatorial and

⁴⁹⁴ On the long-running dispute whether Scaevola governed Asia after his praetorship or consulship see Broughton, *MRR* III.145-6; Kallet-Marx (1989) 305-12; De Michele (1998) 211-19; Brennan, *Praetorship* II.549f; and Ferrary (2000) 162f, (2012) 157-80; and Ferriès and Delrieux (2011) 208-10.

⁴⁹⁵ See chapter VII.

⁴⁹⁶ Liebs (1978) 26; Shackleton Bailey (1977) 149. Though Shackleton Bailey remarked that nothing gainsaid Wiseman's conjecture that Ignota was a Servilia.

⁴⁹⁷ Since Metellus Nepos (cos. 98) survived at least until the late 90's (see chapter VII), it would follow that his marriage to Caelia ended in divorce. If so, the divorce may be relevant to Cicero's allegations against the mother of Metellus Nepos (cos. 57) see Plutarch, *Cicero* XXVI.9-10, *Apophth. Rom.* 205 A.

⁴⁹⁸ There is no justification for 'emending' Καιλία to Καικιλία and making her a daughter of M. Caecilius Metellus the consul of 115 B.C. (as per Eilers (1995) 83). It is most unlikely that a daughter of M. Metellus (cos. 115) would have been referred to simply as Caecilia M. f. because the famous hereditary *cognomen* was already long established at this date and was key to distinguishing members of the noble family from the many other less distinguished bearers of the *gentilicium* Caecilius (compare the inscription in honour of the daughter of Metellus Delmaticus — *Inscriptiones Graecae* VII.372). Nor would the proposed identification resolve the relationship between Metellus Celer and Mucia Tertia for Mucia would then be the *sobrina* (second cousin) not the *soror* of Celer. A M. Caelius is attested in another fragmentary inscription of Ephesus (see Içten and Engelmann (1992) 295 no.33 = *SEG* 42 (1992) 1063), but the inscription is reckoned to be Imperial in date.

equestrian M. Caelii are recorded,⁴⁹⁹ the best known being Cicero's protégé M. Caelius Rufus who belonged to a wealthy family from Interamnia Praetuttiorum.⁵⁰⁰ Caelia would have been an appropriate age to be the sister of Caelius' father who was an old man in 56 B.C.⁵⁰¹ If, however, the Pontifex and Ap. Claudius Pulcher (cos. 79) married two sisters, which is one possible explanation of the kinship of the Mucii Scaevolae, Caecilii Metelli, and Claudii Pulchri, then the wife of the Pontifex cannot have been related to Cicero's client for otherwise Cicero could not have stated in open court that M. Caelius Rufus was in no way related to Clodia Metelli.⁵⁰²

⁴⁹⁹ Viz. the tribune of the plebs M. Caelius (*RE* no.10) attacked by Cato the Censor (Astin (1978) 86, 143); M. Caelius the *equus Romanus* and *lectissimus adulescens* living in Lilybaeum in 71 (*RE* no.11; Nicolet, *OE* II.815 no.65) who is sometimes identified with the homonymous *publicanus* active in Asia in the period 61–59 B.C. (Nicolet, *OE* II.815 no.66); and M. Caelius (*RE* no.34; Nicolet, *OE* II.816-7 no.67) the father of Cicero's client. Note also a tribune named Caelius (not in *RE*) killed by the younger C. Marius in 86 (Broughton, *MRR* III.43; E. Rawson (1987) 169; and Fantham (1987) 94-5). In view of the fact that Marius was an *inimicus* of the Pontifex and incited Fimbria's attempt on his life in 86, and ordered his assassination in 82, the tribune would make a plausible *adfinis* of the Pontifex.

⁵⁰⁰ *RE* no.35. On M. Caelius Rufus see also Drumann and Groebe, *GR*² II.346-56; Volponi (1970) 197-280; Nicolet, *OE* II.817 no.68; Madsen (1981) esp. 17f on his family and *patria*; Dettenhofer (1992) 79-99, 136-64; and Gorostidi Pi (2003) 96-102, (2014) 45-54 (who argues for Tusculum as his *patria*). On Caelius' alleged relationship to C. Caelius Rufus (cos. suff. 4 B.C.) and C. Caelius Rufus (cos. 17 A.D.) see Linderski (1966) 146-50.

⁵⁰¹ *Pro Caelio* 3, 79-80.

⁵⁰² *Pro Caelio* 34: Cur tibi Caelius tam coniunctus fuit? Cognatus, adfinis, viri tui familiaris? Nihil eorum.

VII.

Ap. Claudius Pulcher (cos. 79) *RE* no.296
 Ignota (Caecilia Metella, Caelia ?)

TESTIMONIA

Vide infra

DATE

Before 97 B.C. — ? (sometime after circa 90 B.C.)

MODE OF DISSOLUTION

Unknown

ISSUE

Ap. Claudius Pulcher (cos. 54, cens. 50), C. Claudius Pulcher the praetor of 56 B.C., P. Clodius Pulcher the tribune of 58 B.C., Clodia (*RE* no.66) the wife of Q. Caecilius Metellus Celer (cos. 60), Clodia Tertia (*RE* no.72) the wife of Q. Marcius Rex (cos. 68), and Clodia (*RE* no.67) the first wife of L. Licinius Lucullus (cos. 74)

PARENTS

Appius was the son of Ap. Claudius Pulcher (cos. 143) and Antistia (or possibly a later unidentified wife of the consul of 143 B.C.)

The parentage of Appius' wife cannot be established with certainty. She may have been the daughter of Q. Caecilius Metellus Balearicus (cos. 123), or of an otherwise unknown M. Caelius, or she may even have belonged to some other unidentifiable *gens*

SIBLINGS

Appius was the brother of C. Claudius Pulcher (cos. 92), Claudia the wife of Ti. Sempronius Gracchus, Claudia the wife of Q. Marcius Philippus, and the Vestal virgin Claudia (*RE* no.384)

If the wife of Ap. Pulcher was the daughter of Metellus Balearicus she will have been the sister of Q. Metellus Nepos (cos. 98). If, on the other hand, she was a Caelia, or an Ignota she may have had a sister who married Metellus Nepos (cos. 98) and Q. Scaevola (cos. 95).

The complicated familial ties which bound the Claudii Pulchri, Caecilii Metelli, and Mucii Scaevolae of Cicero's generation demonstrably influenced the roles they played in the final years of the Republic, but the nexus of relationships has to be reconstructed from hints gleaned from various sources and a synopsis of the primary evidence is desirable.

Mucia Tertia, the daughter of Q. Mucius Scaevola (cos. 95) the Pontifex, was the *soror* of Q. Caecilius Metellus Celer (cos. 60).⁵⁰³

Mucia was also apparently related in some fashion to the Claudii Pulchri. The evidence is controversial. Cicero states that Pompey was an *adfinis* of P. Clodius Pulcher in 60 B.C.⁵⁰⁴ Shackleton Bailey maintained that their *adfinitas* was based on Pompey's marriage to Mucia even though the marriage had been dissolved late in 62 B.C.⁵⁰⁵ Hillard, however, argued that their *adfinitas* was due to the betrothal or marriage of Pompey's eldest son to Clodius' niece, the daughter of Ap. Claudius Pulcher (cos. 54).⁵⁰⁶ Yet Dio also implies a link between Mucia and the Claudii Pulchri. In his narrative of the events of 58 B.C., Dio observes that Clodius had 'formerly been a relative of Pompey.'⁵⁰⁷ As Pompey's unspecified link to Clodius had been terminated by 58 B.C., it must have been a relationship by marriage (an inherited blood tie could not be severed), and the timing excludes an allusion to the marriage of Cn. Pompeius junior and Claudia, which only leaves Pompey's marriage to Mucia which had been dissolved some five years previously.⁵⁰⁸

The Claudii Pulchri were in turn related to Q. Metellus Celer (cos. 60) and Q. Metellus Nepos (cos. 57). Metellus Nepos, Clodius, and Ap. Pulcher were *fratres*.⁵⁰⁹ And Clodius was also the *frater* of Q. Metellus Celer (cos. 60).⁵¹⁰

⁵⁰³ Cicero, *Ad fam.* V.2.6: cum vestra sorore Mucia; Dio, XXXVII.49.3: ἀδελφῇ.

⁵⁰⁴ *De haruspicum responsis* 45: adfinis et sodalis clarissimus vir.

⁵⁰⁵ Shackleton Bailey (1983) 191, *OCS*² 69-70. So also Tatum (1991) 122-9; and Seager (2002) 181.

⁵⁰⁶ Hillard (1982) 34-44 argued that Claudia and Cn. Pompeius junior were betrothed late in 62 or early in 61, and married in 61 or 60. Tatum (1991) 122-9 preferred to date the marriage in April or May of 56 (cf. Seager (2002) 181-2; and Shackleton Bailey (1983) 191, *OCS*² 69-70).

⁵⁰⁷ XXXVIII.15.6: ἐν γένει ποτὲ αὐτῷ γενόμενος.

⁵⁰⁸ See Tatum (1991) 126 and (1999) 265 n.99.

⁵⁰⁹ Cicero, *Ad Att.* IV.3.4: Nepos, Appius, and Clodius are *tres fratres*. Cicero, *Post reditum in Senatu* 25, *De domo* 7, 13, 70: Nepos and Clodius are *fratres*. *De domo* 87: Clodius is the *frater* of the consul (i.e. Nepos), and the praetor (i.e. Ap. Pulcher). *Ad fam.* V.3.1: Clodius having turned on Metellus Nepos, Nepos proposes to take Cicero *in fratris loco* (i.e. place of his real *frater* Clodius).

⁵¹⁰ Cicero, *De haruspicum responsis* 45: Clodius' plans to become tribune were opposed by his *frater* Metellus as consul (i.e. Celer). Cicero, *De domo* 26 (in September 57) accused Clodius of fratricide. Since both of Clodius' brothers were still alive in 57 (Appius died in 48 and C. Pulcher circa 53/52), *frater* here presumably refers to

Valerius Maximus adds that a certain Q. Metellus made a Carrinas his heir despite being connected to the Claudii by the closest blood ties,⁵¹¹ and the deceased is usually identified as Q. Metellus Nepos (cos. 57).⁵¹²

Anyone seeking to explain these various relationships must grapple with two additional complications. The notorious Clodia (Quadrantaria), the sister of Clodius and his siblings, was married to Q. Metellus Celer (cos. 60) — hence Celer and Clodia were evidently not full or half siblings or the marriage would have been considered incestuous. Plus Q. Caecilius Q. f. Metellus Celer (cos. 60) was the *frater* of Q. Caecilius Q. f. Metellus Nepos (cos. 57).⁵¹³ Yet Celer and Nepos shared the same *praenomen* and so cannot to all outward appearances have been full siblings (i.e. *fratres germani*).⁵¹⁴

The first serious attempt to resolve this prosopographical conundrum was essayed by Paulus Manutius (1512—1574) who was largely responsible for the reconstruction that has come to be associated with Drumann.⁵¹⁵ Manutius proposed that Ap. Claudius Pulcher (cos. 79)

Metellus Celer who died suddenly early in 59 B.C. and was, Cicero alleged, poisoned (see *Pro Caelio* 59-60; cf. *Pro Sestio* 39 where Clodius is labelled a *veneficus*; and Schol. Bob., 139.8-10 Stangl). *Pro Caelio* 60: If Metellus Celer had lived he would have resisted strenuously the designs of his *frater* [*patrueilis*] i.e. Clodius. Cf. the Scholia Bobiensia, p.139, 8-10 Stangl: Clodius was the *frater* of Metellus Celer. Cf. Dio, XXXVII.51.2: Clodius' designs on the tribunate were opposed by Metellus Celer who was related (ἐν γένει) to him. Note ἐν γένει is the same locution used by Dio to describe Pompey's relationship to Clodius through Mucia (vide supra), but γένος is a very broad term for a relative.

⁵¹¹ VII.8.3: Q. Metellus ... Claudiorum etiam familia, quam artissimo sanguinis vinculo contingebat. The *familia Claudia* of course included not only the patrician Pulchri and Neroni, but also the plebeian Marcelli (Asconius, 25.24 - 26.1 C). The *vinculum sanguinis* is used to denote a number of different relationships in Valerius Maximus compare: II.1.7 (on the bond between father and son), IV.6.4 (the blood tie between Caesar and Pompey through Iulia's short-lived child), and V.6 praef. (on the fraternal bond).

⁵¹² See *inter alios* Drumann, *GR*² II.28; Münzer, *RE* III.1218, 1612; van Ooteghem (1967) 294; Wiseman, *NMRS* 222, (1974) 180 n.17; Szramkiewicz (1976) I.109; Champlin (1991) 188; David (1992) 819; and Shackleton Bailey (2000) II.180 n.2, 181 n.3.

⁵¹³ Cicero, *Ad fam.* V.1.1: Metellum fratrem. *Ad fam.* V.2.6: Metellum fratrem tuum ... animum fraternam ... fratri tuo ... tui fratris, V.2.8: Metello, fratri tuo, V.2.9: fratre ... fratrem tuum ... tuus frater, V.2.10: Quare non ego oppugnavi fratrem tuum, sed fratri tuo repugnavi ... vis fraterni ... fratrem tuum, cf. V.2.1: tuis propinquis which also refers to Metellus Nepos. *Pro Sestio* 131: fratri suo.

⁵¹⁴ The filiation of Metellus Celer is found in Cicero, *Ad fam.* V.1.1 and V.2.6: Q. Metellus Q. f. Celer; and in the index to Dio, XXXVII: Κ. Καικίλιος Κ. υἱ. Μέτελλος Κέλερ. The filiation of Metellus Nepos is supplied in the index to book XXXIX of Dio: Κ. Καικίλιος Κ. υἱ. Μέτελλος Νέπωρ. And Asconius, 63 C expressly identifies Nepos as the son of Q. Metellus Nepos (cos. 98) and grandson of Q. Metellus Balearicus (cos. 123).

⁵¹⁵ See Manutius (1592) 58, 184, 187, 189 on *Ad fam.* I.9.15, V.1.1, V.2.6 and V.3.1, and (1580) 86, 153 on *Ad Att.* II.5.2 and IV.3.4.

married the sister of Q. Metellus Nepos (cos. 98),⁵¹⁶ and that Q. Metellus Celer (cos. 60) and Q. Metellus Nepos (cos. 57) were biological brothers and cousins by adoption — the elder of the two having been adopted by Q. Metellus Celer senior. He went on to offer three possible explanations of the fact that Mucia was the *soror* of Celer and Nepos: 1. Mucia's mother was a Caecilia — a second sister of Q. Metellus Nepos (cos. 98), the biological father of Celer and Nepos; or 2. Metellus Nepos (cos. 98) married a sister of Mucia's father Q. Scaevola (cos. 95); or 3. Mucia was a *soror uterina* (maternal half-sister) of Celer and Nepos whose unidentifiable mother had married Q. Scaevola (cos. 95) after the death of Metellus Nepos (cos. 98). Drumann adopted Manutius' reconstruction virtually in its entirety — with the exception that he regarded Mucia and the Metelli as cousins (*Geschwisterkind*) and considered it impossible to determine the nature of the relationship more precisely.⁵¹⁷ 'Drumann's' exposition essentially remained the standard model,⁵¹⁸ until it was challenged by Wiseman.⁵¹⁹ Wiseman pointed out that the standard paradigm was merely one of a number of equally possible solutions and he proceeded to enumerate four separate scenarios:

a) the Metelli, Claudii, and Mucia were all first cousins — Ap. Pulcher (cos. 79) and Q. Scaevola (cos. 95) having married two sisters of Metellus Nepos (cos. 98).

(b) Metellus Celer (cos. 60), Metellus Nepos (cos. 57), Mucia, and the Claudii Pulchri all had the same mother who was married in turn to Metellus Nepos (cos. 98), Ap. Pulcher (cos. 79), and Q. Scaevola (cos. 95).

(c) The Metelli and Claudii had the same mother and Mucia was the cousin of the Metelli.

(d) The Metelli and Mucia had the same mother and the Claudii were cousins of the

⁵¹⁶ Caecilia Metella *RE* no.135.

⁵¹⁷ See *GR*² II.20 Caecilia Metella no.15 sister of Q. Metellus Nepos (cos. 98) wife of Ap. Pulcher (cos. 79), II.20 Q. Caecilius Metellus Celer (cos. 60) no.16 older brother of Nepos and cousin of P. Clodius, II.160 Ap. Pulcher (cos. 79) married a Caecilia Metella, IV.560-1 Mucia was the cousin (*Geschwisterkind*) of Celer and Nepos, and Celer was the *frater* of P. Clodius, because his father and Clodius' mother were brother and sister. Drumann acknowledged his debt to Manutius.

⁵¹⁸ See *inter alios*: Haakh (1842) II.25-6 Caecilia Metella no.14; Teuffel (1848) V.187-8 Mucia Tertia no.15; Münzer, *RE* III.1208-9 Q. Metellus Celer (cos. 60) no.86 (though note that Münzer, *RE* III.1209 describes Mucia as the Halbschwester of Celer), *RE* III.1235 Caecilia Metella no.135, *RE* III.2849 Ap. Claudius Pulcher (cos. 79) no.296, *RAA* 274 n.2, 304-5, 394 = 280, 381, 435 n.135 Ridley; M. Fluss, *RE* XVI.449 Mucia no.28; Syme, *RR* 20, 32 n.2, *stemma* I Ap. Pulcher (cos. 79) married the sister of Metellus Nepos (cos. 98), Nepos and Q. Scaevola married the same unknown woman hence Mucia was the uterine sister of the younger Celer and Nepos, Syme, *AA* *stemma* I; Wiseman (1965) 53, 54, 57, 60 appendix; van Ooteghem (1967) 189, 218, 270, 276, 282.

⁵¹⁹ Wiseman (1971) 180-2. Cf. Wiseman (1974) 182-3 (with revised *stemma*).

Metelli (either the Metelli were sons of a Claudia or the Claudii of a Metella — the latter being the traditional theory). Wiseman concluded that the orthodox model best fits the available evidence, but suggested, contra Manutius and Drumann, that Metellus Celer (cos. 60) and Metellus Nepos (cos. 57) were the sons of the elder Metellus Celer, and that the wife of Ap. Pulcher (cos. 79) was a sister of Celer senior.⁵²⁰

Some years later Shackleton Bailey sharply curtailed the number of possible permutations by demonstrating that the terms *soror* and *frater* as applied to cousins were restricted to the children of brothers (i.e. paternal first cousins or *fratres* and *sorores patruelles*),⁵²¹ who must consequently bear the same *gentilicium* unless the difference in nomenclature can be explained by adoption. Since the Caecilii Metelli, Claudii Pulchri, and Mucia all bore different *gentilicia* and Shackleton Bailey argued that adoption can be ruled out,⁵²² he effectively eliminated all options other than (b) and concluded that Celer and Nepos junior, the Claudii, and Mucia were all the children of the same mother (i.e. uterine or maternal half siblings). Since Clodia could not have married her half brother, Shackleton Bailey postulated that Clodia was the product of an earlier marriage of Ap. Pulcher (cos. 79) making her the paternal half sister of her Claudian siblings, and only nominally related to Metellus Celer (i.e. they were step siblings) so that nothing prevented them from marrying.⁵²³

⁵²⁰ Sumner, *Orators* 132 objected that it is unlikely on chronological grounds that Celer and Nepos junior were the biological sons of Celer senior. He did not elaborate, but his logic is clear enough: Celer senior was tribune of the plebs in 90 B.C. (*MRR* II.26, 30 n.7) and his less distinguished colleagues were born circa 124 B.C. (Sumner, *Orators* 109, 110, 113). In view of his more illustrious birth Celer may have been a little younger — 27 years of age being the effective minimum in the pre-Sullan epoch (see *Orators* 6. Note Cicero, *Brutus* 182 does not refer to Celer as an *aequalis* of his colleagues). Hence Celer senior was at most around 21 years older than Celer junior who was born by 103 (see Sumner, *Orators* 132-3. Nepos junior was born by 100). For Wiseman's riposte see his review of Sumner ((1975) 198).

⁵²¹ Shackleton Bailey (1977) 148-50. On the usage *frater* and *soror* = *frater/soror (patruelis)* note the additional instances adduced by Bush (1972) 148f omitted in *TLL* and by Shackleton Bailey. See also Hickson, *TLL* X.1.791.34f 'patruelis'; and Bettini (1994) 226f, (2009) 42-5, and (2010) 253-72. The declaration of Bush (1972) 148 that the use of *frater* in respect of the Claudii and Metelli shows that *frater* "could designate any male first cousin" was founded on the assumption that Ap. Pulcher (cos. 79) indubitably married a sister of Metellus Nepos (cos. 98).

⁵²² Shackleton Bailey excluded the adoption of Mucia on the grounds that there is no evidence for the adoption of women during the Republic. He also noted that the patrician Claudii are said not to have resorted to adoption until the emperor Claudius adopted Nero (Suetonius, *Claudius* XXXIX.2; Tacitus, *Annals* XII.25.4). And he labelled the hypotheses that the Claudii were adopted by Metelli or the Metelli by Mucii preposterous.

⁵²³ Marriage between step siblings was permitted (*Digest* XXIII.2.34.2). Documented instances include the marriage of Oppianicus junior to Auria (Cicero, *Pro Cluentio* 179, 190), Tiberius' marriage to his step sister Iulia, and the marriage of Iullus Antonius (cos. 10) to Claudia Marcella Maior.

Wiseman subsequently professed himself persuaded by Shackleton Bailey's analysis and speculated that the putative thrice married Ignota might have been a Porcia, or a Livia.⁵²⁴ But not everyone was convinced that Shackleton Bailey's reconstruction was the only viable solution. Hillard, Taverne, and Zawawi postulated, contra Shackleton Bailey, that adoption is the key to understanding the complex web of relationships. They posited that Q. Metellus Celer (cos. 60) and Q. Metellus Nepos (cos. 57) were the biological sons of Q. Metellus Celer senior who was born a Claudius Pulcher, the son of Ap. Pulcher (cos. 143) and brother to C. Claudius Pulcher (cos. 92) and Ap. Pulcher (cos. 79), and was adopted by L. Metellus Diadematus (cos. 117) or M. Metellus (cos. 115). Celer's younger son Metellus Nepos (cos. 57) was then adopted by the elder Q. Metellus Nepos (cos. 98) as per Wiseman. The Metelli and Claudii were accordingly paternal first cousins, and Clodia Metelli was the full sister of the other Claudii, and the first cousin of her husband Celer. They also contended that Q. Metellus Celer (Claudianus) and Q. Scaevola (cos. 98) married the same unidentifiable woman — Metellus after Scaevola — making Mucia Tertia the maternal half sister of Metellus Celer (cos. 60) and Metellus Nepos (cos. 57).

Wiseman endorsed Hillard's hypothesis as a credible alternative to Shackleton Bailey's,⁵²⁵ and in the most comprehensive recent appraisals the reconstructions of Shackleton Bailey and Hillard stand on an equal footing.⁵²⁶ Yet the prosopographical puzzle should not be left in limbo for the reconstructions of Shackleton Bailey and Hillard are both unacceptable.

It seems undeniable that at least one adoption did take place in the Caecilii Metelli in the relevant period. Nevertheless, that adoption was apparently internal for it is probable that Q. Metellus Celer senior adopted a son of Q. Metellus Nepos (cos. 98) — who came to be known as Q. Metellus Celer (cos. 60) — since as Manutius saw long ago that is the most plausible explanation of the kinship of the *fratres* Q. Caecilius Q. f. Metellus Celer (cos. 60) and Q. Caecilius Q. f. Metellus Nepos (cos. 57).⁵²⁷ The adoption hypothesis of Hillard, Taverne, and

⁵²⁴ Wiseman (1985a) 18-20. Cf. Kajava, *Female praenomina* 207.

⁵²⁵ (1985a) 18 n.4, 19 n.11; cf. Dyck (2013) 113.

⁵²⁶ See Tatum (1999) 34-5 and Harders (2008) 215-19. Skinner (2011) xix, 53 gives a bald and inconclusive summary omitting all mention of Hillard's thesis. See also the brief survey in Marshall (1985) 231-2; and Zmeskal, *Adfinitas* 50-1, 74-6, 193, 304-5.

⁵²⁷ Cicero sometimes speaks of *fratres patruelles* manifesting a bond akin to that of brothers. Thus he says that his own paternal first cousin L. Cicero was a *frater patruelis* in name, but a *frater germanus* in sentiment. And Cicero and M. Claudius M. f. M. n. Marcellus (cos. 51) also represent Marcellus' relationship with his *frater patruelis* C. Claudius C. f. M. n. Marcellus (cos. 50) as very close (see *Pro Marcello* 34, *Ad fam.* IV.7.6, IV.11.1. The C. Marcellus referred to must be C. Marcellus (cos. 50) not M. Marcellus' brother C. Marcellus (cos. 49) who died in the civil war see *Phil.* XIII.29; *Ad Att.* XIII.10.1 with Shackleton Bailey's comment, *CLF* II.396, 397, *OCL* 34 and *OCS*² 33). But Cicero compared the relationship between Celer and Nepos to that between himself and his brother

Zawawi, on the other hand, is beset with problems — the most serious being its failure to account for the onomastic evidence. If Q. Metellus Celer senior had been adopted by L. Metellus Diadematus (cos. 117) or M. Metellus (cos. 115), he would have taken on the *praenomen* of his adoptive father (i.e. Lucius or Marcus).⁵²⁸ The fact that Celer bore the *praenomen* Quintus is incontrovertible proof that he was a biological son of the consul of 117 or 115 and evidently not their first born which makes the prospect of adoption even less likely.⁵²⁹ That alone is sufficient to discount the hypothesis, but additional arguments can be marshalled against it.⁵³⁰ For one thing, Asconius certifies that Metellus Nepos (cos. 57) was the son of Metellus Nepos (cos. 98), grandson of Metellus Balearicus (cos. 123), and great-grandson of Metellus Macedonicus.⁵³¹ And while it might be maintained that that statement does not explicitly exclude an adoptive relationship, Cicero affirms that the blood of Macedonicus ran in the veins of Metellus Nepos (cos. 57) which effectively disposes of his hypothetical Claudian ancestry.⁵³² Nor is it advisable

Q. Cicero (*Ad fam.* V.2.10), and Celer and Nepos, if they were not biological brothers, would only have been second cousins, which seems too distant a relationship in view of the apparent intensity of the bond. Adoption is accordingly the best explanation given that their possession of a common *praenomen prima facie* excludes a fraternal relationship.

⁵²⁸ C. Metellus Caprarius (cos. 113) is also excluded as a possible adoptive father of ‘Q. Metellus Celer (Claudianus)’ due to his *praenomen* and the fact that he had several sons including a Quintus — i.e. Q. Metellus Creticus (cos. 69).

⁵²⁹ Irrespective of whether he is assumed the son of L. Metellus Diadematus (cos. 117) or M. Metellus (cos. 115) it is evident that Celer must have had an older brother who already bore the paternal *praenomen* when he was named. On balance, it seems more likely that Celer was a younger son of Diadematus for Diadematus had children who joined him in campaigning for the recall of Metellus Numidicus in 99 B.C. (*Post red. in Sen.* 37 and *Post red. ad Quir.* 6), whereas Cicero does not register any offspring of M. Metellus (cos. 115) in 99 B.C.

⁵³⁰ For what it is worth, only three adoptions involving the Metelli are expressly recorded: Q. Metellus Pius (cos. 80) adopted Metellus Scipio (cos. 52) whose paternal grandmother was a daughter of Macedonicus; Q. Metellus Creticus Silanus (cos. 7 A.D.) was a Iunius Silanus adopted by a descendant of the consul of 69 B.C.; and at some point a Metellus adopted a Fabricius or *vice versa* (Seneca, *Controversiae* II.1.17; cf. van Ooteghem (1967) 22. The former is usually assumed, but Seneca’s language may be taken to mean that a Metellus was inserted into the *imagines* of the Fabricii which would also make more sense in view of their respective fecundity).

⁵³¹ Asconius, 63 C.

⁵³² In *Pro Sestio* 130-1 Cicero recounts how P. Servilius Vatia Isauricus (cos. 79) was instrumental in persuading the reluctant Metellus Nepos (cos. 57) to introduce the measure for the orator’s recall. Vatia succeeded in effecting this change of heart by evoking all the famous Metelli of the past — whereupon Nepos broke down and relented. Cicero states that the exhortation of Vatia was particularly effective because he was a relative of Nepos and shared the same lineage (*Pro Sestio* 130: *ad illius generis* (sc. the Metelli), *quod sibi cum eo commune esset* ... *propinqui sui*) for Vatia was a man “of the same blood” (*Pro Sestio* 130: *homo eiusdem sanguinis*, cf. *Post red. in sen.* 25: *sui*

to fall back on the *Mss* of the *Pro Caelio* 60 where Metellus Celer (cos. 60) is described as the *frater patruelis* of Clodius for the reading *patruelis* is a gloss as its anomalous placement and the rhetorical context both indicate.⁵³³ Finally, if Q. Metellus Celer had been the biological father of Celer and Nepos junior, their mother could not have been the ex-wife of Q. Scaevola (cos. 98) because Celer and Nepos junior were older than Mucia Tertia and her siblings.⁵³⁴

The adoption thesis is therefore dead in the water, but Shackleton Bailey's theory also has a fatal flaw. The notion that Clodia Metelli was the paternal half sister of her Claudian siblings is central to Shackleton Bailey's thesis for Clodia could not otherwise have married Metellus Celer on his interpretation of the familial nexus. In fact, however, Clodia Metelli was probably a full sister of her Claudian siblings. The evidence is supplied by Cicero. The orator states not only that Clodius was the *frater germanus* of C. Claudius Pulcher and Clodia Luculli,⁵³⁵ but that Clodius was also the *frater germanus* of Clodia Metelli,⁵³⁶ and *frater*

generis communisque sanguinis) because the mother of Vatia was a daughter of Metellus Macedonicus who was the great-grandfather of Nepos.

⁵³³ Cicero, *Pro Caelio* 60: *fratri suo patrueli*. It has generally been recognized that *patruelis* is an interpolation (see *inter alia*: Münzer, *RE* III.1235; Austin (1960) 29, 121; Hickson, *TLL* X.1.791.76-8; Maslowski (1995) 127; and Dyck (2013) 51). The lodgement of *patruelis* in the *Mss* is aberrant — one would expect: *fratri patrueli suo* (compare Plautus, *Poenulus* 68: *fratrem patrulem suom*, *Poenulus* 1067: *frater patruelis meus*; Naevius, *Paelex*: *fratri patrueli meo* (Ribbeck (1898) II.20); Suetonius, *Iul.* XXIX.1: *fratri patrueli suo*; Hyginus, *Fabulae* 107.2: *frater patruelis eius*). The positioning suggests that a marginal gloss has at some point been incorporated into the text. Plus Cicero uses the word *patruelis* only twice in the surviving corpus (*Pro Plancio* 27, *De finibus* V.1.1). On both occasions he considered it desirable to spell out that individuals bearing the same *gentilicium* and *cognomen* (i.e. two Manlii Torquati, and two Tullii Cicerones) were cousins not brothers, but in the context of *Pro Caelio* 60 this degree of specificity serves no purpose (observe the parallel passage in *De har. resp.* 45 where *frater* stands alone).

⁵³⁴ Kragelund (2001) 60f, following Hillard's lead, conjectures that Q. Metellus Nepos (cos. 98) was the biological brother of Ap. Pulcher (cos. 79) and had been adopted by Q. Metellus Balearicus (cos. 123), or that Metellus Nepos and Ap. Pulcher married the same woman making their sons *fratres* in the sense of half brothers (*fratres uterini*). Kragelund, it will be noted, made no attempt to resolve Mucia's relationship to the Metelli and Claudii, and his second hypothesis is a non-starter as it makes Metellus Celer and Clodia maternal half siblings which would have precluded them from marrying. The proposition that Metellus Balearicus adopted Metellus Nepos (cos. 98) is also to be rejected in view of the evidence of Asconius and Cicero adduced above.

⁵³⁵ *Pro Milone* 73 L. Lucullus stated on oath that Clodius was guilty of incest with his *soror germana* - the former wife of Lucullus, *De domo* 118 Clodius put his brother-in-law L. Pinarius Natta before his own brother (*frater germanus*) C. Pulcher (Clodius had supported Natta's election to the pontifical college when his brother Caius was also a candidate see *Pro Scauro* 34; Münzer, *RE* III.2856, XX.1403; Nisbet (1939) 169; Taylor (1942) 396-7; and Konrad (1996) 111-2).

germanus and *soror germana* normally signify siblings born of the same mother and the same father.⁵³⁷ It is true that the adjective *germanus/germana* is sometimes applied to half siblings,⁵³⁸

⁵³⁶ *Pro Caelio* 38: Vicinum eius mulieris miraris male audisse, cuius frater germanus sermones iniquorum effugere non potuit ? Cf. *De haruspicum responsis* 42: in domesticis est germanitatis stupris volutatus (referring to the allegation of incest between Clodius and his sisters).

⁵³⁷ See F. Vollmer, *TLL* 'frāter' VI.1253.40f, 59f; G. Meyer, *TLL* 'germānus' VI.1914, 34f, 1915, 10f; Del Rio (1939) 1-5. See for instance: Plautus, *Menaechmi* 1102-3: fratres germanos duos / geminos, una matre natos et patre uno uno die. Charisius, *Ars Grammatica* 389.15-17 Barwick: Frater et germanus. Frater aut ex alia matre aut ex alio patre potest esse, germanus ex isdem parentibus sit necesse est. Isidore, *De differentiis verborum* I.237: Inter fratrem et germanum. Fratres dicuntur qui ex eodem patre nascuntur, et non ex eadem matre. Qui vero ex eodem patre et matre, germani appellantur. Et est germanus ex eadem genitrice vel ex eodem germine manans. *De differentiis verborum* I.273: Inter germanam et sororem. Soror enim ab eodem germine, non ab eodem utero; germana vero ex utriusque manans germine.

⁵³⁸ See Meyer, *TLL* VI.1915.14-20. The terms *germanus* and *germana* are sometimes applied to paternal half siblings as in Cornelius Nepos, *Cimon* I.2 (cf. praef. 4 - possibly in error for Cimon and Elpinice may actually have been maternal half siblings see Davies (1971) 302-3); Ovid, *Metamorphoses* IX.382 (Dryope and Iole were paternal half sisters see IX.329-30), *Heroides* IX.155 (Deianira was the daughter of Oeneus and Althaea whereas Tydeus was the son of Oeneus and Periboea or Gorge see Apollodorus, I.8.1, 5); and Pseudo-Seneca, *Hercules Oetaeus* 278 (Deianira rages at the prospect that Iole might bear Hercules sons who would be siblings of her own children by Hercules). Servius, *Ad Aen.* V.412, on the other hand, argues that Vergil justifiably described the maternal half brothers Eryx and Aeneas (respectively the sons of Butas and Venus, and Anchises and Venus) as *germani* and appeals to Varro as an authority stating: According to Varro in his books *De gradibus*, *germanus* means to issue from the same *genetrix*, not as many say, from the same *germen*, whom Varro only calls *fratres*, and according to that definition Eryx, the son of Butas and Venus, is rightly called the *germanus* of Aeneas (Funaioli (1907) 260 frg.222: Germanus est secundum Varronem in libris de gradibus, de eadem genitrice manans, non, ut multi dicunt, de eodem germine, quos ille tantum fratres vocat: secundum quem bene nunc Erycem, Butae et Veneris filium, Aeneae dicit fuisse germanum. Cf. the confused glosses in Servius, *Ad Aen.* III.678, X.125; and H. Dahlmann, *RE Suppl.* VI.1255 for the little that is known about Varro's *Libri de gradibus*). And Servius in turn finds an echo in Isidore, *Etymologiae* IX.6.6: Germani vero de eadem genitrice manantes; non, ut multi dicunt, de eodem germine, qui tantum fratres vocantur. Ergo fratres ex eodem fructu, germani ex eadem genitrice manantes — although this flatly contradicts the definition given in Isidore's *Differentiae* I.237, 273 (cited above. On the inconsistencies in Isidore see Reydellet (2012) 202-5 n.327). But it seems that Servius and Isidore have misunderstood or misrepresented Varro for maternal half brothers were properly speaking *fratres uterini* (Isidore, *Etymologiae* IX.6.7), and we have Varro's own words to the effect that *germani* were full siblings (see *De ling. Lat.* V.54 and Plutarch, *Romulus* III.5 on Romulus and Remus). It appears therefore that Varro maintained that *fratres germani* were so called because *fratres* were born of the same father and *germani* issued (manantes) from the same *genetrix* / mother (*frater* being derived from *fructus* = *semen*, and *germanus* from *genetrix* see Isidore, IX.6.5-6 and *De differentiis* I.237). Varro consequently objected to the notion that *germanus* derived from *germen* = *semen* (see Schuster, *TLL* 'germen' VI.1923.85f) as some authorities contended as that would make *fratres germani* just *fratres* (tantum fratres) i.e. merely paternal half brothers and not full siblings. Servius, however, preserves only that part of Varro's etymology which suits his thesis, and since Vergil, Ovid, Seneca, and Pseudo-Seneca, elsewhere all use

but where Cicero's usage can be tested *frater germanus* connotes a full sibling.⁵³⁹ Nor would it have suited Cicero's purpose to make a point of specifying that Clodius was only a half sibling of C. Pulcher, Clodia Metelli, and Clodia Luculli for in all three contexts Cicero was at pains to emphasize the proximity of the link in order to put Clodius' disloyalty to his brother Caius, and his alleged incest with his sisters in the worst possible light. Moreover, as Cicero describes Clodius as the *frater germanus* of all three siblings, it stands to reason that he was related to them all in the same degree, whereas Shackleton Bailey's thesis requires that he was the half brother of Clodia Metelli, but a full sibling of C. Pulcher and possibly Clodia Luculli.⁵⁴⁰ Plus as Kaster observed, Cicero's "repeated implication that Clodia was to Clodius as Hera was to Zeus"

germanus and *germana* to denote full siblings (see *inter alia*: Vergil, *Aeneid* I.341, 346, 351, IV.44, 478, 492, 501, 549, 675, 686, IX.723, 804, X.607, XII.830; Ovid, *Ars Amatoria* III.336, *Metamorphoses* II.803, VI.444, 523, 564, 582, 598, 613, IX.510, *Heroides* V.115, VI.161, IX.7, 165, XI.89, XII.113 Medea and Absyrtus were full or half siblings depending on which authorities one follows see Pearson (1917) II.22, 188, *Fasti* III.560, VI.17; Seneca, *Agamemnon* 914, *Oedipus* 210, *Phoenissae* 54, *Thyestes* 970, *Medea* 982; Pseudo-Seneca, *Octavia* 115, 182), it may be that they occasionally used them more loosely for stylistic reasons.

⁵³⁹ In *Pro Fonteio* 46 Cicero calls the accused M. Fonteius the *germanus frater* of the Vestal virgin Fonteia. Their father had been killed at Asculum at the start of the *Bellum Italicum* (*MRR* II.23), but their mother was still alive at the time of the trial (*Pro Fonteio* 46, 48). Cicero, *Pro Ligario* 33 refers to the *germanitas* of the three Ligarii brothers who were the sons of Ligarius senior and an Annaea (*Pro Ligario* 11; Syme (1964) 110-1, 118). In *Verrines* II.1.128 Cicero describes the *eques* Cn. Fannius as the *frater germanus* of the juryman Q. Titinius. Shackleton Bailey, *Two Studies*² 24, 75, *OCS*² 48 explained the difference in their *gentilicia* as the consequence of adoption (cf. Nicolet, *OE* II.873, 874 n.6, II.1039, 1040 n.2 whose discussion is somewhat contradictory). T. Annius 'Lysidici filius' Cimber, the Antonian praetor of 44 B.C., had one *frater* still living in 43 B.C. whose name, given as Exitius in the *Mss* of *Phil.* XIII.28, is usually emended to Sex. Titius, and another unnamed *frater* whom he is alleged to have poisoned (*Catalepton* II.5 and Quintilian, *Inst. or.* VIII.3.28-9: *frater*). Cicero refers to the latter as the *germanus* of Cimber (*Phil.* XI.14), but his terminology is not above suspicion because the allegation provided the orator with scope for a series of witticisms. He renamed Cimber Philadelphus (*Phil.* XIII.26, 29) and exploited the dual senses of the word *germanus* for a pun on the *cognomen* Cimber (see in the same vein Velleius, II.67.4). It is unclear therefore whether the deceased *frater* of Cimber was in fact his *frater germanus*, or whether Cicero merely asserted this for the sake of the pun on Cimber. In *Ad Att.* II.23.2 Cicero describes Clodius as the *consanguineus* of Clodia Metelli. The word is sometimes applied to half siblings (see Gudeman, *TLL* IV.359, 14f), but there is no trace of this usage in Cicero who simply uses *consanguineus* of blood relatives (see *De inventione* I.35, 103, II.29, 107; cf. Harders (2013) 28-9), and in the *Brutus* of Accius (quoted in *De divinatione* I.44) *germanus* and *consanguineus* are synonyms denoting two rams from the same flock.

⁵⁴⁰ Shackleton Bailey (1977) 149 considered it uncertain which of the two alleged marriages of Ap. Pulcher (cos. 79) produced Clodia Tertia and Clodia Luculli.

suggests that the orator considered them full siblings — like Zeus and Hera themselves.⁵⁴¹ It is probable therefore that Clodius, his older sister Clodia Metelli (who was either the eldest or the second of the three surviving sisters), the middle brother C. Pulcher, and the youngest sister Clodia Luculli all had the same mother and the same father.⁵⁴² Cicero does not explicitly stipulate that the two remaining siblings, Clodia Tertia and the eldest of the three brothers Ap. Pulcher (cos. 54), were full siblings of the rest, but there is no reason to think otherwise. In any event, the fact that Clodia Metelli was a full sibling of Clodius rules out Shackleton Bailey's hypothesis that Metellus Celer (cos. 60), Metellus Nepos (cos. 57), Ap. Pulcher (cos. 54), C. Pulcher, P. Clodius, and Mucia Tertia were all maternal half siblings for if Clodia Metelli had the same mother and father as Clodius, and Clodius had the same mother as Metellus Celer, it would follow that Clodia and Metellus Celer were also maternal half siblings and their marriage would have been incestuous.

It is also chronologically unlikely that Metellus Celer (cos. 60), Metellus Nepos (cos. 57), Ap. Pulcher (cos. 54), C. Pulcher, P. Clodius, and Mucia Tertia all had the same mother. Shackleton Bailey maintained that the precise order of the three alleged marriages of Ignota cannot be determined, but his own calculations show that any sequence is fraught with difficulties principally because the sons of Ap. Pulcher (cos. 79) were born in the same period as Mucia Tertia which precludes his conjecture that they were the children of the same woman.⁵⁴³ As a result Shackleton Bailey was compelled to put the birth of Mucia implausibly early, or improbably late. The proposition that Q. Scaevola was the first husband of Ignota required him to put the birth of Mucia before 103 B.C., the latest possible date for the birth of Q. Metellus

⁵⁴¹ Zeus and Hera were the children of Cronus and Rhea. Kaster (2006) 409 n.1. Cicero refers to Clodia as Boopis - βοῶπις being the Homeric epithet of Hera (see *Ad Att.* II.9.1, 12.2, 14.1, 22.5, 23.3, cf. *De domo* 92, *De har. resp.* 38) and insinuates that Clodius and Clodia emulated Zeus and Hera who were siblings as well as husband and wife.

⁵⁴² On the debate concerning the relative seniority of Clodia Tertia and Clodia Metelli see McDermott (1970) 40-1; Hillard (1973) 505-14; and Tatum (1999) 33-4.

⁵⁴³ Shackleton Bailey theorized that Ignota was the mother of Appius' three sons. He put the birth of Ap. Pulcher (cos. 54) in 97 or 95 B.C. The latter date was predicated on the existence of a 'patrician cursus' posited by Badian, but this was effectively refuted by Sumner (*Orators* 127, 131, 137, 156). Ap. Pulcher (cos. 54) was therefore born by, if not in 97 B.C. C. Pulcher was born by 96 B.C., and Clodius in 93 B.C. (McDermott (1970) 40; Sumner, *Orators* 136. The idea that Clodius was born in 92 B.C., as per Hillard (1973) 508 and Tatum (1999) 33, is dependent on the assumption, rightly rejected by Sumner, that there was no minimum age limit for the aedileship). The argument of Ryan (2000) 165-9 that Clodius was born in 95 is not persuasive. It is predicated on the reading *aedilitatem* instead of *hereditatem* in *Ad Att.* II.1.5 (but see Malaspina (1997) 139 n.32 on the manuscript tradition), and on the notion that *suum annum* in *Pro Milone* 24 only means it was Clodius' year for the praetorship in the sense that it was the appropriate interval from his aedileship. Shackleton Bailey considered it uncertain which of the two alleged marriages of Ap. Pulcher (cos. 79) produced Clodia Tertia and Clodia Luculli.

Celer (cos. 60), but it is most unlikely that Mucia was born so early for she bore her second husband, M. Aemilius Scaurus, a son sometime between 60 and 55 B.C.⁵⁴⁴ Conversely, the attempt to put Mucia's birth as late as circa 90 B.C. requires her to marry Pompey at the latest possible date (i.e. in 77 B.C.) at the age of only 12 or 13. And neither thesis takes account of the fact that Q. Scaevola had several children and that Mucia Tertia had both older and younger siblings. Furthermore, Shackleton Bailey contended that the marriage of Ap. Pulcher (cos. 79) to the mother of Clodia Metelli preceded his marriage to the thrice married Ignota, so that Clodia Metelli was "considerably older" than her three supposed half brothers.⁵⁴⁵ It would follow that Clodia Metelli was born before 97 B.C., the latest possible date for the birth of Ap. Pulcher (cos. 54), but this is unlikely. Clodia Metelli was certainly older than Clodius,⁵⁴⁶ and hence born before 93 B.C., but she cannot have been much older than Clodius for Cicero says that she had *seen* her father consul and had *heard* of the consulship of her uncle C. Claudius Pulcher (cos. 92).⁵⁴⁷ If Clodia had been born before Ap. Pulcher (cos. 54) there is no reason why she could not be said to have witnessed her uncle's consulship as a child, the fact that she only knew of it by hearsay suggests that she was too young at the time to be cognizant of it herself. Thus when the evidence is assessed without preconceptions it appears probable that Clodia Metelli was born in 95 or 94 B.C. — i.e. in between Ap. Pulcher (cos. 54) and his younger brother Clodius — and that she was in all probability coeval with Mucia Tertia. And we have still to accommodate the other two daughters of Ap. Pulcher (cos. 79) namely Clodia Luculli, who was a full sibling (*soror germana*) of Clodius and younger than Clodia Metelli, as well as Clodia Tertia. Lastly, it should be noted that Shackleton Bailey's supposition that Metellus Nepos (cos. 98) died soon after his consulship, thereby making room for Ignota's marriage to one of his successors, is unsustainable. On his deathbed Metellus Nepos (cos. 98) made his son Metellus Nepos (cos. 57) swear that he would prosecute his *inimicus* C. Curio (cos. 76).⁵⁴⁸ As Metellus Nepos (cos. 57) was born in or shortly before 100 B.C., he can scarcely have been old enough to swear such an oath before the end of the 90's at the very earliest, so his father's demise must be dated

⁵⁴⁴ Pompey divorced Mucia late in 62 B.C. and she married Scaurus sometime after his return from Syria in 61. Their only son (M. Aemilius Scaurus *RE* no.142; *PIR*² A 405) was born prior to the trial of Scaurus in July 54 B.C. (Asconius, 19.17-18 C, 20.4-5 C) and Scaurus was in Sardinia from early 55 until the end of June 54 (Asconius, 18.18-19 C).

⁵⁴⁵ (1977) 149.

⁵⁴⁶ *Pro Caelio* 36: *maiore sorore*.

⁵⁴⁷ *Pro Caelio* 34: "Did you not see your father consul, did you not hear that your uncle, grandfather, great-grandfather, great-great-grandfather, and great-great-great-grandfather were consuls." (*Non patrem tuum videras, non patruum, non avum, non proavum, non abavum, non atavum audieras consules fuisse*).

⁵⁴⁸ Asconius, 62-4 C.

accordingly.⁵⁴⁹

At first sight the elimination of the thrice married Ignota thesis as well as the adoption hypothesis poses a serious dilemma for that excludes every solution proposed thus far, but there is another avenue of approach that has never been explored. The key is the flexibility of the terms *frater* and *soror* which embraced not only full siblings and paternal first cousins, but also maternal and paternal half siblings. Shackleton Bailey insisted that the only cousins covered by the terms *frater* and *soror* were the offspring of brothers. He neglected, however, to take into consideration half siblings for although more specific terms for half siblings did exist they were not in common use.⁵⁵⁰ In normal usage the Romans were content to describe half siblings as *fratres* and *sorores*, and they likewise made no terminological distinction between the children of full and half siblings — the standard Latin terminology for cousins was applied indifferently to both.⁵⁵¹ It follows that the children of half brothers could also be designated *fratres* and *sorores (patrueles)*.⁵⁵² Consequently some *fratres* and *sorores patrueles* will have been the

⁵⁴⁹ Marshall (1977) 83f and (1985) 230f wants to prolong the survival of Nepos senior into the late 70's. See also Alexander, *Trials* 43 no.82 esp. n.1.

⁵⁵⁰ See Vollmer, *TLL* VI.1253-4. Maternal half brothers were *fratres uterini*. *Fratres consanguinei* had the same father, but not necessarily the same mother. On rare occasions the relationship may be spelt out in the case of siblings with different *gentilicia* to differentiate them from adoptive siblings (e.g. Livy, XXXVIII.9.8 *consulis frater matre eadem genitus*; Asconius, *Pro Scauro* 20.8 C: *frater ex eadem matre*; Suetonius, *Vita Vergili* 37: *fratrem alio patre*).

⁵⁵¹ There was no separate Latin term for first cousins who were the children of half siblings (see Paulus, *Liber de gradibus et adfinibus et nominibus eorum - Digest* XXXVIII.10.10). In his enumeration of the terminology of cousins Paulus was careful to note in respect of *patrueles* that a paternal uncle (*patruus*) might only share the same mother or father with his brother (XXXVIII.10.15, cf. XXXVIII.10.14: *Patruus, is autem est patris frater et ipse dupliciter intellegendus est ex patre vel matre*). Similarly, Suetonius, *Divus Claudius* XXVI.2 can describe the first cousins Messalla Barbatus and Claudius as *consobrini* even though their mothers, Claudia Marcella Minor and Antonia Minor, were maternal half-sisters not full siblings (see Hurley (2001) 183; Wachtel, *PIR*² V 141).

⁵⁵² Indeed, if we follow Isidore's logic *patrueles* were precisely the children of *germani*, whom he defines as maternal half siblings (IX.6.6, 11, 13), but that is due to the erroneous equation of *fratres germani/sorores germanae* with maternal half siblings. In LXVI.22 Catullus refers to Ptolemy III Euergetes as the *frater* of his bride Berenice II which Vollmer and Bush (1972) 149 took as an instance of the *frater (patrueles)* usage for Berenice II and Euergetes were paternal first cousins (they were not second cousins as per Fordyce (1961) 328. Magas, the father of Berenice II, and Ptolemy II Philadelphus, the father of Euergetes, were both sons of Berenice I). Shackleton Bailey discounted this, and he was right to be cautious for Catullus' poem is an homage to the *Coma Berenices* of Callimachus and the surviving portions of Callimachus' poem show that Catullus, LXVI is closely modelled on the Greek original, and while Ptolemy Euergetes was the first cousin (ἀνεψιός) of Berenice II, epigraphic evidence demonstrates that Berenice was sometimes called the sister of Euergetes in accordance with Egyptian royal titlature, so it is entirely possible that *frater* is simply a translation of ἀδελφός in Callimachus'

children of maternal half brothers and will have borne different *gentilicia*, and given the apparent frequency of remarriage in Rome this will not have been a rare event. Hence Shackleton Bailey's admonition that *patrueles* must bear the same *gentilicium* unless the difference can be explained by adoption is not quite accurate. Furthermore, the terms *frater / soror matruelis*, which are clearly cognate with *frater / soror patrueles*, call for comment. Only two uses of the word *matruelis* are recorded, but both suggest that the term was in use during the Republic.⁵⁵³ The meaning of *matruelis* is, however, uncertain.⁵⁵⁴ Bulhart defines a *frater matruelis* as an *avunculi*

poem (see Ellis (1889) 366; Roos (1923) 270-1; and Marinone (1997) 15f, 108. Pseudo-Hyginus, *De astronomia* II.24, who cites Callimachus, calls Berenice II the *soror* of Ptolemy III, but wrongly implies that Berenice and Ptolemy were full siblings see Ellis (1889) 366 and Marinone (1997) 23 n.29, 38 n.24). One may also note in this connection a *responsum* from book XXXIV of the *Digest* of Q. Cervidius Scaevola (*Digest* XXIX.5.26). Translators struggle because the text is grammatically ambiguous (see Scott (1932) VI.334; Watson (1998) II.444; Behrends et al. (2012) 241), but the passage seems to indicate that the testator C. Seius was the *frater patrueles* of a Titius. Seius and Titius are, of course, juristic pseudonyms (see Plutarch, *Quaestiones Romanae* 271 D-E), but the passage implies that the Antonine/Severan jurist saw nothing out of the ordinary in two *fratres patrueles* bearing different *gentilicia*, and this could only be the case if one of them was adopted, or their fathers were maternal half brothers, and there is no suggestion that the relationship is to be explained by adoption. Furthermore, the possibility remains that there may be examples of *frater / soror (patrueles)* being used of the children of half brothers hiding in plain sight among the instances where *frater* and *soror* are applied to individuals with different *gentilicia* and the precise relationship is unknown.

⁵⁵³ In the *Origo gentis Romanae* XIII.8 the consular annalist L. Calpurnius Piso Frugi (cos. 133) is said to have described Turnus as the *matruelis* of Amata, the wife of king Latinus (= *FRH* II.298 frg.4). There is no reason to doubt the authenticity of the attribution as it is not the only citation of Piso in the *Origo* (see also X.2, XVIII.3) and the author evinces a knowledge of a surprising array of authors (see Sehlmeier (2004) 160-4; Cameron (2004) 328f). Cardinali (1995) 260 n.17 avers that Piso is unlikely to have used the term *matruelis* which is probably a juristic rendering of a periphrasis like *filius avunculi*, but I can see no basis for that assertion. The *Lex Pompeia de parricidiis*, which is usually dated to 55 or 52 B.C. (see Cloud (1971) 47f), laid down that anyone who killed their *frater* or *soror patrueles* or *matruelis* should be liable to the *Lex Cornelia de sicariis* (*Digest* XLVIII.9.1: *fratrem sororem patruelem matruelem*).

⁵⁵⁴ Neither passage enables the term to be conclusively defined. In the case of Piso it is noteworthy that the other two early sources, Cato (*Origines* XIII.5 = *FRH* II.164 frg.10: *consobrinus*) and Dionysius of Halicarnassus (I.64.2: ἀνεψιός) agree that Turnus and Amata were first cousins, and if Cato used the term *consobrinus* strictly, he regarded Turnus and Amata as the offspring of two sisters. The genealogy of Servius, *Ad Aen.* VI.90, VII.366, XII.29, however, makes Amata the maternal aunt (*matertera*) of Turnus, and Turnus the *consobrinus* of her daughter Lavinia. In the *Lex Pompeia matruelis* occurs in a list of relationships of varying degrees, but Mommsen (1899) 645 considered the list lacunose which renders its interpretation more difficult (cf. Cloud (1971) 52f). The law apparently listed a *frater / soror patrueles* or *matruelis* alongside a *consobrinus/a* (*Digest* XLVIII.9.1, 3), but *consobrinus/a* seems to have been intended in the broad sense (i.e. denotes any type of first cousin rather than specifically the children of sisters). Bettini (1991) 265 n.5 remarked that it might be argued “on the basis of the

filius (i.e. the son of a maternal uncle).⁵⁵⁵ In other words, *fratres* and *sorores matruelles* were first cousins whose parents were brother and sister (i.e. cross cousins). Pârvulescu, on the other hand, regards a *frater matruelis* as the son of a paternal aunt (*amitae filius*).⁵⁵⁶ But it can also be argued that the morphological similarity with *patruelis* (= *patrui filius/filia*) suggests that *matruelis* ought to connote a *materterae filius/filia*, as the mediaeval glossaries claim,⁵⁵⁷ in which case, *matruelis* would represent a mirror image of the term *patruelis* and would signify the offspring of two sisters (i.e. a *frater / soror matruelis* would be the child of ego's maternal aunt).⁵⁵⁸ And there is something else. The term *frater / soror patruelis* describes a symmetrical relationship, which is to say, it describes the same relationship from the perspective of either party — ego's *patruelles* were invariably the offspring of a paternal uncle. The same would hold true for *fratres* and *sorores matruelles* who were the children of two *materterae*. If, on the other hand, *matruelles* are defined as *amitae filii/filiae* or *avunculi filii/filiae* the relationship was asymmetrical in so far as it differed depending on ego's perspective. Thus if A married the sister of B, from the viewpoint of A's children B's children would be *matruelles* in the sense of *avunculi filii/filiae*, but from the perspective of B's children A's children would be *amitae filii/filiae*. The term *matruelis* would therefore connote two different asymmetrical relationships, and it is a valid question whether this definitional dichotomy is plausible.⁵⁵⁹

succession of degrees" that *matruelis* connotes the child of a *matertera* "and perhaps the apposition with *frater* suggests the same thing."

⁵⁵⁵ *TLL* 'matruelis' VIII.490. Bulhart offers no explanation for this conjecture, but his logic may have been along the following lines. There were specific terms for first cousins who were the children of sisters (*consobrini*), and the children of brothers (*patruelles*). There was also a name for the offspring of a paternal aunt (*amitini/amitinae*). One might therefore infer that there ought to have been a specific term for the child of a maternal uncle. The danger with that line of reasoning is that Latin kinship terminology was not exhaustive and there are some unexplained gaps (thus for instance Iulius Paulus, *Digest* XXXVIII.10.10.14 notes the lack of a specific Latin term for a niece or nephew, cf. *Digest* XXXVIII.10.10.18).

⁵⁵⁶ Pârvulescu (1989) 74 n.42. The child of a paternal aunt could of course be designated by the term *amitinus/amitina*.

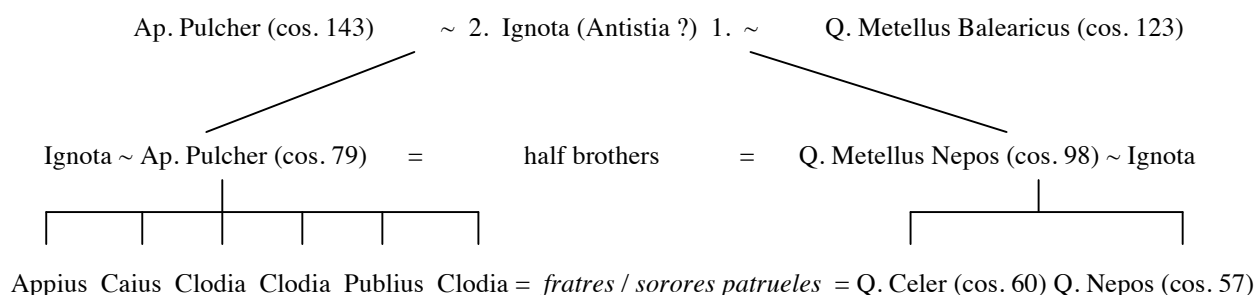
⁵⁵⁷ See Bettini (1986) 78 n.5 = (1991) 265 n.5, and (2009) 46-7. See also Baudou (1998) 66; and Felici (2010) 269-70. According to Isidore, IX.6.15 a *materterae filius* is called a *fratruelis*, but that term does not occur in classical Latin (see Vollmer, *TLL* 'fratruelis' VI.1260-1; and Bettini (2009) 47-9).

⁵⁵⁸ If the term *matruelles* did relate to *materterae filii/filiae* it could also help explain why it rarely features in the sources — firstly as a synonym for *consobrinus/a* it was largely redundant, and secondly from the juristic perspective it was on the whole irrelevant because the laws of inheritance were primarily concerned with agnate succession.

⁵⁵⁹ In the late Republic the term *consobrinus* came to be applied to both cross and parallel first cousins (*Digest* XXXVIII.10.10.15) which would potentially involve the same dichotomy.

At any rate, all three of the proposed definitions would produce another group of first cousins, *fratres* and *sorores matruales*, who could presumably have been styled *frater* and *soror* for short, and would have borne different *gentilicia* without adoption being involved. Needless to say, the knowledge that the terms *frater* and *soror patruelis* could be applied to the sons of half brothers, and that *frater* and *soror* might also connote *fratres* and *sorores matruales* has important implications for our understanding of the relationship between the Claudii, Metelli, and Mucii because it opens up a range of possibilities including some old hypotheses and some previously unexplored scenarios.

First up let us consider the Metelli and the Claudii. We have seen that Metellus Celer (cos. 60) and Metellus Nepos (cos. 57) must have been first cousins and not siblings of the six children of Ap. Pulcher (cos. 79). We have also seen that it is not plausible that their fathers were full siblings. But since *patruales* could be the offspring of half siblings it is still theoretically possible that Celer and Nepos junior were the paternal first cousins of the Claudii if their respective fathers were maternal half brothers.⁵⁶⁰



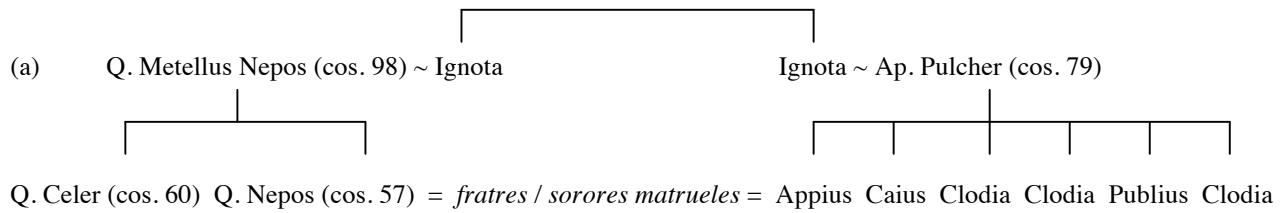
The children of Q. Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) would then have been paternal first cousins in spite of their different *gentilicia*, and Metellus Celer would have been free to marry Clodia. It must be said, however, that this scenario is not attractive as it would mean that Ap. Pulcher (cos. 143) and Metellus Balearicus (cos. 123) married the same woman, and since Metellus Nepos (cos. 98) was older than Ap. Pulcher (cos. 79) it would have to be supposed that Balearicus married her first which is implausible for Ap. Pulcher (cos. 143) was much older than Balearicus and also predeceased him.

More importantly, we are no longer constrained by the assumption that the Claudii and Metelli were paternal first cousins and the fact that they may have been *fratres* and *sorores matruales* permits 5 separate reconstructions allowing for the uncertainty surrounding the

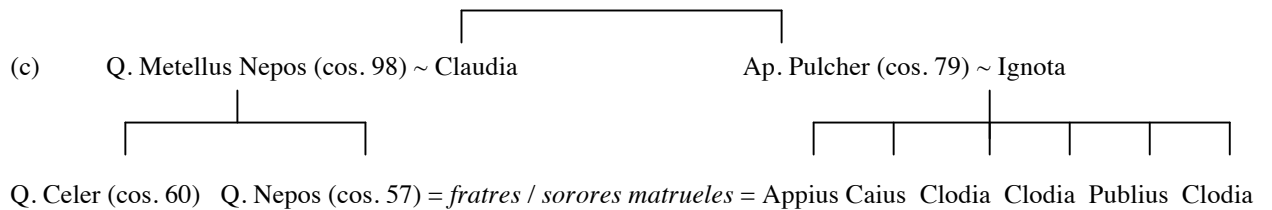
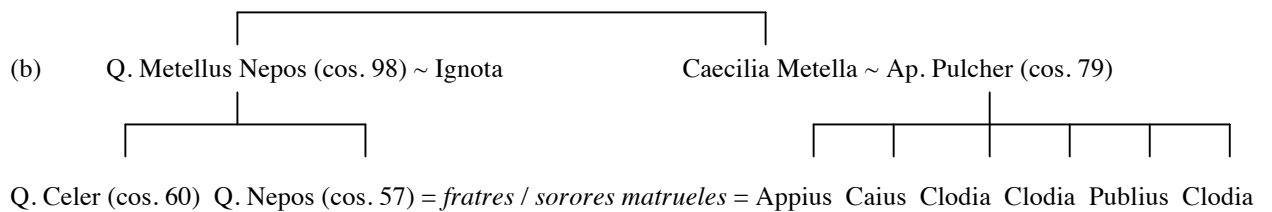
⁵⁶⁰ Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) cannot have been paternal half brothers otherwise one of them would have to have been adopted and since the Claudii did not adopt during the Republic (vide supra), it would have to be assumed that Nepos was born a Claudius and adopted into the Metelli, but Nepos was evidently a biological son of Metellus Balearicus (Asconius, 63 C).

definition of the term *matruelis*.

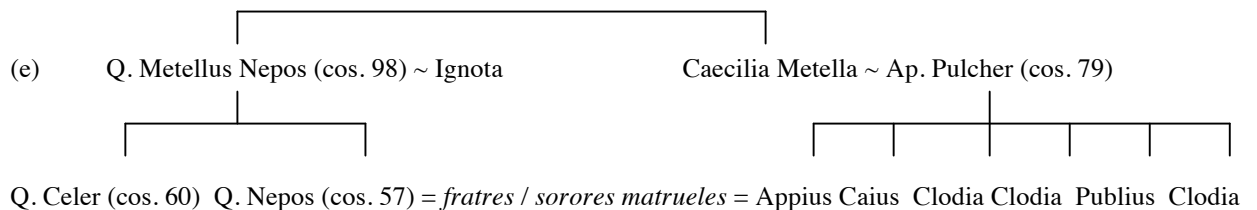
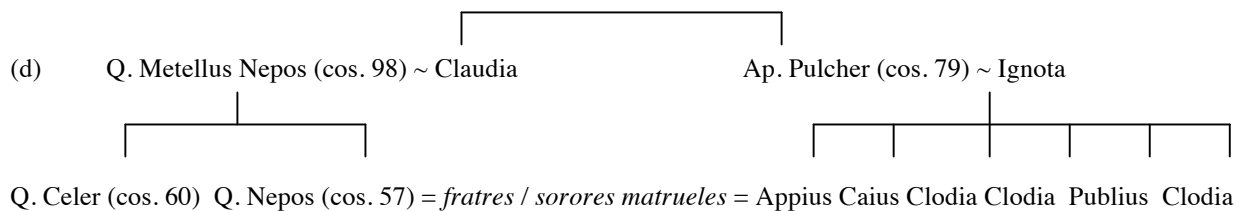
Matruelis = child of a maternal aunt (*materterae filius/filia*). This definition implies that Q. Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) married two sisters:



Matruelis = child of a maternal uncle (*avunculi filius/filia*). This definition implies one of two things — either Metellus Nepos (cos. 98) married a sister of Ap. Pulcher (cos. 79), or *vice versa*:



Matruelis = child of a paternal aunt (*amitae filius/filia*). This definition also implies that Metellus Nepos (cos. 98) married a Claudia, or Ap. Pulcher (cos. 79) a Caecilia:



When they are plotted out it becomes clear that the 5 scenarios actually represent only 3 possibilities for (b) and (e) are identical and so are (c) and (d). It will also be noted that scenarios (b) and (e) are the same as the solution proposed by Manutius and Drumann.

Scenario (b) and (c) has in its favour the fact that Metellus Nepos (cos. 98) definitely had a sister.⁵⁶¹ Carcopino, Wiseman, and Kragelund objected that Cicero speaks of Caecilia Metella in such a way that it appears that she was unmarried.⁵⁶² But that obstacle is hardly insuperable for there are both general and particular difficulties with that argument. At a general level it must be conceded that the sister of Nepos, who was plainly not a Vestal virgin, will have married at some point since lifelong celibacy among Roman women in this epoch is unheard of.⁵⁶³ Hence a husband (or husbands) not explicitly identified in any surviving work, lurks somewhere in the shadows of Metella's largely undocumented life story.⁵⁶⁴ Furthermore, it is only in the *Pro Roscio Amerino*, delivered in 80 B.C., where Cicero mentions Metella's father Balearicus, her brother Nepos, and her distinguished paternal uncles in the most flattering terms that the absence of any reference to her husband would be truly anomalous were she then married.⁵⁶⁵ Yet by 80 B.C. all the known children of Ap. Pulcher (cos. 79) had already been born, and it is entirely possible, as Gelzer suggested, that Ap. Pulcher (cos. 79) and Metella had separated after the birth of their youngest child which would adequately explain the otherwise awkward omission.⁵⁶⁶ But even that is not a necessary inference for there is another obvious possibility. Ap. Pulcher (cos. 79) was a prominent *Sullanus* and he may have elected not to back Roscius against the interests of Sulla's powerful freedman Chrysogonus for Cicero states that some of Roscius' friends declined to help him — evidently for fear of antagonizing the dictator.⁵⁶⁷ Consequently, it might be conjectured that Appius deftly avoided any possible backlash that might result from acting

⁵⁶¹ Caecilia Metella *RE* no.135.

⁵⁶² Carcopino (1931) 180f. Reiterated by Wiseman (1971) 181 and Kragelund (2001) 61f. Carcopino accordingly postulated a second sister of Nepos as wife to Ap. Pulcher (cos. 79).

⁵⁶³ Given the religious context of the anecdote, had Metella been a Vestal this would have to have mentioned by Cicero, *De divinatione* I.4, 99, II.136 and *Obsequens*, 55. Plus Sex. Roscius was lodged in Metella's residence in Rome (*Pro Roscio Amerino* 27) whereas the Vestals resided in the *Atrium Vestae*.

⁵⁶⁴ Note also her connection with Iuno Sospita — though Schultz (2006) 23f argues that the extent to which the cult was associated with fertility (and so with married women) has been exaggerated.

⁵⁶⁵ *Pro Roscio Amerino* 27, 147. On the date of the trial see Kinsey (1967) 61-7; and Dyck (2010) 4.

⁵⁶⁶ Gelzer (1969) 19 n.18: Die Nichtnennung des Gatten müßte damit erklärt werden, daß die Ehe im Jahr 80 geschieden war. Cicero's references to the sister of Nepos in *De divinatione* I.4, 99, II.136, in relation to events of 90 B.C., are briefer and less informative. Cicero merely mentions her father — i.e. was seemingly only concerned to fix her place in the *stemma* of the Metelli for which purpose a husband's name was irrelevant (compare the two Caeciliae in *De divinatione* I.104, II.83 where Cicero fails to identify their father or their husbands). As regards the timing of the putative divorce, the three sons of Ap. Pulcher (cos. 79) and Clodia Metelli were all born by 93 B.C., whether the two remaining daughters, who were only betrothed after his death, were born before 90 B.C. is more doubtful.

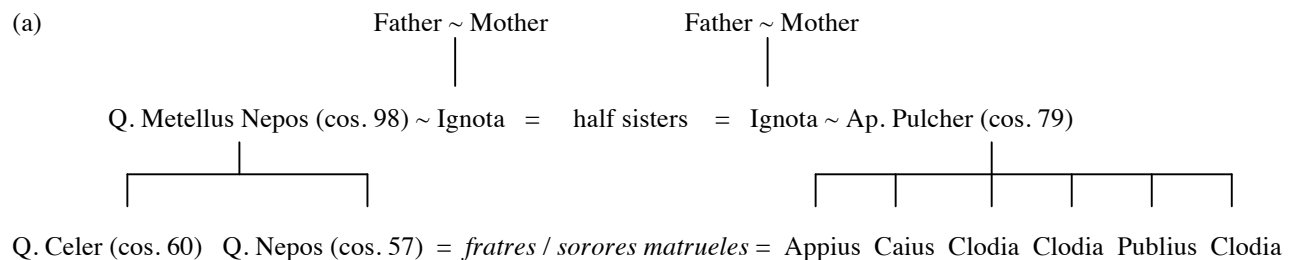
⁵⁶⁷ *Pro Roscio Amerino* 1-5, 148.

himself by standing back and allowing his wife to take the lead not only because Roscius was an hereditary client and *hospes* of the Metelli, but also because Metella, as a woman, and a woman of the highest rank and a relation of Sulla's own wife Metella as well as Sulla's consular colleague Metellus Pius, could take a stand with absolute impunity.⁵⁶⁸ It must be remembered that in 80 B.C. Ap. Pulcher intended to stand at the consular elections for 79 B.C. and he will not have wanted to damage his chances by rocking the boat.⁵⁶⁹

Scenario (c) and (d) initially appears even more promising for Ap. Pulcher (cos. 79) is known to have had three sisters — except two of them have identifiable husbands, Ti. Gracchus and Q. Marcius Philippus, and the third was a Vestal virgin. As Ti. Gracchus was killed in 133 B.C., and Q. Philippus was possibly exiled in the last decade of the Second Century B.C., it might be theorized that one or other of the sisters subsequently married Metellus Nepos (cos. 98) in time to give birth to Metellus Celer (cos. 60), who was born by 103, and Metellus Nepos (cos. 57), who was born by 100, but the three Claudiae were born in the mid-to-late 150's B.C. and were probably past child bearing age by the time Celer and Nepos were born. Plus they are rather too old to make plausible brides for Metellus Nepos (cos. 98) who was born in or shortly before 141 B.C.

An additional 5 scenarios can be excogitated on the hypothesis that the Metelli and Claudii were *matrueles* born of half siblings.

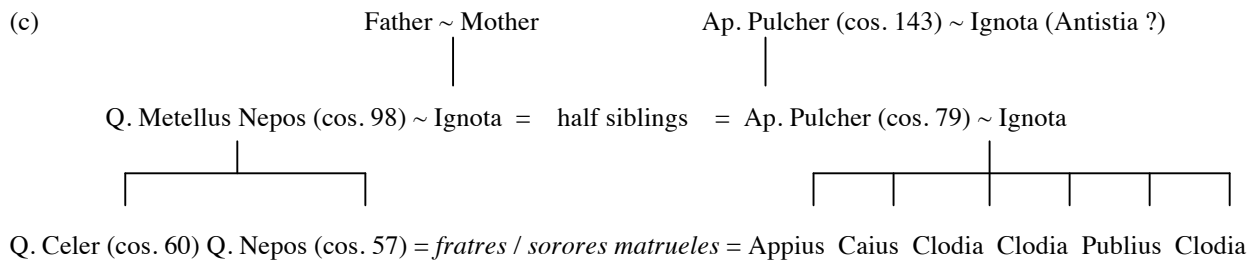
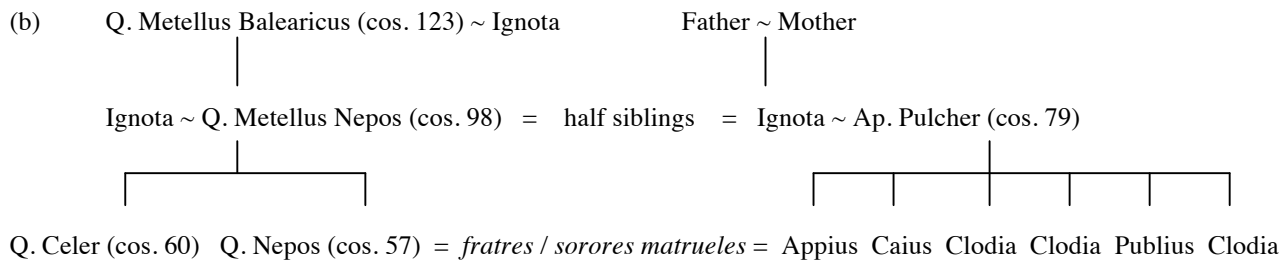
Matrueles born of two half sisters (*materterae*)



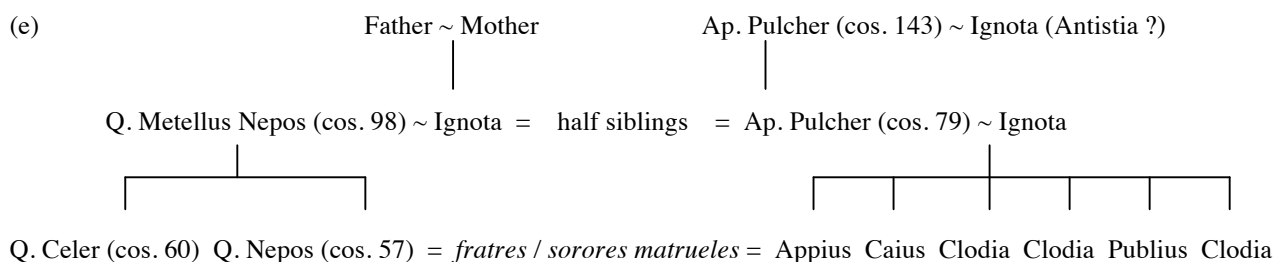
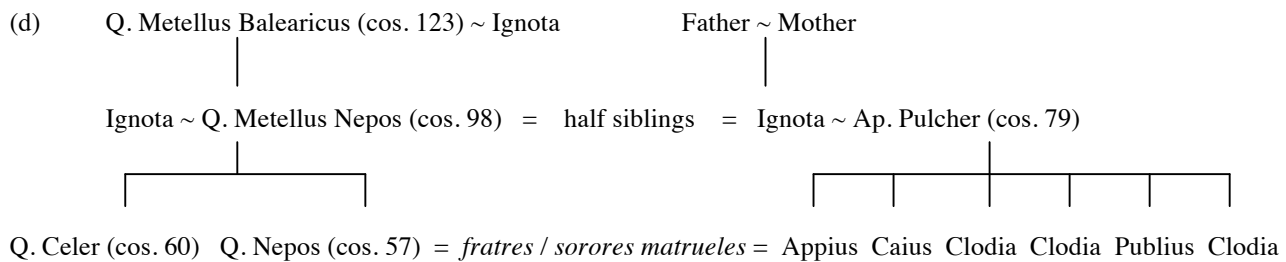
⁵⁶⁸ Sex. Roscius senior had been a client of the Metelli, Servilii, and Scipiones (*Pro Roscio Amerino* 15), but according to Cicero the only persons, aside from the daughter of Balearicus, who dared to publicly support his son were the three young *homines nobilissimi* P. Scipio (Nasica), [M.] Metellus, and [M.] Messalla (see *Pro Roscio Amerino* 77, 119, 149; Dyck (2010) 59, 62, 143, 203).

⁵⁶⁹ Note that Ap. Pulcher's consular colleague P. Servilius Vatia (cos. 79) also played no active part in Roscius' defence despite the fact that Roscius was a client of the Servilii. There is no record of Vatia's whereabouts at the time of the trial, but he must have been in Rome for some part of 80 B.C. in order to attend the *comitia consularia*.

Matrueles born of a maternal half brother and sister (*avunculi filius/filia*)



Matrueles born of a paternal half brother and sister (*amitae filius/filia*)



Of the 5 scenarios (b) is a duplicate of (d), and (c) of (e). Scenarios (b) and (d) posit that the wife of Ap. Pulcher (cos. 79) was a half sister of Metellus Nepos (cos. 98). Since the wife of Appius had either the same father or mother as Nepos she will have been a Caecilia in the former instance, but is unidentifiable in the latter circumstance. Conversely, scenarios (c) and (e) presuppose that the wife of Metellus Nepos (cos. 98) was the paternal or maternal half sister of Ap. Pulcher (cos. 79) in which case she was either a Claudia or must remain an Ignota.

Next there is the issue of Mucia's relationship to the Metelli. The crucial factor for understanding this relationship is whether Cicero's description of Mucia as the *soror* of Metellus

Celer signifies a (half) sister or cousin.⁵⁷⁰ If *soror* denotes a sister then all the scenarios based on the postulate that Mucia and Celer were first cousins (i.e. *patruels* or *matruels*) are eliminated and Mucia must be a half sister of Celer (and Nepos),⁵⁷¹ and there is one piece of evidence which points to this conclusion. Dio, XXXVII.49.3 describes Mucia as the sister (ἀδελφή) not the cousin (ἀνεψιά) of Celer.⁵⁷² Now it is possible that ἀδελφή is simply Dio's rendering of *soror* in a Latin source where sister or cousin may have been intended.⁵⁷³ But Dio's narrative for this period shows that he had access to a source (or sources) that was well-informed about events in general and about Celer and Nepos in particular, and was also knowledgeable about the familial relationships which had a bearing on the actions of the key historical figures.⁵⁷⁴ What is more, Dio's source(s) traced Celer's estrangement from Pompey to the repudiation of Mucia, and it seems very likely that in setting out Metellus Celer's motivation for opposing Pompey's designs, Dio's source(s) spelt out Celer's relationship to Mucia. It is also seems less likely that Celer would have been so upset by the divorce if Mucia was only a cousin. If therefore we proceed on the assumption that *soror* denotes a sister, and factor in that the Metelli and Claudii were first cousins, the options are fairly limited. The 2 scenarios which best fit all the available evidence are:

1. Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) married two sisters, and the wife of Nepos went on to marry Q. Scaevola (cos. 95) which would make the Claudii and Metelli first cousins, and Mucia a maternal half sister of Celer and Nepos.

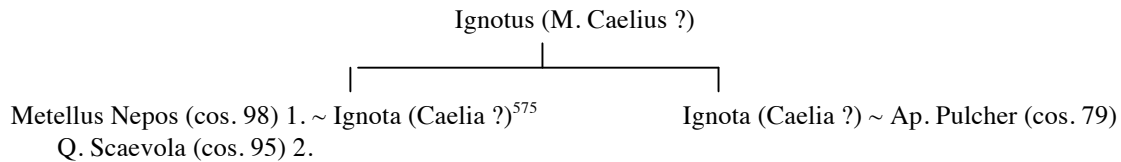
⁵⁷⁰ The possibility that Mucia and Celer were full siblings can be excluded as it is not credible that Mucia was a Caecilia by birth, or that Celer was born a Mucius Scaevola and that one of them had been adopted because there is no evidence for the adoption of women during the Republic, and Celer was evidently the biological brother of Metellus Nepos (cos. 57) and the biological son of Metellus Nepos (cos. 98).

⁵⁷¹ If the Metelli, Claudii, and Mucia were all *fratres* and *sorores matruels*, and *matruels* were *materterae filii/filiae*, then the simplest solution would be to suppose that Q. Metellus Nepos (cos. 98), Q. Scaevola (cos. 95), and Ap. Pulcher (cos. 79) married three sisters.

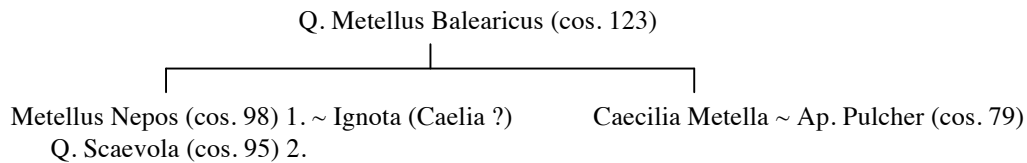
⁵⁷² Although there were specific Greek terms for half siblings (i.e. ὁμομήτριος, ὁμοπάτριος, ἀμφιπάτορες, and ἀμφιμήτωρας) ἀδελφός and ἀδελφή were often used of half, step, and even adoptive siblings (see Vartigian (1978) 45f, 111-3; Adrados (2008) 57-8). Dio occasionally distinguishes half from full siblings (see LI.2.5, LX.27.5), but at other times he is content to describe half siblings simply as ἀδελφοί (LIV.3.5, LVI.38.2, LXI.30.6a).

⁵⁷³ There is no doubt that Dio was fluent in Latin and consulted Latin sources in composing his history (see Swain (1996) 403f and Reinhold (2002) 71f), it is rather a question of whether he was relying on a Latin source in this instance, and whether it was explicit about the nature of Mucia's relationship to Metellus Celer.

⁵⁷⁴ Tatum (1991) 125 conveniently collates some of the passages in which Dio refers to relationships by marriage in the late Republic (add XXXIX.7.2 on Q. Marcius Rex and Clodius). Dio also frequently specifies other kinds of familial relationships as well (i.e. that X was the brother/cousin/nephew of Y etc.).



Or 2. Ap. Pulcher (cos. 79) married the sister of Metellus Nepos (cos. 98) and Nepos' wife was subsequently married to Q. Scaevola (cos. 95).⁵⁷⁶



The added advantage of scenario 1 is that it also accounts for the relationship between Mucia and the Claudii Pulchri hinted at by Dio, XXXVIII.15.6 and perhaps in *De haruspicum responsis* 45 — i.e. they were maternal first cousins.⁵⁷⁷

It is impossible to establish what became of Ap. Pulcher's marriage and the mother of his six children. Based on the ages of their children the marriage must have taken place before 97 B.C. and must have lasted until at least circa 90 B.C. Appius fell ill and died while battling the Scordisci in Macedonia in 76 B.C.⁵⁷⁸ It is unknown whether he was survived by his wife.⁵⁷⁹

⁵⁷⁵ It is not absolutely certain that the Q. Mucius Scaevola who married a Caelia M. f. was Q. Scaevola (cos. 95) the Pontifex rather than his like-named son the tribune of 54 B.C. (see chapter VI). But assuming that Caelia was the wife of the Pontifex, and that her sister married Ap. Pulcher (cos. 79), she cannot have been closely related to Cicero's protégé M. Caelius Rufus since Cicero, *Pro Caelio* 34 stipulates that Caelius was neither an *adfinis* nor a *cognatus* of Clodia Metelli, the daughter of Ap. Pulcher (cos. 79). The identity of the putative wife of Metellus Nepos and Q. Scaevola could also conceivably have been a factor in the appointment of a Carrinas as heir to Q. Metellus Nepos (cos. 57) see Val. Max., VII.8.3.

⁵⁷⁶ Scenario 2 corresponds to the last of the three hypotheses advanced by Manutius as an explanation of Mucia Tertia's kinship with Celer and Nepos.

⁵⁷⁷ Two variations on these scenarios can be excluded. Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) cannot have married a woman whose sister was married to Q. Scaevola (cos. 95) for then Celer and Clodia would have been half siblings and could not have married. And Metellus Nepos (cos. 98) cannot have married a sister of Ap. Pulcher (cos. 79), while Q. Scaevola (cos. 95) and Appius married the same woman because there does not appear to have been a sister of Appius available, and the birth of Mucia Tertia coincided with the birth of some of Claudii so their respective mothers cannot have been one and the same woman.

⁵⁷⁸ See *MRR* II.89, 94.

⁵⁷⁹ Ap. Pulcher (cos. 54) was 21 years of age in 76 B.C. and as the oldest male representative of the family would have assumed the responsibilities of the head of the household at that time (Varro, *De re rustica* III.16.2) irrespective of whether his mother was still alive.

VIII.

C. Iulius Caesar (cos. 59, 48, 46, 45, 44 B.C.) *RE* no.131
 Cossutia *RE* no.7

TESTIMONIA

Suetonius, *Divus Iulius* I.1; cf. Plutarch, *Caesar* V.7

DATE

87 — 86 B.C.

MODE OF DISSOLUTION

Divorce

ISSUE

None

PARENTS

Caesar was the son of C. Caesar and Aurelia
 Cossutia belonged to a wealthy equestrian family

SIBLINGS

Caesar was the brother of Iulia (*RE* no.545), the wife of M. Pedius and possibly of (L.?)
 Pinarius, and Iulia (*RE* no.546), the wife of M. Atius Balbus
 No siblings of Cossutia are recorded

Suetonius, *Divus Iulius* I.1: Annum agens sextum decimum patrem amisit; sequentibusque consulibus flamen Dialis destinatus dimissa Cossutia, quae familia equestri, sed admodum dives praetextato desponsata fuerat, Corneliam Cinnae quater consulis filiam duxit uxorem.

J. C. Rolfe, *Suetonius*, Cambridge MA, (1913) I.3: In the course of his sixteenth year he lost his father. In the next consulate, having previously been nominated priest of Jupiter, he broke his engagement with Cossutia, a lady of only equestrian rank, but very wealthy, who had been betrothed to him before he assumed the gown of manhood, and married Cornelia, daughter of that Cinna who was four times consul.

Plutarch, *Caesar* V.7: γενόμενος δ' ἀπὸ τῆς ἀρχῆς ἐκείνης, τρίτην ἡγάγετο γυναῖκα Πομπηΐαν.

B. Perrin, *Plutarch's Lives VII*, Cambridge MA, (1919) 453: After having served in this office he married his third wife Pompeia.

Rolfe's translation of Suetonius reflects the belief that the young C. Caesar was merely betrothed to Cossutia, and that Cornelia was his first wife.⁵⁸⁰ That view is still dominant,⁵⁸¹ but Deutsch argued that Caesar actually married Cossutia.⁵⁸² His argument was primarily linguistic. Deutsch observed that the verb *dimittere* in Suetonius invariably signifies divorce,⁵⁸³ whereas when Suetonius wishes to indicate the breaking of an engagement he uses the verb *repudiare*.⁵⁸⁴ Nor could Deutsch find a single instance where *dimittere* was used to denote the termination of an engagement,⁵⁸⁵ and he accordingly maintained that: *dimissa Cossutia, quae ... praetextato*

⁵⁸⁰ So also Münzer, *RE* IV.1674; and Groebe, *GR*² III.684 n.3, 694 (contra Drumann, *GR*¹ III.762; and Groebe, *RE* X.187: geschieden).

⁵⁸¹ In addition to the works cited by Deutsch see: Syme (1944) 93, and "The three marriages of Catilina" (Santangelo forthcoming); Gelzer (1968) 20, 336; Wiseman, *NMRS* 56, (1974a) 156; Torelli (1980) 313, 316; Treggiari (1991) 97, *Marriage* 156; Will (1992) 14; Meier (1995) 85; Cébeillac-Gervasoni (1998) 216; Liou-Gille (1999) 433, 443, 458; Ridley (2000) 216, 217 (compare 220); Jehne (2001) 10; Lelis, Verstraete, and Percy (2003) 109; Linderski (2005) 228, (2007) 636; Tatum (2008) 30; Harders (2008) 52 n.81; Billows (2009) 46; Badian and Paterson in Griffin (2009) 16, 133; Harlow and Laurence (2010) 61; Pelling (2011) 130, 133; and Stewart, *OCD*⁴ 388. Among the exceptions note: Butler and Cary (1927) 43; Taylor (1941) 114, (1957) 11; Broughton, *MRR* II.30 n.3; Carcopino (1968) 5 (contra Carcopino (1933-4) 50, 52); Rawson (1975) 42; Katz 1976) 534 n.147; Edwards (2000) 3, (2009) 114; Canfora (2002) 441, 449; and Fraschetti (2005) 7-8. Cf. Strasburger (1938) 7; and Sumner, *Orators* 189.

⁵⁸² (1917) 93-6, cf. Deutsch (1918) 505.

⁵⁸³ *Aug.* LXII.1, LXIII.2, LXIX.1, *Tib.* VII.2, X.1, XXXV.1, XLIX.1, *Nero* XXXV.2, *Domit.* VIII.3, *Cal.* XXV.1. Deutsch noted that *dimitto* is also used of divorce in other authors (on which see also Tafel, *TLL* 'dimitto' V.1.1210, 70f; and Treggiari, *Marriage* 438).

⁵⁸⁴ *Iul.* XXI, *Claud.* XXVI.1. On the use of *repudiare* in respect of the breaking of an engagement see also Daube (1974) 104f; Treggiari, *Marriage* 439-40; and Fayer (2005) II.87f.

⁵⁸⁵ Tafel, *TLL* V.1.1210, 69, 1212, 14 adduces two instances of *dimittere* relating to the dismissal of a concubine: in the *argumentum* appended in the Second Century A.D. to the *Miles gloriosus* of Plautus (II.15: Dimittit

desponsata fuerat, Corneliā ... duxit uxorem, ought to mean: Caesar divorced Cossutia, to whom he had been betrothed while still a boy, and married Cornelia. Coupled with the evidence of Suetonian usage, Deutsch pointed out that Plutarch describes Pompeia as the third wife (τρίτη γυναῖκα) of Caesar which establishes that Plutarch considered Cossutia to be Caesar's first wife.⁵⁸⁶

Thus far the argument of Deutsch seems unassailable, but it remains to be considered whether the marriage is chronologically feasible. Deutsch assumed that Caesar was born in July 100 B.C., donned the *toga virilis* late in 86 or early in 85 B.C., and married Cossutia "perhaps" in 85 at 14 or 15 years of age before his father's sudden death (between July 85 and July 84 B.C. on Deutsch's chronology).⁵⁸⁷ After a marriage lasting at most 2 or 3 years, Caesar then purportedly divorced Cossutia and married Cornelia in 84 or 83 B.C. when he was 16 or 17 years of age. But Deutsch's reconstruction is problematic. Firstly, Caesar was probably born on the 12th of July 102 B.C.,⁵⁸⁸ and he will likely have assumed the *toga virilis* in 88 or 87 B.C.⁵⁸⁹

concubinam); and in the Latin epitome of the *Iliad* where *dimittere* is used of the reluctant return of Agamemnon's prize Chryseis (verse 63: Cogitur invitos aeger dimittere amores / Intactamque pio reddit Chryseida patri. Shackleton Bailey (1978) 317: inlicitos). Jerome, *Tractatus lix in psalmos* (psalm 98): utinam et ego dicam cum sponsa: 'tenebo eum, et non dimittam eum', is a quote from Canticle 3.4 and refers to the prospective bride's pledge never to divorce her husband.

⁵⁸⁶ Plutarch, *Caesar* V.7.

⁵⁸⁷ Deutsch rightly concluded that Caesar will have laid aside the *toga praetexta* before marrying (citing Rossbach (1853) 411 for the view that the assumption of the *toga virilis* was a necessary prerequisite for a valid marriage — on which see further Corbett (1930) 51f; Treggiari, *Marriage* 42-3; and Fayer (2005) II.425).

⁵⁸⁸ The issue of Caesar's date of birth has long been controversial. The best treatments of the controversy are to be found in Mommsen (1922) III.16-18 n.1 = Mommsen, trans. W. P. Dickson, (1912) IV.278-280 n.1 (cf. Mommsen (1887) I³ 568f for his reply to the objections raised by Nipperdey (1870) 3-88); Drumann, *GR*² III.126; Groebe, *RE* X.186-7 no.131; Deutsch (1914) 17-28; Rice Holmes (1917) 145-52; Badian (1959) 81-9; Gelzer (1968) 1 n.1; and Sumner, *Orators* 134-8. The literary and epigraphic sources are all but unanimous on the *dies natalis* of Caesar, the fourth day before the *Ides* of *Quintilis*/July (i.e. the 12th), not the 13th as Dio, XLVII.18.6 implies, and Macrobius, *Sat.* I.12.34 refutes Dio (see Badian (2009) 16). But the ancient sources that comment directly on Caesar's age are manifestly discordant as to the year of Caesar's birth. Suetonius, *Divus Iulius* LXXXVIII and Appian, *BC* II.149 state that Caesar was killed in his 56th year — indicating he was born in 100 B.C. Velleius, II.41.2 says he was about 18 at the time of Sulla's supremacy — i.e. presumably late 82 which is roughly consistent with Suetonius, and Appian. Plutarch, *Caesar* LXIX.1 says his age at death was 56 years in all — which Deutsch argues must signify that he was born in 100 and thus had lived 55 years and 8 months. But Eutropius, VI.24 claims Caesar was 56 at the time of the battle of Munda (March 17, 45) which puts his birth in 102 B.C. Tacitus, *Dialogus* XXXIV.7 asserts Caesar was in his 21st year (i.e. 20) when he prosecuted Cn. Dolabella which would fix his birth in 98 or 97 (the trial was in 77 see Alexander, *Trials* 71 no.140. But Tacitus makes other chronological errors in the same passage see Sumner, *Orators* 149. Quintilian, XII.6.1 merely says that Caesar was not yet of quaestorian age). Dio, XLIV.7.3 describes

Secondly, the combined testimony of Suetonius and Velleius shows that Caesar was *destinatus* for the flamine of Iuppiter by Marius and Cinna in 86 B.C. (as successor to L. Cornelius Merula who committed suicide late in 87 B.C.),⁵⁹⁰ and Suetonius states that Caesar dismissed Cossutia and married Cornelia in the same year (i.e. in 86 B.C.).⁵⁹¹ In the previous consular year

Caesar as 50 years old in 44 (i.e. born in 94 B.C.). Suetonius, *Divus Iulius* VII implies that Caesar when quaestor was around the same age at which Alexander the Great had conquered the world. Alexander died in his 33rd year, but the date of Caesar's quaestorship is disputed (see Sumner, *Orators* 136; cf. Rice Holmes (1917) 150) and Plutarch, *Caesar* XI.6, contra Suetonius and Dio, XXXVII.52.2, places the same incident during Caesar's propraetorship. And in any case, the date at which Caesar held the quaestorship is not especially informative in the matter of his date of birth for, as Sumner observed, there was no great advantage to be derived from holding the office at the earliest possible date. Yet according to the provisions of the *leges annales* Caesar ought to have been at least 36 years of age when he stood for the curule aedileship in 66 B.C., 39 when a candidate for the praetorship in 63, and 42 when he was elected consul in 60 for 59 - which presupposes a date of birth in 102 B.C. Hence those who advocate a date of birth in 100 B.C. hypothesize various dispensations – either specific to Caesar, or applicable to all patricians – which made it possible for Caesar to stand for the curule offices two years early, but of which there is no mention in the sources (see Rice Holmes (1917) 146, 149f; Taylor (1957) 12-3, 17; Badian (1959) 81f). But none of the proposed hypotheses is very satisfactory (on the inadequacy of the data taken to indicate the existence of a 'patrician cursus' instituted by Sulla see Sumner, *Orators* 7f, 127, 137, 156; and Broughton, *MRR* III.106), and it is difficult not to conclude with Mommsen, Rice Holmes, and Sumner that more reliance ought to be placed on the rules of the *leges annales* than in the conflicting statements of the sources. Mommsen noted that the sources often miscalculate dates of birth even in the case of the best attested individuals and cited a number of passages relating to Pompey (see also Rice Holmes (1917) 147 n.1). Moreover, the same date (July 102 B.C.) emerges from a combination of the testimony of Suetonius, *Divus Iulius* I.1 and Velleius, II.43.1 as Mommsen; Halpern (1964) 8f; and Sumner, *Orators* 135 demonstrated. Suetonius states that Caesar lost his father in his sixteenth year (*annum agens sextum decimum*) and that he was *destinatus* for the flamine of Iuppiter *sequentibus consulibus*, while Velleius affirms that the consuls who sponsored Caesar's appointment were C. Marius and L. Cornelius Cinna. It follows that Caesar was nominated for the flamine early in January 86 B.C. since Marius died on the 13th of January 86 after a short illness (see Livy, *Per.* LXXX; and the Scholia Bernensia on Lucan, II.74 p.53 Usener. Plutarch, *Marius* XLVI.5 wrongly gives the date as the 17th of January; cf. Appian, *BC* I.75), and that he lost his father in 87 B.C., and as this was his sixteenth year Caesar must have celebrated his 15th birthday in July of 87 B.C. which establishes that he was born on the 12th of July 102 B.C.

⁵⁸⁹ See Sumner, *Orators* 135. Mommsen (1922) III.16 n.1 = (1912) IV.279 n.1 observed that had Caesar had been born in July 100 B.C. he would have been only 13 years of age in January 86 and thus not almost a boy (*paene puer*), but actually still a *puer* and hence ineligible for appointment to the flamine of Iuppiter.

⁵⁹⁰ *Divus Iulius* I.1 (quoted above); Velleius II.43.1: cum paene puer a Mario Cinnaque flamen dialis creatus. See Mommsen and Sumner, *loc. cit.*

⁵⁹¹ *Corneliam Cinnae quater consulis filiam duxit uxorem* does not mean that Cornelia and Caesar were married in 84 B.C. when Cinna was consul for the fourth time (see Last (1944) 15-17). The attempt by Leone (2000) 95-9 to date Caesar's nomination for the flamine and marriage to Cornelia in 84 B.C. is vitiated by the testimony of

(87 B.C.), when he lost his father, Caesar was in his sixteenth year (*annum agens sextum decimum*),⁵⁹² so the repudiation of Cossutia and marriage to Cornelia took place sometime in 86 B.C. when Caesar was 15 or 16 years of age. If therefore Caesar married Cossutia, he did so no earlier than 88 B.C. and no later than 87 B.C., and he will have been no more than 14 or 15 years of age at the time. Deutsch maintained that marriage at that age was “not impossible”, but “not at all common” and he produced just three parallels. P. Ovidius Naso was born into an old equestrian family on the 20th of March 43 B.C.,⁵⁹³ and in the autobiographical *Tristia* IV.10 Ovid complains of having an unworthy and unsuitable wife foisted on him when virtually a child.⁵⁹⁴ Deutsch remarked that the locution *paene puer* “would exactly fit the youthful Caesar on the occasion of his marriage to Cossutia.”⁵⁹⁵ And although much about the marital history of the poet is obscure, the phrase must mean that Ovid was still in his early teens when he married for the first time.⁵⁹⁶ One may usefully compare Augustus’ nephew M. Claudius Marcellus who married the daughter of the *princeps* when he had “barely left childhood”, that is, at 16 or 17 years of age.⁵⁹⁷ Next Deutsch turned to the epigraphic record and to the epitaphs of two ill-fated youths who married at 15. The first *elogium*, which dates to the First Century A.D., commemorates Q. Ennius Severus who died aged 15 having “just taken a bride and the *toga pura*”,⁵⁹⁸ and the second honours a Florentine gladiator of the late Second or Third Century A.D. named Urbicus who died aged 22 leaving behind his wife of 7 years.⁵⁹⁹ Moreover, in spite of Deutsch’s caveat, it is not difficult to discover other comparable cases in the upper and lower orders of Roman

Velleius who explicitly attributes Caesar’s nomination to Marius and Cinna. By 84 B.C. Marius had been dead for two years and Cinna was killed early in that year.

⁵⁹² Hence Caesar will have turned 15 on the 12th of July 87 B.C. which accords with the date of his curule offices (see Sumner, *Orators* 135).

⁵⁹³ The Ovidii are said to have belonged to the equestrian order for three generations prior to the poet’s birth — *Tristia* IV.10.7-8: usque a proavis vetus ordinis heres, / non modo fortunae munere factus eques. Ovid and his brother, who was one year older, shared the same *dies natalis* (*Tristia* IV.10.5-15).

⁵⁹⁴ *Tristia* IV.10.69-70: paene mihi puero nec digna nec utilis uxor / est data.

⁵⁹⁵ (1917) 95-6.

⁵⁹⁶ Velleius, II.43.1 uses the exact same phrase to describe Caesar at the time of his nomination for the flamine in 86 B.C. Ovid is vague about the chronology (see Fredericks (1976) 144 n.13; and Fairweather (1987) 183-4, 194-5). Luck (1977) 272 takes *paene puer* to mean shortly after donning the *toga virilis*. Luisi (2006) 104, 108, 119 = (2006a) 26, 34, 59 posits that Ovid married for the first time at 14 or 15 years of age in 28 B.C. before donning the *toga virilis*, but if Ovid had married while still *praetextatus* he would have been a *puer* proper not *paene puer*.

⁵⁹⁷ Suetonius, *Augustus* LXIII.1: tantum quod pueritiam egresso. M. Marcellus (*RE* no.230, *PIR*¹ C 739; *PIR*² C 925) was born in 42 B.C. and married Iulia in 25 B.C..

⁵⁹⁸ *CIL* III.8739 = *CLE* 1148 (Salona): sic illi coniunx sic toga pura data est.

⁵⁹⁹ *CIL* V.5933 (Mediolanum) = *ILS* 5115 = Gregori (1989) 68 no.50.

society before, during, and after Caesar's time. Epigraphic evidence confirms that youths from various social strata sometimes married as early as 14 years of age,⁶⁰⁰ and the literary sources supply some suggestive parallels.⁶⁰¹ Thus the humble Sabine centurion Sp. Ligustinus, who was born around 221 B.C.,⁶⁰² was given a bride by his father "when he first came of age",⁶⁰³ while the patrician statesman M. Aemilius Lepidus (cos. 187, 175), who was not much older than Ligustinus, had a homonymous son that served as a military tribune in 190 B.C.,⁶⁰⁴ which entails that Lepidus married immediately after divesting himself of the *toga praetexta* as Münzer demonstrated.⁶⁰⁵ Similarly, among Caesar's contemporaries his first cousin C. Marius (cos. 82) was somewhere between 14 and 18 years of age when he married the daughter of L. Crassus

⁶⁰⁰ Witness for example: Q. Iunius Quintianus dead at 14 and survived by his widow (*CIL* VIII.11256 Gemellae, Africa proconsularis); the 14 year old T. Popilius Epictetus commemorated in Rome by his wife (*AE* (1978) 30); Campanus the 14 year old imperial slave and his uxor (!) Gargilia Veneria (*CIL* VIII.24719 Carthage); and a certain Thesaeus, honoured as an incomparable husband, who lived "more or less" 14 years, 2 months, and 5 days (*Notizie degli scavi* 1 (1913) 21 Capua). For an overview of the epigraphic evidence see Scheidel (2007) 389-402.

⁶⁰¹ Lelis, Verstraete, and Percy (2003) 104-5 list some certain and possible teenage grooms in the aristocracy of the Republic and empire. Omitting Caesar and Cossutia, they show no certain cases of marriage at 14 years of age in the Republic or early Principate (on Caracalla's date of birth see now *PIR*² S 446) and only two instances of marriage at 15 (i.e. Nero Caesar and Nero on whom vide infra), but the suggested dates at first marriage are often only approximate. But for exhaustive treatment of the evidence for, and prevalence of child marriage in Rome see now Piro (2013); Astolfi (2014) 289f; Frier (2015) 652-64; and McGinn (2015) 107-55. Frier focuses on the evidence for child brides, but Piro, Astolfi, and McGinn also discuss the evidence for boys. Piro, Frier, and McGinn all agree that "underage marriage" (i.e. marriage below the ages of 12 for girls and 14 for boys) and "early marriage" (i.e. marriage at age 12 for girls and 14 for boys, or slightly older) occurred from an early date (especially among the elite), that "underage marriage" continued to occur even after the eventual imposition of statutory minima, and that early and underage marriage were more in Rome common than is usually supposed.

⁶⁰² Ligustinus was over 50 in 171 B.C. (Livy, XLII.34.11-12).

⁶⁰³ Livy, XLII.34.3: cum primum in aetatem veni, pater mihi uxorem fratris sui filiam dedit. Briscoe (2012) 263 glosses *aetatem* as 'the appropriate age', but the key word is *primum*. Roman youths *first* came of age when they donned the *toga pura* or *virilis* (see for instance Nicolaus of Damascus, *Vita Caesaris* IV.8-10; Val. Max., V.4.4; Seneca, *Ep.* IV.2, *Cons. ad Marc.* IX.2; Tacitus, *Germania* XIII.1; Appian, *BC* IV.30; Harrill (2002) 255f; and Dolansky (2006) 40f). Moreover, Briscoe rightly saw the parallel with *CIL* X.5056 in which the testator makes provision for an alimentary scheme for the children of Atina until such time as they come of age: dum in aetate[m] pervenirent, and the normal cut off point for such schemes was 14 to 16 years of age for boys — i.e. the customary time for laying aside *toga praetexta* (see Woolf (1990) 197, 208-9; and Magioncalda (1995) 327-64). Cadiou (2002) 79 n.13 simply assumes that Ligustinus married at 18.

⁶⁰⁴ *MRR* I.358.

⁶⁰⁵ *RAA* 171f = 158-9 Ridley. Münzer put the birth of Lepidus circa 230 and the birth of his son no later than 212 B.C. Münzer, *RAA* 266f = 245f Ridley also argued that C. Sulpicius Galba became the son-in-law of P. Licinius Crassus Mucianus in 142 B.C. at 16 years of age, but see chapter III.

(cos. 95),⁶⁰⁶ and Caesar himself was only 15 or 16 when he married Cornelia. Furthermore, P. Cornelius Dolabella (cos. suff. 44) was reportedly only 19 when his first wife walked out on him in 50 B.C. ending a marriage that had lasted long enough to produce at least one son.⁶⁰⁷ Then there is Nero Caesar, the eldest son of Germanicus and Agrippina, who assumed the *toga virilis* on the 7th of June A.D. 20 and married Iulia, the daughter of Drusus Caesar, before his 16th birthday,⁶⁰⁸ and finally, Nero, who was only 15 or 16 years of age when he married Octavia in A.D. 53.⁶⁰⁹

Consequently there is sufficient evidence to prove that Caesar could have married at 14 or 15 years of age, and no evidence to contradict Plutarch's plain statement that Caesar's marriage to Pompeia was his third. In addition, it must be recalled that the opening chapters of Plutarch's life of Caesar do not survive, and Plutarch presumably mentioned Cossutia in more detail in the lost portion of the work.⁶¹⁰ In the circumstances, the inclination to dismiss the evidence of Suetonius and Plutarch in order to fit the preconceived and unsubstantiated notion that Cornelia was the first wife of Caesar seems indefensible.⁶¹¹ The marriage probably therefore took place in 87 B.C., after Caesar had donned the *toga virilis*, and ended the following year when Caesar divorced Cossutia to marry Cornelia. It is unclear whether Caesar's father, who died in 87 B.C., was still alive at the time of the wedding, but he was certainly dead when the decision was taken to dismiss Cossutia, and one suspects that Caesar's formidable mother Aurelia and his paternal aunt Iulia, the wife of Cinna's ally and colleague consular C. Marius,

⁶⁰⁶ The younger C. Marius was born in 109 B.C. (see Münzer, *RE* XIV.1812, RAA 309 n.1 = 441-2 n.63 Ridley) and was married to Licinia before his father-in-law L. Crassus died in late September 91 (*De oratore* I.66, III.8). Münzer thought that Marius married Licinia immediately after donning the *toga virilis* at approximately 17.

⁶⁰⁷ Appian, *BC* II.129 claims that Dolabella was consul at 25 years of age — though this has been doubted (see e.g. Sumner (1971) 261-2; Shackleton Bailey, *CLF* I.424; Dettenhofer (1992) 119; and Treggiari (2007) 92-3).

⁶⁰⁸ Tacitus, *Annals* III.29; *PIR*¹ I 149; *PIR*² I 223; *RE* Iulius no.146; Syme, *AA* 171. Nero Caesar was born in A.D. 5 or 6 (see Eck, Caballos, and Fernández (1996) 246; Lindsay (1995) 5-6; and Beagon (2005) 220-1).

⁶⁰⁹ Assuming that the marriage took place before December A.D. 53, Nero was 15 or 16 depending on whether he was born in December A.D. 36 or 37 (see Sumner (1967) 416f).

⁶¹⁰ See Pelling (2011) 129-30.

⁶¹¹ Liou-Gille (1999) 443 and Pelling (2011) 133 illogically contend that Caesar cannot have married and divorced Cossutia on the grounds that the *flamen Dialis* could marry only once and was unable to divorce (see Vanngaard (1988) 91, 98, 102 n.22 for the relevant testimonia). But Caesar had not yet been inaugurated as *flamen* when he married and divorced Cossutia, and it has been repeatedly demonstrated that he never progressed beyond the initial phase of the tripartite process of inauguration as both Liou-Gille (1999) 452-9 and Pelling (2011) 135 recognized (see Taylor (1941) 113-6; Syme (1944) 94; Leone (1976) 193-212; and Linderski (2005) 228-9 (2007) 636-7. The counter-arguments of Rüpke, *Fasti Sacerdotum* no.2003 are flawed see Linderski).

were primarily responsible for that decision.⁶¹²

As the betrothal took place while Caesar was still *praetextatus*, the match will have been arranged by his parents, and the selection of Cossutia undoubtedly reflects their aspirations, rather than the personal predilections of their teenage son. Suetonius' candid assessment of the merits of Cossutia offers an insight into their motives. The bride's family belonged to the equestrian order, but was very rich (*admodum dives*). That is to say, the match involved an obvious disparity in rank for while the equestrian background of the bride was perfectly respectable,⁶¹³ it was frankly not on par with the lineage of the groom whose paternal family belonged to the patriciate and whose mother was born into the plebeian nobility.⁶¹⁴ But the family fortune was a powerful palliative for Cossutia's relative lack of social distinction and will

⁶¹² Tacitus, *Dialogus* XXVIII.3-6 treats Aurelia as an exemplar of the rigorous ancestral mode of child-rearing (*severitas ac disciplina maiorum circa educandos formandosque liberos*).

⁶¹³ See Syme (1944) 93; and Wiseman, *NMRS* 53f, 67f. Cossutia cannot therefore be categorized along with Ovid's first wife as an *uxor nec digna nec utilis* (*Tristia* IV.10.69). The little that is known about the Cossutii was pieced together with inimitable skill by E. Rawson (1975) 36-47. See also Wiseman, *NMRS* 56, 81 n.3, 149 n.2, 150 n.2, 199, 227 no.141; Nicolet, *OE* II.857-8 nos.121-2; and Torelli (1980) 313-23 who proposes various modifications to the analysis of Rawson — though his own conclusions are no less speculative. It is usually supposed that Cossutia was descended from the architect and *civis Romanus* Cossutius who worked on the Olympieion in Athens for Antiochus IV Epiphanes. He is usually identified with the Decimus Cossutius P. f. known from an inscription found in the Olympieion (see *inter alia* Osborne and Byrne (1996) 268 no.6298, but Byrne (2003) 4 n.7 maintains that the inscription is sepulchral and later in date). There is no agreement on the *origo* of the Cossutii. Rawson, like Gabba, Nicolet, and Frederiksen (1984) 323, favoured Campania (cf. Baldwin Bowsky (1994) 482 who treats Cossutius as one of the Campanian *gentilicia* found on Crete). This was denied by Badian (1957) 345-6 who accepted Schulze's hypothesis that the *gentilicium* is Etruscan (note incidentally that the *gentilicium* is attested at Pisa, see *CIL* XI.1445 = *Inscript. Ital.* VII.1.2 with Rawson, p.41 and Coarelli p.315, where Caesar's father died see Pliny, *NH* VII.181). Coarelli suggested the Cossutii were Sabines, or at least Italic, and possibly settled at Volscian Velitrae (cf. Pulgram (1976) 255-6; and Roxan (2003) no.222 for the only other instance of the *cognomen* Sabula), whereas Zevi (2003) 97 contends that the possibility cannot be ruled out that the architect of Antiochus IV was a Romanized Greek *peregrinus* or prisoner of war subsequently freed and enfranchised in Rome. As the *gentilicium* is neither common, nor very rare (see Schwering, *TLL Onomasticon* II.669, 33 - 670, 24), it is not possible to definitively connect Cossutia with any of the known contemporary Cossutii i.e. the *eques* M. Cossutius (*RE* no.2; Nicolet no.122), or the *monetales* L. Cossutius C. f. Sabula c.74 B.C. (*RE* no.6; *RRC* I.408 no.395; Wiseman no.141) and C. Cossutius Maridianus c.44 B.C. (*RE* no.4; *RRC* I.491 no.480. Since Wiseman's tentative conjecture that Maridianus was the adoptive son of Sabula is accepted by Rawson and Coarelli, it ought to be pointed out that this can hardly be so, for otherwise Maridianus would have borne the *praenomen* Lucius not Caius). On Q. Cossutius the Augustan *duovir* of Tarquinia see now Mastrocinque (1993) 93-7; Ambrogi (2005) 299-300; and Cataldi, Baratti, and Mordeglia (2009) 48, 52-3.

⁶¹⁴ Caesar's paternal grandmother Marcia was also a plebeian *nobilis* (the Marcii Reges did not belong to the patriciate contra Afzelius (1945) 151, 158 and Badian (1990) 402 n.13).

have been reflected in her dowry.⁶¹⁵ The choice of Cossutia is in keeping with the other safe, but uninspiring matrimonial alliances that C. Caesar and Aurelia arranged for their children which suggest that they were either seeking out emerging families that possessed wealth and influence, rather than blue blood, or that they were struggling to attract more illustrious suitors.⁶¹⁶ For although the Caesares were patricians with a lofty sense of their own importance,⁶¹⁷ the Iulii were in reality one of the lesser patrician *gentes* and were struggling to claw their way back to the top when the dictator was born.⁶¹⁸ We cannot say precisely when the match was negotiated for betrothals were sometimes arranged years in advance, when the prospective bride and groom were still infants,⁶¹⁹ and it could be that Caesar's father choose the Cossutii with a view to his own political ambitions, as well as his son's future, in the belief that Cossutia's money, combined with the backing of his brother-in-law C. Marius, offered him the best possible chance

⁶¹⁵ It is generally recognized that the wealth of the Cossutii was Cossutia's prime attraction see for instance: Syme (1970-1) 411 (read Cossutia for 'Pedia'); Jehne (2001) 10 (the marriage was part of a strategy of economic consolidation); and Frascchetti (2005) 7-8. It is probably not coincidental that the Cossutii had commercial interests in the East and that Caesar's father was proconsul of Asia — it could be that they first came into contact during his governorship of Asia.

⁶¹⁶ Münzer, *RAA* 326 = 300 Ridley thought that C. Caesar and Aurelia made poor matches for the daughters, but that assessment seems unduly harsh. One of Caesar's sisters married M. Atius Balbus who was either of equestrian or lesser senatorial ancestry. The other married the *equus* M. Pedius, and possibly a Pinarius, who was either a scion of a minor and decayed patrician family, or a plebeian Pinarius, in which case he was likely affluent (for Pinarii with business interests in Africa and Asia who were known to Caesar and Cicero see *RE* no.8; and Nicolet, *OE* II.980 no.271).

⁶¹⁷ Witness Caesar's *elogium* for his aunt Iulia: *Amitae meae Iuliae maternum genus ab regibus ortum, paternum cum diis immortalibus coniunctum est. Nam ab Anco Marcio sunt Marcii Reges, quo nomine fuit mater; a Venere Iulii, cuius gentis familia est nostra. Est ergo in genere et sanctitas regum, qui plurimum inter homines pollent, et caerimonia deorum, quorum ipsi in potestate sunt reges* (Suetonius, *Divus Iulius* VI.1; cf. Velleius, II.41.1).

⁶¹⁸ At the time of the dictator's birth no Iulius had been consul for half a century, and the dictator was not even a direct descendant of Sex. Iulius Caesar (cos. 157) see the *stemmata* of Drumann and Groebe, *GR*² III.115; Münzer, *RE* X.183-4; and Sumner (1976) 341-4. Badian (1990) 389 on Sex. Caesar (cos. 91), the presumed paternal uncle of the dictator, evinced some doubt citing Sumner (1971) 264, but failed to note that Sumner subsequently revised that *stemma* in *CP* 71 (1976) 343. According to Drumann and Groebe the grandfather and great-grandfather of the dictator never held high office, whereas according to Münzer and Sumner they both held the praetorship (see *RE* nos.28/127 and 147).

⁶¹⁹ Thus for instance Atticus was possibly inquiring into suitable matches for his daughter when she was only 7 (see Treggiari, *Marriage* 99f, 127); and Antony betrothed his son to the daughter of M. Lepidus in 44 B.C. when they were only children (see Dio, XLIV.53.6; Appian, *BC* V.93. The sons of Lepidus were still only *pueri* in July 43 see Cicero, *Ad Brut.* I.12.1-2, 13.1, 18.6, and Antony's daughter Antonia, *RE* no.112, was the product of his short-lived marriage to his cousin Antonia and was born no more than a few years before they divorced in 47 B.C.). While the politically inspired betrothals of the Triumviral epoch often involved mere infants (see Treggiari, *Marriage* 153f).

of securing the consulship. As events turned out, Caesar's father died prematurely before his ambitions could be realized and in the year after his death Aurelia and Iulia abandoned the safe option for a riskier venture — repudiating Cossutia in favour of L. Cinna's daughter Cornelia.⁶²⁰ The new match with the daughter of the patrician consular was undoubtedly a more illustrious one, but it carried with it the danger that the nephew of C. Marius was now more closely than ever bound to the fortunes of the regime of Cinna and Marius.

It has become an article of faith that Cossutia was discarded as a consequence of Caesar's nomination to replace L. Cornelius Merula as *flamen Dialis* because Cossutia as a plebeian was ineligible for the post of *flaminica Dialis*.⁶²¹ The conjecture is predicated on two mistaken assumptions: firstly, that the *flaminica Dialis* had to be a patrician; and secondly, that the archaic rite of marriage *per confarreationem*, which was a necessary prerequisite for the *flamines maiores*, was restricted to the patriciate. In fact, no ancient authority states that the wives of the *flamines maiores* had to be patrician,⁶²² and the only two identifiable Republican *flaminicae* were both plebeians.⁶²³ Moreover, the plebeian brides of the *flamines Martiales* L. Postumius Albinus and L. Cornelius Lentulus Niger, along with the plebeian mothers of Caesar and Cornelia, prove that *confarreatio* was not a patrician preserve in the late Republic.⁶²⁴ It is, nonetheless,

⁶²⁰ It is difficult to disagree with the inference of Frascchetti (2005) 7f that the marriage to Cornelia was the work of Aurelia and her sister-in-law Iulia. In 86 B.C. an alliance with Caesar's family was of no great strategic value to Cinna. Caesar himself was still a mere boy, his father and uncle Sex. Caesar (cos. 91) were both dead, and he had no other powerful male relatives apart from C. Marius who was already an ally, and the family was neither rich, nor possessed of a host of clients who could be mobilized to support the regime. By contrast Cinna's other son-in-law Cn. Domitius Ahenobarbus had an influential consular father and uncle, as well as great wealth and many clients, which Cinna presumably hoped to turn to his advantage. It appears likely therefore that Caesar's aunt Iulia orchestrated the marriage to Cornelia by convincing her husband, Cinna, and Aurelia of the suitability of the match.

⁶²¹ See *inter alia*: Rossbach (1853) 96; Warde Fowler (1916) 193; De Sanctis (1934) 550-1; Taylor (1941) 114-5, (1957) 11; Broughton, *MRR* II.30 n.3; Carcopino (1968) 5; Gelzer (1968) 20; Sumner, *Orators* 135; Rawson (1975) 42; Katz (1976) 534 n.147; Radke (1989) 216; Badian (1962) 52, (1990) 382 on L. Cinna (cos. 127); Meier (1995) 86; Canfora (2002) 441; Frascchetti (2005) 8; Linderski (2005) 228; Billows (2009) 46; Tatum (2008) 30; Pelling (2011) 133. But note already the hesitation of Corbett (1930) 76-7.

⁶²² See Vanggaard (1988) 50-4.

⁶²³ Namely the wives of the *flamines Martiales* L. Postumius Albinus (cos. 154) and L. Cornelius Lentulus Niger (see Tagliatela Scafati (1995) 74f; Linderski (2005) 228f; Rüpke, *Fasti sacerdotum* nos.2853-4). Tagliatela Scafati also maintains that the Corneliae Cinnae were plebeians, but see Baudry (2008) 481; Etcheto (2010) 103-8. Cf. Sumner (1965) 134f; Syme, *AA* 301f; and *PFOS* 263-6 no.296 for the thesis that the wife of the *flamen Dialis* Ser. Cornelius Lentulus Maluginensis (cos. 10 A.D.) was a plebeian Cosconia.

⁶²⁴ So rightly Vanggaard (1988) 52f; Tagliatela Scafati (1995) 71f; Liou-Gille (1999) 443-4, 458; and Linderski (2005) 228-9, (2007) 636. As the *flamines maiores* had to be married *per confarreationem* as well as born *ex farreatis* (Caius, *Inst.* I.112), it follows that Caesar's mother Aurelia and Cornelia's mother Annia were both

sometimes still assumed that the *flaminica Dialis*, unlike the *flaminica Martialis* and *Quirinalis*, had to be a patrician born *ex farreatis*, but that claim is equally ill-founded.⁶²⁵ There is therefore no evidence to support the inference that Caesar's nomination for the flaminiate was the cause of the repudiation of Cossutia.⁶²⁶ The truth is more mundane and less excusable. Cossutia was cast aside because the daughter of L. Cinna (cos. 87, 86), and granddaughter of L. Cinna (cos. 127), was a far more splendid bride than the daughter of a wealthy *eques*.⁶²⁷ Even in normal circumstances Cornelia's superior allure would have been acknowledged, but at the time of her marriage to Caesar her father was the effective master of Rome.

married according to the ancient rite unless one assumes that Marius and Cinna disregarded this requirement when nominating Marius' nephew. The conviction that *confarreatio* remained a patrician preserve forced Klose (1910) 20, 22, 24-5 to posit that Caesar was technically unqualified for the flaminiate, and that the requirement had also been relaxed in the case of the wives of Albinus and Niger, which is improbable (see Vanggaard (1988) 52f and Linderski (2007) 636-7). It is unlikely given Cossutia's equestrian background that she was born *ex farreatis*, but there is no evidence that this was a requirement for the *flaminicae*.

⁶²⁵ Linderski (2005) 223, 228-9, 237 n.46. The supposition that the *flaminica Dialis* had to be a patrician goes back to a dogmatic pronouncement of Wissowa (1902) 434-5 = (1912) 506 (cf. Samter, *RE* VI.2490; and Klose (1910) 16, 24; contra Marquardt (1885) 322) and rests on two erroneous inferences. Firstly, that only the *flaminica Dialis* properly bore the title *flaminica*, and secondly, that only the *flaminica Dialis* shared in her husband's cultic responsibilities. But there is unimpeachable evidence that the wife of the *flamen Martialis* also bore the title *flaminica*. In his account of the banquet to mark the investiture of the *flamen Martialis* Lentulus Niger, the pontifex maximus Metellus Pius expressly dubbed Niger's wife the *flaminica* (see Macrobius, *Sat.* III.13.11 with Vanggaard (1988) 22, 30-1 and Rüpke, *Fasti sacerdotum* no.2854; cf. Tansey (2000) 237-58), and there is no reason to assume that the title was not also borne by the wife of the *flamen Quirinalis*. Furthermore, a fragment of Antistius Labeo attests that the *flaminicae* employed a special sacrificial knife (*secespita*) *ad sacrificia* (see Festus, 472 L¹ where Lindsay's supplements are based on the parallel passages in Paulus, 473 L¹ and Servius, *Ad Aen.* IV.262). Observe also Macrobius' reference to the *camilli / camillae* as the *praeministri flaminicarum* evidently in a ritual setting (*Sat.* III.8.6), and Tertullian's statement about the *Cerialia* (*De idol.* X.3: *flaminicae et aediles sacrificant*), where one of the *flaminicae* must be the *flaminica Cerialis*, but the plural may mean that one or more of the *flaminicae maiores* were also involved. And since the title *flaminica* was not a monopoly of the wife of the *flamen Dialis*, it is illicit to assume that references to the *flaminica* without further specification in ritual contexts invariably pertain to the *flaminica Dialis*.

⁶²⁶ One cannot press into service in this context the reference to divorce *propter sacerdotium* in the *Digest* XXIV.1.60.1 where, if the word *sacerdotium* is genuine, Hermogenianus must either be referring to the priestesses of Ceres (see Tertullian, *Ad uxorem* I.6.4, *De exhortatione castitatis* XIII.2, *De monogamia* XVII.4 with Hemelrijk (2015) 85-7), or to the privilege of divorce *bona gratia* granted by Christian authorities to those who wished to enter religious orders (see Thayer (1929) 222; Kaser (1975) 174-5; Reynolds (2001) 49f, 54f, 56, 58f; and Fayer (2005) III.162 n.384).

⁶²⁷ Cornelia's mother was also a *nobilis* if she was the daughter of T. Annius Rufus (cos. 128) and granddaughter of T. Annius Luscus (cos. 153).

IX.

L. Sergius Catilina praetor 68 B.C. *RE* no.23
[Gratidia, or Maria]

TESTIMONIA

Scholia Bernensia on Lucan, II.173

DATE

Before 82 B.C. — ?

MODE OF DISSOLUTION

Unknown

ISSUE

(L. ?) Sergius (*RE* no.14) ?

PARENTS

Catiline was the son of L. Sergius Silus and Belliena

Catiline's wife may have been a Gratidia, the daughter of M. Gratidius and Maria, or a Maria, the daughter of M. Marius and Ignota

SIBLINGS

A sister of Catiline married the *equus* Q. Caucilius, and there may have been other sisters (see my entry on L. Sergius Silus and Belliena) Plutarch credits Catiline with an otherwise unattested brother (*RE* no.1)

If Catiline's wife was a Gratidia, she was the biological sister of M. Marius Gratidianus and (Marcus ?) Gratidius (*RE* no.1). If she was a Maria, she was the adoptive sister of Gratidianus

For all his notoriety, the early life of the patrician renegade Lucius Sergius Catilina is virtually undocumented in the extant sources. Nonetheless, it is certain that Catiline was married at least twice for he was survived by his last wife Aurelia Orestilla, and Cicero insinuates that he murdered Orestilla's predecessor.⁶²⁸ But the Berne scholiast on Lucan is the only surviving source to identify the wife of Catiline's youth. The *Commenta Bernensia* preserves a duplicate entry on Lucan's epic poem *De bello civili* II.173:

QUID SANGUINE MANIS PLACATOS C. R. Marcus Marius Gratidianus filius sororis Cai Marii a Mario mortem inimici Catuli postulavit. Catulus ne in manus Marii veniret fumo se necavit. Post Catulus minor eius filius a Silla petiit, ut mortem patris de Mari vindicaret interitu. Abductus ad tumulum Catuli Marius Gratidianus trans Tiberim interfectus est membratimque discerptus. De quo Salustius historiarum libro primo ita locutus est "qui per singulos artus expiraret."

WHY SPEAK OF THE GRUESOME ATONEMENT TO THE SHADE OF CATULUS. Marcus Marius Gratidianus, the son of the sister of Caius Marius, demanded the death of his *inimicus* Catulus from Marius. Catulus killed himself by asphyxiation lest he fall into the hands of Marius. Later his son Catulus requested of Sulla that the death of his father be avenged by the execution of Marius. Marius Gratidianus was dragged across the Tiber to the tomb of Catulus where he was tortured piecemeal and killed. It is said of him in the first book of Sallust's *Histories* that "he expired one limb at a time."

QUID SANGUINE MANES PLACATOS C. R. Quintus Catulus partium Sillanarum fuit, vir Claudiae. Cum illi a Mario Gratidiano tribuno plebi Cinnano dies dicta esset ut eum cruci fige(ret, voluntaria morte obiit. Huius filius permittente Silla Ma)rium interfecit. Sunt qui dicant Catilinam iussu Sillae hunc Marium Gratidianum uxoris suae fratrem ad tumulum Catuli occidisse, quasi sic placaret.⁶²⁹

WHY SPEAK OF THE GRUESOME ATONEMENT TO THE SHADE OF CATULUS. Quintus Catulus, the husband of Claudia, belonged to the party of Sulla. When he was indicted by the Cinnan tribune of the plebs Marius Gratidianus, and threatened with the cross, he took his own life. His son, with Sulla's permission, killed Marius. There are those who say that Catiline killed Marius Gratidianus, the brother of his wife, on the tomb of Catulus on Sulla's orders, so as to appease (his spirit) in this way.

The twin entries are similar, but differ in significant details, and only the latter mentions that Catiline was the brother-in-law of M. Marius Gratidianus.⁶³⁰ The *Commenta* does not name the sister of Gratidianus, and since Gratidianus was the biological son of M. Gratidius and the adoptive son of M. Marius, his sister may have been a Gratidia (the natal sister of Gratidianus and daughter of M. Gratidius), or a Maria (the adoptive sister of Gratidianus and biological daughter of M. Marius).⁶³¹ Maurenbrecher observed that the testimony of the Berne scholiast

⁶²⁸ Cicero, *In Catilinam* I.14. On the possibility that Catiline was married three times see Syme (1964) 84-6 and "The three marriages of Catilina" in Santangelo (forthcoming).

⁶²⁹ Usener (1869) 61-2.

⁶³⁰ There is no mention of Catiline in the parallel passages in the other scholia on Lucan (see Endt (1909) 51-2; and Cavajoni (1979) 108). For a recent survey of the history of the scholia on Lucan and an explanation of the process which led to the incorporation of duplicate entries in the *Commenta* see Werner (1994) 343-68, esp. 363-4.

⁶³¹ So rightly Groebe, *GR*² V.413 n.7. That *frater* here denotes a *frater (patruelis)*, i.e. paternal first cousin, is unlikely since M. Gratidius is not known to have had any brothers, and the only recorded brother of M. Marius, i.e. C. Marius (cos. 107, 104-100, 86), is not known to have had any daughters.

appears to be supported by a fragment from book I of Sallust's *Historiae*: ... et liberis eius avunculus erat.⁶³² Maurenbrecher surmised that Sallust, like the *Commenta*, may have mentioned that Gratidianus was the maternal uncle of Catiline's children in the context of Catiline's reported responsibility for the brutal execution of Gratidianus.⁶³³ What is more, Catiline is known to have had a son who was the appropriate age to be a nephew of Gratidianus.⁶³⁴ At the time of his marriage to Aurelia Orestilla Catiline had only the one surviving son by his former wife,⁶³⁵ but there may have been others who had perished earlier, or Sallust may have used the plural *liberi* to refer to a single child.⁶³⁶ And there is one further tantalizing piece of evidence. When Catiline made his last stand at Pistoria in January 62 B.C. his makeshift army bore the semblance of two legions and among the *signa militaria* which they carried was a silver eagle said to have belonged to one of the legions which had fought under C. Marius in the war against the Cimbri and Teutones.⁶³⁷ It is unknown how the eagle came into Catiline's possession.⁶³⁸

⁶³² Maurenbrecher (1893) fragment I.45 = McGushin (1992) fragment I.37: "... and he was the maternal uncle of his children."

⁶³³ If Maurenbrecher's interpretation is adopted, the unnamed uncle must be Gratidianus, not Catiline (as per McGushin, I.106), for if the *Commenta Bernensia* is accurate, Gratidianus might properly be described as the *avunculus* of Catiline's children (i.e. their mother's brother), whereas, supposing that Gratidianus had any children, Catiline would have been the husband of their father's sister (*amitae maritus*). Strictly speaking, at least in terms of legal doctrine, no one became an *avunculus* by adoption (Ulpian, *Digest* XXIII.2.12.4). Hence if Maurenbrecher's identification is correct, it perhaps slightly favours the assumption that the sister of Gratidianus was a Gratidia not a Maria.

⁶³⁴ Catiline was accused of having murdered his son to facilitate the marriage to Aurelia Orestilla (see Cicero, *In Catilinam* I.14; Sallust, *Bell. Cat.* XV.2; Appian, *BC* II.2; Val. Max., IX.1.9; John of Antioch, fragment 102 Mariev; and Suda, Lambda 686 Adler. The Byzantine encyclopedist wrongly identifies the boy as a son of Orestilla). Catiline's son was an adult (Sallust, *Bell. Cat.* XV.2; Val. Max., IX.1.9) — i.e. had donned the *toga virilis* — by the time of his death sometime prior to the 1st of June 64 B.C. and so was born no later than 80 B.C. (see Catiline and Ignota).

⁶³⁵ Val. Max., IX.1.9: solum.

⁶³⁶ On this usage see Briscoe (1974) 126; *TLL* VII.2.1301, 1303; Harvey (1991) 24 n.50; Gamberale (1995) 436-7.

⁶³⁷ Sallust, *Bell. Cat.* LIX.3: Ipse [sc. Catiline] cum libertis et calonibus propter aquilam adsistit, quam bello Cimbrico C. Marius in exercitu habuisse dicebatur. The eagle is undoubtedly the *aquila argentea* which Catiline had installed in a *sacrarium* in his home (Cicero, *In Catilinam* I.24, II.13). Cicero, *Pro Sulla* 17 also refers to other unspecified *signa* supplied by the disgraced consul designate P. Autronius Paetus. Each legion of course carried many other standards in addition to the *aquila* (see Marquardt (1876) II.334-5; and von Domaszewski (1885) 14, 21f).

⁶³⁸ In the early Republic the *signa militaria* when not in use were kept in the treasury presumably due to their intrinsic value (see Livy, III.69.8, IV.22.2, VII.23.3; Kubitschek, *RE* I.668). It is unknown whether this practice continued into the late Republic, but it may be relevant that the *aerarium* was destroyed by fire in 83 B.C.

Various theories have been advanced.⁶³⁹ One obvious possibility is that it was a family heirloom which had belonged to M. Marius Gratidianus and which Catiline acquired by virtue of his marriage to the sister of Gratidianus.⁶⁴⁰

The testimony of the Berne scholiast has, however, been challenged by Marshall who argued that Catiline was neither the brother-in-law of Gratidianus nor responsible for his murder.⁶⁴¹ His arguments call for closer scrutiny.

Marshall began by scrutinizing the sources on the execution of Gratidianus,⁶⁴² and tentatively suggested that there were two divergent accounts of his death — one going back to Cicero, and the other to Sallust.⁶⁴³ In the ‘Ciceronian version’ Gratidianus was decapitated by Catiline who carried the head from the *Janiculum* to the temple of Apollo and delivered it to Sulla,⁶⁴⁴ whereas the ‘Sallustian version’ has Gratidianus expire after having his arms and legs

⁶³⁹ Hoffmann (1959) 463 suggested that if Catiline was involved in the capture of Praeneste, where the young C. Marius (cos. 82) met his death, the eagle could have been a trophy of that victory. On the hypothesis that Catiline participated in the siege see Broughton, *MRR* II.72, III.192; Syme (1964) 65-6; Keaveney and Strachan (1981) 363-6; and McGushin (1992) I.110-2. Similarly, McGushin (1977) 284 speculated that the eagle may have been a trophy dating from Catiline’s service under Sulla. Kubitschek, *RE* II.A.2.2340, 2342 mentions the Marian eagle twice, but does not shed much light on the question — simply stating that when a legion was not quartered in a regular camp, its *signa* could be stored elsewhere citing Cicero, *In Cat.* I.24 and Tacitus, *Annals* I.39.4 for a *vexillum in domo Germanici situm* at Cologne (which scarcely illuminates Republican practice see H. Furneaux, *ad loc.*).

⁶⁴⁰ This possibility was acknowledged by Marshall (1977) 152 n.1, (1985a) 129 n.29. Cicero’s claim that Catiline was accustomed to venerate the eagle before committing murder and butchering citizens (*In Cat.* I.24) suggests that the eagle was in his possession before the proscriptions since the slaughter of citizens surely refers to his role in the civil war (cf. *In Cat.* I.18, 29).

⁶⁴¹ (1977) 152 n.1, (1985a) 124-33, (1985) 291f. Marshall’s contribution elicited a brief rejoinder from Hinard (1986) 118-22 = (2011) 143-6

⁶⁴² The sources on the death of Gratidianus are: Cicero, *In toga candida* frags.5, 14-17 Crawford; Sallust, *Historiae* I.43, 44, 55.14, 17 Maurenbrecher; Lucan, II.173-193; [Q. Cicero], *Comm. pet.* 10; Livy, *Periochae* LXXXVIII; Val. Max., IX.2.1; Seneca, *De ira* III.18.1-2; Asconius, 84.4-11, 87.19-20, 89.25-91.14 C; Florus, II.9.26; Plutarch, *Sulla* XXXII.2; the *Commenta Bernensia* on Lucan, II.173; the *Adnotationes* on Lucan, II.174; the *Supplementum adnotationum* on Lucan, II.171; Orosius, V.21.7; and Firmicus Maternus, I.7.31; cf. the verbal echo of Sallust in Augustine, *De civitate dei* III.28. Most of the sources are assembled by Spina (1996) 57-62; cf. Schetter (1984) 127-8.

⁶⁴³ Marshall’s thesis was adopted by McGushin (1992) I.105 frg.36; Crawford (1994) 185f; and Lewis (2006) 293; cf. Levick (2015) 24-5. Damon (1993) 282 n.5 and Dyck (1996) 599 were more sceptical.

⁶⁴⁴ *In toga candida* fragment 15 Crawford (Asconius, 90.3-5 C): Quod caput etiam tum plenum animae et spiritus ad Sullam usque ab Ianiculo ad aedem Apollinis manibus ipse suis detulit. Cf. *In toga candida* frg.5 Crawford (Asconius, 87.16-18 C): Populum vero cum inspectante populo collum secuit hominis maxime popularis quanti

broken and his eyes gouged out, but makes no reference to his decapitation and does not identify his killer.⁶⁴⁵ Over time, according to Marshall, the two accounts were combined and elaborated,⁶⁴⁶ and he contended that the idea that Gratidianus was executed at the tomb of Q. Catulus (cos. 102) may be a later invention.⁶⁴⁷

If Marshall's hypothesis is valid, it has serious implications for the credibility of the Berne scholiast. If there existed two conflicting accounts of the death of Gratidianus, and the scholiast's testimony reflects a tradition contaminated by elaboration and invention, then the scholiast's evidence cannot be considered reliable and details which are not corroborated by any other source, like Catiline's relationship to Gratidianus, are especially suspect. But Marshall's argument is inherently weak for, as he himself acknowledged, we possess only fragments of Cicero and Sallust. Asconius quotes just one short gobbet from *In toga candida* which refers to the murder in any detail,⁶⁴⁸ but he explicitly states that Cicero often referred to the crime during the course of the speech.⁶⁴⁹ Equally, we have only the 17 words from Sallust's *Historiae* that are quoted in the *Adnotationes super Lucanum*, II.174 (the last 4 of which are also cited by the Berne scholiast).⁶⁵⁰ Marshall's argument is also methodologically unsound. For if a later source which follows Cicero or Sallust also contains additional details, it is illegitimate to assume that the apparently extraneous elements are evidence of elaboration and cross-fertilization, when they could just as well represent material intrinsic to the accounts of Cicero and Sallust which has not

faceret ostendit. And *In toga candida* frg.14 Crawford (Asconius, 89.25-7 C): A plebe? Cui spectaculum eius modi tua crudelitas praebuit, ut te nemo sine gemitu ac recordatione luctus aspicere possit?

⁶⁴⁵ Sallust, *Historiae* I frg.44 Maurenbrecher = I.36 McGushin: Ut in M.Mario cui fracta prius crura brachiaque et oculi effosi, scilicet ut per singulos artus expiraret.

⁶⁴⁶ Marshall identified the *Commentariolum petitionis* 10; Seneca, *De ira* III.18.1-2; Orosius, V.21.7; and Firmicus Maternus, I.7.31 as instances of the hybrid accounts.

⁶⁴⁷ Marshall remarked that the tomb of Catulus first appears in the account of Valerius Maximus, IX.2.1 unless the *Commentariolum petitionis* was genuinely the work of Q. Cicero (see *Comm. pet.* 10). It also features in Seneca, *De ira* III.18.2; Lucan, II.173f; Florus, II.9.26; Orosius, V.21.7; and the *Commenta Bernensia* (cf. the *Supplementum adnotationum* on Lucan, II.171: ductumque trans Tiberim). Marshall failed to observe, however, that the reference to the tomb of Catulus in Florus almost certainly derives from Livy — both of whom subscribed to the 'Sallustian version' as Marshall admits (124, 125).

⁶⁴⁸ Asconius, 90.3-5 C = *In toga candida* frg.15 Crawford.

⁶⁴⁹ Asconius, 84.9-10 C: Quod crimen saepius ei tota oratione obicit.

⁶⁵⁰ In the *Bellum Catilinae* Sallust devotes very little time to Catiline's early years and the only acknowledgement of his involvement the civil war and the proscriptions consists of a reference to his willing participation in *bella intestina, caedes, rapinae*, and *discordia civilis* in his youth (*Bell. Cat.* V.2).

been preserved in the isolated fragments available to us.⁶⁵¹ And it so happens that there is evidence that the tomb of Catulus was integral to the account of Sallust. In the speech which he attributes to M. Aemilius Lepidus (cos. 78) in book I of the *Historiae* Sallust has Lepidus catalogue Sulla's crimes which are said to have included human sacrifice and tombs bespattered with the blood of citizens.⁶⁵² The reference to the sacrifice of Gratidianus to appease the *manes* of his *inimicus* Q. Catulus could not be clearer,⁶⁵³ and doubtless Sallust could be confident that his readers would not miss the allusion because the episode had been documented in all its gothic horror earlier in book I.⁶⁵⁴ Cicero also referred to the *Janiculum* in *In toga candida*,⁶⁵⁵ and there is no obvious reason why Gratidianus should have been dragged across the Tiber to the *Janiculum* and back again unless there was some special reason for visiting the *Janiculum*, though we cannot quite prove with the fragments available to us that Cicero mentioned the tomb of Q. Catulus.⁶⁵⁶

In reality there is no evidence for the existence of two divergent traditions on the murder of Gratidianus. All the recorded details are consistent and form a coherent and comprehensible narrative. The murder was ordered by the dictator Sulla. As the nephew by blood and adoption

⁶⁵¹ Marshall (1985a) 124-7 was obliged to concede this point, but nonetheless remained wedded to the idea of two distinct versions of Gratidianus' murder as well as subsequent invention and contamination ((1985) 291-2).

⁶⁵² Sallust, *Hist.* I.55.14 Maurenbrecher = I.48.14 McGushin: Simul humanas hostias vidistis et sepulcra infecta sanguine civili. Rolfe (1921) 389 translates: "You have even beheld human sacrifices and tombs stained with the blood of citizens."

⁶⁵³ The point of the allusion was seen by Drumann, *GR*² II.398; Münzer, *RE* XIV.1827; Rolfe (1921) 389 n.3; Manni (1939) 11; Drexler (1976) 69; and Hinard (1984) 304 = (2011) 93. The plural signifies that the fate of Gratidianus was not unique. L. Caesar (cos. 90, cens. 89) was reportedly executed at the grave of Q. Varius (Val. Max., IX.2.1), but that occurred in 87 B.C. on Marius' orders, not on Sulla's, so the plural must refer to the death of M. Plaetorius who was killed on the spot (Val. Max., IX.2.1: ibi) after witnessing the execution of Gratidianus (see Hinard, *Proscriptions* 393-4 no.58). The murder of Gratidianus is also alluded to a little later in Lepidus' speech (see *Historiae* I.55.17 Maurenbrecher = I.48.17 McGushin: cruciatus virorum illustrium). Marshall (1985a) 125 rightly noted that the sources which mention the tomb of Catulus are for the most part indebted to Sallust as their very language shows.

⁶⁵⁴ Although the narrative proper of the *Historiae* began with the year 78 B.C. book I included a substantial introductory treatment of the 80's see La Penna (1963) 207-11, 220-5; Rawson (1987) 163-80, esp. 178f; Fantham (1987) 89-96; C. Konrad (1988) 12-15; and McGushin (1992) I.11, 17, 64f.

⁶⁵⁵ *In toga candida* frg. 15 Crawford (cited above).

⁶⁵⁶ Marshall (1985a) 127 maintained that had Cicero mentioned the tomb, Asconius would almost certainly have offered some topographical comment, but Asconius quite rightly focused his attention on Cicero's reference to the temple of Apollo as it was possible that the unwary might confuse the Republican temple of Apollo Medicus with the Augustan temple on the Palatine.

of C. Marius and one of the most prominent members of the Marian-Cinnan regime,⁶⁵⁷ it was inevitable that Gratidianus would be targeted by the dictator.⁶⁵⁸ Sulla had also served under and alongside Q. Catulus (cos. 102), who had been driven to suicide by Gratidianus,⁶⁵⁹ and the Gratidius who had been dispatched by C. Marius to take control of Sulla's legions in 88 B.C. — only to be murdered by Sulla's troops — was almost certainly the brother of Gratidianus.⁶⁶⁰ But the method and location of Gratidianus' execution were symbolic of his feud with Q. Catulus (cos. 102) and it is probable that his son's desire for retribution also stiffened Sulla's resolve.⁶⁶¹ The order was carried out by Catiline whose links with Q. Catulus (cos. 78) and Sulla are well-attested.⁶⁶² Gratidianus was dragged from his hiding place,⁶⁶³ and was driven through the city and across the Tiber to the tomb of Catulus on or near the *Janiculum* where he was put to death.⁶⁶⁴ Catiline then re-crossed the Tiber and presented the head of Gratidianus to Sulla near the temple

⁶⁵⁷ Gratidianus held the praetorship twice under Cinna and was the recipient of unprecedented demonstrations of popular devotion (see Cicero, *De off.* III.80; Seneca, *De ira* III.18.1; Pliny, *NH* XXXIII.132, XXXIV.27; and Marco Simón and Pina Polo (2000) 154–70).

⁶⁵⁸ See *MRR* I.569, 573, II.29.

⁶⁵⁹ Gratidianus drove Catulus to suicide when he was tribune of the plebs (see *MRR* II.47, III.140–1; Rawson (1987) 175; and Hinard, *Proscriptions* 377).

⁶⁶⁰ See Münzer, *RE* VII.1840 Gratidius no.1; and Nicolet (1967) 291–2, *OE* 908 M. Gratidius no.174.

⁶⁶¹ The Berne scholiast states that Gratidianus had threatened Q. Catulus (cos. 102) with the cross (*cruci figeret* see Nardo (1970) 26–7; Rawson (1987) 175–6; and Beness (2000) 3–6). In retaliation Gratidianus was apparently bound to a stake (i.e. a *furca*, *palus*, or *crux*) and beaten to death, or to the point of death, before being beheaded. This may incidentally explain the *stanti* in the *Mss* of the *Comm. pet.* 10 which has puzzled editors who generally opt for the emendation *spiranti* (see Damon (1993) 281–8 and Shackleton Bailey (1994) 197–9).

⁶⁶² Contra Marshall (1985a) 132, the Berne scholiast does not give two different versions, one incriminating Catulus and the other Catiline, rather he specifies the instigator and the perpetrator of the crime. Q. Catulus (cos. 78) was the former (*permittente Sulla*), and Catiline the latter (*iussu Sullae*). On Catiline and Q. Catulus (cos. 78) see Marshall (1985a) 127. On Catiline and Sulla see inter alia *Comm. pet.* 9; Asconius, 84.4, 89.21–4, 90–91 C; Plutarch, *Sulla* XXXII.2, *Cicero* X.3; Appian, *BC* II.2; and Aug., *De civ. dei* III.30. On Catiline's involvement in the death of Gratidianus see further below.

⁶⁶³ Orosius, V.21.7 and the *Supplementum adnotationum* on Lucan, II.171 (Cavajoni, p.108) refer to Gratidianus being extracted *de caprili casa* which apparently means a goat-pen (as per Elsperger, *TLL* III.510.23–4; Marshall (1985a) 125 n.6; Arnaud-Lindet (2003) II.140; and Fear (2010) 251), although *casa* normally denotes a humble dwelling for humans not an enclosure for livestock. Goats were certainly kept in the vicinity of the city (see Varro, *De re rustica* II.3.10).

⁶⁶⁴ For burials on or proximate to the *Janiculum* see Dion. Hal., II.76.6; Livy, XL.29.3–4; Pliny, *NH* XIII.84–5; Jerome, *Chron.* Olymp. 150, 153 (pp.138, 142 H); Festus, 370 L; Serenus Sammonicus, 713; Richter (1901) 275; and Jordan and Hülsen (1907) I.3.648f. The tomb of Catulus, or rather the mausoleum of the Lutatii according to Valerius Maximus, IX.2.1 and Orosius, V.21.7, was omitted from *LTUR*.

of Apollo Medicus.⁶⁶⁵ The head was then taken to Praeneste where it had the desired effect upon the morale of Gratidianus' beleaguered cousin C. Marius (cos. 82).⁶⁶⁶

The importance of this is manifest. Not only does the Berne scholiast quote Sallust on the murder of Gratidianus, his account contains details, like the site of the execution, which can be traced back to Sallust. In addition, the scholiast's statement that Catiline killed his brother-in-law Gratidianus on the tomb of Catulus is prefaced by a reference to multiple authorities (*sunt qui dicant*) and the scholiast, or his source, demonstrably had access to works which are lost to us including the lost books of Livy.⁶⁶⁷ Moreover, while we are in no position to determine whether these other sources also vouched for Catiline's relationship to Gratidianus, the scholiast's commentary displays a level of knowledge about Gratidianus and Q. Catulus (cos. 102) unmatched in any extant source,⁶⁶⁸ so that the *Commenta Bernensia* cannot be summarily dismissed as a late and unreliable authority.

Next Marshall specifically addressed the issue of Catiline's relationship to Gratidianus. Observing that Catiline also stands accused of having killed his brother-in-law Q. Caucilius during the proscriptions,⁶⁶⁹ as well as a brother,⁶⁷⁰ Marshall posited that the Berne scholiast mistakenly conflated these alleged crimes and transformed Gratidianus into the brother-in-law of Catiline.⁶⁷¹ But aside from the fact that Catiline's supposed brother occurs solely in Plutarch,⁶⁷²

⁶⁶⁵ It will be noted that the topographical details in Catiline's itinerary are entirely consistent and offer no hint of divergent accounts or post-eventum elaboration.

⁶⁶⁶ Orosius, V.21.8.

⁶⁶⁷ On the sources of the scholia on Lucan see Rawson (1987) 163f; Fantham (1987) 89f; and Werner (1994) 343 n.1, 363-4.

⁶⁶⁸ Thus the scholiast knows that Gratidianus was the *filius sororis* of C. Marius (cos. 107) which is a detail not preserved in any other source. He is also the only source to identify the wife of Q. Catulus (cos. 102) as a Claudia (*Commenta Bernensia* on Lucan, II.173). He is aware that Gratidianus was tribune of the plebs and formally indicted Catulus (*dies dicta*; cf. *Adnotationes super Lucanum* II.174: *diem diceret*). Appian, *BC* I.74 mentions the prosecution, but does not identify the prosecutor or his office, while Diodorus, XXXIX.4.2 confirms the involvement of a tribune, but does not name him. And the scholiast knows the novel method of suicide adopted by Catulus — though that detail is found in other extant sources.

⁶⁶⁹ *Comm. pet.* 9.

⁶⁷⁰ Plutarch, *Sulla* XXXII.2, *Cicero* X.3: ἀδελφός.

⁶⁷¹ (1977) 152 n.1, (1985a) 127-8, and (1985) 292, 311. For the idea that the scholiast may have confused Caucilius and Gratidianus cf. Usener, p. 62; Hinard, *Proscriptions* 378 no.49; and Rawson (1987) 176 n.90.

⁶⁷² On Catiline's brother see Münzer, *RE* II.A.1688 Sergius no.1; and Hinard, *Proscriptions* 397 no.63 and (1990) 561-2 = (2011) 122. Keaveney (1982) 153 speculated that Catiline's brother is a phantom resulting from Plutarch's faulty recollection of the murder of Q. Caucilius — although the circumstances of their deaths do not match (see the next note).

the Latin for brother (*frater*) did not also denote a brother-in-law.⁶⁷³ Indeed classical Latin lacked a generic term for a brother-in-law and the scholiast specifically says that Gratidianus was the brother of Catiline's wife (*uxoris suae frater*), whereas Q. Caucilius was the husband of Catiline's sister (*sororis suae vir*).⁶⁷⁴ Marshall also neglected to mention fragment I.45 M from Sallust's *Historiae* which Maurenbrecher adduced as corroborative evidence for the relationship.⁶⁷⁵ Regrettably, however, this fragment, which is transmitted by Donatus without any indication of its original context apart from the attribution to book I,⁶⁷⁶ provides only equivocal support for Nicolet pointed out that the *avunculus* referred to by Sallust could equally well be Catiline and the *eius* his brother-in-law Q. Caucilius.⁶⁷⁷ Nevertheless, Maurenbrecher's identification has two things in its favour. First, the author of the *Commenta*, who was plainly familiar with the *Historiae*, remarks upon Catiline's relationship to Gratidianus in the context of Gratidianus' murder which suggests that Sallust may have done the same. Second, it is unknown whether Sallust made mention of Q. Caucilius in the *Historiae* whereas he indisputably mentioned Gratidianus.

Marshall also doubted Catiline's relationship to Gratidianus on the basis that it would be remarkable if Catiline's murder of two brothers-in-law had not aroused comment, and on the grounds that the marriage to a sister of Gratidianus would have made Catiline a relative of Cicero's and this connection ought to have been mentioned.⁶⁷⁸ But such arguments from silence carry little weight precisely because none of the sources that are most likely to have contained

⁶⁷³ Marshall (1985a) 128 n.21 remarked that the *Commentariolum petitionis* and Plutarch probably refer to the same event for *frater*, which Plutarch translated as ἀδελφός, can mean brother and brother-in-law. But Catiline's brother and brother-in-law were reportedly killed at different times. Plutarch says his brother was killed prior to Sulla's victory, whereas Caucilius was killed during the proscriptions. Nor is there any evidence that *frater* was ever used to designate a brother-in-law (see Vollmer, *TLL* VI.1253-8).

⁶⁷⁴ *Comm. pet.* 9. On the term *levir* meaning a husband's brother, which is found in post-classical lexicographers and jurists, see Bader, *TLL* VII.2.1200, 69 - 80 and Viarengo (2009) III.930f. According to Isidore, IX.7.18 there was no specific name for a wife's brother.

⁶⁷⁵ I.45 Maurenbrecher = I.37 McGushin: et liberis eius avunculus erat.

⁶⁷⁶ Donatus on Terence, *Phormio* V.6.2 and *Hecyra* II.2.16 (Wessner (1962) II.237, 476).

⁶⁷⁷ Nicolet (1974a) 388. Nicolet was anticipated by Gelzer, *RE* II.A.2.1695, 37.

⁶⁷⁸ So also Nicolet (1967) 290, (1973) 259, (1974a) 388; and Hinard, *Proscriptions* 378. It should be noted that the implied relationship was not that close. Cicero's paternal grandmother was a Gratidia (Cicero, *De legibus* III.36; Gratidia *RE* no.5). Assuming therefore that Catiline married a biological sister of Gratidianus (i.e. a Gratidia), Catiline was the husband of the first cousin once removed of Cicero. If, however, Catiline married a Maria, he was the husband of the adoptive sister of Cicero's first cousin once removed.

this kind of information survive intact.⁶⁷⁹ The fragility of this line of reasoning is also illustrated by the case of Q. Caucilius. Asconius lists ‘Q. Caecilius’ among the victims of Catiline without any indication of their relationship, and he affirms that Cicero referred to Caucilius in the oration *In toga candida*.⁶⁸⁰ Consequently, one must either conclude that Cicero accused Catiline of Caucilius’ murder without mentioning the fact that he was Catiline’s brother-in-law, or infer that the orator stipulated their relationship and Asconius chose not to report it.

The attempt to absolve Catiline of all responsibility for the murder of Gratidianus is also unconvincing. Marshall’s arguments on this subject owe much to Beesly’s efforts to rehabilitate Catiline.⁶⁸¹ Beesly conceded that Catiline may have been implicated in the proscriptions, but rejected his involvement in the murder of Gratidianus because Catiline was not prosecuted until 18 years had elapsed, and even then was acquitted. Beesly contended therefore that the charge was invented by Cicero in 64 B.C. to discredit an electoral rival, and when that object had been achieved the orator dropped the allegation and never once alluded to Catiline’s role in the proscriptions again. Yet none of these claims stack up on closer investigation. The assertion that Catiline was the innocent victim of slander is easily refuted. The humiliation and murder of Gratidianus was a very public spectacle. Gratidianus was paraded through the streets before being tortured and executed in full view of the Roman people,⁶⁸² and his head was then carried by Catiline back into the centre of Rome where it was handed over to Sulla.⁶⁸³ There must accordingly have been many people alive in 64 B.C. who witnessed the event and could testify to Catiline’s involvement. What is more, Cicero asserted in the senate that Catiline admitted to

⁶⁷⁹ Namely: *In toga candida*, Sallust’s *Historiae*, the orations of Lucceius, and Livy book LXXXVIII. Cicero only alludes to Catiline’s past crimes in vague terms in the Catilinarian orations (vide infra), nor would he have wanted to suggest that his attacks on Catiline were motivated by a private grievance for his constant theme in those speeches is that Catiline and his associates were the common enemy of all good citizens. It must also be remembered that the accounts of the proscriptions in Appian, *BC* I.95-6 and Dio, XXXIII.109, cf. XXXVII.10.3 are very perfunctory.

⁶⁸⁰ 84.4-6 C: Dicitur Catilina, cum in Sullanis partibus fuisset, crudeliter fecisse. Nominatim etiam postea Cicero dicit quos occiderit, Q. Caecilium, M. Volumnium, L. Tanusium.

⁶⁸¹ Beesly (1878) 19f; cf. Kaplan (1968) 26f. On Beesly see Wisemam (1998) 377-400, esp. 382f.

⁶⁸² *Comm. pet.* 10: inspectante populo Romano vitibus per totam urbem ceciderit; Cicero, *In toga candida* frg.5 Crawford: inspectante populo collum secuit; Cicero, *In toga candida* frg.14 Crawford: spectaculum; Val. Max., IX.2.1: per ora vulgi.

⁶⁸³ Cicero, *In toga candida* frg.15 Crawford: Quod caput etiam tum plenum animae et spiritus ad Sullam usque ab Ianiculo ad aedem Apollinis manibus ipse suis detulit; Asconius, 84.8-9 C: caput abscisum per urbem sua manu Catilina tulerat, 87.19-20 C: Diximus et paulo ante Mari caput Catilinam per urbem tulisse; Plutarch, *Sulla* XXXII.2: τὴν μὲν κεφαλὴν ἐν ἀγορᾷ καθεζομένῳ τῷ Σύλλᾳ προσήνεγκε, τῷ δὲ περιρραντηρίῳ τοῦ Ἀπόλλωνος ἐγγὺς ὄντι προσελθὼν ἀπένιψατο τὰς χεῖρας.

his role in the proscriptions.⁶⁸⁴ And Hinard observed that the names of the *sicarii* were recorded in the treasury and it was the archives of the quaestors, not malicious gossip, that formed the basis of the prosecutions mounted in 64 B.C..⁶⁸⁵ Nor is the delay in prosecuting Catiline proof that the indictment was a political stunt. The prosecution was not an isolated event inspired by a bitterly contested election, it was part of a broader political programme to redress some of the lingering injustices of the Sullan regime,⁶⁸⁶ and Catiline was not the only, or even the first, of the *sicarii* to be brought before the courts.⁶⁸⁷ The indictment of Catiline was certainly a gift to his competitors for the consulship, but the timing was determined by an unlikely convergence of interests, and the move to call the *sicarii* to account would not have been possible before the mid-60's when the dominance of the aging Sullan oligarchs was beginning to slip and there was a perception in some quarters that the time was ripe for an assault on the most inequitable features of Sulla's legacy.⁶⁸⁸ Furthermore, it is naïve to imagine that Catiline's acquittal establishes his innocence for there were several lines of defence open to him. Catiline could not plausibly deny having played any part in the murder of Gratidianus for his involvement was a matter of public record and public knowledge,⁶⁸⁹ but it is a legitimate question whether he did more than supervise the execution and transport Gratidianus' head to the dictator. The author of

⁶⁸⁴ See *In toga candida* frgs.16, 17 (Catilinam ... confitentem) with Asconius, 90.15 - 91.9 C.

⁶⁸⁵ (1986) 120 = (2011) 145. As the informers and assassins were paid from the public purse their names were recorded in the treasury see Hinard, *Proscriptions* 38f, 204f. Note too that Plaetorius was killed at same time and in the same place as Gratidianus (vide supra), but Catiline was not accused of his murder which belies the claim that the charge relating to Gratidianus was a baseless concoction for otherwise both murders would surely have been attributed to Catiline.

⁶⁸⁶ The indictment of the remaining *sicarii* was part of the same movement which sought to compel Faustus Sulla to disgorge some of his father's ill-gotten gains, and to overturn the civil disabilities imposed on the children of the proscribed. On the simultaneous calls for debt and land reform see Wiseman, *CAH IX*² 349f; Lintott (2008) 137f.

⁶⁸⁷ Among those prosecuted before Catiline was his maternal uncle L. Bellienus (see Plutarch, *Cato Minor* XVII.4-5 (5-7); Dio, XXXVII.10.1-3, XLVII.6.4; Suet., *Iul.* XI; and Alexander, *Trials* 108 nos.215-6). As most of the multitude of *sicarii* (*Pro Roscio Amerino* 80-1, 93-4) will have been relatively minor figures like the centurions L. Luscius and Cornelius Phagita (Suet., *Iul.* LXXIV; Plut., *Caes.* I.7), and not senators, it is inaccurate to portray the prosecutions as primarily a weapon employed by politicians against their political rivals (Gruen, *LGRR* 414).

⁶⁸⁸ One of the most important factors in facilitating the prosecutions was the unwitting collaboration of two unaccustomed allies: M. Cato and C. Caesar. Cato's father had been a close friend of Sulla, but during his quaestorship Cato dunned the *sicarii* for the return of their rewards, and his vigorous and successful pursuit of his quarry triggered the subsequent indictments for murder. Cato may have been actuated by his own grisly experience of the proscriptions (Plutarch, *Cato Minor* III.2-3).

⁶⁸⁹ Two other defendants L. Luscius and L. Bellienus did disavow all responsibility for the murders with which they were charged (Asconius, 90.15 - 91.9 C).

the *Commentariolum petitionis* testifies that Sulla gave Catiline command of a unit of Gauls to hunt down and kill the proscribed,⁶⁹⁰ while Lucan implies that several hands were involved in the death of Gratidianus.⁶⁹¹ And although Catiline is credited with the decapitation of Gratidianus, the *Commentariolum petitionis* is the only source that actually states that Gratidianus was still alive when Catiline removed his head.⁶⁹² It is conceivable therefore that Catiline claimed that he simply delivered the *coup de grâce*, or that he merely severed the head from the corpse for the purposes of verification.⁶⁹³ Alternatively, he may have taken the line that he was not accountable for his actions because the *sicarii* had been granted immunity from prosecution under the *leges Corneliae*,⁶⁹⁴ and he had been duty bound to obey the orders of the *imperator ac dictator* Sulla.⁶⁹⁵ The latter pleas had not availed L. Luscius and L. Bellienus, but Catiline had one crucial advantage which they lacked: he was a person of considerable influence and was backed at his trial by several consulars.⁶⁹⁶ Cicero naturally treated the verdict as corrupt,⁶⁹⁷ but there was at the very least scope for a legalistic defence, and Catiline was not the only defendant to be acquitted.⁶⁹⁸ Moreover, while it is true that Cicero does not refer to Gratidianus by name in any surviving work which post-dates *In toga candida*, he did not let the matter drop for he continued to tax Catiline with the slaughter of Roman citizens,⁶⁹⁹ and his remark in open court in

⁶⁹⁰ *Comm. pet.* 9: Nam illis quos meminimus Gallis, qui tum Titiniorum ac Nann<e>iorum ac Tanusiorum capita dem<te>bant, Sulla unum Catilinam praefecerat.

⁶⁹¹ II.183: hic ... alius ... 184: ille.

⁶⁹² *Comm. pet.* 10: vivo <et> spiranti (Mss: stanti) collum gladio sua dextera secuerit. Cicero stated that Catiline cut off Gratidianus' head (*In toga candida* frg.5 Crawford), but nowhere in the surviving fragments does he say that Gratidianus was still alive at the time. The statement in *In toga candida* frg.15 Crawford that the severed head was still full of life when Catiline handed it to Sulla is plainly hyperbole.

⁶⁹³ As suggested by Lanzani (1931) 369 = (1936) 23.

⁶⁹⁴ See Cicero, *Pro Roscio Amerino* 80, 92; Seneca, *De ben.* V.16.3; Suetonius, *Iul.* XI; Dio, frg.109, 13; and Hinard, *Proscriptions* 72 n.18, 77, 78, 204f.

⁶⁹⁵ Luscius and Bellienus had both adopted the defence that they were only following orders (Asconius, 91.5-8 C).

⁶⁹⁶ Cicero, *Pro Sulla* 81. The position of L. Bellienus was somewhat different from that of L. Luscius and Catiline in as much as his victim, Q. Lucretius Afella, had not been proscribed.

⁶⁹⁷ *Ad Att.* I.16.9, *In Pisonem* 95. The two acquittals spoken of relate to Catiline's trial *de repetundis* in 65 and his indictment *inter sicarios* in 64 see Cadoux (2005) 168f.

⁶⁹⁸ Appian, *BC* IV.26 mentions a notorious *sicarius* who must have been acquitted since he was proscribed himself in 43 B.C. (see Hinard, *Proscriptions* 480-1 no.69).

⁶⁹⁹ See *In Catilinam* I.18, 24. Note also the allusion to the civil war in *nefarium bellum* (*In Catilinam* I.25). The relatives allegedly murdered by Catiline (*Pro Sulla* 76: *indicia parricidiorum*) may be his wife and son (*In Catilinam* I.14), but a reference to Gratidianus is not excluded. Cicero may have made the charge less emphatically after

November 63 B.C. that Catiline was accustomed to strike at the head and neck was surely intended to evoke the decapitation of his victims during the proscriptions.⁷⁰⁰ Kaplan's argument that Catiline would have been expelled from the senate by the censors of 70 B.C., like C. Antonius, had he been truly guilty is also baseless.⁷⁰¹ For while there is reason to believe that C. Antonius was implicated in the proscriptions,⁷⁰² he was ejected from the senate for plundering allied states, defying a judicial inquiry, and the magnitude of his debts — not for murder.⁷⁰³ Lastly, few will be persuaded by Beesly's postulate that Catiline could not have had a hand in the murder of Gratidianus because the "Marian party" were devoted followers of Catiline.⁷⁰⁴ Although some of Sulla's victims did support Catiline,⁷⁰⁵ the patrician rebel exploited almost any source of discontent that could be made to serve his ends,⁷⁰⁶ and it was Sulla's veteran colonists, men like the centurion C. Manlius, that were the backbone of Catiline's forces. Nor was Catiline's Marian eagle the standard of a non-existent party or ideology, it was an *ersatz* symbol of legitimacy like the consular *insignia* which he usurped,⁷⁰⁷ and a talisman of victory for it embodied one of Rome's greatest triumphs.

The remaining argument from silence against Catiline's culpability is inconclusive. Marshall queried whether Cicero could have contemplated defending Catiline when he was indicted *de repetundis* in 65 B.C., if the orator seriously believed that Catiline was responsible for the death of his *propinquus* Gratidianus.⁷⁰⁸ Yet even the most ardent admirers of Cicero

Catiline was tried and acquitted both for fear of offending Q. Catulus, whom he greatly admired, and because Catiline's acquittal diminished the rhetorical impact of the charge (see Cicero, *In toga candida* frg.20b = Asconius, 92.4-7 C).

⁷⁰⁰ *Pro Murena* 52: caput et collum solere petere.

⁷⁰¹ (1968) 29.

⁷⁰² Cicero, *In toga candida* frg.2 Crawford (= Asconius, 83.26-84.3) remarks: Quem enim aut amicum habere potest is qui tot civis trucidavit, aut clientem qui in sua civitate cum peregrino negavit se iudicio aequo certare posse? The second clause relating to the trial involving *peregrini* indisputably refers to C. Antonius as Asconius, 84.12-20 C duly notes (see also Plutarch, *Caesar* IV.2-4; *Comm. pet.* 8; Marshall (1985) 293f). Yet Asconius, 84.4-5 C refers the first clause pertaining to the slaughter of citizens to Catiline when both clauses actually refer to the same individual i.e. Antonius. Antonius' involvement in the proscriptions is also alluded to in the *Commentariolum petitionis* 8: Antonius et Catilina ... ambo a pueritia sicarii.

⁷⁰³ See Asconius, 84.20-5 C; cf. *Comm. pet.* 8; and Astin (1988) 21, 22, 30.

⁷⁰⁴ So also Marshall (1985a) 129.

⁷⁰⁵ See Cicero, *Pro Murena* 49; Sallust, *BC* XXXVII.9.

⁷⁰⁶ Catiline, unlike P. Lentulus Sura, drew the line at recruiting slaves (Sallust, *BC* XLIV.5-6, LVI.5).

⁷⁰⁷ Cicero, *In Cat.* II.13; Sallust, *BC* XXXVI.1; Plutarch, *Cicero* XVI.6; Appian, *BC* II.3; Dio, XXXVII.33.2.

⁷⁰⁸ (1985a) 129. On Cicero's attitude to Gratidianus, and the sometimes adversarial relationship between the Gratidii and Tullii Cicerones see Rawson (1971) 78 = (1991) 20-1.

would concede that he was extraordinarily ambitious. Not only was he determined to be consul, he was intent on achieving that goal at the earliest possible opportunity, and when Catiline announced his candidacy for the consulship in ‘Cicero’s year’, he became a very real threat to the orator’s cherished plans. Initially Cicero was not greatly perturbed for he reckoned that Catiline was so patently guilty of extortion that he was bound to be convicted and knocked out of the running.⁷⁰⁹ But when it became clear that Catiline might well get off, Cicero considered defending him for, as he explained to Atticus, in the event that Catiline was acquitted he would be under an obligation to Cicero and a more amenable rival, whereas if he was convicted, so much the better.⁷¹⁰ In other words, the proposed defence of Catiline was a hardnosed political decision dictated by Cicero’s electoral aspirations, and in the end Cicero decided against offering his services to Catiline.⁷¹¹ His motives are unrecoverable, but it could be that he was concerned that his willingness to defend the man who had killed his relative Gratidianus would reflect badly upon him.

Consequently, the genuine conundrum requires reformulation. There is credible evidence that Catiline was the brother-in-law of M. Marius Gratidianus, and there is solid evidence that Catiline was involved in some capacity in the execution of Gratidianus. Catiline also stands accused of having executed his brother-in-law Q. Caucilius during the proscriptions. The question therefore becomes: Is it plausible that Catiline killed his wife’s brother and his sister’s husband during the civil war? Any answer to that question is bound to be subjective, but the proposition can at least be placed in its proper historical context. The charges against Catiline are rendered more credible by the knowledge that conflict within families occasioned by a variety of motives including greed, personal animosity, and political differences was a feature of both the Sullan and Triumviral proscriptions.⁷¹² The victims of Sulla are less well-documented than the victims of the Triumvirs,⁷¹³ but two cases which subsequently came to court are evidence of family feuds that ended in bloodshed. In 81 B.C. Sex. Roscius was murdered for his fortune by

⁷⁰⁹ *Ad Att.* I.1.1.

⁷¹⁰ *Ad Att.* I.2.1.

⁷¹¹ Asconius, 85-7 C effectively disproves Fenestella’s claim to the contrary see Marshall (1985) 296; and Drummond, *FRH* III.584-5 frg.21. Phillips (1970) 291-4 conjectured that Catiline was so confident that he would be acquitted that he spurned Cicero’s services.

⁷¹² On divisions within families during the civil wars see Jal (1963) 326f, 413f; and Hinard (1990) 555-70 = (2011) 117-29.

⁷¹³ Hinard was able to identify 75 individuals proscribed in 82 B.C. as against 160 persons in 43 B.C.

relatives who tried to use the proscriptions to legitimize the deed,⁷¹⁴ and despite his advocate's efforts to deflect the blame L. Varenus was convicted of killing C. Varenus and the attempted murder of Cn. Varenus.⁷¹⁵ In 43 B.C. L. Aemilius Paullus (cos. 50) was proscribed by his brother M. Lepidus,⁷¹⁶ L. Caesar (cos. 64) by his nephew Antony, and L. Munatius Plancus (cos. 42) and C. Asinius Pollio (cos. 40) consented to the proscription of a brother and father-in-law,⁷¹⁷ while Villius Annalis and Toranius were betrayed by their sons,⁷¹⁸ and Septimius and Vettius Salassus by their wives.⁷¹⁹ Furthermore, it is no coincidence that the principal combatants in the civil wars that erupted in 49, 43, 41, and 32 B.C. were, or had recently been, related by marriage for marital alliances in the Roman elite often had a political dimension and dramatic shifts in the political landscape were apt to have matrimonial repercussions as a result.⁷²⁰ Upon Sulla's victory anyone who had ties to Cinna or Marius, or had prospered under their regime was an object of suspicion and in peril. Anyone linked by marriage to the defeated regime was faced with an excruciating choice. Some, like Pompey and M. Piso, sought to demonstrate their loyalty to the new regime by promptly repudiating their existing ties.⁷²¹ Others, like the young C. Caesar, remained steadfast and paid the price.⁷²²

In this poisonous atmosphere a marriage to the sister of M. Marius Gratidianus would

⁷¹⁴ Sulla's freedman Chrysogonus arranged to have Roscius' name retrospectively added to the list of the proscribed in return for a share of Roscius' sizeable fortune. According to the prosecution Roscius was murdered by his son, whereas the defence attributed the murder to his relatives T. Roscius Magnus and T. Roscius Capito (see Alexander, *Trials* 66-7 no.129 and (2002) 149f).

⁷¹⁵ See Alexander, *Trials* 175 no.368; and Crawford (1994) 7-18. Sassia of Larinum also outraged sentiment by marrying Statius Abbius Oppianicus who had instigated the proscription of her previous husband A. Aurius Melinus (Cicero, *Pro Cluentio* 25-28, 188).

⁷¹⁶ Lepidus' nephew Paullus Lepidus was also proscribed according to Dio, LIV.2.1.

⁷¹⁷ Respectively L. Plautius Plancus, and Pollio's father-in-law L. Quinctius.

⁷¹⁸ Val. Max., IX.11.5-6; Appian, *BC* IV.18.

⁷¹⁹ Val. Max., IX.11.7; Appian, *BC* IV.23-4.

⁷²⁰ 49 B.C.: Until Iulia's death in 54 B.C. Caesar had been the father-in-law Pompey. 43 B.C.: M. Lepidus was the brother-in-law of M. Brutus and C. Cassius. 41 B.C.: Octavian was briefly married to the daughter of Fulvia and step-daughter of Antony. 32 B.C.: Antony divorced Octavian's sister Octavia Minor in 32 B.C.

⁷²¹ Pompey callously discarded Antistia, whose father had been killed by Damasippus on account of his son-in-law's new-found allegiance to Sulla, to marry Sulla's step-daughter Aemilia (see Plutarch, *Pompey* IX). Piso divorced Cinna's widow Annia (see Velleius, II.41.2). Sulla's last wife Valeria was also recently divorced when they met, and it may be that her previous marriage was terminated for political reasons (see Plutarch, *Sulla* XXXV.4).

⁷²² Caesar refused to divorce Cinna's daughter Cornelia (see Velleius, II.41.2; Suetonius, *Divus Iulius* I.1-2; Plutarch, *Caesar* I.1). Caesar's relatives shielded him from Sulla's wrath, but Cornelia was stripped of her dowry.

have been a serious liability and although the author of the *Commentariolum petitionis* characterizes Catiline's brother-in-law Q. Caucilius as a harmless *eques* with no affiliations to any faction,⁷²³ there is a legitimate suspicion that he was one of the despised *saccularii* who had sided with Cinna and plundered the treasury.⁷²⁴ Hence even though Catiline was not old enough to have played any significant military or political role under Marius and Cinna,⁷²⁵ he would have been politically compromised by *adfinēs* like these. He might of course have severed his ties to Gratidianus and Caucilius by the simple expedient of divorce, but perhaps he felt, or perhaps it was suggested to him, that a more a positive affirmation of his commitment to the victorious cause was required.⁷²⁶ The less principled among those who found themselves on the losing side secured their salvation by betraying their erstwhile allies: Catiline's friend C. Verres as quaestor not only deserted the consul Cn. Papirius Carbo, he absconded with the public funds entrusted to him by his commander,⁷²⁷ P. Cornelius Cethegus and Q. Lucretius Afella saved themselves by helping Sulla take Praeneste,⁷²⁸ P. Albinovanus treacherously murdered his fellow officers and surrendered Ariminum,⁷²⁹ and the young Pompey earned Sulla's gratitude by

⁷²³ *Comm. pet.* 9: ille hominem optimum, Q. Caucilius ... equitem Romanum, nullarum partium, cum semper natura tum etiam aetate quietum.

⁷²⁴ On the *saccularii* see Asconius, 89.21-4 C; Marshall (1985) 305-6; and Andreau (1987) 249-51.

⁷²⁵ If Catiline was praetor *suo anno* in 68 B.C., he was born in 108 B.C., and was only 20 years of age when the civil war erupted in 88 B.C. By 83 B.C. Catiline was old enough to have held the military tribunate (a military tribune might be as young as 22 years old see Sumner, *Orators* 6. Q. Hortensius was a military tribune in 89 B.C. at 25 years of age see Cicero, *Brutus* 304; Sumner, *Orators* 122-3. On the possibility that Catiline is identical with the *miles* or legate/prefect L. Sergius L. f. in the *consilium* of Cn. Pompeius Strabo at Asculum in 89 B.C. see especially Cichorius (1922) 172f; Gelzer, *RE* II.A.2.1693; and Criniti (1970) 160f). Service as a military tribune in 83 B.C. would have made Catiline a potential target of Sulla's retribution (see Appian, *BC* I.95), but there is no record of his having served in this role. Sallust, *BC* V.2 does refer to Catiline's youthful involvement in *bella intestina*, but according to the *Commentariolum petitionis* 9 Catiline made his first entry into public life during the proscriptions.

⁷²⁶ Observe Dio's remark that some got involved in the slaughter to win Sulla's friendship and avoid incurring danger through the suspicion that they disapproved (frg.109, 9). In Plutarch, *Sulla* XXXII.2 the murder of Gratidianus is a *quid pro quo* in return for the retrospective proscription of Catiline's brother whom Plutarch would have us believe was killed by Catiline before Sulla's victory (Dio, frg.109, 13 and Orosius, V.21.5 imply there were other similar cases). But in the only reliably documented case of retrospective proscription the victim, Sex. Roscius, was killed after the lists were closed and was surreptitiously added by Chrysogonus not *vice versa*. Plus the very well-informed author of the *Commentariolum petitionis* has no knowledge of the supposed brother of Catiline, and Sulla hardly needed to strike such a bargain to have Gratidianus eliminated.

⁷²⁷ Cicero, *Verr.* II.1.11, 34-9.

⁷²⁸ See Münzer, *RE* IV.1281, XIII.1686-7.

⁷²⁹ See Broughton, *MRR* II.71.

ruthlessly crushing the enemies of the regime.⁷³⁰ Catiline was not in a position of authority and so had no opportunity for grand gestures, but in an environment where brutality and betrayal were recognized currency he may have reckoned on clearing his name by personally disposing of his brothers-in-law along with other enemies of the new order.⁷³¹ It could even be that there was bad blood between Catiline and his brothers-in-law, and that Catiline, like the relatives of Sex. Roscius, saw the proscriptions as a means of settling the feud with impunity and holding onto some of their property.⁷³² History shows time and again that in the right set of circumstances ordinary individuals will willingly commit unspeakable crimes, and it is worth bearing in mind that even in peacetime a significant proportion of homicides are perpetrated by family members.⁷³³ It is possible therefore to fit Catiline's involvement in the murders of Gratidianus and Q. Caucilius into an intelligible historical framework, but it is ultimately a matter of personal opinion whether the resulting scenario is deemed plausible.⁷³⁴

If the Berne scholiast's information is accurate, Catiline married Gratidia / Maria sometime prior to the execution of M. Marius Gratidianus late in 82 B.C. By that date Catiline was about 26 years of age, and even if it is supposed that he married young, the match can

⁷³⁰ Thereby earning the nickname the 'young butcher' (Val. Max., VI.2.8: *adulescentulus carnifex*). Among Pompey's victims in 82 B.C. was Cn. Papirius Carbo (cos. 85, 84, 82), who had come to Pompey's defense when he was brought to trial as a consequence of his father's misappropriation of public property (see Alexander, *Trials* 62 no.120). Pompey's treatment of Carbo was remembered as an appalling act of ingratitude (Cicero, *Ad Att.* IX.14.2; Val. Max., V.3.5, VI.2.8; Plut., *Pompey* X.2-4).

⁷³¹ Like the *equites* Tanusius, Titinius, Nanneius, and Volumnius on whom see Nicolet (1974a) 381-95.

⁷³² Münzer, *RE* XIV.1826 connected the murder of Gratidianus to the legal dispute between Gratidianus and C. Sergius Orata, but it is not certain that Orata belonged to the patrician Sergii much less that he was related to Catiline (see Wikander (1996) 177-82, esp. 181).

⁷³³ Dawson and Langan (1994) 1 calculated that 16% of solved cases in the US in 1988 were committed by relatives. Cooper and Smith (2011) 16 put the figure at 22%; cf. Karmen (2013) 88. For a broader historical perspective see Lane (1997) 322 *passim*.

⁷³⁴ Hence scholars have adopted a variety of responses to the problem. Some accept that Catiline was the brother-in-law and the murderer of Gratidianus (Gelzer, *RE* II.A.2.1695; Jal (1963) 49; Syme (1964) 85-6 and more emphatically in "The three marriages of Catilina" see Santangelo forthcoming; and Keaveney (1982) 153. Cf. Fini (1996) 13, 19). Others accept the marriage, but not Catiline's responsibility for the murder of Gratidianus (Kaplan (1968) 26-9; Wiseman, *NMRS* 31, 55, 240 no.250), or *vice versa* (Hinard, *Proscriptions* 378 and (1985) 197-9; Dyck (1996) 599-600). Marshall rejected the marriage and Catiline's involvement in the death of Gratidianus. Groebe, *GR*² V.413 n.7 and Münzer, *RE* XIV.1826 signaled some doubts about the marriage (wenn). Nicolet (1967) 290-1, (1973) 259, (1974a) 388; and Rawson (1987) 176 also express reservations (compare Rawson (1979) 338 = (1991) 378). McGushin (1992) I.105-6 inclines toward acceptance of the marriage. Crawford (1994) 163 n.18, 185, 193 leans the other way (cf. Zmeskal, *Adfinitas* 301).

scarcely have been contracted before 90 B.C.⁷³⁵ The marriage must have ended with the death of Gratidia / Maria if, the sister of Gratidianus is assumed identical with the unnamed predecessor of Aurelia Orestilla allegedly murdered by Catiline.⁷³⁶ But Cicero indicates that the demise of Orestilla's predecessor took place not long before 64 B.C.,⁷³⁷ and it is difficult to believe that the marriage could have survived Catiline's involvement in the gruesome murder of Gratidianus. Syme, on the other hand, maintained that Catiline was married three times, and speculated that Catiline "severed his link with the cause and family of Marius" on Sulla's victory — promptly discarding the sister of Gratidianus just as Pompey and M. Piso abruptly repudiated Antistia and Annia.⁷³⁸ Assuming Maurenbrecher was correct in identifying the *avunculus* in book I of Sallust's *Historiae* as Gratidianus, the marriage produced at least one child who may be one and the same as the son supposedly killed to make way for Catiline's marriage to Orestilla.⁷³⁹

⁷³⁵ The age of Gratidia / Maria cannot be accurately determined.

⁷³⁶ As per Manni (1939) 12 = (1969) 205 (without argument); and Fini (1996) 13, 19 who posits that Gratidia and her son actually died of natural causes and that Catiline was a widower when he married Aurelia Orestilla.

⁷³⁷ See *In Catilinam* I.14.

⁷³⁸ See "The three marriages of Catilina" (Santangelo forthcoming).

⁷³⁹ *RE* Sergius no.14.

X.

Q. Servilius Caepio quaestor 67 B.C.? *RE* no.40
 [Hortensia] *RE* no.16

TESTIMONIA

Inscriptions de Délos 1622

DATE

Circa 80 — 67 B.C.

MODE OF DISSOLUTION

Death of Caepio

ISSUE

Servilia (*RE* no.102) the second wife of L. Licinius Lucullus (cos. 74)

PARENTS

Caepio was the son of Q. Servilius Caepio (*RE* no.50) and Livia

Hortensia was the daughter of Q. Hortensius Hortalus (cos. 69), presumably by his marriage to Lutatia

SIBLINGS

Caepio was the brother of Servilia (*RE* no.101), the wife of M. Iunius Brutus (*RE* no.52) and D. Iunius Silanus (cos. 62), and the maternal half brother of M. Porcius Cato Uticensis and Porcia the wife of L. Domitius Ahenobarbus (cos. 54)

Hortensia was the sister of Q. Hortensius (*RE* no.8), and the paternal half-sister of the issue of her father's marriage to Marcia

Münzer deduced that Q. Servilius Caepio, the adoptive father of the conspirator M. Iunius Brutus, married Hortensia, the daughter of Q. Hortensius Hortalus (cos. 69), from an inscription of Delos in honour of Hortensia's brother Q. Hortensius which must have been erected in 43 B.C. when Hortensius was governor of Macedonia:

ὁ δῆμος ὁ Ἀθηναίων καὶ οἱ τὴν νῆσον οἰκοῦντες
Κοίντον Ὁρτήσιον Κοίντου υἱόν, τὸν θεῖον Καίπιω-
νος, διὰ τὰς ἐξ αὐτοῦ Καίπιωνος εἰς τὴν πόλιν εὐ-
εργεσίας, Ἀπόλλωνι.⁷⁴⁰

The Athenian people and the inhabitants of Delos (honour)
Quintus Hortensius Quinti filius, the uncle of Caepio,
on account of Caepio's services to the city,
(with this dedication) to Apollo.

The inscription describes Q. Hortensius as the uncle (θεῖος) of a Caepio whom all commentators agree is none other than Q. Servilius Q. f. Caepio Brutus i.e. the conspirator M. Iunius Brutus.⁷⁴¹ Münzer argued that θεῖος here signifies that Q. Hortensius was the brother of Brutus' adoptive mother.⁷⁴² Münzer arrived at this conclusion by a process of elimination. Having observed that the term θεῖος regularly denotes: (1) a father's brother; (2) a mother's brother; (3) the husband of a father's sister; or (4) the husband of a mother's sister, Münzer pointed out that at first sight the number of possibilities appeared to double to 8 because Brutus had both (a) biological parents: M. Iunius Brutus and Servilia, and (b) adoptive parents: Q. Servilius Caepio and Ignota. But Münzer proceeded to demonstrate that most of the alternatives could be eliminated:

Options 1a and b are excluded because in view of the difference in *gentilicia* Q. Hortensius could not be the brother of Brutus' biological father (M. Iunius Brutus), or of his adoptive father (Q. Servilius Caepio).

Option 2a is ruled out as Q. Hortensius (the son of Q. Hortensius and Lutatia) was not the

⁷⁴⁰ Homolle (1879) 159 = Homolle (1884) 154 = Hatzfeld (1909) 467-71 = *ILS* 9460 = Durrbach (1921-1922) 258-9 no.168 = Roussel and Launey (1937) 71-2 no.1622.

⁷⁴¹ On the adoptive nomenclature of M. Brutus see Shackleton Bailey, *Two Studies*² 83-4. The only other Caepio mentioned on Delos is C. Fannius C. f. Caepio (*Inscriptions de Délos* 1623) who was honoured circa 30 B.C. according to Durrbach, Roussel, and Launey, or between 35 and 31 B.C. according to Càssola (1983) 107f.

⁷⁴² *RE* VIII.2469, 28-30 Q. Hortensius no.8, *RE* VIII.2482, 6-8 Hortensia no.16, *RAA* 342-7 = 313-8 Ridley. Hatzfeld had contended that the relationship was due to the fact that Brutus' wife Porcia and Q. Hortensius were maternal half-siblings as both were the children of Marcia, but Münzer pointed out that Porcia was in fact the daughter of M. Cato's first wife Atilia, and Q. Hortensius was the son of Q. Hortensius (cos. 69) and Lutatia. Dessau, *ILS* 9460, Durrbach (1921-1922) 259, and Münzer also repudiated the notion that θεῖος could be used to describe the husband of a half-sister.

brother of Brutus' biological mother Servilia (the daughter of Q. Caepio and Livia).

Option 3b (the husband of an adoptive father's sister) and option 4a (the husband of a biological mother's sister) are in reality the same because Servilia the biological mother of Brutus and his adoptive father Q. Servilius Caepio were siblings.⁷⁴³ This possibility can be eliminated as it would entail that Q. Hortensius married an otherwise unknown Servilia, sister to Q. Caepio and Brutus' mother, who would have to have been born before the death of their father Q. Caepio in 90 B.C., and so would have been some 20 years older than Hortensius.

Option 3a encounters the same objection for Q. Hortensius cannot have married a sister of Brutus' biological father M. Iunius Brutus for no such sister is attested and she would in any case have to be old enough to be Hortensius' mother.

Option 4b (the husband of an adoptive mother's sister) involves Q. Hortensius and Q. Servilius Caepio marrying unidentifiable sisters. Münzer noted that this possibility could not be ruled out, but involves a number of unknown individuals, whereas Option 2b (Q. Servilius Caepio marrying Hortensia the sister of Q. Hortensius) offered a satisfactory solution without having to posit any otherwise unknown individuals.

Münzer's interpretation has been generally endorsed,⁷⁴⁴ but it has gone unnoticed that his conclusion can be reinforced. Münzer's analysis was based on an extended definition of the term *θεῖος* encompassing the husband of a paternal or maternal aunt (Options 3 and 4), but if, as we should expect, the inscription from Delos embodies Attic usage, then *θεῖος* should connote only a father's or mother's brother.⁷⁴⁵ That being so, the number of possible permutations is reduced

⁷⁴³ The identification of Q. Servilius Caepio, the adoptive father of Brutus, with Brutus' maternal uncle Caepio, who died c.67 B.C., was rejected by M. Gelzer, *RE* X.976 M. Iunius Brutus no.53; Cichorius (1921) 70f; and Geiger (1973) 152f. But since all three identified the adoptive father of Brutus as a second brother of Brutus' mother Servilia, the distinction does not affect Münzer's reconstruction for Servilia would then still be the sibling of Brutus' adoptive father.

⁷⁴⁴ See for instance: M. Gelzer, *RE* X.976, (1934) 62 = (1963) II.260; Cichorius (1921) 70-1; Syme, *RR* 23-4 and *AA stemma* II; Raubitschek (1957) 6, 10 and (1959) 17-8; Balsdon (1962) 56; Meier (1966) 184; Gruen, *LGRR* 53; Geiger (1973) 150-1, 155-6; Marshall (1987) 99; David (1992) 764; Corbier (1992) 889-90; Osgood (2006) 86; Harders (2008) 140, 150; Dyck (2008) 164; and Zmeskal, *Adfinitas* 136, 256. Means and Dickison (1974) 212 were more tentative. Bauman (1992) 83 declared, without explanation, that "it is not provable" that Hortensia married Brutus' adoptive father Q. Servilius Caepio.

⁷⁴⁵ See Liddell, Scott, and Jones (1940) 788; Thompson (1971) 110; Vartigian (1978) 52-3, 110; and Longo (1991) 207-8. Vartigian observes that Attic authors never extend the term *θεῖος* to include the husband of an aunt. One may add to the examples of Attic usage cited by Vartigian: Isaeus, I.9: father's brother, II.1, 24, 35: adoptive father's brother, III.2, 4, 5 passim: mother's brother, III.31 passim: mother's brother, III.26, 29, 30, 63, 69, 70: paternal uncle, V.4, 10, 11, 12: maternal uncle, IX.6, 22: mother's brother, XII.6: mother's brother. The same strict usage is found in the jurists and lexicographers (see the *Institutes of Justinian* III.6.3; and *TLL* II.1607-8 'avunculus' and

to 4: Q. Hortensius was the brother of Brutus' biological or adoptive father or mother. Of these 4 possibilities Münzer established that only 1 was feasible (Q. Hortensius as the brother of Brutus' adoptive mother), and it follows that Q. Servilius Caepio, the adoptive father of Brutus married Hortensius' sister Hortensia.⁷⁴⁶

Regrettably nothing is ever so simple and the question of the date, fate, and offspring of the marriage of Q. Servilius Caepio and Hortensia is inseparable from the issue of the identity of the adoptive father of Brutus which must now be briefly considered.

Gelzer, Cichorius, and Geiger rejected the identification of the adoptive father of Brutus with M. Porcius Cato's beloved maternal half-brother Servilius Caepio who died at Aenus in Thrace circa 67 B.C. They maintained that the adoptive father of Brutus and husband of Hortensia was another Servilius Caepio (purportedly an elder paternal half-brother of Brutus' mother Servilia and uncle Caepio), but the arguments they advanced are not probative. Firstly, they objected that Plutarch in recounting the death of Cato's brother makes no mention of an adoption and furthermore says that Cato and Caepio's daughter were his only heirs.⁷⁴⁷ Plutarch is, however, an unreliable witness for he never mentions the adoption — not even in his *Life* of Brutus, and is an untrustworthy source on the subject of wills and inheritances.⁷⁴⁸ Nor is it likely that Cato, and Caepio's daughter were the only persons named in the will for Caepio must surely have bequeathed something to his sister Servilia (the mother of Brutus).⁷⁴⁹ Secondly, they dated the adoption of Brutus in, or shortly before 59 B.C., some 8 years after Caepio's death, because

X.1.792 'patruus' for the relevant entries in the glossaria) and in response to my inquiries Professor J. K. Davies, and Professor Juan Rodríguez Somolinos of the *Diccionario griego-español*, kindly informed me that they know of no evidence for *θεῖος* being used of a maternal or paternal aunt.

⁷⁴⁶ *RE* no.16.

⁷⁴⁷ Plutarch, *Cato Minor* XI.4 (6).

⁷⁴⁸ Take, for example, *Cato Minor* LII.3-4 (5-6) where Plutarch claims that Marcia was the heir of Q. Hortensius (cos. 69), whereas in fact Hortensius' son, the Q. Hortensius honoured on Delos, was his sole heir (Val. Max., V.9.2. Corroborated by Cicero, *Ad Att.* VII.3.9 with Shackleton Bailey, *CLA* III.296; and Varro in Pliny, *NH* XIV.96 heredi singular. See also Fehrle (1983) 244 n.9). Marcia presumably received a substantial legacy. Note also *Lucullus* IV.4 (5) and *Pompey* XV.3 where the existence of Sulla's daughter Fausta is completely ignored. And as far as Plutarch is concerned Octavian was Caesar's only heir (see *Antony* XVI, *Brutus* XXII, *Cicero* XLIV — in fact a quarter of the estate was bequeathed to Octavian's coheirs L. Pinarius and Q. Pedius). Cichorius contended that Plutarch, *Cato Minor* IV indicates that Caepio and Cato shared the one patrimony implying they had the same father, but Plutarch does not mention Caepio and the reference to Cato's share of his paternal inheritance surely acknowledges that Cato shared the estate with his sister Porcia. For Plutarch the details in such cases were irrelevant unless they illustrated some facet of the subject's character.

⁷⁴⁹ Note too that there is no mention of Caepio's wife, who could hardly have been overlooked if she survived him, which she certainly did on the hypothesis that Cato's brother was the husband of Hortensia (vide infra).

Cicero refers to Brutus as *Caepio hic Brutus* in 59.⁷⁵⁰ Yet in fact, 59 B.C. is merely a *terminus ante quem*, and the locution *Caepio hic Brutus* no more proves the adoption was recent than Cicero's reference to Q. Metellus Scipio as *Scipio hic Metellus* in February of 50 B.C. implies Scipio had only just been adopted by Metellus Pius.⁷⁵¹ Rather the locution was surely intended to distinguish Brutus from another Servilius Caepio — namely the Servilius Caepio who was in league with Caesar in 59 B.C. and was betrothed to his daughter Iulia.⁷⁵² Lastly, Geiger's statement that Cato's brother had no reason to adopt Brutus is palpably false: Caepio died without a male heir to carry on the family name which was the archetypal motive for adoption.⁷⁵³ There is consequently no obstacle to the thesis that Brutus was adopted in the will of his maternal uncle Q. Servilius Caepio c.67 B.C.⁷⁵⁴

That identification carries with it a number of corollaries. The marriage will have been terminated by the premature death of Caepio for Hortensia was still alive in 42 B.C.⁷⁵⁵ The only surviving issue of the marriage was Caepio's daughter Servilia.⁷⁵⁶ And since Servilia went on to become the second wife of L. Lucullus (cos. 74) in 65 or 64 B.C., she must have been born by 79

⁷⁵⁰ *Ad Att.* II.24.2.

⁷⁵¹ *Ad Att.* VI.1.17. The adoption of Metellus Scipio occurred in 64 or 63 B.C. see Shackleton Bailey, *Two Studies*² 69; and Linderski (1996) 148 = (2007) 134.

⁷⁵² So rightly Shackleton Bailey, *CLA* I.400. Cichorius (1921) 69f and Geiger (1973) 151, 153, 155-6 showed that Münzer's identification of M. Brutus with the Servilius Caepio who attacked Bibulus in 59, was betrothed to Iulia, and offered the hand of Pompeia is untenable (cf. Marshall (1987) 91f). M. Brutus was named by Vettius as one of the accomplices of Bibulus in the alleged plot to assassinate Pompey and so cannot be the Caepio in league with Caesar against Bibulus in the very same year. Plus if Brutus had been betrothed to Iulia, this would undoubtedly have been mentioned in view of Brutus' manifold links to Caesar, and especially in view of the claim that Brutus was thought to be Caesar's son. Nor can Brutus be regarded as a credible fiancé for Pompeia given his well-known hostility to Pompey. Hence the associate of Caesar and Pompey must be distinguished from Brutus — though it is surely more likely that he was a distant relative of Cato's brother than a close relative as supposed by Gelzer, Cichorius, and Geiger (perhaps a descendant of a collateral line going back to Q. Servilius Caepio (cos. 140). Wiseman (1974) 185 makes him a son of the Q. Servilius (Caepio) killed at Asculum in 91 B.C.). It is worth adding since it has a bearing on the reconstructions of Cichorius and Geiger, that the Caepio who was a creditor of Q. Cicero in 58 (*Ad Q. fr.* I.3.7) need not necessarily have been a Servilius Caepio: witness T. Gavius Caepio the *locuples et splendidus homo* of *Ad Att.* V.20.4.

⁷⁵³ For the adoption of a nephew by a childless maternal uncle in the period compare: M. Marius Gratidianus (*RE* no.42), C. Rabirius Postumus (*RE* no.6), L. Minucius Basilus (*RE* no.38), T. Pomponius Atticus (*RE* no.102), and M. Anneius Carsiolanus (*RE* Annaeus no.4)

⁷⁵⁴ Thus there is no need to resort with Münzer, *RAA* 337f = 309f Ridley to a 'fictitious adoption' hypothesized in response to the objections of Gelzer, and the erroneous belief that Brutus eschewed the *gentilicium* Servilius.

⁷⁵⁵ Val. Max., VIII.3.3; Quintilian, *Inst. or.* I.1.6; Appian, *BC* IV.32-4.

⁷⁵⁶ Plutarch, *Cato Minor* XI.4 (6).

or 78 B.C.⁷⁵⁷ It follows that Servilia's parents were married no later than 80/79 B.C. when Caepio was around 20 and Hortensia was presumably about 14 years of age.⁷⁵⁸

⁷⁵⁷ See chapter XI.

⁷⁵⁸ Caepio was a military tribune in 72 B.C. and was perhaps quaestor in 67 B.C., and so was born no later than 98 B.C. (see Münzer, *RAA* 333 = 306 Ridley, *RE* II.A.2.1776; Badian (1957) 327; and Broughton, *MRR* III.194). Hortensia's date of birth is not recorded, but her father Q. Hortensius (cos. 69) was already married by 91 B.C. (see Cicero, *De oratore* III.228; Münzer, *RAA* 343 = 314 Ridley; Vonder Mühl, *RE* VIII.2472-3; Dyck (2008) 144). Münzer, who took the wife of Lucullus for a sister of Caepio and assumed that Caepio's daughter died in childhood, put the marriage of Caepio and Hortensia in 69 B.C. (*RAA* 346 = 317-8 Ridley). Note, however, that Caepio's younger brother Cato married in the period c.75 - 72 B.C.

XI.

L. Licinius Lucullus (cos. 74) *RE* no.104
 Servilia *RE* no.102

TESTIMONIA

Cicero, *De finibus* III.8, *Ad Atticum* I.18.3; Plutarch, *Lucullus* XXXVIII.1, XL.3, *Cato Minor* XXIV.3 (4-5), XXIX.3 (5-6), LIV.1-2 (1-3)

DATE

The marriage seemingly took place in 65 or 64 B.C. and lasted until circa 58 B.C.

MODE OF DISSOLUTION

Divorce

ISSUE

The marriage produced a son (Lucius ?) Licinius Lucullus (see *RE* no.110)

PARENTS

Lucullus was the son of L. Licinius Lucullus (*RE* no.103) and Caecilia Metella (*RE* no.132)

Servilia was the daughter of Q. Servilius Caepio (*RE* no.40) and Hortensia (*RE* no.16)

SIBLINGS

Lucullus was the elder brother of M. Terentius Varro Lucullus (cos. 73)

Servilia was an only child

Cicero, *De finibus* III.8 (dramatic date 52 B.C. — some four or five years after the death of L. Lucullus). Cicero, purportedly availing himself of the library in the Tusculan villa of M. Cato's young ward Lucullus, addresses Cato: "Et quidem, Cato, hanc totam copiam iam Lucullo nostro notam esse oportebit; nam his libris eum malo quam reliquo ornatu villae delectari. Est enim mihi magnae curae (quamquam hoc quidem proprium tuum munus est) ut ita erudiat ut et patri et Caepioni nostro et tibi tam propinquo respondeat. Laboro autem non sine causa; nam et avi eius memoria moveor (nec enim ignoras quanti fecerim Caepionem, qui, ut opinio mea fert, in principibus iam esset si viveret) et Lucullus mihi versatur ante oculos, vir cum omnibus excellens, tum mecum et amicitia et omni voluntate sententiaque coniunctus." (9) "Praeclare", inquit, "facis cum et eorum memoriam tenes quorum uterque tibi testamento liberos suos commendavit, et puerum diligis. Quod autem meum munus dicis non equidem recuso, sed te adiungo socium. Addo etiam illud, multa iam mihi dare signa puerum et pudoris et ingeni; sed aetatem vides." "Video equidem", inquam, "sed tamen iam infici debet iis artibus quas si dum est tener conbiberit, ad maiora veniet paratior."

H. Rackham, *Cicero. De finibus*, Cambridge MA, (1931) 225: "By the way, Cato, it will soon be time for our friend Lucullus to make acquaintance with this fine collection; for I hope he will take more pleasure in his library than in all the other appointments of his country-house. I am extremely anxious (though of course the responsibility belongs especially to you) that he should have the kind of education that will turn him out after the same pattern as his father and our dear Caepio, and also yourself, to whom he is so closely related. And I have every motive for my interest in him. I cherish the memory of his grandfather (and you are aware how highly I esteemed Caepio, who in my belief would today be in the front rank, were he still alive). And also Lucullus is always present to my mind; he was a man of surpassing eminence, united to me in sentiment and opinion as well as by friendship." "I commend you", rejoined Cato, "for your loyalty to the memory of men who both bequeathed their children to your care, as well as for your affectionate interest in the lad. My own responsibility, as you call it, I by no means disown, but I enlist you to share it with me. Moreover I may say that the youth already seems to me to show many signs both of modesty and talent; but you know how young he is." "I do", said I, "but all the same it is time for him to be dipping into studies which, if allowed to soak in at this impressionable age, will render him better equipped when he comes to the business of life."

Cicero, *Ad Atticum* I.18.3 (20th January 60 B.C.): Instat hic nunc ille annus egregius. Eius initium eius modi fuit, ut anniversaria sacra Iuventatis non committerentur; nam M. Luculli uxorem Memmius suis sacris initiavit; Menelaus aegre id passus divortium fecit. Quamquam ille pastor Idaeus Menelaum solum contempserat, hic noster Paris tam Menelaum quam Agamemnonem liberum non putavit.

D. R. Shackleton Bailey, *Cicero's letters to Atticus*, Cambridge, (1965) I.175: Now this fine new year is upon us. It has begun with failure to perform the annual rites of the Goddess of Youth, Memmius having initiated M. Lucullus' wife into rites of his own. Menelaus took this hard and divorced the lady - but the shepherd of Ida in olden days only flouted Menelaus, whereas our modern Paris has wiped his boots on Agamemnon as well.

Plutarch, *Lucullus* XXXVIII.1: Τῆς δὲ Κλωδίας ἀπὸ πηλαγμένως, οὐσίας ἀσελγούς καὶ πονηράς, Σερουιλίαν ἔγημεν, ἀδελφὴν Κάτωνος, οὐδὲ τοῦτον εὐτυχὴ γάμον. ἐν γὰρ οὐ προσῆν αὐτῷ τῶν Κλωδίας κακῶν μόνον, ἢ τῶν ἀδελφῶν διαβολή· τὰλλα δὲ βδελυρὰν ὁμοίως οὐσαν καὶ ἀκόλαστον ἠναγκάζετο φέρειν αἰδούμενος Κάτωνα, τέλος δ' ἀπείπεν.

B. Perrin, *Plutarch's Lives II*, Cambridge MA, (1914) 595: After his divorce from Clodia, who was a licentious and base woman, he married Servilia, a sister of Cato, but this, too, was an unfortunate marriage. For it lacked none of the evils which Clodia had brought in her train except one, namely, the scandal about her brothers. In all other respects Servilia was equally vile and abandoned, and yet Lucullus forced himself to tolerate her, out of regard for Cato. At last, however, he put her away.

Plutarch, *Lucullus* XL.3 (on the luxurious lifestyle of Lucullus): Κάτων δ' ἦν αὐτῷ φίλος καὶ οἰκεῖος, οὕτω δὲ τὸν βίον αὐτοῦ καὶ τὴν δίαιταν ἐδυσχέραινεν.

B. Perrin, *Plutarch's Lives II*, Cambridge MA, (1914) 601: And Cato, who was a friend of his (i.e. Lucullus), and a relation by marriage, was nevertheless much offended by his life and habits.

Plutarch, *Cato Minor* XXIV.3 (4-5): Φαίνεται δ' ὅλως ἀτύχημα γενέσθαι τοῦ

Κάτωνος ἡ γυναικωνίτις. αὕτη μὲν γὰρ ἐπὶ Καίσαρι κακῶς ἤκουσε· τὰ δὲ τῆς ἐτέρας Σεργιλίας, ἀδελφῆς δὲ Κάτωνος, οὐκ εὐσημονέστερα. (5) Λευκόλλω γὰρ γαμηθεῖσα, πρωτεύσαντι Ῥωμαίων κατὰ δόξαν ἀνδρὶ, καὶ τεκούσα παιδίον, ἐξέπεσε τοῦ οἴκου δι' ἀκολασίαν.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 291, 293: But as regards the women of his household Cato appears to have been wholly unfortunate. For this sister⁷⁵⁹ was in ill repute for her relations with Caesar; and the conduct of the other Servilia, also a sister of Cato, was still more unseemly. She was the wife of Lucullus, a man of the highest repute in Rome, and had borne him a child, and yet she was banished from his house for unchastity.

Plutarch, *Cato Minor* XXIX.3 (5-6): Ἐκ τούτου Λεύκολλος ἐπανελθὼν ἐκ τῆς στρατείας, ἧς ἔδοξε τὸ τέλος καὶ τὴν δόξαν ἀφηγήσθαι Πομπηῖος, εἰς κίνδυνον ἦλθε τοῦ μὴ θριαμβεῦσαι, Γαίου Μεμμίου καταστασιάζοντος αὐτὸν ἐν τῷ δήμῳ καὶ δίκας ἐπάγοντος εἰς τὴν Πομπηίου χάριν μᾶλλον ἢ κατ' ἔχθος ἴδιον. (6) ὁ δὲ Κάτων, οἰκειότητός τε πρὸς Λεύκολλον αὐτῷ γεγενημένης, ἔχοντα Σεργιλίαν τὴν ἀδελφὴν αὐτοῦ, καὶ τὸ πρᾶγμα δεινὸν ἡγούμενος, ἀντέστη τῷ Μεμμίῳ καὶ πολλὰς ὑπέμεινε διαβολὰς καὶ κατηγορίας.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 305: After this, Lucullus, having come back from his expedition, the consummation and glory of which Pompey was thought to have taken away from him, was in danger of losing his triumph, since Caius Memmius raised a successful faction against him among the people and brought legal accusations against him, more to gratify Pompey than out of private enmity. But Cato, being related to Lucullus, who had his sister Servilia to wife, and thinking the attempt a shameful one, opposed Memmius, and thereby exposed himself to many slanderous accusations.

Plutarch, *Cato Minor* LIV.1-2 (1-3): Ἐκπεμφθεὶς δ' εἰς Ἀσίαν, ὥς τοῖς ἐκεῖ συνάγουσι πλοῖα καὶ στρατιὰν ὠφέλιμος γένοιτο, Σεργιλίαν ἐπηγάγετο τὴν ἀδελφὴν καὶ τὸ Λευκόλλου παιδίον ἐξ ἐκείνης γεγονός. (2) ἠκολούθησε γὰρ αὐτῷ χηρεύουσα καὶ πολὺ τῶν εἰς τὸ ἀκόλαστον αὐτῆς διαβολῶν ἀφείλεν, ὑποδύσα τὴν ὑπὸ Κάτωνι φρουρὰν καὶ πλάνην καὶ δίαίταν ἐκουσίως· ἀλλ' ὃ γε Καῖσαρ οὐδὲ τῶν ἐπ' ἐκείνῃ βλασφημιῶν τοῦ Κάτωνος ἐφείσατο. (3) πρὸς μὲν οὖν τᾶλλα τοῦ Κάτωνος οὐδὲν ὥς ἔοικεν ἐδεήθησαν οἱ Πομπηίου στρατηγοί, Ῥοδίους δὲ πειθοὶ προσαγαγόμενος καὶ τὴν Σεργιλίαν αὐτόθι καὶ τὸ παιδίον ἀπολιπὼν, ἐπανήλθε πρὸς Πομπηῖον, ἤδη πεζικῆς τε λαμπρᾶς καὶ ναυτικῆς δυνάμεως περὶ αὐτὸν οὔσης.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 365, 367: When Cato was dispatched to Asia, that he might help those who were collecting transports and soldiers there, he took with him Servilia his sister and her young child by Lucullus. For Servilia had followed Cato, now that she was a widow,⁷⁶⁰ and had put an end to much of the evil report about her dissolute conduct by submitting to Cato's guardianship and sharing his wanderings and his ways of life of her own accord. (2) But Caesar did not spare abuse of Cato even on the score of his relations with Servilia. Now, in other ways, as it would seem, Pompey's commanders in Asia had no need of Cato, and therefore, after persuading Rhodes into allegiance, he left Servilia and her child there, and returned to Pompey, who now had a splendid naval and military force assembled.

On four separate occasions Plutarch calls Servilia, the second wife of L. Licinius Lucullus (cos. 74), the sister (ἀδελφὴ) of M. Porcius Cato (Uticensis).⁷⁶¹ But Cichorius and Geiger demonstrated that Plutarch's claim is problematic.⁷⁶²

⁷⁵⁹ That is, Servilia the mother of M. Brutus.

⁷⁶⁰ Strictly speaking Servilia was not Lucullus' widow (χηρεύουσα) as they divorced prior to his death.

⁷⁶¹ *Cato Minor* XXIV.3 (5), XXIX.3 (6), LIV.1, *Lucullus* XXXVIII.1. The majority of *Mss* have niece (ἀδελφιδὴ) at *Cato Minor* LIV.1.

⁷⁶² Cichorius (1921) 73-7; Geiger (1973) 144-8. See also now Harders (2007) 453-61 with full bibliography.

Firstly, Cichorius argued that the identification poses chronological difficulties. If Servilia Luculli was the sister of Cato, she must have been born before 97/96 B.C. when her alleged parents Q. Servilius Caepio, the son of consul of 106 B.C., and Livia, the daughter of M. Livius Drusus (cos. 112, cens. 109), divorced. It would follow, as Cichorius observed, that Servilia was already in her 30's when she married Lucullus, was in her late 30's at the time of her affair with C. Memmius in 61/60 B.C. and when she bore Lucullus a son circa 60 B.C., and was about 50 years of age in 49/48 B.C. when Caesar alleged she had an incestuous liaison with her 'brother' Cato.⁷⁶³ Moreover, Cichorius drew attention to the gap of more than 20 years between the birth of Servilia's son Lucullus and the birth of M. Brutus the son of her supposed sister Servilia.⁷⁶⁴ Geiger, however, rightly remarked that none of those scenarios is chronologically impossible and that Caesar's allegation is in any case highly suspect.⁷⁶⁵

Secondly, Cichorius pointed out that Plutarch makes no mention of a second sister of Cato in the opening chapter of his biography of Cato when describing how Cato was raised with his sister Porcia, and his maternal half-brother and sister Caepio and Servilia (the mother of Brutus) in the house of their maternal uncle M. Livius Drusus.⁷⁶⁶ Geiger regarded the omission of Servilia Luculli as a valid argument, but inconclusive.

Thirdly, we learn from *De finibus* III.8 that L. Lucullus (cos. 74) and Caepio, the grandfather (*avus*) of the young Lucullus, both commended their children to Cicero's care, and Cichorius pointed out that it is absurd to imagine that Q. Servilius Caepio, the influential praetorian son of the consul of 106 B.C., at his death in 90 B.C. commended his children to Cicero who was then a little known 16 year old son of an *eques* from Arpinum.⁷⁶⁷ Münzer, Cichorius, and Geiger all agreed that the Caepio of *De finibus* was plainly not the son of consul of 106 B.C., but all three drew different conclusions from this fact.⁷⁶⁸ Münzer argued that Caepio

⁷⁶³ (1921) 75.

⁷⁶⁴ Brutus was born in 85 B.C. (see Groebe (1907) 304-14; Gelzer, *RE* XI.973-4; Sumner (1971) 365-6, *Orators* 154; *MRR* III.112) and the young Lucullus probably in or shortly after 60 (vide infra) and not c.64-62 as Cichorius suggested. Note that the children of the better known Servilia by her second husband D. Iunius Silanus (cos. 62) were born in the period c.75-72 B.C.

⁷⁶⁵ (1973) 146. Münzer, *RAA* 335 = 307 Ridley accounted for Servilia's allegedly advanced age at her marriage to Lucullus by supposing that she had been married before.

⁷⁶⁶ *Cato Minor* I.1 (I.1-2).

⁷⁶⁷ That Caepio was praetor in 91 is in fact not quite certain (see Sumner, *Orators* 116-7), but he was an influential senator and close to, if not yet of praetorian age.

⁷⁶⁸ Cichorius (1921) 73-4 demonstrated that the other clues to the identity of Caepio in *De finibus* were also incompatible with the notion that Caepio was the son of consul of 106 B.C. (see also Münzer, *RAA* 335 = 307 Ridley; Geiger (1973) 147-8; and Harders (2007) 455-6).

was Cato's beloved half-brother, but continued to regard Servilia Luculli as the sister of Cato conjecturing that Cicero mistakenly called Caepio the *avus* (grandfather) instead of the *avunculus* (maternal uncle) of the young Lucullus. Cichorius and Geiger, on the other hand, accepted that Cicero accurately described Caepio as the grandfather of Servilia's son Lucullus, but ventured different identifications. Cichorius maintained that the father of Servilia Luculli was a Servilius Caepio born of a previous unrecorded marriage contracted by Q. Servilius Caepio before his marriage to Livia. While Geiger identified Servilia's father as Cato's half-brother Caepio making her the niece not the sister of Cato as in Plutarch.⁷⁶⁹

De finibus is consequently pivotal: either we must impugn Cicero's accuracy and emend the text to bring it into alignment with the testimony of Plutarch, or else Servilia Luculli was not the sister of Cato Uticensis. But the hypothesis of Münzer strains credulity for it is highly unlikely that such an egregious genealogical error escaped Cicero and Atticus — especially when it is recalled that Cicero dedicated *De finibus* to M. Brutus whose mother Servilia was the sister of Cato and the daughter of Q. Caepio and Livia.⁷⁷⁰ Furthermore, as Cichorius noted, one cannot seriously prefer the evidence of Plutarch, who was writing some two centuries later, and is unreliable on genealogical matters, to that of Cicero who was a contemporary and friend of Cato, Caepio, and Lucullus.⁷⁷¹ We are left therefore with a choice between the *stemmata* of Cichorius and Geiger, and the latter is surely to be preferred. According to Cichorius the young Lucullus was the grandson of an alleged step-brother of Cato i.e. they were distantly related by marriage and not blood relations in any sense. Yet Cicero describes Cato as closely related (*tibi tam propinquo*) to Lucullus.⁷⁷² In addition, it is difficult to see how Caesar could have represented Cato's alleged liaison with Servilia as incestuous, if their relationship was this

⁷⁶⁹ Thus also Gelzer, *RE* XIII.376 L. Licinius Lucullus no.104; Conant (1953) 51 n.1; van Ooteghem (1959) 168; Wiseman (1974) 184; Fehrle (1983) 58, 255; Keaveney (1992) 133; and Harders (2007) 453f.

⁷⁷⁰ By the time that Cicero came to compose *De finibus* in 45 B.C., Atticus had already completed his *Liber Annalis* and produced a *stemma* of the patrician Servilii for Brutus (see Cicero, *Ad Att.* XIII.40.1; Münzer (1905) 50f). Though it hardly required a detailed knowledge of the *stemma* of the Servilii Caepiones to spot an error of the type suggested which related to a contemporary of Atticus and Cicero.

⁷⁷¹ Cichorius (1921) 77 adduced as an instance of Plutarch's genealogical carelessness *Cato Minor* I where M. Livius Drusus is referred to as the uncle instead of the brother of Cato's mother Livia. To which may be added: the genealogical errors in *Cato Maior* XXVII on the descendants of Cato the Censor (see Münzer, *RAA* 329 = 302 Ridley and Szymański (1997) 384-6); the statement in Plutarch, *Sulla* XXXV.4 that Sulla's last wife Valeria was the sister (ἀδελφή) of Q. Hortensius (cos. 69); the imputation in Plutarch, *Pompey* XXIV.6 that the Antonia captured by pirates was the daughter, rather than a granddaughter, of M. Antonius (cos. 99); the description of Q. Mucius Scaevola the Augur as the πνεθροός of the younger C. Marius in *Marius* XXXV.6 (9); and the confusion in Plutarch, *Antony* XXXI between Octavia Maior the paternal half-sister of Octavian and his full sister Octavia Minor.

⁷⁷² *De finibus* III.8.

remote.⁷⁷³

Geiger drew the obvious conclusion that the father of Servilia Luculli was Cato's maternal half-brother Caepio who was survived by a daughter when he died prematurely en route to Asia.⁷⁷⁴ Cichorius had excluded that identification on the grounds that Cato's niece was only a little girl (θυγάτριον) at her father's death in 67 B.C. and so could not have married Lucullus in 65/64 B.C.⁷⁷⁵ But Plutarch's use of the term θυγάτριον is elastic.⁷⁷⁶ Sometimes it denotes very young girls.⁷⁷⁷ Other times it is applied to young girls who were already nubile.⁷⁷⁸ And sometimes the temporal connotation of the term seems altogether absent.⁷⁷⁹ Moreover, we do not know precisely when Caepio died. Caepio succumbed to disease in Thrace apparently while Cato was serving as a military tribune in Macedonia under a Rubrius who is otherwise unattested. Münzer dated Rubrius' governorship "freilich nur mit Bedenken" in the period 70 – 68 B.C., and Caepio's death to the beginning of 67 B.C.⁷⁸⁰ And although Caepio's demise can hardly be later than 67, it could conceivably be a few years earlier.⁷⁸¹ At any rate, given

⁷⁷³ According to Cichorius' *stemma* Servilia was the daughter of Cato's alleged step-brother Caepio, and even step-siblings could marry (*Digest* XXIII.2.34.2. As for instance did Tiberius and his step-sister Iulia).

⁷⁷⁴ Plutarch, *Cato Minor* XI.4 (6); Geiger (1973) 155. Geiger distinguished Cato's brother from Q. Servilius Caepio, the adoptive father of Brutus, and dubbed Servilia's father Cn. Servilius Caepio, but the arguments against the identification of Cato's brother with the adoptive father of Brutus are unconvincing (see chapter X).

⁷⁷⁵ Cichorius (1921) 74.

⁷⁷⁶ The term occurs 6 times in the surviving corpus apart from the present instance (*Aemilius Paullus* X.6, *Apophthegmata Romana* 197 F, *Cato Maior* XXIV.3, *Sulla* VI.11, XXXVII.4, *Antony* XXXV.3), and 3 times in Pseudo-Plutarch's lives of the ten orators (*Vitae decem oratorum* 833 A, 836 E, 839 B).

⁷⁷⁷ As in *Aemilius Paullus* X.6, and *Apophthegmata Romana* 197 F where it refers to Aemilia Tertia the daughter of L. Aemilius Paullus in 168 B.C. when she was somewhere in the vicinity of 4 to 7 years of age (Plutarch was here drawing on Cicero, *De div.* I.103: *filiolam ... admodum parva*), or at *Antony* XXXV.3 which refers to the daughters of Antony and Octavia in 37 B.C. who were then only infants for Antony and Octavia only married in 40 B.C.

⁷⁷⁸ In *Cato Maior* XXIV.3 Salonia is so described on the eve of her marriage to Cato. At *Cato Maior* XXIV.3 (5) and *Comparison of Aristides and Cato* VI.1 (2) Salonia is simply a girl (κόρη). In *Vitae decem oratorum* 839 B it is used of a daughter who was very nearly nubile (i.e. the 11 year old illegitimate daughter of Isocrates). See also *Vitae decem oratorum* 836 E: Antiphon's daughter was the subject of an *epidikasia* and so was presumably of marriageable age, but the details are uncertain (see Davies (1971) 327-8). Similarly, Dickey (1996) 65 notes that θυγάτριον is used twice in Menander on both occasions of a daughter old enough to marry.

⁷⁷⁹ *Sulla* VI.11: 'Ilia' bore Sulla a daughter; *Vitae decem oratorum* 836 E: Theodorus had three sons Isocrates, Telesippus, and Diomnestus, and one daughter. Likewise in Menander's *Dyskolos* Knemon addresses his daughter as θυγάτριον and θυγάτηρ "with no perceptible difference in meaning" (see Dickey (1996) 65).

⁷⁸⁰ RAA 296, 333 = 273, 306 Ridley. Münzer acknowledged the difficulty in dating the events of Cato's early life.

⁷⁸¹ The *fasti* of Macedonia is full of uncertainties between 71 and 64 B.C. (see Brennan, *Praetorship* II.532).

Plutarch's use of θυγάτριον, it is entirely possible that Cato's niece Servilia was 11 or 12 at her father's death and so of marriageable age in 65 or 64 B.C. It would follow that Servilia was born circa 79/78 when her father was about 20 years of age,⁷⁸² and that she was approximately 30 in 49/48 B.C. when Caesar insinuated that she had an illicit liaison with her paternal uncle Cato — a scenario which fits all the available evidence.⁷⁸³

Plutarch's genealogical error is disconcerting, but it pales in comparison to his apparent indifference to other fundamental details. In his biography of Lucullus Plutarch makes no attempt to fix the date of Lucullus' marriage to Servilia merely remarking that the match followed Lucullus' repudiation of Clodia upon his return from the East in 66 B.C.⁷⁸⁴ In the *Life* of Cato Minor, however, Plutarch indicates that Lucullus was already an *adfinis* of Cato when Cato opposed C. Memmius' campaign to prevent Lucullus being granted a triumph.⁷⁸⁵ But Plutarch's account is sorely confused for he places Cato's opposition to Memmius in 62 B.C., when Cato was tribune of the plebs, even though Lucullus triumphed in mid-63 B.C.⁷⁸⁶ Assuming Plutarch is correct to the extent that the marriage preceded Lucullus' triumph, and that Cato was a magistrate when he clashed with Memmius, then Plutarch must have conflated Cato's tribunate and quaestorship, and the marriage was in place by 65/64 B.C.⁷⁸⁷ Otherwise we have only the *termini* provided by the report of Servilia's infidelity, and the approximate date of the birth of Servilia's son — both of which indicate the marriage was in place by 60 B.C. As a consequence the marriage is generally dated in the period 66 to 64 B.C.⁷⁸⁸

⁷⁸² Caepio's date of birth is usually put c.98 on the basis of Münzer's conjecture that he was quaestor in 67 (see chapter X) which is to assume that he was the younger brother of Servilia, the mother of M. Brutus.

⁷⁸³ Harders (2007) 459 speculates that Plutarch may have been misled into thinking that Cato and Servilia were brother and sister by the incest allegation since relations between uncle and niece were not incestuous according to Greek custom, and by the analogy with P. Clodius and Clodia Luculli.

⁷⁸⁴ *Lucullus* XXXVIII.1. As Tröster (2008) 52 notes, all the women in Plutarch's life of Lucullus are named merely for the purposes of censure (viz. his mother Metella I.1, Praecia VI.2-4, Clodia and Servilia XXXIV.1, XXXVIII.1).

⁷⁸⁵ *Cato Minor* XXIX.3.

⁷⁸⁶ *MRR* II.169.

⁷⁸⁷ The date of Cato's quaestorship is disputed (see Broughton, *MRR* III.170-1). On Plutarch's flawed chronology see Gelzer, *RE* XIII.405-6; Hillman (1993) 211-28; Ryan (1995) 293-302; and Bellemore (1996) 504-8. Ryan and Bellemore agree on placing the clash between Cato and Memmius in 64, though their reconstructions differ in details (Ryan denies that Memmius was tribune at the time).

⁷⁸⁸ See for instance Münzer, *RE* II.A.2.1821, *RAA* 253, 335 = 232, 307 Ridley and Fehrle (1983) 58: in 65 B.C.; Gelzer, *RE* XIII.407: shortly after 66; Cichorius (1921) 74: 65/64; Geiger (1973) 155 and Gruen, *LGRR* 53: in the mid-60's; Carena, Manfredini, and Piccirilli (1990) 335 c.65; Wiseman (1974) 184 and Keaveney (1992) 243 n.16: at the end of 66.

The marriage ended in divorce between January 60 B.C.,⁷⁸⁹ and Lucullus' death late in 57 or early in 56 B.C.⁷⁹⁰ The divorce may have occurred not long before Lucullus' demise since Lucullus is said to have tolerated Servilia's misconduct for sometime out of regard for Cato.⁷⁹¹ It is possible therefore that Lucullus divorced Servilia while Cato was away in Cyprus. Nevertheless, the repudiation of Servilia evidently did not adversely affect Lucullus' relationship with Cato for Lucullus appointed Cato tutor to his son.⁷⁹² Plutarch says that Servilia was dismissed for infidelity,⁷⁹³ and Cicero identifies one of her accomplices as the same C. Memmius who had earlier prosecuted Lucullus' brother M. Terentius Varro Lucullus (cos. 73), had tried to derail Lucullus' triumph, and had seduced Lucullus' sister-in-law thereby causing the disintegration of his brother's marriage.⁷⁹⁴ Servilia may have exploited the opportunity presented by the delay in granting Lucullus' triumph which had meant that Lucullus was obliged to stay outside the *pomerium* from 66 until mid-63 B.C. By contrast Plutarch is highly critical of the fact that Lucullus late in life abandoned his former simplicity and sobriety in favour of gastronomic excess and his palatial residences, but he says nothing about illicit affairs, or concubines.⁷⁹⁵ Lucullus seems to have been more passionate about high fashion and fine art.⁷⁹⁶ The story that the freedman Callisthenes administered a love-philtre which drove Lucullus insane seems to imply a sexual relationship, but the story is unverifiable and in any case relates to the period

⁷⁸⁹ Cicero, *Ad Atticum* I.18.3.

⁷⁹⁰ On the date of Lucullus' death see Gelzer, *RE* XIII.409; Bennett (1972) 314; Richardson (1983) 460; and Keaveney (1992) 165. Plutarch, *Cato Minor* LIV somewhat inaccurately refers to Servilia as Lucullus' widow.

⁷⁹¹ Plutarch, *Lucullus* XXXVIII.1. Clearly the divorce, and the will in which Lucullus appointed Cato tutor, must predate the point when Lucullus lost control of his faculties (Plutarch, *Lucullus* XLIII; *De vir. ill.* LXXIV.8) which occurred not long before his death (Plutarch, *Moralia* 792 B-C).

⁷⁹² Cicero, *De fin.* III.8-9, *Ad Att.* XIII.6.2; Varro, *De re rustica* III.2.17; Columella, *De re rustica* VIII.16.5; Macrobius, *Sat.* III.15.6 (wrongly calling Cato Lucullus' heir).

⁷⁹³ *Lucullus* XXXVIII.1, *Cato Minor* XXIV.3. Servilia's ill-fame presumably influenced the verdict of Timagenes (Strabo, IV.1.13) on the female descendants of Q. Servilius Caepio (cos. 106) — though Timagenes was notorious for his acid tongue and a propensity for defamation (Seneca, *Controversiae* X.5.2).

⁷⁹⁴ Cicero, *Ad Att.* I.18.3 with Shackleton Bailey, *CLA* I.331-2. On Plutarch's claim that Memmius also prosecuted L. Lucullus see Ryan (1995) 293f.

⁷⁹⁵ In this Plutarch echoes the analysis of Nicolaus of Damascus (see now Tröster (2008) 49f). Keaveney (1992) 247 n.49 rejects as unfounded allegations of degeneracy. And even in Plutarch's comparison of Lucullus and Cimon, where Lucullus' last years are roundly criticized, it is Cimon who incurs blame for his relations with women (I.6).

⁷⁹⁶ *De vir. ill.* LXXIV.7: Nimius in habitu, maxime signorum et tabularum amore flagavit.

after the dismissal of Servilia.⁷⁹⁷ Following the divorce, Servilia was evidently disinclined to remarry and so came under Cato's doubtless rigorous supervision. She reportedly underwent a reformation — voluntarily adopting Cato's strict regimen — not that this deterred Caesar from subsequently making spiteful allegations about her relationship with Cato. Servilia is last attested in 48 B.C. during the civil war when Cato deposited her and the young Lucullus on Rhodes prior to joining Pompey in Macedonia.

Plutarch testifies that Servilia bore Lucullus only one child.⁷⁹⁸ As her son was still a *puer* in 45 B.C.,⁷⁹⁹ but qualified as an *adulescens* in 43 B.C.,⁸⁰⁰ it appears that he donned the *toga virilis* in the interim which suggests a date of birth in or shortly after 60 B.C.⁸⁰¹ It has traditionally been assumed that Servilia's son is identical with the M. Lucullus executed by Antony after the second battle of Philippi in 42 B.C.⁸⁰² But Hinard showed that Velleius' account indicates that Lucullus is to be identified with the Varro who fearlessly mocked Antony to his face.⁸⁰³ It follows that Antony's victim bore the name M. Varro Lucullus and was a son of the polyonymous consul of 73 B.C. and not of his older brother L. Licinius Lucullus (cos. 74). The son of Lucullus and Servilia may therefore have borne the paternal *praenomen*.⁸⁰⁴

⁷⁹⁷ Plutarch, *Lucullus* XLIII (citing Cornelius Nepos), *Moralia* 792 B-C; Pliny, *NH* XXV.25. In *De vir. ill.* LXXIV.8 Lucullus is said to have lost his mind, but the cause is not specified. Keaveney (1992) 164-5 is adamant that Lucullus simply succumbed to dementia. Wilkinson (1949) 47-8 and Korpanty (1993) 45-9 argue the story in Jerome, *Chron.* p.149 H that Lucretius died as a result of a love-philtre is based on confusion with Lucullus.

⁷⁹⁸ *Cato Minor* XXIV.3. This may mean that Servilia bore only one child that survived infancy, rather than signifying that she fell pregnant only once.

⁷⁹⁹ Cicero, *Ad Att.* XIII.6.2.

⁸⁰⁰ Cicero, *Phil.* X.8 which must refer to the son of L. Lucullus who was a *propinquus* of M. Brutus through his mother Servilia.

⁸⁰¹ So rightly Shackleton Bailey, *OCL* 62; cf. Hinard (1990) 422: at the end of the 60's. Compare: Drumann, *GR*² IV.188 not before 65 B.C.; Münzer, *RE* XIII.418 M. Licinius Lucullus no.110 c.64 B.C.; and Keaveney (1992) 134 who suggests between 64 and 60 B.C..

⁸⁰² Val. Max., IV.7.4.

⁸⁰³ *Proscriptions* 528-31 no.134, (1990) 421-4; Velleius, II.71.1-2, lamenting the carnage of Philippi, enumerates some of the more illustrious casualties: Non aliud bellum cruentius caede clarissimorum virorum fuit. Tum Catonis filius cecidit; 2 eadem Lucullum Hortensiumque, eminentissimorum civium filios, fortuna abstulit; nam Varro ad ludibrium moriturus Antonii digna illo ac vera de exitu eius magna cum libertate ominatus est. The conjunction *nam* signifies that what follows is an explanatory parenthesis amplifying the fate of Lucullus.

⁸⁰⁴ It has been suggested that the L. Licinius L. f. Lucullus recorded as *IIIvir* at Interamna Nahars (*CIL* XI.4210) might be a son of the consul of 74. Bispham (2007) 321-3 prefers a local man who adopted the famous *cognomen* (cf. Solin (2001) 419). Note also L. Licinius Lucullus the patron of a series of freedmen and women in Rome (*CIL* VI.21230). Manacorda (1985) I.105-6 suggested the possibility that the P. LIC. LUCUL. known from a tile stamp of

Augustan date discovered on the *via Cassia* might be the son of L. Lucullus (cos. 74) as the *praenomen* is attested in the family (see *RE* no.111).

XII.

M. Porcius Cato praetor 54 B.C. *RE* no.16
 Marcia *RE* no.115

TESTIMONIA

Plutarch, *Cato Minor* XXV.1-5 (1-13), XXXVII.4-5 (7-10), XXXIX.4 (5), LII.3-5 (4-9), cf. *Cato Minor* XXVII.2 (2), XXX.3, 4 (4, 8), *Pompey* XLIV.3, 4; Appian, *Bellum Civile* II.99; Lucan, *Pharsalia* II.326-91; *Scholia Bernensia* on Lucan, II.328, 330; *Adnotationes super Lucanum* periocha liber II, II.339; *Supplementum adnotationum super Lucanum* II.329, 331; Strabo, *Geographica* XI.9.1; Quintilian, *Institutio oratoria* III.5.11, X.5.13; Tertullian, *Apologeticus* XXXIX.12-13; Salvian, *De gubernatione dei* VII.103; Augustine, *De fide et operibus* VII.10, *De bono coniugali* XVIII.21, *Contra Iulianum* V.12.46; Jerome, *Adversus Iovinianum* I.46, II.7; Pliny, *Naturalis Historia* II.137; John the Lydian, *De ostentis* 97.18-98.13 Wachsmuth; John Camaterus, *Εἰσαγωγή κατὰ μέρος ἀστρονομίας διὰ στίχων* 373-8 Weigl; cf. John Tzetzes, *Chiliades* III.151

DATE

Circa 62 — 53 B.C.

MODE OF DISSOLUTION

Divorce

ISSUE

(L.) Porcius Cato (*RE* no.8), Porcia (*RE* no.29), Porcia (*RE* no.30)

PARENTS

Cato was the son of M. Porcius Cato (*RE* no.12) and Livia
 Marcia was the daughter of L. Marcius Philippus (cos. 56) *RE* no.76 and Ignota

SIBLINGS

Cato was the brother of Porcia the wife of L. Domitius Ahenobarbus (cos. 54), and the maternal half-brother of Q. Servilius Caepio (*RE* nos.40-42) and Servilia (*RE* no.101) the wife of M. Iunius Brutus (*RE* no.52) and D. Iunius Silanus (cos. 62)

Marcia was the sister of L. Marcius Philippus (cos. suff. 38) and very likely of Q. Marcius Philippus (*RE* no.83) the proconsul of Cilicia in 47 — 46 B.C.

Plutarch, *Cato Minor* XXV.1: Εἴτ' ἔγημε θυγατέρα Φιλίππου Μαρκίαν, ἐπαικὴ δοκοῦσαν εἶναι γυναῖκα. περὶ ἧς ὁ πλείστος λόγος· καὶ καθάπερ ἐν δράματι τῷ βίῳ τοῦτο τὸ μέρος προβληματῶδες γέγονε καὶ ἄπορον. (2) ἐπράχθη δὲ τοῦτον τὸν τρόπον, ὡς ἱστορεῖ Θρασέας, εἰς Μουνάτιον, ἄνδρα Κάτωνος ἐταῖρον καὶ συμβιωτὴν, ἀναφέρων τὴν πίστιν. (3) ἐν πολλοῖς ἐρασταῖς καὶ θαυμασταῖς τοῦ Κάτωνος ἦσαν ἐτέρων ἕτεροι μᾶλλον ἔκδηλοι καὶ διαφανεῖς, ὧν καὶ Κόϊντος Ὀρτήσιος, ἀνὴρ ἀξιωματὸς τε λαμπροῦ καὶ τὸν τρόπον ἐπαικῆς. (4) ἐπιθυμῶν οὖν τῷ Κάτῳ μὴ συνήθης εἶναι μηδ' ἐταῖρος μόνον, ἀλλ' ἀμῶς γέ πως εἰς οἰκειότητα καταμεῖξαι καὶ κοινωνίαν πάντα τὸν οἶκον καὶ τὸ γένος, ἐπεχείρησε συμπεῖθειν, ὅπως τὴν θυγατέρα Πορκίαν, Βύβλῳ συνοικοῦσαν καὶ πεποιημένην ἐκείνῳ δύο παῖδας, αὐτῷ πάλιν ὥσπερ εὐγενὴ χώραν ἐντεκνώσασθαι παράσχῃ. (5) δόξῃ μὲν γὰρ ἀνθρώπων ἄτοπον εἶναι τὸ τοιοῦτον, φύσει δὲ καλὸν καὶ πολιτικόν, ἐν ᾧ καὶ ἀκμὴ γυναῖκα μὴτ' ἀργεῖν τὸ γόνιμον ἀποσβέσασαν, μήτε πλείονα τῶν ἱκανῶν ἐπιτίκτουσαν ἐνοχλεῖν καὶ καταπτωχεύειν οὐδὲν δεόμενον· (6) κοινουμένους δὲ τὰς διαδοχὰς ἀξίους ἄνδρας τὴν τ' ἀρετὴν ἀφθονον ποιεῖν καὶ πολύχουν τοῖς γένεσι, καὶ τὴν πόλιν αὐτὴν πρὸς αὐτὴν ἀνακεραυνῶναι ταῖς οἰκειότησιν. (7) εἰ δὲ πάντως περιέχοιτο τῆς γυναικὸς ὁ Βύβλος, ἀποδώσειν εὐθὺς τεκοῦσαν, οἰκειότερος αὐτῷ τε Βύβλῳ καὶ Κάτῳ κοινωνία παίδων γενόμενος. (8) ἀποκρινάμενος δὲ τοῦ Κάτωνος, ὡς Ὀρτήσιον μὲν ἀγαπᾷ καὶ δοκιμάζει κοινωνὸν οἰκειότητος, ἄτοπον δ' ἡγείται ποιεῖσθαι (9) λόγον περὶ γάμου θυγατρὸς ἐτέρῳ δεδομένης, μεταβαλὼν ἐκείνος οὐκ ὤκνησεν ἀποκαλυψάμενος αἰτεῖν τὴν αὐτοῦ γυναῖκα Κάτωνος, νέαν μὲν οὖσαν ἔτι πρὸς τὸ τίκτειν, ἔχοντος δὲ τοῦ Κάτωνος ἀποχρῶσαν διαδοχὴν. (10) καὶ οὐκ ἔστιν εἰπεῖν ὡς ταῦτ' ἐπραττεν εἰδὼς οὐ προσέχοντα τῇ Μαρκίᾳ τὸν Κάτωνα· (11) κύουσας γὰρ αὐτὴν τότε τυγχάνειν λέγουσιν. ὁ δ' οὖν Κάτων ὁρῶν τὴν τοῦ Ὀρτησίου σπουδὴν καὶ προθυμίαν, οὐκ ἀντεῖπεν, ἀλλ' ἔφη δεῖν καὶ Φιλίππῳ ταῦτα συνδόξαι τῷ πατρὶ τῆς Μαρκίας. (12) ὡς οὖν ὁ Φίλιππος ἐντευχθεὶς ἔγνω τὴν συγχώρησιν, οὐκ ἄλλως ἐνεγγύησε τὴν Μαρκίαν ἢ παρόντος τοῦ Κάτωνος αὐτοῦ καὶ συνεγγυῶντος. (13) ταῦτα μὲν οὖν, εἰ καὶ χρόνοις ὕστερον ἐπράχθη, μνησθέντι μοι τὸ τῶν γυναικῶν προλαβεῖν ἔδοξε.⁸⁰⁵

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 293, 295: Then (i.e. after divorcing Atilia) Cato married a daughter of Philippus, Marcia, a woman of reputed excellence, about whom there was the most abundant talk; and this part of Cato's life, like a drama, has given rise to dispute and is hard to explain. However, the case was as follows, according to Thræsea, who refers to the authority of Munatius, Cato's companion and intimate associate. (2) Among the many lovers and admirers of Cato there were some who were more conspicuous and illustrious than others. One of these was Quintus Hortensius, a man of splendid reputation and excellent character. This man, then, desiring to be more than a mere associate and companion of Cato, and in some way or other to bring his whole family and line into community of kinship with him, attempted to persuade Cato, whose daughter Porcia was the wife of Bibulus and had borne him two sons, to give her in turn to him as noble soil for the production of children. (3) According to the opinion of men, he argued, such a course was absurd, but according to the law of nature it was honourable and good for the state that a woman in the prime of youth and beauty should neither quench her productive power and lie idle, nor yet, by bearing more offspring than enough, burden and impoverish a husband who does not want them. Moreover, community in heirs among worthy men would make virtue abundant and widely diffused in their families, and the state would be closely cemented together by family alliances. And if Bibulus were wholly devoted to his wife, Hortensius said he would give her back after she had borne him a child, and he would thus be more closely connected both with Bibulus himself and with Cato by a community of children. (4) Cato replied that he loved Hortensius and thought highly of a community of relationship with him, but considered it absurd for him to propose marriage with a daughter who had been given to another. Then Hortensius changed his tactics, threw off the mask, and boldly asked for the wife of Cato himself, since she was still young enough to bear children, and Cato had heirs enough. (5) And it cannot be said that he did this because he knew that Cato neglected Marcia, for she was at that time with child by him, as we are told. However, seeing the earnestness and eager desire of Hortensius, Cato would not refuse, but said that Philippus also, Marcia's father, must approve of this step. Accordingly, Philippus was consulted and expressed his consent, but he would not give Marcia in marriage until Cato himself was present and joined in giving the bride away. This incident occurred at a later time, it is true, but since I had taken up the topic of the women of Cato's household I decided to anticipate it.

⁸⁰⁵ *FRH* II.745 Munatius Rufus frg.3, II.1029 Thræsea Paetus frg.2.

Plutarch, *Cato Minor* XXVII.1: Ἐπεὶ δὲ τὴν ψήφον ὑπὲρ τοῦ νόμου φέρειν ὁ δῆμος ἔμελλε, καὶ Μετέλλω μὲν ὄπλα καὶ ξένοι καὶ μονομάχοι καὶ θεράποντες ἐπὶ τὴν ἀγορὰν τεταγμένοι παρήσαν, καὶ τὸ ποθοῦν μεταβολῆς ἐλπίδι Πομπηίων ὑπήρχε τοῦ δήμου μέρος οὐκ ὀλίγον, ἦν δὲ μεγάλη καὶ ἀπὸ Καίσαρος ῥώμη στρατηγούντος (2) τότε, Κάτωνι δ' οἱ πρότεροι τῶν πολιτῶν συνηγανάκτουν καὶ συνηδικοῦντο μᾶλλον ἢ συνηγωνίζοντο, πολλὴ δὲ τὴν οἰκίαν αὐτοῦ κατήφεια καὶ φόβος εἶχεν, ὥστε τῶν φίλων ἐνίους ἀσίτους διαγρυπνήσαι μετ' ἀλλήλων, ἐν ἀπόροις ὄντας ὑπὲρ αὐτοῦ λογισμοῖς, καὶ γυναῖκα καὶ ἀδελφὰς (3) ποτνωμένας καὶ δακρυούσας.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 299: When the people were about to vote on the law, in favour of Metellus there were armed strangers and gladiators and servants drawn up in the forum, and that part of the people which longed for Pompey in their hope of a change was present in large numbers, and there was strong support also from Caesar, who was at that time praetor. (2) In the case of Cato, however, the foremost citizens shared in his displeasure and sense of wrong more than they did in his struggle to resist, and great dejection and fear reigned in his household, so that some of his friends took no food and watched all night with one another in futile discussions on his behalf, while his wife and sisters weiled and wept.

Plutarch, *Cato Minor* XXX.3: μετεπέμψατο Μουνάτιον ἐταῖρον αὐτοῦ, καὶ δύο τοῦ Κάτωνος ἀδελφιδᾶς ἐπιγάμους ἔχοντος, ἥτις τὴν μὲν πρεσβυτέραν ἑαυτῷ γυναῖκα, τὴν δὲ νεωτέραν τῷ υἱῷ· τινὲς δὲ φασιν οὐ τῶν ἀδελφιδῶν, ἀλλὰ τῶν θυγατέρων τὴν μνηστεῖαν γενέσθαι. (4) τοῦ δὲ Μουνατίου ταῦτα πρὸς τὸν Κάτωνα καὶ τὴν γυναῖκα καὶ τὰς ἀδελφὰς φράσαντος, αἱ μὲν ὑπερηγάπησαν τὴν οἰκειότητα πρὸς τὸ μέγεθος καὶ τὸ ἀξίωμα τοῦ ἀνδρός, ὁ δὲ Κάτων οὐτ' ἐπισχὼν οὔτε βουλευσάμενος, ἀλλὰ πληγεὶς εὐθύς εἶπε· (5) “βάδιζε Μουνάτιε βάδιζε, καὶ λέγε πρὸς Πομπηίον, ὡς Κάτων οὐκ ἔστι διὰ τῆς γυναικωνίτιδος ἀλώσιμος, ἀλλὰ τὴν μὲν εὖνοιαν ἀγαπᾷ καὶ τὰ δίκαια ποιοῦντι φιλίαν παρέξει πάσης πιστοτέραν οἰκειότητος, ὅμηρα δ' οὐ προήσεται τῇ Πομπηίου δόξῃ κατὰ τῆς πατρίδος.” (6) ἐπὶ τούτοις ἤχθοντο μὲν αἱ γυναῖκες, ἡτῶντο δ' οἱ φίλοι τοῦ Κάτωνος ὡς ἄγροικον ἅμα καὶ ὑπερήφανον τὴν ἀπόκρισιν. (7) εἶτα μέντοι πράττων τινὶ τῶν φίλων ὑπατείαν ὁ Πομπηῖος ἀργύριον εἰς τὰς φυλὰς ἔνεμε, καὶ περιβόητος ὁ δεκάσμος ἦν, ἐν κήποις ἐκείνου τῶν χρημάτων ἀριθμουμένων. (8) εἰπόντος οὖν τοῦ Κάτωνος πρὸς τὰς γυναῖκας, ὅτι τοιούτων ἦν κοινωρεῖν καὶ ἀναπίμπλασθαι πραγμάτων ἀνάγκη Πομπηίῳ συναφθέντα δι' οἰκειότητος, ὡμολόγουν ἐκείναι κάλλιον αὐτὸν βεβουλευσθαι διακρουσάμενον.⁸⁰⁶

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 307, 309: (On his return from the Mithridatic War) Pompey sent for Munatius, Cato's companion, and asked the elder of Cato's two marriageable nieces to wife for himself, and the younger for his son. (3) Some say, however, that it was not for Cato's nieces, but for his daughters, that the suit was made. When Munatius brought this proposal to Cato and his wife and sisters, the women were overjoyed at the thought of the alliance, in view of the greatness and high repute of Pompey; Cato, however, without pause or deliberation, but stung to the quick, said at once: (4) “Go, Munatius, go, and tell Pompey that Cato is not to be captured by way of the women's apartments, although he highly prizes Pompey's good will, and if Pompey does justice will grant him a friendship more to be relied upon than any marriage connection; but he will not give hostages for the glory of Pompey to the detriment of his country.” At these words the women were vexed, and Cato's friends blamed his answer as both rude and overbearing. (5) Afterwards, however, in trying to secure the consulship for one of his friends, Pompey sent money to the tribes, and the bribery was notorious, since the sums for it were counted out in his gardens. Accordingly, when Cato told the women that he must of necessity have shared in the disgrace of such transactions, they admitted that he had taken better counsel in rejecting the alliance.

Plutarch, *Cato Minor* XXXVII.7: εἶτα τῆς Μαρκίας (ἔτι γὰρ συνώκει) τῷ Κάτωνι διαλεχθείσης, τυχεῖν μὲν ὑπὸ Βάρκα κεκλημένος ἐπὶ δείπνον, εἰσελθόντα δ' ὕστερον τὸν Κάτωνα, τῶν ἄλλων κατακειμένων, ἐρωτᾷ ὅπου κατακλιθεῖ. (8) τοῦ δὲ Βάρκα κελεύσαντος ὅπου βούλεται, περιβλεψάμενον εἰπεῖν ὅτι παρὰ Μουνάτιον· καὶ παρελθόντα πλησίον αὐτοῦ κατακλιθῆναι, πλέον (9) δὲ μὴθὲν φιλοφρονήσασθαι παρὰ

⁸⁰⁶ Plutarch recounts the same episode in his life of Pompey (XLIV) and there also the wife of Cato is unnamed.

τὸ δεῖπνον. ἀλλὰ πάλιν τῆς Μαρκίας δεομένης, τὸν μὲν Κάτωνα γράψαι πρὸς αὐτὸν ὡς ἐντυχεῖν τι βουλόμενον, αὐτὸς δ' ἦκειν ἔωθεν εἰς τὴν οἰκίαν καὶ ὑπὸ τῆς Μαρκίας κατασχεθῆναι, μέχρι πάντες ἀπηλλάγησαν, οὕτω δ' εἰσελθόντα τὸν Κάτωνα καὶ περιβαλόντα (10) τὰς χεῖρας ἀμφοτέρως ἀσπάσασθαι καὶ φιλοφρονήσασθαι.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 327: Then (i.e. after Cato's return from Cyprus), Munatius says, Marcia, who was still living with Cato, spoke with her husband about the matter (i.e. the estrangement of Cato and Munatius); and when it chanced that both men were invited to supper by Barca, Cato, who came late and after the others had taken their places, asked where he should recline; and when Barca told him to recline where he pleased, Cato looked about the room and said: "I will take my place by Munatius." So he went round and reclined by his side, but made no further show of friendship during the supper. (5) Marcia, however, made a second request in the matter, Munatius says, and Cato wrote to him, saying that he wished to confer with him about something. So Munatius went to Cato's house early in the morning, and was detained there by Marcia until all the other visitors had gone away. Then Cato came in, threw both arms about him, kissed him, and lavished kindness upon him.

Plutarch, *Cato Minor XXXIX.5*: ὑπάτευε δὲ Φίλιππος ὁ πατὴρ τῆς Μαρκίας, καὶ τρόπον τινὰ τὸ ἀξίωμα τῆς ἀρχῆς καὶ ἡ δύναμις εἰς Κάτωνα περιήλθεν, οὐκ ἐλάττονα τοῦ συνάρχοντος δι' ἀρετὴν ἢ δι' οἰκειότητα τοῦ Φιλίππου τῷ Κάτῳ τιμὴν προστιθέντος.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 331: Philippus, the father of Marcia, was consul at the time (i.e. of Cato's return from Cyprus), and the dignity and power of his office devolved in a manner upon Cato; the colleague of Philippus, also, bestowed no less honour upon Cato for his virtue than Philippus did because of his relationship to him.

Plutarch, *Cato Minor LII.4*: ὁ δὲ Κάτων ἔπεσθαι καὶ συμφεύγειν ἐγνωκώς, τὸν μὲν νεώτερον υἱὸν εἰς Βρεττίους ὑπεξέθετο πρὸς Μουνάτιον, τὸν δὲ πρεσβύτερον εἶχε σὺν ἑαυτῷ. (5) τῆς δ' οἰκίας καὶ τῶν θυγατέρων κηδεμόνος δεομένων, ἀνέλαβε πάλιν τὴν Μαρκίαν, χηρεύουσαν ἐπὶ χρήμασι πολλοῖς· ὁ γὰρ Ὀρτήσιος θνήσκων ἐκείνην ἀπέλιπε κληρονόμον. (6) εἰς ὃ δὴ μάλιστα λαιδορούμενος ὁ Καῖσαρ τῷ Κάτῳ φιλοπλουτίαν προσφέρει καὶ μισθαργίαν ἐπὶ τῷ γάμῳ. (7) τί γὰρ ἔδει παραχωρεῖν δεόμενον γυναικός, ἢ τί μὴ δεόμενον αὐτῇ ἀναλαμβάνειν, εἰ μὴ δέλεαρ ἐξ ἀρχῆς ὑφείθη τὸ γύναιον Ὀρτησίῳ καὶ νέαν ἔχρησεν ἵνα (8) πλουσίαν ἀπολάβῃ; πρὸς μὲν οὖν ταῦτα μετρίως ἔχει τὸ Εὐριπίδειον ἐκεῖνο:

πρῶτον μὲν οὖν τ᾽ ὀρρητ'· ἐν ἀρρήτοισι γὰρ
τὴν σὴν νομίζω δειλίαν, ὦ Ἡράκλεις·

ὅμοιον γὰρ ἐστὶ τῷ Ἡρακλεῖ μαλακίαν ὀνειδίζειν καὶ κατηγορεῖν αἰσχροκέρδειαν Κάτωνος· εἰ δ' ἄλλη πῃ μὴ καλῶς πέπρακται τὰ περὶ τὸν γάμον, ἐπισκεπτέον. (9) ἐγγυησάμενος γοῦν τὴν Μαρκίαν ὁ Κάτων καὶ τὸν οἶκον ἐπιτρέψας ἐκείνῃ καὶ τὰς θυγατέρας, αὐτὸς ἐδίωκε Πομπήϊον.

B. Perrin, *Plutarch's Lives VIII*, Cambridge MA, (1919) 361, 363: (On the outbreak of civil war) Cato, who had determined to follow Pompey and share his exile, sent his younger son to Munatius in Bruttium for safe keeping, but kept his elder son with himself. And since his household and his daughters needed someone to look after them, he took to wife again Marcia, now a widow with great wealth; for Hortensius, on his death, had left her his heir. (4) It was with reference to this that Caesar heaped most abuse upon Cato, charging him with avarice and with trafficking in marriage. "For why", said Caesar, "should Cato give up his wife if he wanted her, or why, if he did not want her, should he take her back again? Unless it was true that the woman was at the first set as a bait for Hortensius, and lent by Cato when she was young that he might take her back when she was rich." To these charges, however, the well-known verses of Euripides apply very well:

First, then, the things not to be named; for in that class
I reckon, Heracles, all cowardice in thee

(5) For to charge Cato with a sordid love of gain is like reproaching Heracles with cowardice. But whether on other grounds, perhaps, the marriage was improper, were matter for investigation. For no sooner had Cato espoused

Marcia than he committed to her care his household and his daughters, and set out himself in pursuit of Pompey.

Appian, *Bellum Civile* II.99: Μαρκία γέ τοι τῇ Φιλίππου συνὼν ἐκ παρθένου καὶ ἀρεσκόμενος αὐτῇ μάλιστα καὶ παίδας ἔχων ἐξ ἐκείνης ἔδωκεν ὅμως αὐτὴν Ὁρτησίῳ τῶν φίλων τινί, παίδων τε ἐπιθυμοῦντι καὶ τεκνοποιοῦ γυναικὸς οὐ τυγχάνοντι, μέχρι κακείνῳ κηύσασαν ἐς τὸν οἶκον αὐθις ὥς χρήσας ἀνεδέξατο.

H. White, *Appian's Roman History*, London, (1913) III.411: Cato had married Marcia, the daughter of Philippus, as a girl; was extremely fond of her, and she had borne him children. Nevertheless, he gave her to Hortensius, one of his friends, who desired to have children but was married to a childless wife, until she bore a child to him also, when Cato took her back to his own house as though he had merely lent her.

Lucan, *Pharsalia* II.326-91:

Interea Phoebæ gelidas pellente tenebras pulsatae sonuere fores, quas sancta relicto Hortensi maerens inrupit Marcia busto. Quondam virgo toris melioris iuncta mariti, mox, ubi conubii pretium mercesque soluta est	330
tertia iam suboles, alios fecunda penates inpletura datur geminas et sanguine matris permixtura domos. Sed postquam condidit urna supremos cineres, miserando concita vultu, effusas laniata comas contusaque pectus	335
verberibus crebris cineresque ingesta sepulchri, non aliter placitura viro, sic maesta profatur: “Dum sanguis inerat, dum vis materna, peregi iussa, Cato, et geminos excepi feta maritos; visceribus lassis partuque exhausta revertor	340
iam nulli tradenda viro. Da foedera prisci inlibata tori, da tantum nomen inane conubii; liceat tumulo scripsisse: ‘Catonis Marcia’; nec dubium longo quaeratur in aevo mutarim primas expulsa, an tradita, taedas.	345
Non me laetorum sociam rebusque secundis accipis: in curas venio partemque laborum. Da mihi castra sequi. Cur tuta in pace relinquer, et sit civili propior Cornelia bello?”	350
Hæ flexere virum voces, et, tempora quamquam sint aliena toris, iam fato in bella vocante, foedera sola tamen vanaque carentia pompa iura placent sacrisque deos admittere testes. Festa coronato non pendent limine sorta, infulaque in geminos discurrit candida postes,	355
legitimæque faces, gradibusque adclinis eburnis stat torus et picto vestes discriminat auro, turritaque premens frontem matrona corona translata vitat contingere limina planta; non timidum nuptae leviter tectura pudorem	360
lutea demissos velarunt flammea vultus, balteus aut fluxos gemmis astrinxit amictus, colla monile decens, umerisque haerentia primis suppara nudatos cingunt angusta lacertos. Sicut erat, maestis servat lugubria cultus,	365
quoque modo natos, hoc est amplexa maritum.	

Obsita funerea celatur purpura lana.
 Non soliti lusere sales, nec more Sabino
 excepit tristis convicia festa maritus.
 Pignora nulla domus, nulli coiere propinqui: 370
 iunguntur taciti contentique auspice Bruto.
 Ille nec horrificam sancto dimovit ab ore
 caesariem duroque admisit gaudia voltu, -
 ut primum tolli feralia viderat arma,
 intonsos rigidam in frontem descendere canos 375
 passus erat maestamque genis increscere barbam:
 uni quippe vacat studiis odiisque carenti
 humanum lugere genus - nec foedera prisci
 sunt temptata tori; iusto quoque robur amori
 restitit. Hi mores, haec duri inmota Catonis 380
 secta fuit, servare modum finemque tenere
 naturamque sequi patriaeque inpendere vitam
 nec sibi sed toti genitum se credere mundo.
 Huic epulae, vicisse famem; magnique penates,
 summovisse hiemem tecto; pretiosaque vestis, 385
 hirtam membra super Romani more Quiritis
 induxisse togam; Venerisque hic unicus usus,
 progenies; urbi pater est urbique maritus,
 iustitiae cultor, rigidi servator honesti,
 in commune bonus; nullosque Catonis in actus 390
 subrepsit partemque tulit sibi nata voluptas.

J. D. Duff, *Lucan. The civil war*, London, (1928) 81-87: Meanwhile the sun was dispelling chilly night, when a loud knocking was heard at the door, and in rushed the matron, Marcia, mourning for Hortensius whose pyre she had just left. As a noble maiden she had first been wedded to a nobler husband; then, when she had received the reward and fee of wedlock in the birth of a third child, she was given to another household, to populate it with her fruitfulness and to ally the two houses by the maternal blood. But now, when she had laid the ashes of Hortensius in their final urn, she hastened hither in piteous guise: torn and disordered was her hair, and her breast bruised with repeated blows; she was covered with the funeral ashes. Not otherwise could she have found favour with Cato. And thus she spoke sorrowing: "While there was warm blood in these veins and I had power to be a mother, I did your bidding, Cato: I took two husbands and bore them children. Now I return wearied and worn-out with child-bearing, and I must not again be surrendered to any other husband. Grant me to renew the faithful compact of my first marriage; grant me only the name of wife; suffer men to write on my tomb, 'Marcia, wife of Cato'; let not the question be disputed in after time, whether I was driven out or handed over by you to a second husband. You do not receive me to share in happiness or for prosperous times: I come to take my part in anxiety and trouble. Suffer me to follow the camp. Why should I be left behind in peace and safety, and be kept further away than Cornelia from civil war?" Her words moved her husband. Though the time when Fate called men to arms was ill-suited for a marriage, they resolved to tie the knot simply and perform the rite with no useless display; the gods alone should be present to witness the ceremony. No festal garlands, no wreath, hung from the lintel; no white fillet ran this way and that to each post of the door. The customary torches; the high couch supported on ivory steps and displaying a coverlet of gold embroidery; the matron, wearing on her head a towered crown, and careful not to touch the threshold when her foot crosses it - all these are absent. No saffron veil, intended lightly to screen the bride's shy blushes, hid the downcast face; no belt bound the flowing raiment with jewels, no fair circlet confined the neck, nor did a scarf, clinging to the tip of the shoulder, surround the bare arms with narrow band. Marcia made no change but kept the solemnity of her widow's weeds, and embraced her husband just as she did her sons. The purple band was covered and concealed by wool of funereal colour. The customary light jesting was silent, nor was the sullen husband greeted by the ceremonial abuse in Sabine fashion. No members of the family and no kinsmen assembled: their hands were joined in silence, and they were satisfied with the presence of Brutus as augur. The husband refused to remove the shaggy growth from his reverend face; nor did his stern features grant access to joy. (Ever since he saw the weapons of ill-omened war raised up, he had suffered the grey hair to grow long over his stern brow and the beard of the mourner to spread over his face; for he alone, free from love and free from hate, had leisure to wear mourning for mankind.) Nor did he seek to renew the former relations with his wife: that iron nature was proof even against wedded love. Such was the character, such the inflexible rule of austere Cato - to observe moderation and hold fast to the limit, to follow nature, to give his life for his country, to believe that he was born to serve the whole

world and not himself. To him it was a feast to banish hunger; it was a lordly palace to fend off hard weather with a roof over his head; it was fine raiment to draw over his limbs the rough toga which is a Roman's dress in time of peace. In his view the sole purpose of love was offspring; for the State he became a husband and father; he worshipped justice and practised uncompromising virtue; he reserved his kindness for the whole people; and there was no act of Cato's life where selfish pleasure crept in and claimed a share.

Scholia Bernensia on Lucan, II.328: ORTENSI MERENS INR. M. B. a rogo enim Hortensi ad Catonem reversa est. Marcia Philippi filia.⁸⁰⁷

MOURNING FOR HORTENSIVS because she had reverted to Cato from the pyre for Hortensius. Marcia the daughter of Philippus.

Scholia Bernensia on Lucan, II.330: Aput veteres mos fuerat ut quisque susceptis quod libitum fuerat liberis propter utilitatem civitas alii uxorem suam traderet, ut illi filios procrearet. Vel quoniam philosopho magnae sapientiae viro Catoni contempnenda libido fuerat, susceptis tribus liberis uxorem suam Hortensio tradidit.⁸⁰⁸

It was the custom among the ancients that anyone who had begotten children would willingly for the good of the state transfer his wife to another man so that she might bear him sons. Because lust was despicable to Cato as a philosopher of great wisdom and as a husband, he gave his wife to Hortensius after she had borne him three children.⁸⁰⁹

Adnotationes super Lucanum periocha liber II: ... Marciam repetentem Catonis coniugium mortuo Hortensio ...⁸¹⁰

Summary of book II: ... Marcia reverts to her husband Cato after the death of Hortensius ...

Adnotationes super Lucanum II.339: Martia uxor Catonis fuit. De hac postquam tres filios accepit Cato, tamquam satis fecisset coniugio liberis datis, Hortensio eam iunxit et ipsi liberos procreavit, quibus omnibus mortuis et ipso Hortensio redit, ut recipiatur a Catone.⁸¹¹

Marcia was the wife of Cato. After she had given Cato three sons, as she had presented her husband with enough children, Cato joined her to Hortensius and she bore him children also, all of whom having died as well as Hortensius himself, she returns so as to be taken back by Cato.

Supplementum adnotationum super Lucanum II.329: Nunc inchoat loqui de Martia uxore Catonis, quae, postquam tres liberos suscepit, relicto eo nupsit Hortensio, sed illo mortuo inchoantibus civilibus bellis reversa est ad Catonem.⁸¹²

Now Marcia the wife of Cato begins to speak, who, after she had borne three children left Cato and married Hortensius, but on Hortensius' death at the beginning of the civil war she returned to Cato.

Supplementum adnotationum super Lucanum II.331: TERTIA I. S. id est postquam tres filios Catoni genuit.⁸¹³

THREE CHILDREN That is after she had borne three sons to Cato.

⁸⁰⁷ Usener (1869) 70.

⁸⁰⁸ Usener (1869) 70-1.

⁸⁰⁹ Cicero has Cato outline the Stoic view of lust (*libido*) in *De finibus* III.32, 35.

⁸¹⁰ Endt (1909) 40.

⁸¹¹ Endt (1909) 60.

⁸¹² Cavajoni (1979) I.119.

⁸¹³ Cavajoni (1979) I.119.

Strabo, *Geographica* XI.9.1 (515 C): ἱστοροῦσι δὲ περὶ τῶν Ταπύρων ὅτι αὐτοῖς εἶη νόμιμον τὰς γυναῖκας ἐκδιδόναι τὰς γαμετὰς ἑτέροις ἀνδράσιν, ἐπειδὴν ἐξ αὐτῶν ἀνέλωνται δύο ἢ τρία τέκνα, καθάπερ καὶ Κάτων Ὁρτησίῳ δεηθέντι ἐξέδωκε τὴν Μαρκίαν ἐφ' ἡμῶν κατὰ παλαιὸν Ῥωμαίων ἔθος.

H. L. Jones, *The geography of Strabo*, London, (1928) V.273: It is reported of the Tapyri that it was a custom of theirs to give their wives in marriage to other husbands as soon as they had two or three children by them; just as in our times, in accordance with an ancient custom of the Romans, Cato gave Marcia in marriage to Hortensius at the request of the latter.

Quintilian, *Institutio oratoria* III.5.11: Quidam putant etiam eas thesis posse aliquando nominari, quae personis causisque contineantur, aliter tantummodo positas: ut causa sit, cum Orestes accusatur: thesis, An Orestes recte sit absolutus; cuius generis est, An Cato recte Marciam Hortensio tradiderit. Hi thesin a causa sic distingunt, ut illa sit spectativae partis, haec activae; illic enim veritatis tantum gratia disputari, hic negotium agi.⁸¹⁴

H. E. Butler, *The Institutio oratoria of Quintilian*, London, (1920) I.403: There are some who hold that even those questions which have reference to persons and particular cases may at times be called *theses*, provided only they are put slightly differently: for instance, if Orestes be accused, we shall have a *cause*: whereas if it is put as question, namely "Was Orestes rightly acquitted?" it will be a *thesis*. To the same class as this last belongs the question "Was Cato right in transferring Marcia to Hortensius?" These persons distinguish a *thesis* from a *cause* as follows: a *thesis* is theoretical in character, while a *cause* has relation to actual facts, since in the former case we argue merely with a view to abstract truth, while in the latter we have to deal with some particular act.

Quintilian, *Institutio oratoria* X.5.13: Cato Marciam honeste tradiderit Hortensio, an, conveniatne res talis bono viro? De personis iudicatur, sed de rebus contenditur.

H. E. Butler, *The Institutio oratoria of Quintilian*, London, (1922) IV.121: What difference is there between the question whether it was an honourable act on the part of Cato to make over Marcia to Hortensius, or whether such an action is becoming to a virtuous man? It is on the guilt or innocence of specific persons that judgement is given, but it is on general principles that the case ultimately rests.

Tertullian, *Apologeticus* XXXIX.11: Itaque qui animo animaue miscemur, nihil de rei communicatione dubitamus. Omnia indiscreta sunt apud nos praeter uxores. (12) In isto loco consortium solvimus, in quo solo ceteri homines consortium exercent, qui non amicorum solummodo matrimonia usurpant, sed et sua amicis patientissime subministrant - ex illa, credo, maiorum et sapientissimorum disciplina, Graeci Socratis et Romani Catonis, qui uxores suas amicis communicaverunt, quas in matrimonium duxerant liberorum causa et alibi creandorum, nescio quidem an invitas; (13) quid enim de castitate curarent, quam mariti tam facile donaverant? O sapientiae Atticae, o Romanae gravitatis exemplum: lenones philosophus et censor!⁸¹⁵

T. R. Glover, *Tertullian. Apology*, London, (1931) 177, 179: So we, who are united in mind and soul, have no hesitation about sharing property. All is common among us - except our wives. At that point we dissolve our partnership, which is the one place where the rest of men make it effective. Not only do they use the wives of their friends, but also most patiently yield their own to their friends. They follow (I take it) the example of those who went before them, the wisest of men - Greek Socrates and Roman Cato, who shared with their friends the wives they had taken in marriage, to bear children in other families too. And I don't know whether the wives objected; for why should they care about a chastity, which their husbands gave away so easily? O model of Attic wisdom! O pattern of Roman dignity! The philosopher a pander, and the censor too!

⁸¹⁴ Cf. III.5.8, 13.

⁸¹⁵ Tertullian evidently confused Cato Uticensis with his great-grandfather the Censor for he refers to Cato as censor (*Apologeticus* XXXIX.13) and sapiens (*Apologeticus* XI.16, XXXIX.12. For sapiens as an epithet of the Censor see Drumann, *GR*² IV.103).

Salvian, *De gubernatione dei* VII.103: Nec suffecit sapientissimo, ut quidam aiunt, philosopho (sc. Socrates) docere hoc, nisi ipse fecisset; uxorem enim suam alteri viro tradidit, scilicet sicut etiam Romanus Cato, id est alius Italiae Socrates. Ecce qua sunt et Romanae et Atticae sapientiae exempla: omnes penitus maritos, quantum in ipsius fuit, lenones uxorum suarum esse fecerunt.

Some say that it was not sufficient for the wisest of philosophers (i.e. Socrates) to teach this unless he practised what he preached and surrendered his wife to another man as did the Roman Cato that other Socrates of Italy. Behold these paragons of Roman and Attic wisdom: They made all husbands, in so far as it was within their power, the procurers of their wives.

Augustine, *De fide et operibus* VII.10: ... Non liceat viro uxorem suam alteri tradere, quod in republica tunc Romana non solum minime culpabiliter, verum etiam laudabiliter Cato fecisse perhibetur.

It is not permitted for a man to transfer his wife to another, as Cato is said to have done during the Roman Republic, not only without encountering any blame whatsoever, but even to acclaim.

Augustine, *De bono coniugali* XVIII.21: ... A vivo viro in alterius transire conubium nec tunc licuit nec nunc licet nec umquam licebit ... nec causa ergo numerosioris prolis fecerunt sancti nostri quod Cato dicitur fecisse Romanus, ut traderet vivus uxorem etiam alterius domum filiis impleturam. In nostrarum quippe nuptiis plus valet sanctitas sacramenti quam fecunditas uteri.

To pass from a living husband into marriage with another man was not acceptable in the past, is not permissible now, and never will be ... Not even for the generation of numerous offspring did our saints do what the Roman Cato is said to have done, who, while still living surrendered his own wife to fill another's house with sons.

Augustine, *Contra Iulianum* V.12.46: ... Ne divortium fiat vel ab ea coniuge quae non potest parere, vel sicut fecisse Cato prehibetur, ne ab eo viro qui plures non vult suscipere filios, alteri fetanda tradatur.

There should be no divorce from a wife who cannot bear children, nor should a man who does not want any more sons consign her to another man for the purpose of bearing children as Cato is said to have done.

Jerome, *Adversus Iovinianum* I.46: Brutus Porciam virginem duxit uxorem: Marciam Cato non virginem; sed Marcia inter Hostensium Catonemque discurrit, et sine Catone vivere Marcia potuit: Porcia sine Bruto non potuit.⁸¹⁶

W. H. Fremantle, G. Lewis, and W. G. Martley, *A select library of Nicene and post-Nicene fathers of the Christian church*, New York, (1912) VI.382: Porcia, whom Brutus took to wife, was a virgin; Cato's wife, Marcia, was not a virgin; but Marcia went to and fro between Hortensius and Cato, and was quite content to live without Cato; while Porcia could not live without Brutus.

Jerome, *Adversus Iovinianum* II.7: Scotorum natio uxores proprias non habet: et quasi Platonis politiam legerit, et Catonis sectetur exemplum, nulla apud eos coniunx propria est, sed ut cuique libitum fuerit, pecudum more lasciviunt.

W. H. Fremantle, G. Lewis, and W. G. Martley, *A select library of Nicene and post-Nicene fathers of the Christian church*, New York, (1912) VI.394: The Scots have no wives of their own; as though they read Plato's Republic and took Cato for their leader, no man among them has his own wife, but like beasts they indulge their lust to their hearts' content.

Pliny, *Naturalis Historia* II.137: Fulminum ipsorum plura genera traduntur. Quae sicca veniunt, non adurunt, sed dissipant, quae umida, non urunt, sed infuscant. Tertium est quod clarum vocant, mirificae maximae naturae, quo dolia exhauriuntur intactis operimentis nulloque alio vestigio relicto, aurum et aes et argentum liquatur intus, sacculis ipsis nullo modo ambustis ac ne confuso quidem signo cerae. Marcia princeps Romanarum, icta gravida partu exanimato

⁸¹⁶ Seneca, *De matrimonio* frg.45 Vottero.

ipsa citra ullum aliud incommodum vixit.

H. Rackham, Pliny. Natural History books I-II, London, (1938) 275: Of thunderbolts themselves several varieties are reported. Those that come with a dry flash do not cause a fire but an explosion. The smoky ones do not burn but blacken. There is a third sort, called 'bright thunderbolts', of an extremely remarkable nature; this kind drains casks dry without damaging their lids and without leaving any other trace, and melts gold and bronze and silver in their bags without singeing the bags themselves at all, and even without melting the wax seal. Marcia, a lady of high station at Rome, was struck by lightning when *enceinte*, and though the child was killed, she herself survived without being otherwise injured.

John the Lydian, *Περὶ διοσημείων* / *De ostentis* section 44: ὁ γὰρ ἐν αὐτοῖς λεγόμενος ἀργῆς, ὃν καὶ λαμπρὸν ἐξαιρέτως καλοῦσιν οἱ ἀρχαῖοι, πολλάκις ἐμπεσὼν ἐπὶ πίθον ἢ ἄγγος ἀπλῶς ἢ οἴνου ἢ ὕδατος, τὸ μὲν περιέχον ἀπῆμαντον τὸ δὲ ἐμπεριεχόμενον ἄφαντον ἐποίησεν. οὐχ ἥκιστα δὲ καὶ ἐν σκεύεσι χρυσίον ἢ ἀργύριον φέρουσιν ἐμπεσὼν τῷ ἴσῳ τρόπῳ τὰ μὲν ἔνδον ἔτηξε, τὰ δὲ ἔξωθεν ἔσωσε. καὶ τὸ δὴ πάντων θαυμασιώτατον ἐπὶ γυναικὸς ἐγκύμονος συμβῆναι φησιν ὁ μέγας Ἀπουλῆιος, καὶ γυναικὸς οὐκ ἡγνοημένης, Μαρκίας δὴ ἐκείνης τῆς Κάτωνι τῷ τελευταίῳ συνοικησάσης. ἐμπεσὼν γὰρ αὐτῇ κεραυνὸς ὁ λεγόμενος ἀργῆς ἦτοι λαμπρὸς αὐτὴν μὲν παντελῶς ἐφύλαξεν ἀβλαβῇ, τὸ δὲ ἐν αὐτῇ διεφόρησεν οὕτως ἀνεπαισθήτως, ὥς μηδὲ αὐτὴν συνιδεῖν ὅ τι γέγονε τὸ ἐν αὐτῇ, καίτοι πρὸς ἔξοδον ἔχον.⁸¹⁷

John the Lydian, *On Portents*: The type of lightning bolt known as white (ἀργῆς), which the ancients also called brilliant (λαμπρὸς), often strikes large storage jars, or some other receptacle for wine or water leaving them intact, but draining the contents. Moreover, when it strikes vessels containing gold or silver, it similarly liquefies the contents without harming the exterior. But the most miraculous thing of all happened, according to the great Apuleius, to a pregnant woman, and not just any woman, but the well-known Marcia who married Cato the Younger. Having been struck by the lightning known as white (ἀργῆς) or brilliant (λαμπρὸς) she survived entirely unharmed, but the child that she was carrying was killed without anyone realizing it, indeed even she was totally unaware of what had befallen the fetus, even though she was near to the time of delivery.

John Camaterus, *Εἰσαγωγή κατὰ μέρος ἀστρονομίας διὰ στίχων* 373-8⁸¹⁸:

ἔγραψε δὲ Ἀπουλῆιος περὶ τὴν φύσιν ταῦτα·
τοῦ κεραυνοῦ τὸ καυστικὸν ἐμπεσὼν εἰς γυναῖκα
Μαρκία μὲν ὀνόματι Κάτωνος ὁμευνέτου,
ἐγκυμονοῦσα ἐν καιρῷ ἀργέτου κατελθόντα,
τὸ μὲν ἔμβρυον ἔκαυσεν αὐτὴν διατηρήσας
καὶ ζήσαντα καὶ ἀβλαβῇ αὐτὴν ἐγκαταστήσας.

John Camaterus, *An introduction to astronomy in verse*: Apuleius wrote in his work *On Nature* that a searing bolt of lightning struck a woman named Marcia, the wife of Cato, who was returning home during a thunderstorm when pregnant, and that the fire consumed the foetus, while leaving her alive and unharmed.

John Tzetzes, *Chiliades* III.147-8, 151-2⁸¹⁹: ... Κάτωνες δ' ἦσαν δύο,
ἀμφότεροι φιλόσοφοι καὶ στρατηγοὶ Ῥωμαίων ...
Ὁ δ' ἄλλος ὁ νεώτερος ὃς ἑαυτὸν ἀνείλεν,
ὁ τὴν γυναῖκα τὴν αὐτοῦ δοῦς Ὀρτησίῳ φίλῳ.

There were two Catos both philosophers and generals ... Cato the Younger, who killed himself, gave his

⁸¹⁷ Wachsmuth (1897) 97.18 - 98.13 = Beaujeu (2002) fragment 25. Lydus is undoubtedly the source of the *Περὶ κεραυνῶν* of Michael Psellus who quotes him virtually verbatim, without acknowledgement, although he omits the name of Marcia and makes no reference to Apuleius (see Duffy (1992) opusculum 28). And Psellus was in turn copied by the author of the Codex Baroccianus Graecus 131 (see Pontikos (1992) chapter 24 p.79).

⁸¹⁸ Weigl (1908) 16 lines 373-8.

⁸¹⁹ Tzetzes, *Περὶ Κάτωνος* (Leone (1968) lines 147-8, 151-2).

own wife to his friend Hortensius.⁸²⁰

After divorcing his first wife Atilia, Cato married the daughter of L. Marcius Philippus (cos. 56).⁸²¹ It is unknown exactly when the marriage took place — though Plutarch's testimony shows that the match predated Cato's mission to Cyprus in 58 B.C.⁸²² Münzer identified the unnamed wife of Cato who looked favourably on Pompey's overture in 61 as Marcia, and so held that the marriage was in place by 61 B.C.⁸²³ Conant, however, suggested that the anonymous spouse was Atilia, and that Cato only married Marcia in 60 B.C.⁸²⁴ Neither offered any argument and both overlooked the fact that Plutarch also refers to Cato's wife at the time of his tribunate in 62 B.C. (again without naming her).⁸²⁵ On balance it seems likely that Cato was already married to Marcia in 62 B.C.⁸²⁶ Lucan and Appian affirm that Marcia was a virgin bride,⁸²⁷ and unless she was significantly younger than her brother L. Marcius Philippus (cos.suff.38), Marcia will have attained a suitable age for matrimony some years before 60 B.C.⁸²⁸ Moreover, allowing for the fact that Cato was absent in Cyprus from 58 to 56 B.C. and surrendered Marcia to Hortensius sometime before 50 B.C., it is easier to accommodate Marcia's known pregnancies on the assumption that the marriage predated 60 B.C. In addition, Marcia's father L. Philippus was governor of Syria from 61 to 60 B.C. and it seems likely that the match

⁸²⁰ Boethius, *De interpretatione* II.6 also refers to Cato, the husband of Marcia, as opposed to Cato the Censor, in his discussion of syllogisms, but he adds nothing to our knowledge of the couple (see Meiser (1877) 130-1 and Smith (2014) 86 for an English translation).

⁸²¹ Marcia was the daughter of Philippus' first wife — the unidentifiable predecessor of Atia Maior.

⁸²² *Cato Minor* XXXVII, XXXIX.4 (5).

⁸²³ Plutarch, *Cato Minor* XXX, *Pompey* XLIV. Münzer, *RE* XIV.1602 Marcia no.115. Miltner, *RE* XXII.205 M. Porcius Cato no.16 considered Cato was probably married to Marcia 'since 62.' van Ooteghem (1960) 183 dates the marriage vraisemblablement de 61 à 56. Fehrle (1983) did not venture an opinion.

⁸²⁴ Conant (1953) 105-6.

⁸²⁵ Plutarch, *Cato Minor* XXVII.2.

⁸²⁶ As assumed by Flacelière (1976) I.294 n.9 and Muñoz Coello (2000) 177.

⁸²⁷ Lucan, *Pharsalia* II.329: virgo; Appian, *BC* II.99: παρθένος. Jerome, *Adversus Iovinianum* I.46 (quoted above) contradicts Lucan and Appian, but Jerome either confused Marcia and Porcia since Porcia was not a virgin when she married Brutus, or he distorted the facts to suit his argument (see Münzer, *RE* XIV.1602 Marcia no.115; Bickel (1915) 57f, 289f, 293f; Frassinetti (1955) 176-8; Treggiari, *Marriage* 216f; Vottero (1998) 271f; and Torre (2000) 121f).

⁸²⁸ L. Marcius Philippus (cos. suff. 38) was born by 82 B.C. see Sumner (1971) 252-3, 366. For what it is worth, 'Hortensius' implies that Marcia was older than Porcia (Plutarch, *Cato Minor* XXV), Cato's daughter by Atilia, who, given the date of her marriage to M. Bibulus, must have been born by circa 73 B.C. Lucan, II.338 appears to intimate that Marcia was beyond child-bearing age in 49 which is clearly an exaggeration.

took place before his departure.⁸²⁹

The marriage produced a son and two daughters who were still children on the outbreak of war in 49 B.C.⁸³⁰ Marcia's son was entrusted to the care of Munatius Rufus in Bruttium, while her daughters remained with her in Rome. Only one of the children is attested subsequently: one of Cato's younger daughters survived long enough to take a husband and outlive him.⁸³¹ But it should also be borne in mind that the forebears of M. Porcius Cato (cos. suff. 36 A.D.) are unidentifiable.⁸³² The children to whom Caesar turned over Cato's property in 46 B.C.⁸³³ will

⁸²⁹ Münzer, *RE* XIV.1568; *MRR* II.185.

⁸³⁰ Lucius (?) Porcius Cato (*RE* no.8), Porcia (*RE* no.29), and Porcia (*RE* no.30). Lucan, II.331 speaks simply of three offspring (*tertia suboles*), while the scholia refer to three children or three sons (*Scholia Bernensia* on Lucan, II.330: *tribus liberis*; *Adnotationes super Lucanum*, II.339: *tres filios*; *Supplementum adnotationum super Lucanum* II.329: *tres liberos*, II.331: *tres filios*). But Plutarch, *Cato Minor* LII makes it clear that the three children consisted of a son and two daughters. Appian, *BC* II.99 merely mentions an unspecified number of children, and Strabo, XI.9.1 implies the existence of two or three. Cato could therefore be legitimately said to have had sufficient heirs when he ceded Marcia to Hortensius for in addition to his three children by Marcia he had a son and a daughter by Atilia.

⁸³¹ Jerome, *Adversus Iovinianum* I.46 preserves three *sententiae* on the subject of remarriage which he ascribes to a Porcia Minor (Seneca, *De matrimonio* frgs.44 and 47 Vottero, vide infra). Drumann and Groebe, *GR*² V.213 n.4 (cf. 210 n.6, 212 n.3) attributed the sayings to Cato's daughter by his first wife Atilia, despite the fact that the name, Porcia Minor, and the sentiments expressed, were manifestly inappropriate to Cato's oldest daughter, and they assumed that Cato's three younger children by Marcia all perished in childhood (so also Miltner, *RE* XXII.1.218 nos.29 and 30; cf. Humbert (1972) 49, 60, 103 n.5). But Bickel (1915) 57-8, 289-90 and Vottero (1998) 269-70 demonstrated that the Porcia in question must be one of Cato's two younger daughters (see also Treggiari, *Marriage* 217-8; and Torre (2000) 120-5). The identity of the husband of Porcia Minor would be worth knowing. When Cato's sister Porcia died in 46/45 B.C. Varro, Cicero, and a certain Ollius (not in *RE*) all contributed eulogies in the absence of Porcia's male relatives (*Ad Att.* XIII.48.2). Ollius was evidently well-known to Cicero, who omits his *praenomen*, but his relationship to Porcia is a mystery. If Ollius were the husband or fiancé of Porcia's niece that might explain his involvement. Porcia Minor would have to have been born by 59 B.C. at the latest in order to be married by 45 B.C. which is not unthinkable (on the date of her birth vide infra). The *gentilicium* Ollius is rare (see Schulze, *LE* 424; add Panciera (1987) 116; *CIL* VI.22933; *CIL* XV.7256 domus Olliana in Rome; Tuck (2005) 324; *AE* (1994) 406 Nuceria; *CIL* X.59 Hipponium; X.912 Pompei; *ILS* 6675 fundus Ollianus near Veleia; *Supplementa Italica II* (1983) Velitrae no.54; *CIL* III.9287 Salona; Ehmgig and Haensch (2012) 220 Byllis), but there is no reason to emend it (see Tyrrell and Purser (1915) 172 on Boot's conjecture Oppius; and Münzer, *RAA* 331 n.1 = 445 n.13 Ridley on the emendation Lollius).

⁸³² *RE* no.33; *PIR*¹ P 635; *PIR*² P 856. The consul suffect was presumably either a descendant of Uticensis, or else belonged to the line of Cato Licinianus. Pena (1999) 75-83 posits descent from M. Porcius Cato (cos. 118); cf. Syme, *RR* 492 n.1. See also Bodnar (1962) 393-5; Clinton (1989) 1515-6; and Schmalz (2009) 153, 201-2, 291 on the Porcii Catones honoured in Athens in the First Century A.D. The Lusitanian legate Cato of circa 46 A.D. (Groag, *PIR*² C 575; W. Eck, *RE Suppl.* XV.442 [M. Porcius ?] Cato no.34a; Alföldy (1969) 138-9) need not necessarily belong to the Porcii since they did not have a monopoly on the *cognomen*.

therefore have included Cato's son and daughter by Atilia,⁸³⁴ and at least one of his daughters from his second marriage. Marcia is also known to have conceived another child that was killed in the womb when she was struck by lightning.⁸³⁵

The marriage is best known for the extraordinary compact which led to its dissolution. Having refused the request of Q. Hortensius (cos. 69) for the hand of his eldest daughter Porcia, then the wife of M. Calpurnius Bibulus (cos. 59), Cato agreed to divorce Marcia in order that Hortensius might marry and have children by her, provided that Marcia's father consented to the arrangement. Philippus made no objection and Marcia's father and ex-husband gave Marcia away when she married Hortensius. Since Cato surrendered Marcia to Hortensius sometime after his return from Cyprus in 56 B.C.,⁸³⁶ and Marcia was pregnant at the time of Hortensius' proposal,⁸³⁷ the earliest possible date for the divorce of Cato and Marcia is 55 B.C.⁸³⁸ But it may be that Cato only relinquished Marcia shortly before 51 B.C. for although Marcia bore Hortensius one or more children,⁸³⁹ at the trial of his nephew M. Messalla Rufus (cos. 53) in 51 B.C. Hortensius lamented the fact that if Messalla were condemned he would have no solace left apart from his grandchildren,⁸⁴⁰ which seems to imply that Hortensius had no children by Marcia at the time.⁸⁴¹ Although it is conceivable that Marcia only bore Hortensius girls whom Hortalsus passed over because he was speaking of male heirs.⁸⁴²

⁸³³ Val. Max., V.1.10: Catonis quoque morte Caesar audita et se illius gloriae invidere et illum suae invidisse dixit patrimoniumque eius liberis ipsius incolume servavit.

⁸³⁴ *RE* nos.13 and 28.

⁸³⁵ Marcia was previously misidentified as the maternal grandmother of Caesar (see Tansey (2013) 423-6).

⁸³⁶ Plutarch, *Cato Minor* XXXVII.

⁸³⁷ Plutarch, *Cato Minor* XXV.5 (11).

⁸³⁸ So rightly Münzer, *RAA* 343 = 314 Ridley. Münzer and Vonder Mühl, *RE* VIII.2478 put Hortensius' request at the end of his life when he had disowned his adult son by Lutatia. Gelzer (1963) II.261-2 dated Marcia's marriage to Hortensius circa 55 B.C.

⁸³⁹ Lucan, II.339: geminos excepi feta maritos; *Adnotationes super Lucanum*, II.339: Marcia ... Hortensio ... liberos procreavit; Appian, *BC* II.99: κνήσασσαν; cf. *Scholia Bernensia* on Lucan, II.370: Ortensi filios.

⁸⁴⁰ Val. Max., V.9.2. The trial of Messalla took place in the first half of 51 (see Alexander, *Trials* 160 no.329). Hortensius pointedly ignored his dissolute adult son whom he reportedly intended to disinherit.

⁸⁴¹ Fehrle (1983) 201 suggested that Cato only divorced Marcia in 53 B.C. as Hortensius apparently had still no heirs by Marcia in 51, and because the correspondence of Cicero is sparse in 53 making his silence explicable. Muñiz Coello (2000) 176 also suggested that Hortensius approached Cato circa 53 arguing that it was not until then that Porcia had presented M. Bibulus with the two children attested by Plutarch.

⁸⁴² Hortensius was evidently concerned with male heirs who might inherit his name and fortune for he also passed over his own daughter Hortensia (*RE* no.16) who was alive and well in 51 B.C. Note, however, that the *Scholia Bernensia* on Lucan, II.370 refers to the sons of Hortensius which may, or may not, be factually accurate, and may

At any rate, Marcia remained with Hortensius until his death in 50 B.C. whereupon she promptly remarried Cato, and the motives of the principals and the propriety of this arrangement have been debated ever since.⁸⁴³ The aims of Hortensius at least seem clear. Despairing of the character of his only son, Hortensius publicly disowned him and hoped for another male heir to carry on the family name.⁸⁴⁴ For that purpose any woman of good birth and proven fertility might have sufficed, so the determination to secure a spouse who was closely connected to Cato suggests that Hortensius envisaged the child would end up a ward of Cato and hoped that his moral guidance would produce an heir worthy of the name.⁸⁴⁵

Cato's motives are more inscrutable. Even Plutarch, who admired Cato and gives the episode an overtly sympathetic treatment, found it "difficult to fathom."⁸⁴⁶ It seems clear, however, from Plutarch's account that Cato's life-long friend Munatius Rufus advanced a philosophical justification based on the Stoic doctrine of a community of wives, and this

include Hortensius' son by Lutatia. The author of the *Adnotationes super Lucanum*, II.339 claims that all Marcia's children by Hortensius perished before she returned to Cato (Hortensio ... liberos procreavit, quibus omnibus mortuis et ipso Hortensio redit, ut recipiatur a Catone), but descendants of Hortensius and Marcia are attested in the early Principate (see Corbier (1991) 655-701, (1992) 871-916; Briscoe (1993) 249-50; and Eck (1993a) 251-60).

⁸⁴³ See Drumann, *GR*² III.102; Münzer, *RE* XIV.1602 Marcia no.115; Miltner, *RE* XXII.207 M. Porcius Cato no.16; Gordon (1933) 574-8; Düll (1944) I.215f; Kumaniecki (1970) 177-9; Humbert (1972) 97-9; Russo (1974) 100-3; Flacelière (1976) I.293-302; Tschiedel (1981) 96-105; Goar (1987) 44, 61, 69f, 85f, 98; Grimal (1988) 261-5; M. Corbier (1990) 3-36; Harich-Graz (1990) 212-23; Cantarella (1995) 251-8, (1998) 57-60, (2002) 269-82, (2003) 98-111. On the depiction of Marcia and Cato in Lucan see now Sannicandro (2010) 83-100 and Barrière (2016) xxxvii-xl, xlii-iii, 99-100, 128-50. Barrière points out that the character of Cato is pivotal to modern interpretations of the epic as a whole. For those who see Lucan as a disillusioned cynic (cynique désabusé) Cato is supposed to represent "un faux modèle, inhumain et ridicule", whereas those who see Lucan as genuinely pro-Republican think Lucan's portrait of Cato, and Cato's relationship with Marcia, was intended to depict Cato as "une modèle véritable du sage", who exemplified the Stoic virtues both in his public and private life, and thereby answer Cato's critics.

⁸⁴⁴ Contrary to expectations Hortensius did not in the end disinherit his son (Val. Max., V.9.2) — though his decision to relent was no doubt influenced by the exile of his nephew Messalla, and perhaps by Marcia's failure to produce a male heir (vide supra).

⁸⁴⁵ Hortensius perhaps understandably felt that his own notoriously lavish lifestyle had contributed to the vices of his son — though Cicero denied it (*Ad Att.* X.4.6). The fact that Hortensius settled for Cato's wife when refused his daughter shows that a familial-genetic link with Cato was not uppermost in his mind. And since Hortensius was an aging, rich, influential, ex-consul, he cannot have hoped to profit from a connection with the younger, less senior Cato in the way M. Scaurus reportedly sought to benefit from marrying Pompey's ex-wife Mucia (Asconius, 19-20 C).

⁸⁴⁶ *Cato Minor* XXV.1: ἄπορος.

presumably reflects Cato's own viewpoint.⁸⁴⁷ The successors of Zeno and Chrysippus modified their views in order to bring the *Stoa* into closer alignment with more conventional views on marriage, family, and society,⁸⁴⁸ but the episode was apparently another instance of the doctrinaire behaviour which even Cato's allies could not ignore and his critics eagerly seized upon.⁸⁴⁹ Caesar, whom Cato had once accused of acting like a pimp and trafficking in marriage for political advantage,⁸⁵⁰ was incensed by the hagiographic *laudationes* composed by Brutus

⁸⁴⁷ Plutarch was familiar with Munatius' treatise (σύγγραμμα) on Cato via the intermediary of Thræsea Paetus (*Cato Minor* XXV.1, XXXVII.1). On Munatius Rufus see Drumann, *GR*² IV.233 no.18; Münzer, *RE* XVI.554-5 no.37; and Smith, Levick, and Cornell, *FRH* I.358-60, II.738-45, III.466-8 no.37. The notion of a community of wives and free choice of partners was sanctioned by the teachings of Zeno and Chrysippus (see Diogenes Laertius, VII.33, 131; and Simões Revez (2011) 15f, 133 n.154). I am not convinced by Tschiedel's contention (p.102) that Cato justified his actions by reference to a supposedly old Roman custom of sharing wives (vide infra), and that it was his friends and supporters who later propagated the philosophical justification because public opinion had not been sympathetic to Cato's explanation. Cicero expressly states that Cato never shied away from publicly espousing philosophical arguments even though Stoic doctrine did not enjoy popular approval (*Paradoxa Stoicorum* 1-2). And could Cato's supporters really have believed that public opinion in Rome would be more receptive to recondite Greek philosophy than to a purportedly indigenous, albeit obsolete, custom? It seems much more likely that the alleged old Roman custom was invented as a means of making the Stoic justification more palatable to a Roman audience by arguing that the Stoic view coincided with an old Roman practice, or that it was later presented as a more acceptable alternative to the Stoic justification.

⁸⁴⁸ This trend set in very early if, as is generally supposed, the tracts on marriage (περί γάμου) and on living with a wife (περί γυναικὸς συμβιώσεως) by Antipater were composed by Antipater of Tarsus, the pupil of Chrysippus, and not Cato's teacher Antipater of Tyre (see Gaca (2003) esp. 82 n.86 and Ramelli (2009) 109f). Epictetus also sought to reconcile the concept of women as communal property with the institution of marriage and with conjugal fidelity (*Discourses* II.4 and fragment 15). Cicero, *De finibus* III.68 has Cato say that the Stoic *vir sapiens* should desire to live in accordance with nature (i.e. in accordance with Stoic doctrine) by taking a wife and having children by her.

⁸⁴⁹ As early as 63 B.C. Cicero could argue that Cato's insistence on the rigid observance of Stoic doctrine meant that he was out of step with contemporary Roman *mores* (see *Pro Murena* 60f and Craig (1986) 229-39). This did not bother a *perfectus Stoicus* like Cato (*Paradoxa Stoicorum* 2, *Brutus* 118) because the *vir sapiens* was totally indifferent to public opinion (Seneca, *De const.* XIV.4), but Cicero complained that it sometimes resulted in Cato acting as though he was living in Plato's *Republic* rather than the cesspit of Romulus (*Ad Att.* II.1.8). Plutarch's portrait implies that Cato's inclination to rigid dogmatism grew out of a natural obstinacy evident since childhood see Plutarch, *Phocion* II.4-III.2 (II.6-III.3), *Cato Minor* I.2 (3-4), IV.1 (2), XI.3 (5); and Duff (1999) 155-8 argues that the biographies of Phocion and Cato were conceived as an essay on the "dangers of over-rigid adherence to philosophic tenets." Note incidentally that the only statue belonging to Ptolemy that Cato refused to sell was a statue of Zeno (Pliny, *NH* XXXIV.92).

⁸⁵⁰ See Plutarch, *Caesar* XIV.8 and Appian, *BC* II.14 on Cato's complaints about Caesar's matrimonial schemes in 59 B.C.

and Cicero,⁸⁵¹ and could not resist retaliating in kind, dismissing the lofty philosophical justification as camouflage for a base financial motive. Caesar asserted that Marcia was used as a snare to capture Hortensius' fortune.⁸⁵² The allegation was palpably false and only served to foster the growth of Cato's legend,⁸⁵³ for Cato was wealthy in his own right,⁸⁵⁴ showed no inclination to avarice,⁸⁵⁵ and could not know when Hortensius would die or guarantee that Marcia would return to him upon Hortensius' death.⁸⁵⁶ A cynic might be tempted to consider the possible benefit to Cato's campaign for the consulship of 51 B.C., but he likely already had

⁸⁵¹ It is not certain whether the work of Munatius Rufus was published before or after Caesar's *Anticato* (see *FRH* I.358-60).

⁸⁵² Plutarch, *Cato Minor* LII.4-5 (6-9) = Tschiedel, *Anticato* frg.7. In *De vita beata* XXI.3-4, which may preserve an echo of the criticisms voiced in the πρόπλασμα of A. Hirtius and Caesar's *Anticato*, Seneca defends Cato against the charge that he was a hypocrite who failed to practice what he preached: in public he lauded the frugality of the early Romans, while he himself possessed a substantial private fortune. The Stoic view of private property is controversial see Mitsis (2005) 230-49 and Brunt (2013) 48f.

⁸⁵³ Cicero predicted that the attacks on Cato by Hirtius and Caesar would backfire (see *Ad Att.* XII.44.1, 45.2).

⁸⁵⁴ Seneca, *De vita beata* XXI.3 puts Cato's net worth at 4 million sesterces, which appears to be a conservative estimate for Cato's patrimony amounted to 120 talents i.e. approximately 2.88 million sesterces (Plutarch, *Cato Minor* IV.1), and he inherited a further 100 talents / 2.44 million from his cousin Cato (Plutarch, *Cato Minor* VI.4) giving a total of 5.32 million HS. And this does not include the unspecified sum he inherited from his half-brother Q. Servilius Caepio (Plutarch, *Cato Minor* XI.4). However, the assertion that the fortune of Uticensis was nearer to that of Crassus than to that of his great-grandfather the Censor is hyperbole. At the start of his career Crassus is said to have been worth 300 talents (approximately 7.2 million HS) and by 55 B.C. his net worth is said to have been 7, 100 talents or approximately 170 million HS (see Plutarch, *Crassus* II.2 and Shatzman, *Senatorial Wealth* 375-7 no.159). Cato was not the heir of the fabulously wealthy L. Lucullus (as stated by Macrobius, *Sat.* III.15.6). He was the guardian of Lucullus' son and heir (see Varro, *De re rustica* III.2.17; cf. Cicero, *De finibus* III.7-9). Cf. Shatzman, *Senatorial Wealth* 393 no.189.

⁸⁵⁵ See Plutarch, *Cato Minor* VI.4. Caesar similarly made the ludicrous assertion that Cato, who spent 8 talents (over 195, 000 HS) of his own money on a lavish memorial for his brother Caepio, stooped to sieving the ashes from the pyre to recover the gold from his brother's teeth (Plutarch, *Cato Minor* XI.4 = Tschiedel, *Anticato* frg.10).

⁸⁵⁶ Moreover, Plutarch, *Cato Minor* LII.3 (5) oversimplifies in saying that Hortensius made Marcia his heir. In fact, Hortensius left the bulk of his estate to his homonymous son as sole heir (see Val. Max., V.9.2 and Varro in Pliny, *NH* XIV.96 heredi singular. As Gelzer (1961) 51 n.37 pointed out Hortensius could not have appointed Marcia as his heir without breaching the *Lex Voconia*. Cf. Shatzman, *Senatorial Wealth* 344-6 and Corbier (1992) 887-91). The orator's principal residence on the Palatine evidently passed to his son for L. Lentulus Crus (cos. 49) had hoped to expropriate it after Q. Hortensius junior sided with Caesar in the civil war (see Plutarch, *Caesar* XXXII and Cicero, *Ad Att.* XI.6.6; cf. Caesar, *BC* III.82.3; and E. Papi, *LTUR* II.116). The orator's daughter Hortensia must also have received an ample bequest as she was one of the richest women in Rome in 43/42 B.C. (Appian, *BC* IV.32). Marcia was presumably therefore the recipient of a generous legacy.

Hortensius' support and his *petitio* was perfunctory.⁸⁵⁷ In fact, Cato's decision to remarry Marcia on the outbreak of civil war is readily understandable for it enabled him to entrust his younger children, Marcia's son and two daughters, to their mother's care and offered the best possible guarantee of their survival as Marcia's father was close to Caesar and refused to be drawn into the conflict. More puzzling is why Cato consented to yield his wife in the first place when he reportedly considered the surrender of his daughter preposterous (ἄτοπος).⁸⁵⁸

The affair proved irresistible fodder for the rhetoricians who debated whether Cato's conduct in ceding Marcia to Hortensius was right (*recte, honeste*) and consistent with the actions of a *vir bonus*.⁸⁵⁹ Cato's defenders, his fellow Stoics Munatius Rufus and Thrasea Paetus among them, adduced ethnographic parallels and contended that Cato's behaviour was in accordance with an old Roman custom which sanctioned wife swapping for the purposes of procreation.⁸⁶⁰ But the last word was had by the Christian polemicists who treated the episode as signal proof of pagan immorality.⁸⁶¹ More curious, however, is a *dictum* attributed to one of Cato's younger daughters which sounds like an implicit criticism of her thrice married mother (and her older half-sister Porcia who was married twice):

Porcia minor, cum laudaretur apud eam quaedam bene morata quae secundum habebat

⁸⁵⁷ See Plutarch, *Cato Minor* XLIX-L.

⁸⁵⁸ Gelzer (1963) II.262 maintained that Cato would not break his word to Bibulus by requiring him to surrender Porcia, but his willingness to live in conformity with the doctrines of the Stoics provided the grounds for not refusing Hortensius because Cato already had five children and could not bear it to be thought that he refused to yield Marcia out of lust which was an anathema to the Stoic sage.

⁸⁵⁹ Quintilian, *Institutio oratoria* III.5.11, X.5.13. Lucan, II.344-5 alludes to the controversy. On the Stoic influence on the concept of the *vir bonus* see Walzer (2003) 25-41.

⁸⁶⁰ Strabo, XI.9.1 and the *Commenta Bernensia* on Lucan, II.330 both state that it was an old Roman custom. Plutarch, *Comparison of Lycurgus and Numa* III.1 also says that Numa permitted the practice. Düll and Flacelière take the existence of the custom seriously (Flacelière, I.298 n.29 even adduces *De bono coniugali* 15 as corroboration, where Augustine, who speaks of taking another wife, is plainly referring to polygamy among the patriarchs, not wife swapping in pagan Rome see Walsh (2001) 34; and Brooten (2003) 184f). Equally unconvincing are the assertions of Salvatore (1990) 22f, 52f (see Cantarella (2003) 101f). Tschiedel, *Anticato* 98 speculated that there may have been some vestigial memory of wife swapping in early Rome resulting from the *penuria mulierum* (Livy, I.9.1). Geiger (1971) 236 argues that the alleged custom was extrapolated from Cato's conduct. Certainly there is no evidence for the survival of the custom in the classical period, and the supposed historical analogues sometimes produced (Pompey's marriage to the pregnant Aemilia, and Octavian's marriage to a pregnant Livia) are not genuinely comparable (the previous husbands of Aemilia and Livia did not freely surrender their wives to a friend without compulsion — they yielded to the dictates of an autocrat).

⁸⁶¹ See Berthold (1966) 5-19; Goar (1987) 85f, 98; and Biller (1999) 44-5, 71-3, 90-3, 95-6, 99, 125, 131-2, 157, 159.

maritum, respondit: Felix et pudica matrona numquam praeter semel nubit.⁸⁶²

When a certain woman of good character, who had a second husband, was being praised in her presence the younger Porcia remarked: "The fortunate and chaste woman never marries more than once."

Jerome quotes the *apophthegm* amidst a series of others uttered by notable Roman matrons which he cites as proof of the pagan admiration for the *univira*.⁸⁶³ But it is clear that Jerome failed to appreciate the real point of some of the sayings,⁸⁶⁴ and the observation of Porcia was evidently not intended as an attack on the conduct of Marcia. The word *felix* is key. It was regarded as a piece of rare good fortune for a man or woman to marry only once.⁸⁶⁵ And *felicitas* was an essential prerequisite for the *univira* not only because the hazards of fortune made life-long monogamous unions a statistical rarity,⁸⁶⁶ but also because social pressures meant that most elite Roman women who lost a husband were obliged to remarry.⁸⁶⁷ Moreover, if Porcia's remark is interpreted as a criticism, and not simply as a comment on the unique felicity of the *univira*, her intended target was presumably the unnamed *bivira* who inspired the pronouncement.⁸⁶⁸

⁸⁶² Seneca, *De matrimonio* frg.47 Vottero. Drumann, *GR*² V.210 n.6, 212 n.3 erroneously ascribed the *dictum* to Cato's eldest daughter who was successively married to M. Bibulus and M. Brutus.

⁸⁶³ Jerome, *Adversus Iovinianum* I.46. The sayings include two others which belong to Porcia Minor. *Adversus Iovinianum* I.46: Marcia (sic) Catonis filia minor, cum quaereretur ab ea, cur post amisum maritum denuo non nuberet, respondit, non se invenire virum, qui se magis vellet, quam sua. Quo dicto ostendit, divitias magis in uxoribus eligi solere, quam pudicitiam, et multos non oculis, sed digitis uxores ducere. Optima sane res, quam avaritia conciliat. Eadem cum lugeret virum, et matronae ab ea quaerent, quem diem haberet luctus ultimum, ait, quem et vitae (= *De matrimonio* frg. 44 Vottero). W. H. Fremantle, G. Lewis, and W. G. Martley, *A select library of Nicene and post-Nicene fathers of the Christian church*, New York, (1893) VI.382: Marcia, Cato's younger daughter, on being asked after the loss of her husband why she did not marry again, replied that she could not find a man who wanted her more than her money. Her words teach us that men in choosing their wives look for riches rather than for chastity, and that many in marrying use not their eyes but their fingers. That must be an excellent thing which is won by avarice! When the same lady was mourning the loss of her husband, and the matrons asked what day would terminate her grief, she replied, "The same that terminates my life."

⁸⁶⁴ Thus he evidently did not pick up on the sarcasm of Marcella Maior (see Treggiari, *Marriage* 218; and Torre (2000) 124).

⁸⁶⁵ See for instance: Plutarch, *Cato Minor* VII.3; and the *Laudatio Turiae* column I.27: Rara sunt tam diuturna matrimonia.

⁸⁶⁶ See Lightman and Zeisel (1977) 20, 31.

⁸⁶⁷ See Treggiari, *Marriage* 235f. Observe that in the cases adduced by Jerome, Porcia, Annia, and Valeria were all being urged to remarry by friends and relatives.

⁸⁶⁸ Porcia was still a girl in 49 B.C. (Plutarch, *Cato Minor* LII.3 (5)). Vottero (1998) 270 assumes that Porcia Minor was the younger of Cato's two daughters by Marcia and that she was born circa 56 B.C. But Cato had three daughters in total and the epithet Minor ought to denote the elder of Marcia's daughters. That is to say, Cato's daughter by Atilia was Porcia (Maior), Marcia's eldest was Porcia Minor, and the youngest was Porcia (Tertia). The

Finally, the narrow focus on Cato's willingness to surrender Marcia to Hortensius tends to obscure the involvement of Marcia's father L. Philippus. His assent was fundamental, but his motivation is seldom canvassed. Perhaps he required little convincing for Philippus had learned from his father the importance of pliability in uncertain times,⁸⁶⁹ besides which he was, like Hortensius himself, one of the *piscinarii*, who according to their critics, cared for nothing save their sumptuous estates and their bearded mullet.⁸⁷⁰ Marcia, one assumes, had little say in the matter — Plutarch at least gives no indication that her opinion was consulted.⁸⁷¹

fact that the girls had different mothers was immaterial because they were named after their father (thus the two daughters of C. Octavius by Ancharia and Atia were known as Octavia Maior and Octavia Minor). It may be therefore that Porcia Minor was born some years earlier. At any rate, unless her husband was cut off very early, Porcia can hardly have made the remark before say the 30's B.C. and the unnamed *bivira* was conceivably a prominent representative of the Triumviral or Augustan regime toward whom Porcia might understandably harbour some resentment.

⁸⁶⁹ See *Ad Att.* VIII.3.6.

⁸⁷⁰ Varro, *De re rustica* III.3.9-10; Pliny, *NH* IX.170; Macrobius, *Sat.* III.15.6; Cicero, *Ad Att.* I.18.6, 19.6, 20.3, II.1.7, 9.1.

⁸⁷¹ Lucan, II.338-9 represents Marcia as obediently following Cato's directive to marry Hortensius (*peregi iussa*), but shifts the responsibility for the decision to remarry in 49 on to Marcia's shoulders. Malcovati (1945) 6 regards Marcia's compliance as an affirmation of her devotion to Cato in spite of his 'rigid observance of the absurd Stoic doctrine of women as communal property.'

XIII.

M'. Aemilius Lepidus (cos. 66) *RE* no.62
 Cornelia *RE* no.418

TESTIMONIA

Asconius, 43.12 C

DATE

The duration of the marriage is unknown. If Cornelia was the mother of Lepidus' children the marriage can be dated no later than the early 60's. How long the marriage endured after 52 cannot be determined as Cornelia is otherwise unattested.

MODE OF DISSOLUTION

Unknown

ISSUE

Manius Lepidus (cos. 66) was the father of Q. Aemilius Lepidus (cos. 21), and also presumably of an older son, otherwise unknown, who bore the paternal *praenomen*. It is also possible that Aemilia Lepida, the wife of Cn. Domitius Ahenobarbus (cos. 32), was the daughter of the consul of 66. But it is not certain that Cornelia was the mother of any of these children.

PARENTS

Lepidus was probably the son of the *monetalis* M'. Aemilius Lepidus (*RE* no.61) and
 Ignota
 Cornelia's parentage is unknown

SIBLINGS

No siblings of Lepidus are attested
 No siblings of Cornelia are identifiable

Asconius, 43.3-18 C: Post biduum medium quam Clodius occisus erat interrex primus proditus est M. Aemilius Lepidus. Non fuit autem moris ab eo qui primus interrex proditus erat comitia haberi. Sed Scipionis et Hypsaei factiones, quia recens invidia Milonis erat, cum contra ius postularent ut interrex ad comitia consulum creandorum descenderet, idque ipse non faceret, domum eius per omnes interregni dies — fuerunt autem ex more quinque — obsederunt. Deinde omni vi ianua expugnata et imagines maiorum deiecerunt et lectulum adversum uxoris eius Corneliae, cuius castitas pro exemplo habita est, fregerunt, iterumque telas quae ex vetere more in atrio texebantur diruerunt. Post quae supervenit Milonis manus et ipsa postulans comitia; cuius adventus fuit saluti Lepido: in se enim ipsae conversae sunt factiones inimicae, atque ita oppugnationo domus interregis omissa est.

R. G. Lewis, *Asconius. Commentaries on speeches by Cicero*, Oxford, (2006) 87: Two and a half days after Clodius was killed, M. Aemilius Lepidus was named as the first *interrex*. Now it was not customary for elections to be held by the man who was first produced as *interrex*. But the factions of Scipio and Hypsaeus, because hostility towards Milo was still fresh, demanded contrary to law that the *interrex* should come down to the *comitia* with a view to appointing consuls, and when he would not do so, laid siege to his home on each and every day of his *interregnum* - which numbered the customary five. Then they broke through the gateway with all manner of violence and pulled down his ancestral portraits, broke up the symbolic marital couch of his wife Cornelia, a woman whose chastity was considered an example to all, and also vandalized the weaving-operations which in accord with ancestral custom were in progress in the entrance-hall. After that, Milo's gang, itself also demanding an election, came on the scene. Its arrival was Lepidus' salvation, since the hostile factions turned on each other, and in this way the assault on the house of the *interrex* was abandoned.

Asconius' commentary on the *Pro Milone* is the sole authority for the marriage of Lepidus and Cornelia. According to Asconius' account, M. Aemilius Lepidus was named as *interrex* on the 20th of January 52 B.C. two days after the murder of Clodius.⁸⁷² The hirelings of Metellus Scipio and Plautius Hypsaeus, Milo's competitors for the consulship of 52, tried to turn the backlash against Milo to the advantage of their paymasters' by forcing Lepidus to convene the *comitia consularia* immediately. Lepidus, however, refused to accede to the demands of the mob, endeavouring to explain that it was contrary to custom for the first *interrex* to preside over the *comitia*.⁸⁷³ Having failed to cajole Lepidus into doing their bidding, the mob settled down to a siege of the *interrex's* house for the remainder of his term of office. At some point during the siege — presumably on the fifth day (i.e. the 24th) — the mob broke down the front door of Lepidus' residence and burst into the *atrium* smashing the symbolic marriage bed and weaving equipment belonging to his wife Cornelia, and pulling down the *imagines* of Lepidus' ancestors. The siege was eventually lifted when some of Milo's minions arrived on the scene with the intention of compelling Lepidus to announce the *comitia* — whereupon the two rival gangs

⁸⁷² Opinion is divided on the date on which the *interregnum* began. Ruebel favoured the 19th of January, Lintott, Marshall, and Lewis preferred the 20th, while Mommsen and Clark opted for the 21st (see Marshall (1985) 169 and Lewis (2006) 248). But Asconius' phrase *post biduum medium* (cf. *biduo* Schol. Bob., 116.7 Stangl) seems to mean two and a half days after the murder of Clodius — i.e. on the 20th following the burning of the *Curia* and the emergency evening session of the Senate on the 19th (Dio, XL.49.5).

⁸⁷³ According to the *scholia Bobiensia*, Lepidus tried to explain the procedural technicalities to the mob in a civil manner, but in vain (116.6-7 Stangl: respondit civiliter non posse per se comitia haberi, quoniam primus interrex illo tempore esset proditus).

turned on one another.

The *interrex* M. Aemilius Lepidus is mentioned once by Cicero, five times in Asconius, and three times in the *scholia Bobiensia* and in every instance the *Mss* equip the *interrex* with the standard abbreviation for the *praenomen* Marcus (i.e. M.).⁸⁷⁴ As a result the *interrex* M. Aemilius Lepidus is almost invariably identified with the future Triumvir, but all the other evidence indicates that M. Lepidus was married to Iunia, one of three the daughters of D. Iunius Silanus (cos. 62) and Servilia.⁸⁷⁵ The crux is normally resolved in one of three ways:

1. By assuming that the Triumvir was married twice — to Cornelia and Iunia.
2. By asserting that Asconius has erred concerning the name of the *interrex*'s wife.
3. By identifying the *interrex* as someone other than the future Triumvir.

The relative merits of the proposed solutions may be briefly assessed.

Faced with an apparent discrepancy between the testimony of Asconius, who identifies the wife of the *interrex* as a Cornelia, and the testimony of Cicero, M. Brutus, Velleius, and Plutarch, who indicate that M. Lepidus (cos. 46, 42) was married to Iunia, the half-sister of M. Brutus, some commentators have chosen to resolve the crux by denying its existence. According to the advocates of this scenario, Lepidus was married twice: first to Cornelia and later to Iunia.⁸⁷⁶ Cornelia, it is assumed, died or was divorced sometime after January 52 thereby making room for Iunia. Few would deny that marriages in the late Republic were liable to be abruptly terminated by death or divorce, or that wives might be rapidly replaced with almost mechanical efficiency.⁸⁷⁷ But the idea that M. Lepidus only married Iunia after the loss, or repudiation, of

⁸⁷⁴ Cicero, *Pro Milone* 13: M. Lepidi. Asconius, 32.7 Stangl: M. Lepidi (= 33.12 Clark), 34.3 Stangl: M. Lepidi (= 36.8 Clark), 38.2 Stangl: M. Lepidi = *Pro Milone* 13 (= 43.1 Clark), 38.6 Stangl: M. Aemilius Lepidus (= 43.4 Clark), 39.2 Stangl: M. Lepidi (= 44.12 Clark). Schol. Bob. 115.28 Stangl: M. Lepidi = *Pro Milone* 13, 116.3: M. Lepidi, 116.4: M. Aemilius Lepidus. Asconius omits the *praenomen* of the *interrex* at 38.14 Stangl (= 43.16 Clark). Asconius, 34.19 Stangl = 37.3 Clark fails to stipulate whether M. Lepidus, the patron of the freedman M. Aemilius Philemon, and the *interrex* were identical (Marshall (1985) 181 assumed so, but Lewis (2006) 243 was sceptical).

⁸⁷⁵ On M. Lepidus (cos. 46, 42) and Iunia see Cicero, *Ad Att.* VI.1.25, XIV.8.1, *Ad Brut.* I.12.1, I.15.13, I.18.2, 6, II.2.1, *Ad fam.* XII.2.2, XII.8.1, XII.9.2, XII.10.1, *Phil.* XIII.8; M. Iunius Brutus, *Ad Brut.* I.13.1; Velleius, II.88.1; Dio, XLIV.34.7; Appian, *BC* IV.50; M. Aemilius Lepidus *RE* no.73; *PIR*¹ A 246; *PIR*² A 367; Iunia *RE* no.193; *PIR*¹ I 565; *PIR*² I 850.

⁸⁷⁶ See for instance: Klebs, *PIR*¹ A 246; von Rohden, *RE* I.560 M. Aemilius Lepidus no.73; Gruen, *LGRR* 104; Broughton, *MRR* III.7-8; Treggiari, *Marriage* 413, 502, 514, 533; and Lewis (2006) 249. Note, however, that von Rohden considered it implausible (unglaublich) that the Triumvir Lepidus was first married to a Cornelia, but went on to posit three scenarios — two of which are predicated on the Triumvir marrying Cornelia and then Iunia. Cornelia is nowhere mentioned in *Der Neue Pauly*.

⁸⁷⁷ Unlike widows, widowers were under no obligation to observe a prescribed period of mourning following the loss of a spouse (see the *Digest* III.2.9 pr; and Treggiari, *Marriage* 493f), so they were able to remarry promptly.

Cornelia is implausible.⁸⁷⁸ Although the date at which Lepidus and Iunia were married is not recorded, it is clear from the earliest recorded mention of the marriage and from the age of their children that they were married no later than 51.⁸⁷⁹ Moreover, consideration of the ages of Lepidus and Iunia, and what is known of Iunia's early life, suggest that Lepidus and Iunia were in all probability married years before — perhaps as early as 60 B.C. Consequently, the suggestion that the Triumvir Lepidus was married to Cornelia and Iunia is not credible.

Other scholars recognizing that the testimony of Asconius is incompatible with the evidence of Cicero, Brutus, Velleius, and Plutarch, preferred to believe that Asconius may have misidentified the wife of the *interrex*.⁸⁸⁰ It is usually conjectured that Asconius possibly confused the wife of the Triumvir with the wife of his son Q. Lepidus, or the wife of his nephew Paullus Aemilius Lepidus (cos. suff. 34) — both of whom married Corneliae.⁸⁸¹ Yet the assertion that Asconius was mistaken is the least satisfactory explanation of the crux. It is immediately obvious to the reader that Asconius was diligent in his research — indeed extraordinarily so by ancient standards. And it is clear from Asconius' explicit citations alone that he had consulted not only the works of Cicero, but also the *Acta*, Fenestella, M. Tullius Tiro, the *Oratio pro Milone* of M. Brutus, and other unidentified annalists in the preparation of his commentary on the *Pro*

⁸⁷⁸ The supposed marriage of the Triumvir and Cornelia cannot be buttressed by reference to the Sullan and Pompeian ancestry of the Triumvir's grandchildren M'. Lepidus (cos. 11 A.D.) and Aemilia Lepida (Tacitus, *Annals* III.22). Lepida's status as a great-granddaughter of Sulla and Pompey can only be explained by means of a marriage to a daughter of Faustus Sulla and Pompeia (see Groag, *PIR*² A 363, 420; and *PFOS* I.240 Cornelia no.269), and it is chronologically impossible that Faustus and Pompeia had a daughter who was already married in January 52 B.C., plus Lepida was the great-granddaughter of Sulla and Pompey not a great-great-granddaughter — hence her Sullan and Pompeian lineage cannot be traced back to the *interrex*'s wife Cornelia.

⁸⁷⁹ *Ad Att.* VI.1.25 (dated February 24, 50 B.C.) shows that Lepidus and Iunia were married by early 50 B.C., plus one of the sons of Lepidus and Iunia was betrothed to the daughter of Antony in 44 (Cicero, *Ad fam.* XII.2.2; Dio, XLIV.53.6, cf. XLVI.38.6; Appian, *BC* V.93), and the wedding was intended to take place in 37 B.C. (Appian, *BC* V.93), so the birth of Antonia's *fiancé* must be dated in or shortly before 51 B.C.

⁸⁸⁰ See for instance: Groebe, *GR*² I.17 n.7; Groag, *PIR*² A 367; Münzer, *RE* IV.1.1597 Cornelia no.418 and *RAA* 353-4 = 324-5 Ridley; Hayne (1974) 76-9; Cristofori (1992) 140-1; Flower (1996) 283. L. Petersen, *PIR*² I 850 on Iunia Lepidi makes no mention of any other wife. von Rohden, *RE* I.560 M. Aemilius Lepidus no.73; Marshall (1985) 72, 192; and Weigel (1992) 24-5 all considered the possibility that Asconius was mistaken, but their surveys are inconclusive.

⁸⁸¹ See Paullus Lepidus *RE* no.82, *PIR*¹ A 250, *PIR*² A 373 and Cornelia *RE* no.419, *PIR*¹ C 1206, *PIR*² C 1475. Q. Lepidus and Cornelia see *PFOS* no.269; Syme (1955) 23 and *AA* 112, 261f.

Milone.⁸⁸² Moreover, Asconius' statement that Cornelia was a woman of exemplary reputation indicates that the wife of the *interrex* was a well-known figure of the time.⁸⁸³ Taken together the celebrity of Cornelia and the diligence of Asconius make it most unlikely that the name of the *interrex*'s wife is wrong.⁸⁸⁴

It remains to consider the proposition that the *interrex* should be distinguished from the Triumvir Lepidus. The identification of the *interrex* and the Triumvir is usually taken for granted. Münzer at least endeavoured to argue the case, but his efforts only exposed the weaknesses of the argument.⁸⁸⁵ Münzer based his case on a curious parenthetical observation of Asconius:

Domus quoque M. Lepidi interregis — is enim magistratus curulis erat creatus — et absentis Milonis eadem illa Clodiana multitudo oppugnavit, sed inde sagittis repulsa est.⁸⁸⁶

Münzer maintained that the parenthesis — *is enim magistratus curulis erat creatus* — signified that Lepidus was appointed *interrex* because he was the only curule magistrate in office at the time since Lepidus had just been elected curule aedile whereas the praetorian and consular elections were still in prospect. It followed, according to Münzer's reasoning, that the *interrex* could hardly be anyone other than the later Triumvir — for if M. Lepidus was ever aedile, he was aedile in 52 — two years before his praetorship.⁸⁸⁷ However, Münzer's argument was fatally flawed as Lepidus cannot have been elected curule aedile for 52 prior to the *interregnum*. The curule magistrates were elected in descending order of rank and it was the responsibility of one of the consuls to preside over the election of the curule aediles. As a result, it would not have been possible to proceed to the election of the curule aediles without first having conducted the consular elections.⁸⁸⁸ Ergo Münzer's case for the identification of the *interrex* and the Triumvir

⁸⁸² *Annales* (30.4 Clark = 30.4 Stangl); *Acta* (31.13-14 Clark = 31.2 Stangl, 44.9 Clark = 38.29 Stangl, 44.13 Clark = 39.3 Stangl, 47.1 Clark = 40.21 Stangl, 49.7 Clark = 42.5 Stangl); *Fenestella* (31.14 Clark = 31.3 Stangl); *Tiro* (48.25 Clark = 41.28-9 Stangl); *M. Brutus* (41.11 Clark = 37.4-5 Stangl).

⁸⁸³ So rightly Sumner (1964) 43 n.19.

⁸⁸⁴ Münzer adopted this solution, but admitted that he could not find a fully satisfactory explanation for the alleged error. Jahn (1970) 178-9 accepted the identification of the *interrex* and the Triumvir while rejecting all the proposed solutions to the crux.

⁸⁸⁵ *RAA* 353 = 324-5 Ridley.

⁸⁸⁶ Asconius, 33.10-11 Clark = 32.8 Stangl.

⁸⁸⁷ Münzer's verdict was followed *inter alia* by Groag, *PIR*² A 367 and De Laet (1941) 21.

⁸⁸⁸ See Mommsen, (1887) I³ 580-2; Seidel (1908) 70 n.5; Jahn (1970) 178-9; Linderski (1972) 183f and (1985) 250-1; Cristofori (1992) 139-42.

falls and with it his explanation of the parenthesis. Moreover, Münzer's thesis was also deficient in another significant respect for Münzer was seemingly unaware of the contribution of Mommsen who interpreted the parenthetical statement as further evidence that the *interrex* was regarded as a curule magistrate.⁸⁸⁹

Nevertheless, Münzer's argument was subsequently resurrected in a slightly modified form by Staveley who rejected Mommsen's analysis and contended that M. Lepidus could have been curule aedile in 53.⁸⁹⁰ It is improbable, however, that Lepidus was aedile in 53 for a number of reasons.⁸⁹¹ First, it is difficult to credit that Lepidus observed a *triennium* between his alleged aedileship and praetorship when there is reason to believe that even the traditional *biennium* was no longer compulsory in this period.⁸⁹² Second, an aedileship in 53 implies that Lepidus was not praetor or consul *suo anno*, whereas what we know of his own and his brother's career suggests that both reached high office without delay.⁸⁹³ Third, the aedileship of 53 will have lost much of its allure due to the unprecedented delays in conducting the elections. The primary attraction of the aedileship was the opportunity it offered for largesse on a grand scale since the curule aediles presided over the *ludi Megalenses* and the *ludi Romani* which made it a valuable means of securing *urbana gratia* and thus a very useful stepping stone to higher office. But in 53 the curule aediles only entered office after the election of the consuls in July or August and so were deprived of the opportunity to host the *ludi Megalenses*.⁸⁹⁴ In the circumstances, had Lepidus been intending to run for 53, he might well have decided to delay his candidacy.⁸⁹⁵ Fourth, the

⁸⁸⁹ (1887) I³ 10 n.3, 401 n.4, 654 n.4.

⁸⁹⁰ Staveley (1954) 196-7; see also Ryan (1998a) 245; Cristofori, *loc. cit.* Staveley was following the lead of Seidel who had assigned the alleged aedileship of Lepidus to 53 (cf. *MRR* II.228). Daguet-Gagey (2011) makes no mention of the Triumvir.

⁸⁹¹ Neither of the curule aediles of 53 is identifiable. It is disputed whether M. Favonius was aedile in 53 or 52 (see Linderski (1972) 181-200 and Konrad (1996) 123-43). But the colleague of Favonius is unknown and Konrad, in any case, advanced an ingenious argument to show that Favonius was aedile of the plebs.

⁸⁹² See Badian (1959) 81-9; Sumner, *Orators* 7-10; Ryan (1998b) 3-14; and Daguet-Gagey (2011) 54-6.

⁸⁹³ If Lepidus was old enough to be aedile according to the *leges annales* in 53 (i.e. he was at least 36), and observed a *triennium* between his aedileship and praetorship, he will have reached the praetorship and consulship at least one year beyond the minimum age (i.e. at 40 and 43 respectively).

⁸⁹⁴ See Dio XL.17.2, 45.1 (July); Appian, *BC* II.19 (August); and *MRR* II.228. The *ludi Megalenses* were celebrated from the 4th to the 10th of April in the Augustan calendars and the *ludi Romani* from the 5th to the 19th of September (see Bernstein (1998) 201f, 355f, 358).

⁸⁹⁵ The same electoral delays induced P. Clodius to abandon his candidacy for the praetorship of 53 B.C. (see Cicero, *Pro Milone* 24, *De aere alieno* *Milonis* frg.16 Crawford = Schol. Bob., 172.31-6 Stangl with Sumner, *Orators* 136 contra Badian (1959) 87-8). Clodius may have been influenced in part by the fact that the delays meant that some of the games that normally fell within the remit of the praetors were conducted by the tribunes of 53 B.C.

suggestion is also difficult to reconcile with the language of Asconius. If Asconius meant to convey that Lepidus had been curule aedile in 53, the periphrasis — *is enim magistratus curulis erat creatus* — is a particularly odd and oblique turn of phrase. As Linderski pointed out, Asconius need only have said: *is enim aedilis curulis fuit* (or *fuerat*) to make that perfectly plain.⁸⁹⁶

And there are other difficulties with Staveley's thesis. Staveley sought to bolster his case by reference to the arguments of Willems. Willems had attempted to demonstrate that all but two of the known *interreges* (viz. Ap. Claudius the *interrex* of 77 and M. Lepidus) could be shown to have held a curule office prior to their appointment as *interrex*.⁸⁹⁷ Willems therefore surmised that previous tenure of a curule office was a necessary prerequisite and on this basis conjectured that M. Lepidus was curule aedile in 53 or 52.⁸⁹⁸ We have already seen that it is improbable that Lepidus was aedile in 53 and that Lepidus cannot have been elected aedile prior to the *interregnum* of 52. But there are more problems with Willems' analysis than Staveley was prepared to acknowledge.⁸⁹⁹ In short, it is doubtful whether previous tenure of a curule office

in their stead (see Dio, XL.45.3 with Drumann, GR² III.301). Cicero naturally put the worst possible construction on Clodius' decision.

⁸⁹⁶ Professor Linderski made this observation in an email.

⁸⁹⁷ Willems (1885) II.10-14. Willems considered Ap. Claudius a possible exception because he rejected the identification of the *interrex* with Ap. Pulcher (cos. 79) on the grounds that the latter died in Macedonia during his term as proconsul (Orosius, V.23.17-19; Eutropius, VI.2.1). Willems therefore identified the *interrex* with the Claudius Pulcher attested as a legate in 73 (Livy, *Per.* XCV) on whom vide infra.

⁸⁹⁸ I.519, II.13. Magdelain (1964) 427-73 went even further, arguing that until the *interregna* of 53 and 52 B.C. all *interreges* were patrician ex-consuls. See also Jahn (1970) 14, 19f, 178; and Linderski (1990) 38ff.

⁸⁹⁹ Note that Staveley falsely claimed that Willems regarded M. Lepidus as the sole exception to his thesis, whereas Willems himself acknowledged that Ap. Claudius the *interrex* of 77 was another possible exception. Willems identified the *interrex* with the Claudius Pulcher legate in 73 and reckoned him a son of C. Claudius Pulcher (cos. 92), or a brother of Ap. Pulcher (cos. 79) and of praetorian or aedilician rank by 77. But the legate of 73 occurs only in the epitome of Livy and is often regarded as an error for Claudius Glaber (*MRR* II.115 n.1, III.54). Plus Willems' suggested *stemma* is highly dubious. It is unlikely that the consul of 92 had a son old enough to be praetor or aedile before 77. And if the legate were a brother of the consul of 79 they can hardly have both borne the *praenomen* Appius. Clearly another candidate is required for the *interrex* of 77. Münzer, *RE* III.2849 identified the *interrex* with the consul of 79 arguing that Appius' departure for Macedonia was delayed by ill-health (Sallust, *Hist.* I.127 Maurenbrecher = 115 McGushin) and that it was possible that Appius served as *interrex* at the beginning of 78 before his departure for Macedonia where he died shortly afterward. And Münzer's verdict has generally been accepted (see Seidel (1908) 70 n.2; Groebe, *GR*² II.159 n.13; *MRR* II.86, 89, 92 n.4; Maurenbrecher (1893) 52, 241; Magdelain (1964) 427; Jahn (1970) 167 n.37; McGushin (1992) 147, 181; Ryan (1998a) 245; Brennan, *Praetorship* 530). But Münzer's argument is vulnerable. Ap. Claudius served as *interrex* at the beginning of 77, not 78, and if Münzer's identification is accepted Ap. Pulcher (cos. 79) must have spent all 78 convalescing in Italy before

was ever a formal requirement for *interreges*.⁹⁰⁰ Yet Willems' argument serves to highlight another awkward implication of the identification of the *interrex* and the later Triumvir. The empirical evidence does suggest that senior patrician senators were appointed as *interreges* whenever possible.⁹⁰¹ Consequently the appointment of someone as junior as M. Lepidus in 52 appears anomalous given that a number of more senior patrician senators were available.⁹⁰² Magdelain regarded this anomaly as being due to the particularly disturbed conditions of the time, but such evidence as we possess indicates a continuing strict adherence to tradition in

departing for his province sometime after early 77. That chronology self-evidently leaves little time for the proconsul's campaigns against the Scordisci (note also the complications this creates regarding the *imperium* of the proconsul see Brennan, *loc. cit.*). Others have identified the *interrex* of 77 with Ap. Claudius the military tribune of 87 — but he may also be identical with the Ap. Claudius who was defeated and possibly killed by Lamponius at the battle of the Colline Gate in 82 (see Willems (1885) II.13 n.6; Groebe, *GR*² II159 n.13), or with Ap. Pulcher (cos. 54) who was only about 20 in 77 and hence not even a senator (see Mommsen (1860) 562 n.301; *MRR* II.92 n.4; and Konrad (1996) 140 n.175). Moreover, there is at least one other possible exception to Willems' rule. L. Cornelius Scipio (cos. 350) the *interrex* of 352 is not to be identified with the *magister equitum* of 362 as Willems (1885) I.90 n.4, II.11 and Magdelain (1964) 429 n.4 believed (see *MRR* I.118, III.70; cf. Ridley (1997) 157-60). Ryan (1998a) 244-51 conjectures that Scipio was perhaps curule aedile or praetor before 352, which is possible, though it should be noted that in this period the praetorship was often held after the consulship. Ryan then goes on to suggest that Scipio may have been censor before 352, but if Scipio was ever censor 340 is the only plausible date (an all patrician censorship in 340 may have been the trigger for the promulgation of the *Lex Publilia* of 339 B.C.). Note also that A. Sempronius Atratinus the *interrex* of 483 (dictator according to Lydus, *Mag.* I.38) is usually identified with the consul of 497, 491, but the latter was killed in 486 according to Festus, 180 L (*MRR* I.21). The fundamental weakness of Willems' thesis is that too few *interreges* can be securely identified and dated.

⁹⁰⁰ It is difficult to see how curule status could be conceptualized as a necessary prerequisite (see the comments of Badian (1996) 197-8). By virtue of their appointment the second and successive *interreges* were invested with *auspicia maxima* and *imperium maius* (M. Messalla Rufus in Gellius, *NA* XIII.15.4; Varro, *De ling. Lat.*, VI.93; Sallust, *Hist.* I.77.22 M; Livy, I.17.5. That the *imperium* of the *interrex* was *maius* is clear from the fact that *interreges* could preside over the election of the consuls and a magistrate with lesser *imperium* could not preside over the election of one with greater *imperium* see Richard (1982) 19-32). As a consequence the offices they had held previously were irrelevant to the performance of their duties as *interrex* and there could be no objection to the service of patrician senators of lesser rank as *interreges*.

⁹⁰¹ See Jahn (1970) 14, 19f, 178, 180.

⁹⁰² Including: M'. Aemilius Lepidus (cos. 66), M. Valerius Messalla Niger (cos. 61), M. Valerius Messalla Rufus (cos. 53), A. Manlius Torquatus pr. 70, Ser. Sulpicius Rufus pr. 65, L. Cornelius Lentulus Crus pr. 58, M. Aemilius Scaurus pr. 56, Q. Metellus Scipio pr. 55, Ser. Sulpicius Galba pr. 54, L. Aemilius Paullus pr. 53. P. Cornelius Lentulus Spinther (cos. 57) was outside the *pomerium* which may have precluded his appointment. Willems (1885) II.17f produces a longer list, but not all those named were certainly alive or in Rome in 52. Broughton, *MRR* III.7 remarked that M'. Lepidus, if he was still alive, might well have been a more suitable choice as *interrex* than M. Lepidus. Broughton's caveat is unnecessary for M'. Lepidus was alive and well in 49 (see Cicero, *Ad Att.* VII.12.4, 23.1, VIII.1.3, 6.1, 9.3, 14.3, 15.2, IX.1.2, 10.7).

respect of the interregal procedure.⁹⁰³ Staveley's argument is therefore no more persuasive than Münzer's.⁹⁰⁴

There is a further point that deserves consideration. When the mob broke into the *atrium* of the *interrex* Lepidus they were confronted with all the *accoutrement* expected of the ancestral residence of a great Roman *nobilis* — including the *lectulus adversus* and looms of Cornelia and the *imagines maiorum* of Lepidus. The question is whether the description of the *domus* of the *interrex* is consistent with what we know of M. Lepidus (cos. 46, 42). We know that the father of

⁹⁰³ Magdelain (427-8). For the continued observance of *mos maiorum* during the *interregna* of the late Republic see Konrad (1996) 128f. Nor can the anomaly be attributed to a shortage of patrician senators which is the usual explanation given for the alleged irregularities during the *interregna* of 53 and 52. As noted above, there was no shortage of patrician senators available in 52 and a mere handful of patrician senators could sustain an interregnum indefinitely (see Konrad, *ibid.*) and in any case the *interregnum* of 52 was short-lived, and Lepidus was the first *interrex* appointed.

⁹⁰⁴ Ultimately Staveley was forced into this position by his denial of Mommsen's conclusion that the *interrex* was regarded as a curule magistrate. Staveley required an alternative explanation of Asconius' parenthetical statement and so adopted the thesis of Willems arguing that the phrase was inserted to explain: "how a man who had perhaps not been among the many *interreges* of 53 B.C. came to be appointed to that office at the very beginning of the following year." But that interpretation is less than convincing. We know the names of only two of the *interreges* who served during the prolonged *interregnum* of 53 (Messalla Niger and Metellus Scipio see *MRR* II.229) and it is entirely possible that Lepidus served in 53 as well as 52. And why, in any case, would Asconius insert such an obscure constitutional exegesis here? Staveley branded Mommsen's interpretation redundant, but his own interpretation seems no more appropriate to the context than Mommsen's. Other attempts to explain the parenthesis have been equally unsatisfactory. The translation of Squires (1990) 55 hints at a different explanation. Squires renders the phrase as: "who had eventually been appointed to this office." This at least makes sense as explanation of the fact that the tribunician obstruction which Asconius, 31 C had previously stated was preventing the resort to an *interregnum* had now lapsed allowing Lepidus to take office. But the Latin does not support that interpretation. The sense 'eventually' would surely call for *tandem*, *mox*, *aliquando*, or the like, and the translation of Squires fails to account for the words *magistratus curulis*. If Asconius meant to impart that Lepidus was finally elected *interrex*, why did he not say: *is enim interrex tandem erat creatus*, or simply: *is enim tandem erat creatus*. The translations of Berry (2000) 174: "who had been appointed to a curule magistracy"; and Lewis (2006) 67, 238: "for he had been appointed a curule magistrate"; are so vague that the clause becomes meaningless. Neither explains which magistracy was intended, or why Asconius saw fit to make this observation at this point. Professor Linderski suggested to me that the mention of Lepidus' curule status may be linked to the mention of the *fasces*. In the following sentence Asconius says that the mob, after ransacking the *atrium* of Lepidus, stole a set of *fasces* from the grove of *Libitina* and tried to confer them first on Scipio and Hypsaëus, and then on Pompey. At the time the *interrex* was the only curule magistrate in Rome and hence the only person in possession of the *fasces* and the mob may have been intent on seizing the *interrex's fasces*. That interpretation also helps explain the mob's forcible entry into the home of the *interrex* which otherwise seems a particularly daring, but senseless act of vandalism.

Lepidus, M. Lepidus (cos. 78), built a magnificent house in Rome.⁹⁰⁵ This house certainly contained *clipeatae imagines* and it presumably also contained the more traditional *imagines maiorum* that were displayed *ex vetere more in atrio*.⁹⁰⁶ But the consul of 78 B.C. was declared a *hostis publicus* in 77 B.C. and the property of a *hostis* was liable to destruction and/or confiscation.⁹⁰⁷ Now we know that the house built by M. Lepidus (cos. 78) was not demolished for Pliny says that it was still standing in 43 B.C.⁹⁰⁸ But we cannot say whether the house was still in the family. When Cicero and Brutus discussed the *hostis* declaration against M. Lepidus (cos. 46, 42) in 43 B.C., and its implications for his children, neither makes any reference to the confiscation of his father's property, and it is difficult to believe that the subject would not have arisen had Lepidus himself suffered financially as a result of the delinquency of his father. It appears likely then that the friends and relatives of the consul of 78 B.C. stepped in to prevent the confiscation of his property — just as M. Brutus got Cicero to intervene in 43 B.C. to save Iunia and the children from destitution. Yet even supposing that the heirs of M. Lepidus (cos. 78) did inherit his grand Roman residence, it is nonetheless uncertain whether the house came into the possession of M. Lepidus for it is possible that it fell to the lot of his older brother L. Aemilius Paullus (cos. 50).⁹⁰⁹ Thus while Asconius' description suggests that the *domus* of the *interrex* was his ancestral home, it must be considered doubtful whether M. Lepidus (cos. 46, 42)

⁹⁰⁵ See Pliny, *NH* XXXV.13, XXXVI.49, XXXVI.109; Shatzman, *Senatorial Wealth* 262; W. Eck, *LTUR* II.25. The location of the house is unfortunately unknown.

⁹⁰⁶ For the *imagines clipeatae* in the home of M. Lepidus (cos. 78) see Pliny, *NH* XXXV.13.

⁹⁰⁷ See Criniti (1969) 432f; Lintott (1999a) 155f; and Allély (2008) 609-22 with further references. Thus for example Sulla's house in Rome was razed to the ground and the remainder of his property confiscated and sold when he was declared a *hostis* by Cinna (Appian, *BC* I.73, 77, 81; Plut., *Sulla* XXII; Eutropius, V.7; John of Antioch, p.234.185 Roberto). See also Dio, XLVI.39.3; Cicero, *Phil.* XI.15; *Ad Brut.* I.12.1-2, I.15.10-11 on the *hostis* declarations against Antony, P. Dolabella (cos. suff. 44) and M. Lepidus (cos. 46, 42); and Plutarch, *Galba* V.4-5 on Nero's sequestration of the property of Galba.

⁹⁰⁸ Pliny, *NH* XXXVI.109 says that in 78 there was no finer house in Rome than Lepidus' own, but that 35 years later (i.e. in 43) it was not even reckoned among the top one hundred. Presumably Pliny's ranking of the urban properties of the rich was based on a valuation done in 43 in connection with one of the extraordinary levees undertaken in that year (see Dio XLVI.31.3, XLVII.14.2; Cic., *Ad fam.* XII.30.4; *Ad Brut.* I.18.5; Appian, *BC* III.66).

⁹⁰⁹ By early 43 M. Lepidus was a wealthy man and owned a number of residences (Cic., *Phil.* XIII.8, *Ad Brut.* I.18.2; Shatzman, *Senatorial Wealth* 289). It is unclear, however, whether Lepidus' house in Rome (Plut., *Caesar* LXVII.2; Dio XLV.17.4), the location of which is unknown, can be identified with the house built by his father (see Shatzman and Eck, *loc. cit.* and Lewis (2006) 238). As the Romans did not acknowledge the principle of primogeniture, the house built by the consul of 78 need not necessarily have gone to Paullus.

was in possession of such a property in 52 B.C.⁹¹⁰

There is good reason therefore to question the common identification of the *interrex* M. Lepidus with the later Triumvir. The corroborative arguments advanced by Münzer, Willems, and Staveley cannot withstand close scrutiny. The *interrex*'s marriage to Cornelia is inconsistent with the marital history of the Triumvir. The observable preference for appointing senior patrician senators as *interreges* ill-accords with the alleged appointment of a very junior M. Lepidus in 52. And Asconius' description of the *domus* of the *interrex* creates even further uncertainty. In reality, the identification has little in its favour save for the fact that the *Mss* equip the *interrex* with the *praenomen* Marcus. But even this argument is less compelling than it appears at first sight. Drumann long ago saw that one means of resolving the crux was to identify the *interrex* of 52 B.C. as Manius Aemilius Lepidus (cos. 66).⁹¹¹ Münzer dismissed Drumann's identification on the grounds that it involved too many emendations, but that argument carries little weight.⁹¹² It is well-known that the abbreviation for the rarer *praenomen* Manius (i.e. M'.) is highly susceptible to corruption into the more familiar M.⁹¹³ But it is seldom appreciated just how frequently this error occurs. If we scrutinize the works of the authors in question (Cicero, Asconius, and the *scholia Bobiensia*) and exclude the passages at issue, the following results emerge. Of the 8 references to M'. Lepidus (cos. 66) in the works of Cicero which include his *praenomen*, the *praenomen* is correctly transmitted in only 1 instance and then only in some *Mss*.⁹¹⁴ In all the other passages M'. has been replaced by M. Similarly, M'. Lepidus features

⁹¹⁰ Asconius gives no clue to the location of the *domus* of the *interrex*. The phrase *ad comitia consulum creandorum descenderet* might be taken to imply that it was situated above the *Campus Martius* (i.e. on the Pincian or Quirinal), but the verb *descendo* is not uncommonly associated with the conduct of elections (see *TLL* V.1.644-5).

⁹¹¹ Mommsen also considered identifying the *interrex* of 52 as M'. Lepidus (compare *Staatsrecht* I³ 653 n.2: M. (oder M'.) Aemilius Lepidus, and *Staatsrecht* I.654 n.4 M'. Lepidus).

⁹¹² Münzer's judgement was echoed by Gruen, Hayne, and Cristofori. But Drumann has been followed by Sumner (1964) 43 n.19; Ruebel (1979) 234-5, 240; Konrad (1996) 128 n.117; Linderski (per email); and Allély (2004) 42.

⁹¹³ See Klebs, *RE* I.550 M'. Aemilius Lepidus no.62; Sumner (1964) 41f; Salomies (1987) 36 n.53.

⁹¹⁴ The eight occurrences are: *Ad Att.* VII.12.4, 23.1, VIII.1.3, 6.1, IX.1.2, 10.7, *In Cat.* I.19, *Phil.* II.12. The *praenomen* is omitted in *Ad Att.* VIII.9.3 (= 9a.1), 14.3, 15.2, XII.21.1, *Ad Quintum fratrem* II.1.1, *In Cat.* I.15, and *Pro Sulla* 11. For the letters see the apparatus of Shackleton Bailey, *CLA* IV.10, 40, 48, 62, 122, 172. In the case of *In Catilinam* I.19 the *Mss* have M (M' was restored by Manutius see the apparatus of Maslowski (2003) 20-1). And in later citations Lepidus' name has been corrupted to *Marcum Lecam* or *M. Laecam* (see Maslowski, *loc. cit.*). Some of the *Mss* of *Phil.* II.12 preserve the *praenomen* M', but V and D both equip M'. Glabrio and Lepidus with the *praenomen* Marcus (see the apparatus of Shackleton Bailey (1986) 40, and of Boulanger and Wuilleumier (1972) 95).

once in the text of Asconius, but in all the *Mss* the *praenomen* has been corrupted to Marcus.⁹¹⁵ And the corruption is repeated in the *Mss* of Asconius in the case of other individuals who bore the *praenomen* Manius.⁹¹⁶ In fact, there is not a single instance in the text of Asconius where the *praenomen* has been correctly transmitted. In the *scholia Bobiensia* the story is the same — the *praenomen* Manius is routinely subject to corruption.⁹¹⁷ Furthermore, the corruption is replicated in the only other reference to M'. Lepidus (cos. 66) in the literary record.⁹¹⁸ There could be no clearer proof of the fact that the *praenomen* Manius is much more likely to be corrupted than it is to be correctly transmitted. Indeed the *praenomen* was not even safe from corruption when it was written out in full.⁹¹⁹ In the circumstances, Münzer's objection to the identification of the *interrex* as M'. Lepidus (cos. 66) can scarcely be considered probative, and given that Drumann's hypothesis also resolves all the difficulties inherent in the identification of the *interrex* with M. Lepidus (cos. 46, 42), it is undoubtedly to be preferred.⁹²⁰

M'. Aemilius M'. f. Lepidus (cos. 66) is generally thought to be the son of M'. Lepidus the *monetalis* of circa 114 B.C. and great-grandson of M. Aemilius M'. f. M'. n. Lepidus (cos.

⁹¹⁵ Asconius, 48.24 Stangl = 59.15 Clark.

⁹¹⁶ Konrad (1996) 128 n.117 also drew attention to Asconius, 26.3 Stangl = 48.4 Clark on M'. Aquillius (cos. 101), and Asconius, 28.29 Stangl = 56.18 Clark on a son of M'. Glabrio (cos. 67), but the latter may be identical with M. Acilius Glabrio (cos. suff. 33 B.C.). There is a further possible instance at Asconius, 77.26 Clark = 61.2 Stangl where the *pontifex maximus* of 449 B.C. is named M. Papirius. Papirius is usually identified with Papirius Crassus (cos. 441) and the consul appears as M. in Livy, IV.12.1, but Manius in Diodorus, XII.35.1 (see *MRR* I.49, 55 n.1. For the *praenomen* Manius in the early patrician Papirii witness also M'. Papirius allegedly the first *rex sacrorum* - Dion. Hal., V.1). Note also Ps. Asconius, 186.13, 204.1, 220.8 Stangl, and Schol. Gronov., 317.25 Stangl.

⁹¹⁷ The *praenomen* occurs 3 times in the scholiast: 80.33 (Mario Curio), 80.34 (Manius Curius), and 108.1 (M. Aquilium) Stangl. 80.34 is the only instance where it was not mutilated in the course of transmission.

⁹¹⁸ M'. Lepidus also appears as M. Lepido in the *Mss* of Sallust, *Bellum Catilinae* XVIII.2 (see the apparatus of Kurfess (1957) 16). The *praenomen* is also corrupt in the *Mss* of Cassiodorus which have: An. or Cn. Lepidus (see Degrassi, *Inscriptiones Italiae* XIII.1.489).

⁹¹⁹ Thus for instance, in Tacitus, *Annals* III.32.2 Manium Lepidum became Marcum Lepidum (see Syme (1955) 25-7 = (1970) 36-8); Mario Curio was substituted for Manio Curio in Schol. Bob., 80.33 Stangl; Manius Acilius Glabrio becomes manus Acilius Glabrio in Ps. Asconius 221.18 Stangl; and in Ps. Asconius 221.21 Stangl Manium Acilium Glabrionem has been corrupted to Manilius and malius.

⁹²⁰ There is no benefit in inventing another M. Lepidus — i.e. an otherwise unknown son of Mam. Aemilius Lepidus (cos. 77), or M'. Lepidus (cos. 66) who would be the same age or even younger than the Triumvir and so an equally unlikely choice as *interrex*. And although the archaic *praenomen* Mamercus is also frequently corrupted to M. (see Sumner (1964) 41-8 on Asconius, 60.21, 79.20, 81.6 Clark = 49.19, 62.5, 63.5 Stangl) the *interrex* cannot be identified with the consul of 77 who was dead by 52 (see Sumner and Tansey (2000) 15-30).

158) based on the occurrence of the *praenomen* Manius and the intervals between their offices.⁹²¹ The parentage of Cornelia is entirely unknown. It is worth noting that M'. Lepidus (cos. 66) appeared for the defence in the first abortive indictment of C. Cornelius the tribune of the plebs of 67 B.C.⁹²² But the fact that both the consuls of 66 B.C. came to support Cornelius suggests that the relationship was professional rather than personal.⁹²³ It seems likely that Cornelia was of patrician stock — though one can only guess to which *stirps* of the *gens* she belonged.⁹²⁴

It is uncertain when the marriage was contracted. A number of factors imply that Lepidus and Cornelia were not newly-weds in 52. Manius Lepidus was born no later than 110 B.C. (i.e. was at least 58 years of age in 52) and he is likely to have been married by the early 80's.⁹²⁵ It is impossible to determine Cornelia's age, but the fact that Cornelia was a woman of established reputation in 52 indicates she was not a young bride at that time.⁹²⁶ Moreover, if Cornelia was the mother of Lepidus' children the marriage belongs a good deal earlier than 52. The only attested son of Manius Lepidus, Q. Aemilius M'. f. Lepidus, was proquaestor circa 40-38 and consul in 21 and hence was born no later than circa 65 B.C.⁹²⁷ And Quintus may have had a

⁹²¹ The filiation of the consul of 66 is certified by inscriptions set up in his honour at Delos and Priene (see Roussel and Launey (1937) IV.1.1659; Hiller von Gaertringen (1906) 244). Son of *monetal*: Sumner (1964) 42, *Orators* 66; Crawford, *RRC* I.305 no.291; Settipani, *Continuité* 61. Great-grandson of the consul of 158: Münzer, *RAA* 293; Sumner (1964) 42, *Orators* 66; Settipani, *Continuité* 61. Lepidus is also sometimes made the grandson of M. Aemilius Lepidus (cos. 126) based purely on the timing (Sumner (1964) 42 contra Sumner, *Orators* 66; Crawford, *RRC* I.305 no.291; Badian (1990) 393; Settipani, *Continuité* 61).

⁹²² Asconius, 59.23 Clark = 49.4 Stangl; on which see Sumner (1964) 41-2.

⁹²³ The motives of Lepidus and his colleague L. Volcarius Tullus are unattested. Crawford (1994) 105 suggested that the consuls and Cornelius shared a common allegiance to Pompey (which was denied by Gruen, *LGRR* 107 n.61, 132, 135). But it may be that Cornelius had used his influence in support of their campaign for the consulship (*Comm. Pet.* 19, 51) and they were now repaying their debt.

⁹²⁴ Gruen, *LGRR* 104 thought Cornelia "a daughter of the Lentuli, or, perhaps, of the Scipiones." One ought not to exclude the Cornelia Dolabellae, Cethegi, Sisennae, or Sullae all of whom are in evidence at the appropriate juncture, though the Lentuli were certainly the most prolific of the patrician *stirpes* in existence at this time.

⁹²⁵ As Lepidus was consul in 66, he was born by the year 109, but his proquaestorship belongs in the period 83—78 which implies that he was quaestor by 79 and so born by 110 at the latest (see Münzer, *RAA* 318-9 = 292-3 Ridley; *MRR* II.86; Sumner (1964) 42; Tuchelt (1979) 236; and Ferrary (2000) 352, 367).

⁹²⁶ Cornelia the wife of Paullus Aemilius Lepidus (cos. suff. 34) provides a useful point of comparison. Cornelia Paulli was also regarded as a model of virtue (Propertius, IV.11) and was perhaps only about 28 years of age at her death in 16 B.C., but by that time she had already been married to Paullus for around 15 years.

⁹²⁷ See Tansey (2008) 174-207. Even allowing for Triumviral irregularities, Q. Lepidus can hardly be supposed younger than about 25 when he served as propraetor and the protracted interval between his propraetorship and consulship establishes that Lepidus came late to the *fascēs* by the standards of the time. Quintus presumably had a brother who bore the paternal *praenomen*, but no other sons of the consul of 66 are recorded. The proquaestor

sister who was married to Cn. Domitius Ahenobarbus (cos. 32 B.C.) by 50 — suggesting she was born before 62.⁹²⁸ If therefore Cornelia was the mother of Quintus and Aemilia, the marriage belongs no later than the early 60's. Since, however, Lepidus ought to have married a good two decades prior to the early 60's, two alternatives present themselves: either Lepidus and Cornelia sired other children at an earlier date who escape all mention,⁹²⁹ or else Lepidus lost, or discarded, a previous wife allowing him to marry Cornelia about the time of his praetorship.

The fate of the marriage is uncertain. Cornelia is not attested after January 52. Lepidus was still alive when the civil war erupted in 49,⁹³⁰ but was dead by early 43.⁹³¹

Manius Lepidus honoured at Delos and Priene is the consul of 66 himself and not a homonymous son (as per Groebe, *GR*² I.4 no.18; Wissowa, *RE Suppl.* I.18 no.62a; Ribbeck (1899) 61 no.331, cf. 68 no.379), or younger relative (as per Mattingly (1979) 166-7; cf. Kallet-Marx (1995) 214-5) see Münzer, *RAA* 292-3 and Ferrary (2000) 352. The proquaestorship of the consul of 66 explains his son's status as hereditary patron of Halicarnassus (see Eilers (2002) C 116).

⁹²⁸ On the conjecture that Cn. Ahenobarbus married an Aemilia Lepida see Syme, *AA* 57, 113, 158-9, 166, 253 n.75, tables V and VIII, and (1987) 9, 19, 21. Syme preferred a daughter of L. Aemilius Paullus (cos. 50), but a daughter of M'. Aemilius Lepidus (cos. 66) is another possibility (see Tansey (2008) 175 n.5, 177).

⁹²⁹ We must envisage at least one other son senior to Quintus who bore the paternal *praenomen*.

⁹³⁰ Lepidus remained in Italy and took his place in the Caesarian senate see Cicero, *Ad Att.* VII.12.4, 23.1, VIII.1.3, 6.1, 9.3 (= 9a.1), 14.3, 15.2, IX.1.2, 10.7.

⁹³¹ Cicero, *Phil.* II.12-13.

XIV.

Tullius or [Volcaci] Tullus ?
 Porcia C. Catonis f.

TESTIMONIA

CIL X.181*

DATE

First half of the First Century B.C. ?

MODE OF DISSOLUTION

Unknown

ISSUE

The possibility that the marriage produced offspring is conditional upon the identification of Porcia's husband

PARENTS

Porcia's husband possibly belonged to the senatorial Volcaci Tulli
 Porcia's father may be identical with C. Cato (cos. 114 B.C.) or the homonymous tribune of 56 B.C. (*RE* no.6), or he may have been an otherwise unrecorded son or nephew of the consul

SIBLINGS

L. Volcaci Tullus (cos. 33) and C. Volcaci Tullus (*RE* no.7) were brothers or cousins, and either man could have been the husband of Porcia

No siblings of Porcia are explicitly attested, but she was conceivably the paternal aunt or sister of C. Cato (*RE* no.6)

In 1972 Simonelli signaled the rediscovery of a long lost inscription of Nola previously known only from various manuscripts⁹³²:

Porciae Tulli
C. Catonis f.⁹³³

Porcia (wife) of Tull[i]us, daughter of C.Cato

Mommsen had failed to locate the inscription and dismissed it as a forgery,⁹³⁴ but there can no longer be any doubt about its authenticity. Simonelli limited himself to a succinct description of the find and proposed that the lettering perhaps suggested a date in the reign of Trajan. Subsequently Reynolds and Camodeca have argued that the style and content of the inscription unequivocally indicate a date in the late Republic and Camodeca assigns the inscription to the period circa 80 — 50 B.C.⁹³⁵ Camodeca rightly observed that it is natural to assume that Porcia's father C. Cato was a member of the senatorial Porcii Catones who used the *praenomina* Caius, Lucius, and Marcus.⁹³⁶ Among the known members of the family the *praenomen* Marcus predominates, and only two men bearing the *praenomen* Caius are

⁹³² Namely: an Anonymous manuscript of 1591 entitled *De la vita delli cinque Santi vescovi, martiri, confessori et protectori de la illa città di Nola, raccolta da diversi gravissimi authori, et tradutta in lingua comune a tutti*, held in the Biblioteca Oratoriana dei Girolamini Naples (ms. XXVIII.3.27); G. C. Cappaccio, *Neapolitanae Historiae*, Naples, (1607) 886 (who conflated the inscription with *CIL* X.1246 which honours the father of Constantine); Thomas Reinesius, *Syntagma inscriptionum antiquarum cum primis Romae veteris quarum omissa est recensio in vasto Iani Grutero opere cuius isthoc dici possit supplementum*, Leipzig, (1682) 844 no.99; and Stefano Remondini, *Della nolana ecclesiastica storia*, Naples, (1747) I.109 no.98.

⁹³³ Simonelli (1972) 401 no.X.

⁹³⁴ (1852) 13 no.330* = *CIL* X.181*. Camodeca theorizes that the inscription was hidden beneath plaster when Mommsen and his collaborators visited Nola.

⁹³⁵ Reynolds (1976) 178: "the letter forms impose a late Republican date." Camodeca (2011) 105-17, 108 points to epigraphic characteristics typical of the period from Sulla to Caesar such as the letter P in line 1 with an unclosed loop, and the use of triangular interpuncts in lines 1 and 2. Cf. Camodeca (2012) 299.

⁹³⁶ The assumption is supported by the fact that no bearers of the name are recorded who were not members of the senatorial family. The M. Porcius Cato once thought to be a *IIvir* of Narbo Martius (Taylor, *VDRR* 288 n.24) is in fact the consul suffect of A.D. 36 (*CIL* XII.4407 = *AE* (1976) 388 = *Carte archéologique de la Gaule* 11.1 (2003) p.432), and there is no reason to assume that the consul (*RE* no.33; *PIR*¹ P 635; *PIR*² P 856), and his descendants were not genuine heirs of the Republican Catones. The list of 'imposters' compiled by Solin (2001) 420 includes a M. Porcius Cato *IIvir* at Carthago Nova, but Solin has conflated two coin issues. The Augustan duumvir of Carthago Nova was a L. Porcius Capito (see Llorens Forcada (1994) 54, 67-8, 145, 147, 229f, 313f), while a M. Cato, whose *gentilicium* is unattested, minted at Caesaraugusta in A.D. 31-32 (*RPC* I.118, 123 nos.345-351). And a usurpation of this kind would not in any case be comparable to the annexation of the *cognomen* by an individual living in Campania during the Republic.

attested⁹³⁷: C. Porcius Cato (cos. 114),⁹³⁸ the younger son of M. Cato Licinianus and grandson of Cato the Censor, and C. Cato the tribune of 56 B.C.,⁹³⁹ who was probably a grandson of the homonymous consul, or of the consul's older brother M. Cato (cos. 118).⁹⁴⁰ Camedoca

⁹³⁷ The *praenomen* of the younger son of M. Cato Uticensis by Marcia, (*RE* no.8), is not directly attested, but Lucius is the more likely alternative because the uncle of Uticensis, the consul of 89 B.C. (*RE* no.7), was a Lucius.

⁹³⁸ *RE* no.5.

⁹³⁹ *RE* no.6.

⁹⁴⁰ Drumann, *GR*² V.215 did not investigate the parentage of the tribune. He merely remarked that the *praenomen* Caius is insufficient warrant for assuming him a grandson of C. Cato (cos. 114), whereas Miltner, *RE* XXII.105-6 no.6 and Camodeca (2011) 109 regard it as probable that he was a grandson of the consul of 114 (cf. David (1992) 874). Fehrle (1983) 51 n.14 conjectured he may have been a descendant of M. Cato (cos. 118), or of his brother C. Cato (cos. 114). C. Cato (cos. 114) died an exile in Spain and is not explicitly attested as having had any issue — though the evidence is such that this is scarcely probative. M. Cato (cos. 118) died in office and had at least one son who reached the praetorship and died in Gallia Narbonensis (*RE* no.11). If, as Drumann, *GR*² V.196 n.4, and Münzer, *RAA* 330 = 303 Ridley assumed, the ἀνεψιὸς from whom Cato inherited an estate worth 100 talents i.e. around 600,000 denarii (Plutarch, *Cato Minor* VI.4) was the son of the consul of 118 B.C., that implies that the line of Cato Licinianus was extinct since the deceased would not have bequeathed his estate to Uticensis if he had nearer kin among the living. This in turn would mean that the tribune C. Cato was a descendant of Cato Salonianus and hence a first cousin of Uticensis. But the thesis of Drumann and Münzer is problematic. Firstly, Plutarch seems to place the inheritance in the late 70's, and although the timing of the death of the *praetorius* M. Cato is unclear (see Badian (1966) II.918), it probably predated the late 70's (on the theory that the praetorius M. Cato was the author of the *lex de provinciis praetoriis* and was praetor in 101 or 100 B.C. see now Daubner (2007) 9-20 who attributes the law to his father). Secondly, the primary meaning of ἀνεψιὸς / ἀνεψιά in Plutarch and elsewhere is first cousin (see Thompson (1970) 75-6; Vartigian (1978) 56f; and Adrados (1986) 298). It certainly bears that meaning in Plutarch, *Aemilius Paullus* V.5, VIII.3, *Marius* I.3, *Brutus* XIII.3, *Antony* IX.3, *Theseus* VII.1, and possibly in *Quaestiones Romanae* 265 D, E (where it may extend to second cousins see Kreuger and Mommsen (1870) 371-6), *Aristides* XXV.6 (see Davies (1971) 257), *Demosthenes* XXVII.6 and Pseudo-Plutarch, *Vitae decem oratorum* 846 D (where it signifies first cousin or first cousin once removed see Davies (1971) 116-8), and *Alexander* LV.9 (Plutarch's statement that Hero the mother of Callisthenes was the ἀνεψιά / first cousin of Aristotle is consistent with the claim in the *Suda*, Kappa 240 Adler that Callisthenes was the ἀνεψιαδούς of Aristotle — i.e. the son of a first cousin. Seneca the Elder, *Suasoriae* I.5 erroneously describes Callisthenes as the *amitinus* of Aristotle — literally the son of a paternal aunt or more generally a first cousin which could be an error based on Hero's status as an *amitina* of Aristotle). But in *Agesilaus* XXXVII.3 ἀνεψιὸς denotes a nephew (Tjahepimu, the father of Nectanebo II, was the brother of Tachos / Teos see Redford (2001) II.517-8 and K. Jansen-Winkel, *DNP* 'Tachos' and 'Nectanebus II'), and in *Pericles* VII.5 and *Alcibiades* XXXII.2 it arguably signifies in one or other instance, or both, a more distant cousin (see Thompson (1969) 583-6; Davies (1971) 377-8; and Nail (2002) 150). In the remaining occurrences in Plutarch it simply means a relative (*De capienda ex inimicis utilitate* 92 A), or else the nature of the relationship is unverifiable (*Solon* I.3, *Antony* XLVI.4, *Theseus* XIX.6, *Themistocles* XXIX.7, *Quaestiones Graecae* 300 E, Pseudo-Plutarch, *Amatorius* 749 E, *De sollertia animalium* 965 C, *Vitae decem oratorum* 834 E, 849 C). In Cato's case it cannot refer to a nephew, and it seems preferable to suppose that the

concluded on chronological grounds that Porcia C. f. was not likely to be a daughter of the consul of 114 B.C., or of the tribune, and opted for a hitherto unknown C. Cato belonging to the intervening generation.⁹⁴¹ That reconstruction is entirely possible — especially as the tribune may have been C. f. C. n. Yet Camodeca's own analysis suggests that it is somewhat premature to exclude the consul of 114, or the tribune of 56 B.C. C. Cato (cos. 114) is not known to have had any offspring, but supposing that he did have a daughter she would have to have been born before he became a citizen of Tarraco and forfeited his Roman citizenship in 109 B.C.⁹⁴² Let us assume, however, that the consul's putative daughter was born as early as possible when her father was about 20 years of age circa 136 B.C. Even in these circumstances she could still easily have survived long enough for her epitaph to have been inscribed in the period circa 80 to 50 B.C.⁹⁴³ Equally, if the tribune of 56 was praetor in 55 B.C. (i.e. born by 95 B.C.), he might, as Camodeca points out, have had a daughter born by 75 B.C., who would have been nubile by 61 B.C., which is within the date range posited for the inscription.⁹⁴⁴ It remains possible therefore that Porcia was a daughter, granddaughter or great-granddaughter of C. Cato (cos. 114), and in default of further evidence this is perhaps as close as we are likely to get in identifying the father of Porcia.⁹⁴⁵

There is even less to go on in respect of Porcia's husband. Camodeca took the gamonymic *Tulli* to be the *gentilicium* of Porcia's husband,⁹⁴⁶ and conjectured that this Tullius was a prominent member of the colony that Sulla established at Nola in 80 B.C.⁹⁴⁷ However, that hypothesis prompts a number of observations. Firstly, although the epigraphic record of Nola is

bequest came to Uticensis from a close relative, presumably a son of his paternal uncle L. Cato (cos. 89) and not the elderly *praetorius* who was his second cousin once removed (so rightly Geiger (1971) 154-5). This implies that Uticensis was the last scion of the Saloniani at that time. That being so, the tribune C. Cato must belong to the line of Licinianus and be a grandson of M. Cato (cos. 118) or C. Cato (cos. 114).

⁹⁴¹ (2011) 110.

⁹⁴² On the conviction and exile of the consul see Kelly (2006) 171 no.14 *passim*.

⁹⁴³ A date of birth circa 136 B.C. would make Porcia around 56 years of age in 80 B.C. and 86 years old in 50 B.C.

⁹⁴⁴ The inscription of Nola appears to be sepulchral, but the putative daughter of the tribune might have died prematurely. It is not certain that C. Cato was praetor 55 (see *MRR* III.169-70). If the praetorship is discounted, Cato must nevertheless have been quaestor by 58, which entails a date of birth no later than 89 B.C., and even on that reckoning he might have had a daughter of marriageable age by circa 55 B.C.

⁹⁴⁵ Nor should the possibility be ruled out that Porcia was a granddaughter or great-granddaughter of M. Cato (cos. 118).

⁹⁴⁶ The identification of the husband by his *gentilicium* alone is paralleled in the epitaph of Cornelia the wife of Vatienus (*CIL* VI.1296: Cornelia L. Scipionis f. Vatieni), and perhaps also in the tomb inscription of Octavia (*CIL* VI.23330: Octaviai M. f. Appi (contra Münzer, *RE* XVII.1857-8 Octavia no.94).

⁹⁴⁷ (2011) 110f, (2012) 299.

limited and predominantly pertains to a later period, there is a conspicuous lack of evidence for Tullii at Nola.⁹⁴⁸ Secondly, one cannot help but feel that Porcia, as a *femina nobilis* from a wealthy family, is likely to have aimed higher and could have done better than a decurion of Nola. Camodeca appeals to the evidence assembled by Cébeillac-Gervasoni as proof of the fact that marriages between members of the Roman senatorial aristocracy and the local elites of Latium and Campania were unexceptional in the late Republic.⁹⁴⁹ In reality, however, the work of Cébeillac-Gervasoni offers little support for the thesis of Camodeca because she concluded that the majority of the “aristocratie locale” of Latium contracted socially and geographically endogamous marriages: i.e. married other representatives of the local elite from their own, or neighbouring cities.⁹⁵⁰ And, more importantly, the handful of marriages between representatives of the local aristocracies of Latium and the Roman elite adduced by Cébeillac-Gervasoni are not truly comparable to the scenario envisaged by Camodeca because it is readily apparent that Camodeca is comparing apples and oranges in equating the newly-established governing class of the Sullan colony of Nola to the elites of the long-established *municipia* and *colonia* of Latium.⁹⁵¹ Cébeillac-Gervasoni’s “magistrats municipaux” include the likes of the Tullii Cicerones of Arpinum and the Octavii of Velitrae, that is to say, *domi nobiles* and *equites Romani* whose families had dominated their hometowns for generations,⁹⁵² whereas the bulk of Sulla’s colonists

⁹⁴⁸ See Camodeca (2012) 295-328. Simonelli (1972) 398 no.VI publishes a second inscription from the *via Merliano* at Nola relating to a probable freedman named M. Tullius Dionysius, but the inscription was discovered in Naples *ad portam Capuam* and removed to Nola (see *CIL* X.1517; D’Avino (1968) 85; and Leiwo (1995) 114 who dates the inscription to the end of the First Century A.D. or the Second Century). Camodeca (2011) 112-3 assembles the limited evidence for the distribution of the *gentilicium* Tullius in Campania, much of which belongs to a later period. According to the chronology of Mouritsen (1988) 71f, 78, 84, 88, a M. Porcius M. f. and a Q. Tullius Q. f. held local office in the nearby Sullan colony of Pompeii between circa 80–30 B.C., and a M. Tullius ran for office in the same period.

⁹⁴⁹ (2011) 114 n.37 citing Cébeillac-Gervasoni (1998) 213-19.

⁹⁵⁰ Cébeillac-Gervasoni (1998) 215: la grande majorité de ces magistrats aient pris épouse dans leur cité ou dans les régions proches. 219: La majorité des familles avait un comportement endogame. And she noted that Moreau (1983) 99-123 came to the same conclusion in his study of the elite of Larinum in the Ciceronian epoch. Cébeillac-Gervasoni conceded that the evidence for the Campanian elite in her period was non-existent (218-9).

⁹⁵¹ The instances cited by Cébeillac-Gervasoni involve the following cities of Latium: the *municipium* of Aricia (established in 338 B.C.), Antium, Velitrae, and Fregellae (colonized in 338, 338 and 328 B.C.), the *municipia* of Fundi and Arpinum (established in 332 and 304 B.C. and given the full franchise in 188 B.C.), and Tarracina (colonized in 329 B.C.).

⁹⁵² Cébeillac-Gervasoni describes them as belonging to the highest strata of the local elite (216: frange supérieure de la classe dirigeante municipale). But it must also be added that even the small number of cases produced by Cébeillac-Gervasoni are problematic in two important respects. Some of the identifications proposed are highly

were drawn from the 23 legions that had served under him, and the vast majority of those settled at Nola will have been common soldiers.⁹⁵³ Yet even supposing that the new ‘colonial elite’ of Nola were drawn from the upper ranks of Sulla’s veterans,⁹⁵⁴ there will have been a marked social gulf between a decurion of Nola and Porcia C. Catonis f.⁹⁵⁵ And given Sulla’s friendship

speculative (e.g. Coarelli’s conjecture that Cicero’s mother Helvia belonged to a senatorial family from Fregellae), while other instances are dubious or plain inaccurate (e.g. Milo’s friend P. Fabius is a prosopographical phantom; *Ad fam.* XIII.12 indicates that Q. Fufidius was the stepson of a M. Caesius not the husband of a Caesia; L. Marcius Philippus (cos. suff. 38) married the aunt not sister of Octavian, and it was the daughter of Atia Maior not Ancharia that married C. Marcellus and Antony). Then there is the larger question of how many of Cébeillac-Gervasoni’s individuals can legitimately be categorized as “magistrats municipaux” or members of the “aristocratie locale” of Latium. All of the families named perhaps started out that way, but many had transcended that status by the time that we encounter them. Thus M. Atius Balbus was himself a Roman senator and had senatorial ancestors (Suet., *Aug.* IV.1-2). The fathers of Q. Pedius and Cossutia were *equites Romani* (Cicero, *Pro Plancio* 17; Suet., *Iul.* I.1) and both families were surely by this time domiciled in Rome. The Octavii of Velitrae were an old equestrian family, and according to some authorities a cadet branch of the consular house (Suet., *Aug.* II.3; Vell., II.59.2). Plus C. Octavius was probably already of quaestorian rank when he married the daughter of Atius Balbus circa 68 B.C. (see Ryan (1996a) 251-3). M. Livius Drusus Claudianus married the daughter of a M. Alfidius from Fundi not Aufidius Lurco (Linderski (1974) 463-80 long ago definitively resolved the confusion, ancient and modern, between M. Alfidius, Aufidius Lurco, and Aufidius Luscus; cf. *MRR* III.14, 29), and while the father-in-law of Claudianus did hold local office at Fundi, he, or his homonymous son, was an active participant in the Roman political scene in the 50’s (see Asconius, *Pro Milone* 55 C; Linderski (1974) 478). C. Valerius Triarius (*RE* no.363, 366) entered the Roman senate over 30 years before his daughter married D. Brutus (see Shackleton Bailey, *Two Studies*² 45, cf. *OCS*² 97; *MRR* III.214-5, but there is no reason to think the Valerii Triarii were nobiles as per Dettenhofer (1992) 27). And Sulla’s third wife, Cloelia, who is said to have come from Tarracina, might equally well be a member of a decayed patrician family like Sulla himself. Cébeillac-Gervasoni seems to have belatedly recognized the fundamental methodological problem, for when she latterly returned to the subject, she sharply curtailed the number of “liens par mariages” (see Cébeillac-Gervasoni (2008) 44).

⁹⁵³ Appian, *BC* I.100, 104.

⁹⁵⁴ The social and political elite of Sulla’s colonists are usually supposed to have consisted of the centurions and military tribunes among his veterans (see Castrén (1975) 52f, 56; Gabba (1976) 50f, 207 n.261; Andreau (1980) 183-99; Levick (1982) 506; and Santangelo (2007) 143f, 160f). In other words, the likes of C. Manlius (Cicero, *In Cat.* II.14, 20; Sall., *BC* XXVIII.4; Plutarch, *Cicero* XIV.3; Appian, *BC* II.2; Dio, XXXVII.30.5; Asconius, 50.15 C), P. Furius (Cicero, *In Cat.* III.14; Sall., *BC* L.4), the grandfather of C. Ateius Capito (Tacitus, *Ann.* III.75.1), and the *homines honestissimi* among the colonists of Pompeii who attended the trial of P. Sulla in 62 (*Pro Sulla* 61. The superlative is applied to all ranks see Hellegouarc’h (1963) 463 n.7). It is sometimes said that L. Bellienus, the maternal uncle of Catiline, was a Sullan centurion, but he probably belonged to the senatorial Bellieni.

⁹⁵⁵ Only two decurions have been identified at Nola in the post-Sullan epoch. One, N. Cluvius M’. f. (*CIL* X.1572-3), was a resident of Puteoli, not an inhabitant of Nola, who held office at Nola c. 60 B.C. and in three other Campanian towns (see Bispham (2000) 52, 68, (2007) 459; and Camodeca (2011) 111 n.23, (2012) 296 n.7). The other, C. Catius M. f. (*CIL* X.1236), held office in the period 80-60 B.C. (Camodeca (2012) 301f), or in the 70’s

with the Catones,⁹⁵⁶ a more illustrious groom for Porcia could surely have been found among the ranks of the nascent oligarchy. Moreover, there is no necessity to infer an immediate connection with the Sullan colony since Campania, as Camodeca remarked, was a favourite location for the villas of the Roman elite.⁹⁵⁷ We happen to know quite by chance that Octavian's father died on his estate at Nola, and he is unlikely to have been the only member of the Roman elite to own property there.⁹⁵⁸ That having been said, Porcia can hardly have married any of the more distinguished Tullii, namely M. Tullius Decula (cos. 81) and the Tullii Cicerones, because the spouses of the Cicerones are well-documented,⁹⁵⁹ and in that event Porcia's husband would

(Bispham (2007) 268-9, 476), but his background is entirely unknown. It is doubtful, however, whether any of the indigenous aristocracy of Nola were represented in Sulla's new governing class since Nola had served as a rebel stronghold in the *Bellum Italicum*, and had held out against Sulla until 80 B.C., so the reprisals when it finally fell were doubtless severe, making it likely that Sulla's elite was composed of newly-enriched veterans who were complete parvenus. And it is worth recalling that even in the larger and more prosperous *municipia* and *coloniae* the property qualification for the decurionate seems to have been set at only 100,000 HS, or one quarter of the equestrian census (see Nicolet, *OE* I.405; Duncan-Jones (1964) 132, (1982) 243; Alföldy (1988) 127-8; and Salway (2000) 123f). To put that in context, Cornificia (*RE* no.12), who, unlike Porcia, was not a *mulier nobilis*, but rather the much married daughter of the wealthy praetorian senator Q. Cornificius (*RE* no.7), nevertheless turned down the proposal of the *nobilis* Iuventius Thalna, on the basis that he was worth a mere 800,000 HS (Cicero, *Ad Att.* XIII.28.4). On the property qualification for decurions expressed in terms of *tegulae* in the *Lex Tarentina*, lines 26-28, and the *Lex colonia Genetiva*, chapter XIII, see Crawford (1996) I.301f no.15; Caballos Rufino (2006) 133, 151f, 208f; Laffi (2007) 213f; and Bispham (2007) 212, 217. Haack (2005) 601-18 discusses the largely post-Republican epigraphic evidence and concludes that the majority of recorded local magistrates were drawn from the lower echelons of the elite (but note the warning of Mouritsen (2005) 44f that the epigraphic evidence is demographically skewed in favour of individuals of lesser rank).

⁹⁵⁶ See Plutarch, *Cato Minor* III; Val. Max., III.1.2b.

⁹⁵⁷ (2011) 113.

⁹⁵⁸ Suetonius, *Aug.* C.1-2; Tacitus, *Ann.* I.9 (the site identified by Della Corte (1933-34) 87-93 is now thought to date to a later period see De Simone (2012) 338-62). In 45 Cicero considered acquiring a *fundus* in the vicinity of Nola belonging to Q. Staberius (*Ad Att.* XIII.8) and Virgil inherited or bought the *villula* of Siro at Nola (Gell., *NA* VI.20.1). See also Lubrano, Boemio, and Sannino (2011-2012) 219-43 for a luxurious villa built in the Second Century B.C. After referring to Vespasian's foundation of a colony at Nola, the *Liber coloniarum* 132.17-19 Campbell continues: *Ager eius limitibus Sullanis militi fuerat adsignatus, postea intercisivis mensuris colonis et familiae est adiudicatus*. Santangelo (2007) 154 took this to mean that Sulla settled some of the 10,000 Cornelii (Appian, *BC* I.101, 104) at Nola, but the *Liber coloniarum* also says that Vespasian settled members of his *familia* at Panormus and Abella, and that Augustus did so at Diuinos, and Drusus Caesar at Cereate Marianae, and this is generally understood as a reference to Vespasian not Sulla (see Pais (1923) 212, 357; Guillaumin (2005) 282; and Camodeca (2011) 111 n.24, (2012) 308).

⁹⁵⁹ M. Cicero (*RE* no.27), the grandfather of the orator, married a Gratidia (*RE* no.5), and his son M. Cicero (*RE* no.28) married a Helvia (*RE* no.19). M. Cicero (cos. 63) was twice married (to Terentia *RE* no.95; *PIR*¹ T 75; *PIR*²

more likely have been identified by his distinctive cognomen — i.e. Porcia's epitaph would have read: *Porciae Deculae* or *Porciae Ciceronis* — which leads us to the third and final point. Camodeca overlooked the possibility, duly noted by Reynolds, that the gamonymic *Tulli* represents the *cognomen* Tullus rather than the *gentilicium* Tullius. This oblique form of identification, exemplified in the epitaph emblazoned on the tomb of Caecilia Metella, is not uncommon.⁹⁶⁰ Supposing then that Tullus is a *cognomen* we are fortunate in as much as the *cognomen* is quite rare.⁹⁶¹ In the timeframe proposed for the inscription (circa 80 — 50 B.C.) it was borne by four individuals of sufficient standing to be considered as a possible match for Porcia. The least likely of the four is the little known tribune designate for 42 B.C. Hostilius Tullus.⁹⁶² A nominee of the dictator Caesar,⁹⁶³ the tribune designate is treated by Cicero as one of the least reputable followers of Antony, and he is otherwise unknown.⁹⁶⁴ Hostilius would have been too young for a daughter or granddaughter of C. Cato (cos. 114), but he may have been the right age for a putative daughter of the tribune of 56 B.C.⁹⁶⁵ Inscriptional evidence indicates that the *gentilicium* Hostilius was widely distributed throughout Italy, and it is found in Campania —

T 97 and Publilia *RE* no.17; *PFOS* 660) and his brother Quintus (*RE* no.31) married Pomponia, the sister of Atticus. Marcus' nephew Quintus (*RE* no.32) was unmarried at his death in 43, and M. Cicero junior (*RE* no.30; *PIR*¹ T 272; *PIR*² T 378) did not marry in his father's lifetime. The spouses of the orator's paternal uncle L. Cicero (*RE* no.25) and cousin L. Cicero (*RE* no.26) are unidentifiable, but the former was long dead by the period circa 80 — 50 B.C., while the latter died in 68 B.C. (see Münzer, *RE* VII.A.1.822, 823). The father of M. Cicero (cos. 63) was in some way connected to the father of M. Porcius M. f. M. n. Cato Uticensis (*Ad fam.* XV.4.13: *necessitudine paterna*), but the wives of both men are known and they were not *adfines*, so the bond was evidently not a familial link.

⁹⁶⁰ *CIL* VI.1274 = VI.31584 = *ILS* 881: Caecilia Q. Cretici f. Metellae Crassi. For some other instances of this style of gamonymic compare the epitaphs of Paulla Cornelia Cn. f. Hispalli (*CIL* VI.1294) and Oppia Cn. f. Sarrani (*CIL* VI.23522); and the inscriptions naming Sentia Libonis and Scribonia Caesaris (*CIL* VI.31276, VI.4649, 7467, 26032-3, *AE* (1975) 286); Calpurnia M. f. Messallae and Calpurnia Corvini (*CIL* VI.29782, Bloch (1947) 59 no.249 a and b); Domitia Bibuli (*CIL* VI.5876, 9523); Volasennia C. f. Tertia Balbi (*CIL* X.1435-7); and Calpurniae Asprenatis L. Pisonis f. (*CIL* VI.1371). See further Wachter (1987) 207 *passim*, and Vidman (1985) 329f.

⁹⁶¹ See Kajanto (1965) 177.

⁹⁶² See Münzer, *RE* VIII.2504 no.7; Syme (1964) 117 = (1979) 595; Wiseman, *NMRS* 236 no.214; Shackleton Bailey, *Two Studies*² 28; and Broughton, *MRR* III.103. Syme pointed out that Tullus Hostilius in Cicero, *Phil.* XIII.26 probably represents the tribune's *gentilicium* and *cognomen* and not his *praenomen* and *gentilicium*.

⁹⁶³ The tribunes for 42 were appointed prior to Caesar's assassination (see Frei-Stolba (1967) 58f; Sumner (1971) 364; and Bruhns (1978) 159).

⁹⁶⁴ The better known senatorial Hostilii bore the *cognomina* Mancinus, Tubulus, and Saserna.

⁹⁶⁵ If Hostilius' appointment was in conformity with the Republican *leges annales*, he will have been quaestor by 44 B.C. and hence born by 75 B.C. It is possible of course that Hostilius Tullus inherited the *cognomen* from his father, who might then be considered as a possible match for an aunt of the tribune of 56.

though not at Nola.⁹⁶⁶ Moreover, assuming that 50 B.C. represents the approximate *terminus ante quem* for the death of Porcia, the marriage would have to have been a very brief affair. The other three bearers of the *cognomen* all belonged to the one family: the consular Volcarii Tulli.⁹⁶⁷ The first recorded member of the family, L. Volcarius Tullus, was consul in 66 B.C., but the consul probably had senatorial forebears.⁹⁶⁸ His son L. Volcarius L. f. Tullus was *praetor urbanus* in 46, consul in 33, and proconsul of Asia circa 28 B.C.⁹⁶⁹ And lastly there is the C. Volcarius Tullus who served under Caesar in Gaul and during the civil war.⁹⁷⁰ His relationship to the foregoing is unknown, but he has been supposed a brother or cousin of the consul of 33 B.C.⁹⁷¹ The consul of 66 B.C. was born no later than 109 B.C., but he may have been born somewhat earlier for he sustained a *repulsa* when standing for the aedileship and consequently may not have reached the consulship at the minimum age.⁹⁷² L. Volcarius Tullus (cos. 66) would therefore have been too young for a daughter of C. Cato (cos. 114) unless she was born late,⁹⁷³ but he was still alive in 46 B.C. and may have remarried later in life in which case a granddaughter, or even a great-granddaughter of C. Cato (cos. 114) is not out of the question. His son L. Volcarius Tullus (cos. 33) was probably born around 86 B.C.,⁹⁷⁴ and the prefect or

⁹⁶⁶ See Untermann (1956) 182f. Syme was tentative about the possibility of a connection between the tribune and the *decurion* of Urbs Salvia named L. Hostilius L. f. Tullus (*CIL* IX.5560. Fabrini (1986) 163-9 dates the altar erected by the *decurion* to the second half of First Century A.D.).

⁹⁶⁷ The family was almost certainly ultimately of Perusine origin see A. K. Lake, "A note on Propertius I.22", *CP* 35 (1940) 299; Syme (1964) 124-5 = (1979) 603-4; Rawson (1978) 150; Sileoni (1985) 176-7; Torelli (1995) 45, 52-3, 62, 201; and Bonamente (2004) 44f.

⁹⁶⁸ See *RE* no.8; Wiseman, *NMRS* 276 no.506; *MRR* III.223. On the possibility that the consul is identical with L. Volcarius the tribune of 68 B.C. (*RE* no.4) see *MRR* III.223.

⁹⁶⁹ *RE* IX.A.756-7 no.9, and *RE Suppl.* IX.1838-9 no.18; *PIR*¹ V 625; *PIR*² V 937. On the praetorship see now Mitchell (2005) 169-70. On the proconsulship see *MRR* III.223 plus Cairns (1974) 157-63.

⁹⁷⁰ *RE* no.7.

⁹⁷¹ Ribbeck (1899) 78 no.464: *frater videtur*. Suolahti (1956) 93, 262 preferred to make the Caesarian commander a cousin of the consul of 33 (cf. Gundel, *RE* IX.A.1.754: possibly brothers, *RE* IX.A.1.756, 757: perhaps cousins; Bonamente (2004) 46: relationship uncertain). If the consul of 33 and the Caesarian officer were brothers, the latter is the obvious candidate for the father of the Volcarius Tullus (*RE* no.17; *PIR*¹ V 624; *PIR*² V 936) who was a friend of Propertius and nephew of the proconsul of Asia (Propertius, I.6.19: *patruus*). If they were cousins, we have to reckon with an otherwise unknown brother of the consul of 66 who could also have married Porcia.

⁹⁷² See Broughton, *MRR* III.223, (1991) 44; and Sumner (1971) 270.

⁹⁷³ That is, unless she was born shortly before her father's exile.

⁹⁷⁴ See Sumner (1971) 270, not circa 76 B.C., as per Gundel, *RE* IX.A.756.

legate C. Volcacius Tullus in the late 80's,⁹⁷⁵ which would make them the right age for a great-granddaughter C. Cato (cos. 114) born in the late 70's or early 60's. In addition, the Volcicii Tulli were well enough known for the *cognomen* to stand alone,⁹⁷⁶ and we cannot identify any of their spouses.⁹⁷⁷ All things considered, the Volcicii Tulli would seem a far better match for the daughter of a Porcius Cato than a *decurion* of Nola.

The fate of the marriage is unknown. The inscription appears to be the epitaph of Porcia,⁹⁷⁸ but this does not necessarily mean that she predeceased her husband because a widow and even a divorcée would continue to be identified with her former husband's name so long as she did not remarry.⁹⁷⁹ Assuming that the inscription is sepulchral, and that the husband of Porcia was a Volcacius Tullus, whose family was of Etruscan not Campanian origin, it poses the question why the inscription was set up at Nola. One possibility worth considering is that Nola was not the original site of the inscription. When the inscription was first described in the late Sixteenth Century it was part of a private antiquarian collection, and *CIL* X.1517, which like the epitaph of Porcia came to rest in a private residence in the *via Merliano*, had traveled the 25 kms

⁹⁷⁵ He was an *adulescens* in 53 B.C. (Caesar, *BG* VI.29.3). That term is notoriously variable, but Caesar's usage can be tested. P. Crassus is described as an *adulescens* in 58 (Caesar, *BG* I.52.7, cf. *BG* III.21.1 *adulescentulus* in 56 B.C.), and D. Brutus Albinus is termed an *adulescens* in 56 and 52 (*BG* III.11.5, VII.9.2, 87.1). Hence Tullus, like Crassus and Albinus, was probably born in the latter part of the 80's B.C. (see Syme (1980) 405-7).

⁹⁷⁶ The consul of 66: see Cicero, *In Cat.* I.15, *Ad Att.* VIII.9a.1, VIII.15.2; Sallust, *Bell. Cat.* XVIII.1; Plutarch, *Pompey* LX.6 (see Ryan (1994) 75-82); Dio, XXXVI.42.3; Chronographer of 354 A.D.; Fasti Hydatiani; and Chronicon Paschale. The consul of 33: see Dio, XLIX.43.6; Horace, *Odes* III.8.12 (see Schmidt (1988) 118-25); Chronographer of 354 A.D.; Fasti Hydatiani (Paulo sic); *CIL* XV.4566. The nephew of the consul of 33: Propertius, I.1.9, 6.2, 14.20, 22.1, III.22.2, 6, 39.

⁹⁷⁷ Cicero, *Pro Plancio* 51 says that L. Volcacius Tullus (cos. 66) was very closely connected (*maxime coniunctus*) with the father of M'. Iuventius Laterensis (*RE* no.16). When the *coniunctio* in question is a connection by marriage Cicero usually makes this abundantly clear (see *Ad fam.* I.7.11 and III.4.2, see also *adfinitatis coniunctio* in *De domo* 118, *Pro Cluentio* 190, *Ad Att.* II.17.1, and *Ad fam.* III.10.10), so it seems likely that Volcacius and Laterensis were close friends rather than *adfines* (as Watts (1923) 473 assumed). The Iuventii were an old Tusculan *gens* like the Porcii Catones. The nephew of the consul of 33 was as yet unmarried circa 28 B.C. (Propertius, III.22.41).

⁹⁷⁸ Camodeca (2011) 108 describes the inscription as verosimilmente funeraria, and it is difficult to see what other purpose it might have served.

⁹⁷⁹ Thus for instance Antonia Minor, the widow of Nero Claudius Drusus (cos.9 B.C.), was forever afterward described in shorthand as Antonia Drusi (see Vidman (1985) 331-2; Kokkinos (2002) registers B and C; and Pliny, *NH* VII.80, IX.172), and the divorcées Terentia and Scribonia continued to be known as Terentia Ciceronis (Valerius Maximus, VIII.13.6; Pliny, *NH* VII.158), and Scribonia Caesaris (vide supra).

from Naples.⁹⁸⁰ It is conceivable therefore that Nola is not the true provenance of the inscription. Yet it is altogether simpler to suppose that Porcia died in a villa belonging to the Volcarii or the Porcii somewhere in the vicinity of Nola.⁹⁸¹

The rigidly concise format of the epitaph makes no allowance for expressions of sentiment, or the mention of children, but that need not mean that Porcia was childless. If Porcia was a late second (or third) wife of L. Volcarius Tullus (cos. 66), she will have been the step-mother of L. Volcarius Tullus (cos. 33), and the Caesarian legate, if he too was a son of the consul of 66. If, on the other hand, the legate was the nephew of L. Volcarius Tullus (cos. 66) and the husband of Porcia, then it could be that Porcia was the mother of Propertius' friend, whereas in the event that Porcia married L. Volcarius Tullus (cos. 33) the couple may or may not have had any offspring. The Neronian senator Volcarius Tullinus was presumably a member of this family,⁹⁸² but it is unknown whether he was a descendant of the consul, or the poet's friend.⁹⁸³

⁹⁸⁰ It is also possible that *AE* (1971) 84, which mentions members of the *gens Minia*, was brought to Nola from Minturnae where the Minii are well-attested (see Coarelli (1989) 155; and Pensabene (2003) 170).

⁹⁸¹ C. Volcarii are attested at Capua (*CIL* X.4420) and Puteoli (*CIL* X.8056, 392, 394). Shatzman, *Senatorial Wealth* 30, 454 credits L. Volcarius Tullus (cos. 66) with a villa at Cumae (citing *Ad Att.* 8.1.13, 9.3, 15.2 = VIII.1.3, 9a.1, 15.2) which do not suggest anything of the sort.

⁹⁸² *RE* no.16; *PIR*¹ V 623; *PIR*² V 935. The senator Volcarius Tullinus acquitted of a trumped up charge in A.D. 65 (Tacitus, *Ann.* XVI.8) is generally held identical with the tribune of A.D. 69 Volcarius Tertullinus (Tacitus, *Hist.* IV.9) — although that implies a somewhat retarded *cursus*.

⁹⁸³ Dessau, *PIR*¹ V 623 assumed the former, Gundel, *RE Suppl.* IX.1837 the latter — though neither offered any explanation of this inference. Wachtel and Heil, *PIR*² V 935, 937 are agnostic.

XV.

P. Servilius Isauricus (cos. 48, 41) *RE* no.67
Iunia *RE* no.192

TESTIMONIA

BCH 5 (1881) 238 no.25; *AE* (1934) no.84; *IG* XII Suppl. 60; Cicero, *Philippics* XII.5

DATE

The marriage was probably contracted not long after early 61 B.C.

MODE OF DISSOLUTION

Unknown. Iunia is last attested in 43 and Isauricus in 41 B.C.

ISSUE

Only one child, a daughter, is certainly attested, but there may have been others

PARENTS

Isauricus was the son of P. Servilius Vatia Isauricus (cos. 79, cens. 55) and Ignota
Iunia was the daughter of D. Iunius Silanus (cos. 62) and Servilia

SIBLINGS

Iunia was the sister of the wives of M. Aemilius Lepidus (cos. 46, 42 B.C.) and the tyrannicide C. Cassius Longinus, and the half-sister of M. Iunius Brutus

The marriage of P. Servilius Isauricus (cos. 48, 41) and Iunia is attested by three inscriptions erected while Isauricus was proconsul of Asia in the period from 46 to early/mid-44 B.C.

One was inscribed on a square block of marble recovered from a cistern on the island of Cos:

Ἰουνία Δέκμου θυγάτηρ γυνὴ δὲ Ποπλ[ίου Σερο]υ[ιλίου]. ⁹⁸⁴	Iunia daughter of Decimus wife of Publ[ius Ser]v[ilius]
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A second, inscribed on a circular block of limestone, was found in the ruins of the Asclepieion of Cos:

ὁ δᾶμος ἐτίμασε Ἰουνίαν Δέκμου θυγατέρα, γυναῖκα δὲ Ποπλίου Σεροιλίου Ποπλίου υἱοῦ Ἰσαυρικοῦ ἀνθυπάτου. ⁹⁸⁵	The people honoured Iunia daughter of Decimus wife of Publius Servilius son of Publius Isauricus proconsul
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The third inscription adorned a statue base discovered near the cemetery at Mytilene on the island of Lesbos:

ὁ δᾶμ[ος] Ἰουνίαν Δέκμ[ω Ἰουνίω] Σιλάνω θυγ[άτερα, γύναι]- κα δὲ Πο[πλίω Σερουιλίω ἀν]- [θυ]πά[τω — — — — —]. ⁹⁸⁶	The people [honoured] Iunia daughter of Decim[us Iunius] Silanus wife of Pu[blius Servilius pro-] consul
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The wife of Isauricus is also mentioned obliquely in a fragment of a speech that he delivered in the senate in March 43 B.C. in which he referred to the consternation of his household and friends on hearing that he was to undertake an embassy to Antony.⁹⁸⁷

⁹⁸⁴ See Hauvette-Besnault and Dubois (1881) 238 no.25; Paton and Hicks (1891) no.206; Münzer, *RE* X.1110 Iunia no.192 and *RAA* 354 = 325 Ridley; Patriarca (1932) = (1932) 4 no.1a; Kajava (1990) 66, 89, 112 no.13c; Höghammar (1993) 41, 118 no.8; Harders (2007) 403-16; and *IG* XII.4.2.859.

⁹⁸⁵ See Münzer, *RE* X.1110 Iunia no.192 and *RAA* 354 = 325 Ridley; Patriarca, 3 no.1 = *AE* (1934) no.84; Payne (1984) 315 no.I.208; Kajava (1990) 88-9, 112 no.13b; Höghammar (1993) 51, 162 no.52; and *IG* XII.4.2.860. Münzer and Herzog read: Σερουιλίου in line 4, but Patriarca rightly prints: Σεροιλίου (see the photo published by Harders (2007) Abb. 2 p. 116).

⁹⁸⁶ Papageorgiou (1908) no.1738, 3 = *IG XII Supplementum* (1939) no.60. See also Robert (1948) 39 n.4 correcting Hiller von Gaertringen's erroneous supplement: Πο[πλίω Σερουιλιάνω] in line 4; Payne (1984) 316 no.I.209; Kajava (1990) 90, 112 no.13a; and Harders.

⁹⁸⁷ Cicero, *Philippics* XII.5: Attendistis, paulo ante praestantissimi viri quae esset oratio. "Maestam", inquit, "domum offendi, coniugem, liberos. Admirabantur boni viri, accusabant amici, quod spe pacis legationem

In 1902 Rudolf Herzog discovered the inscription in the Asclepieion of Cos and communicated the find to Münzer. The find conclusively identified the husband of Iunia as P. Servilius Isauricus (cos. 48, 41) for the first time as the fragmentary Coan inscription published by Hauvette-Besnault and Dubois in 1881 had only partially preserved his name. Münzer noted that Isauricus featured in a large number of inscriptions that were set up during his term as proconsul of Asia — some of which also honoured members of Isauricus' family.⁹⁸⁸

On the basis of the few known facts Münzer was able to offer a compelling reconstruction. Münzer identified the wife of Isauricus as a daughter of D. Iunius Silanus (cos. 62) and Servilia.⁹⁸⁹ Silanus married Servilia, the half-sister of M. Cato, not long after the death of her first husband M. Iunius Brutus in 77 B.C.⁹⁹⁰ The marriage produced three daughters. Two of the daughters of Silanus and Servilia had long been known — namely: Iunia the wife of M. Aemilius Lepidus (cos. 46, 42 B.C.), and Iunia Tertia (or Tertulla) the wife of the tyrannicide C. Cassius Longinus.⁹⁹¹ The existence of a third daughter was previously only able to be surmised from the *cognomen* Tertia/Tertulla borne by the wife of Cassius.⁹⁹²

Münzer argued that the future wives of Isauricus and Lepidus were identical with the two nubile nieces of Cato that Pompey had hoped to secure for himself and his son Cnaeus early in 61 B.C.⁹⁹³ The marriage of Isauricus and Iunia therefore belonged sometime, probably not long, after early 61.⁹⁹⁴ Münzer believed that the marriage was an important factor in the close co-operation between M. Cato and Isauricus which is evident from Isauricus' first appearance in the

suscepissem." Nec mirum, P.Servili. Tuis enim severissimis gravissimisque sententiis omni est non dico dignitate, sed etiam spe salutis spoliatus Antonius. See Münzer, *RAA* 366 = 335 Ridley.

⁹⁸⁸ A daughter of Isauricus was honoured at Pergamon (Kajava (1990) 89, 116 no.32); and the father of Isauricus at Magnesia-am-Maeander (Kern (1900) no.142 = Tuchelt (1979) Magnesia no.5).

⁹⁸⁹ Münzer arrived at this conclusion despite being unaware of the existence of the inscription from Mytilene which proved that the father of Iunia was indeed a Iunius Silanus.

⁹⁹⁰ The two elder daughters of Silanus and Servilia were nubile by early 61 (i.e. were born circa 75 B.C.) and their youngest daughter, Iunia Tertia, was married to C. Cassius by 59 B.C. (i.e. was born circa 73), so Münzer dated Servilia's marriage to Silanus in 76 or 75 B.C. (*RAA* 352 = 323 Ridley).

⁹⁹¹ See Iunia *RE* no.193; *PIR*¹ I 565; *PIR*² I 850; and Iunia Tertia / Tertulla *RE* no.206; *PIR*¹ I 578; *PIR*² I 865.

⁹⁹² See Münzer, *RAA* 351f = 322f Ridley; cf. Borghesi (1869) V.178; Drumann, *GR*² IV.54 n.11. On the epithet Tertia/Tertulla see also Kajava (1994) 204ff.

⁹⁹³ Plutarch, *Pompey* XLIV.2-3, *Cato Minor* XXX.2-6; Zonaras, X.5. Pompey is sometimes said to have sought two daughters of Cato in marriage, but Cato did not have two nubile daughters in 61 B.C. (on the confusion see Geiger (1979) 58-60).

⁹⁹⁴ Münzer, *RAA* 356, 358 = 326, 327 Ridley and *RE* II.A.2.1799 placed the marriage 'around' 60 B.C.

sources in 60.⁹⁹⁵ But when it came to war in 49 B.C. Isauricus' loyalties were divided and he and his brother-in-law Lepidus sided with Caesar against Pompey who was backed by Cato, by Isauricus' other brother-in-law Cassius and by M. Brutus the half-brother of Isauricus' wife Iunia.⁹⁹⁶ Isauricus reaped the desired reward and was appointed consul for 48 B.C. as Caesar's colleague.⁹⁹⁷ Having effectively served Caesar's interests as consul, Isauricus was then made governor of Asia.⁹⁹⁸

By the time Isauricus returned to Rome in 44 B.C. much had changed.⁹⁹⁹ Caesar had been assassinated, the fragile accord brokered between the conspirators and Antony and Lepidus following the *Ides* of March was all but dead, and Cicero and Antony were on the point of open confrontation. Isauricus was once more faced with a choice between two rival camps in both of which he had relatives. This time Isauricus tried to steer a middle course between the opposing factions by isolating Antony while attempting to keep Lepidus, the conspirators, and Octavian on side. In September 44 Isauricus followed the lead of L. Piso (cos. 58) and Cicero and attacked Antony in the senate.¹⁰⁰⁰ On the first of January 43 he spoke in favour of the decree honouring Octavian who was perhaps already by this time betrothed to his daughter.¹⁰⁰¹ In February it was

⁹⁹⁵ See Münzer, *RAA* 355f = 326f; and Vones (1978) 23f. As an ex-quaestor in 60 Isauricus joined Cato in opposing the wishes of the *publicani* (Cicero, *Ad Att.* I.19.9, II.1.10). Early in 56 Isauricus participated in the attacks on Pompey made by Cato's son-in-law M. Bibulus and imitator M. Favonius (Cicero, *Ad Q. fr.* II.3.2). And in 54 Isauricus and Cato were both praetors and jointly opposed the grant of a triumph to C. Pomptinus (Cicero, *Ad Att.* IV.18.4, *Ad Q. fr.* III.4.6).

⁹⁹⁶ According to Plutarch, *Caesar* XXXVII.1 Isauricus even opposed peace initiatives following Caesar's Spanish campaign. Ryan (1998c) 253 suggested that Plutarch may refer to P. Servilius Vatia Isauricus (cos. 79) rather than his son, but Plutarch clearly identifies Isauricus as the consul of 48.

⁹⁹⁷ Caesar conducted the elections for 48 as dictator — having been appointed to that position through the agency of Isauricus' brother-in-law Lepidus whom Caesar had left in charge of Rome (see *MRR* II.256-7). Isauricus was also rewarded by Caesar by being co-opted into the augural college (*MRR* III.196).

⁹⁹⁸ Isauricus' appointment lasted from 46 until early in 44 (*MRR* II.298, 309-10, 329). Noting that the Coan inscription discovered by Hauvette-Besnault and Dubois appears to be a dedication in Iunia's name, Kajava (1990) 89 speculated that Iunia may have gone to Asia with her husband. But it was not customary at this time for the wives of provincial governors to accompany their husbands (see Marshall (1975) 11-18 and (1975) 109-27) and the dedication could have been arranged by Isauricus.

⁹⁹⁹ On the timing of Isauricus' return in 44 see Münzer, *RE* II.A.2.1800 and *MRR* II.329. His presence in Rome is first positively attested at the beginning of September 44 (Cicero, *Ad fam.* XII.2.1).

¹⁰⁰⁰ Cicero, *Ad fam.* XII.2.1; see also Nicolaus of Damascus, *Vita Caesaris* 28 with Schwartz (1898) 184.

¹⁰⁰¹ *Ad Brut.* I.15.7. The decree was also sponsored by L. Marcius Philippus (cos. 56), the step-father of Octavian, Ser. Sulpicius Rufus (cos. 51), and Cicero. M. Brutus strongly disapproved of these honours as is clear from his letters (*Ad Brut.* I.4, I.15.6-9, I.16, I.17). The betrothal is first reported in November 43 when it was broken off

suggested that Isauricus be given a special command to prosecute the war against Antony's ally Dolabella, but Isauricus preferred to leave that task to his brother-in-law Cassius.¹⁰⁰² It was not without reason therefore that Iunia feared for her husband's safety should he participate in the proposed second embassy to Antony and the legation was abandoned.¹⁰⁰³ On the 21st of April Isauricus was behind the *supplicatio* decreed on receipt of news of Antony's defeat at the battle of Forum Gallorum and on the 27th he formally proposed that Cassius be entrusted with the war against Dolabella.¹⁰⁰⁴ In early April and again in late May Isauricus interceded on behalf of his brother-in-law when the dispatches of Lepidus advocating an accommodation with Antony were coldly received by the senate, but by the end of June Isauricus could no longer shield Lepidus from the senate's anger and Lepidus was declared a *hostis*.¹⁰⁰⁵

Isauricus is next heard of in the context of the formation of the Triumvirate when the soldiers of Antony and Octavian demanded that their reconciliation be signaled by a marriage alliance. As a result Octavian was forced to break off his engagement to the daughter of Isauricus and marry Antony's step-daughter Claudia. Yet in spite of his outspoken support for the measures taken against Antony, Isauricus prospered under the Triumvirs — being elevated to an extraordinary second consulate in 41 B.C. That appointment must be seen as the dividend of Isauricus' efforts on behalf of Lepidus and Octavian.

Münzer's reconstruction therefore convincingly explains not only the nomenclature of Iunia D. Silani f. and Iunia Tertia, it also accounts for Isauricus' complicated relationship with the pro and anti-Caesarian factions.¹⁰⁰⁶ Recently, however, Münzer's identification has been challenged by Harders who maintains that the wife of Isauricus was the daughter of D. Iunius L.

(Suet., *Aug.* LXII.1; Dio, XLVI.56.3). On the timing of the betrothal see Münzer, *RAA* 369f = 339 Ridley and *RE* II.A.2.1801.

¹⁰⁰² Cicero, *Phil.* XI, *Ad Brut.* I.5.1.

¹⁰⁰³ *Phil.* XII.5.

¹⁰⁰⁴ *Phil.* XIV.11, *Ad Brut.* I.5.1.

¹⁰⁰⁵ April (*Ad fam.* X.12.3-4, *Ad Brut.* II.2.3), May (*Ad fam.* X.16.1). On both occasions the reaction to the communiqués of Lepidus contrasted with the senate's enthusiastic reception of the missives of L. Munatius Plancus. Cicero it seems endeavoured to have Plancus thanked in the most complimentary terms while pointedly ignoring Lepidus, but Isauricus was insistent that both Lepidus and Plancus be treated equally.

¹⁰⁰⁶ The difficult position in which Isauricus found himself involved a delicate balancing act which may be why Cicero taxed him with inconstancy (Quintilian, *Inst. or.* VI.3.48: *Miror quid sit quod pater homo constantissimus, te nobis varium reliquit*). *Pater reliquit* dates the remark after the death of Isauricus' father in the summer of 44 B.C. (Münzer, *RE* II.A.2.1816-17; Blasi (2012) 43-5, 192-7). Münzer, *RE* II.A.2.1801 suggested that the exchange took place in April 43. Isauricus and Iunia are conspicuous by their absence from the discussion of Borrello (2016) 165-91.

f. Silanus, the *monetalis* of circa 91 B.C., and an unknown woman.¹⁰⁰⁷ Harders advanced the following arguments:

The high level of infant mortality in Rome makes it improbable that a third daughter of D. Silanus (cos. 62) and Servilia survived to adulthood.

In the late Republic *Tertia* and *Tertulla* were used as ‘independent *praenomina*’ and the compound form *Iunia Tertia* is first encountered in Macrobius, whereas the sister of Brutus is otherwise only referred to as *Tertia* or *Tertulla*, hence the name *Tertia* must not have been used from the beginning as a means of distinguishing *Tertia* from two older sisters, which makes the acceptance of a third sister of Brutus, and particularly her identification with the *Iunia D. f.* of the Coan inscription, unnecessary.

The ancient sources make no mention of a third sister. Plutarch, *Pompey* XLIV.2-3, *Cato Minor* XXX.2-6 knows of only two daughters of Servilia and Silanus. Moreover, Brutus’ relationship with Lepidus and Cassius is well-documented in the literary sources, and it is improbable that a marriage alliance with Isauricus could go unremarked.

According to Münzer P. Servilius the praetor of 25 B.C. was the son of Isauricus and Iunia and was born circa 55 B.C. On that reckoning Servilius was praetor ten years earlier than was permissible under the Republican *leges annales*. But Augustus did not fundamentally alter the *leges annales* early in his Principate and only permitted exemptions for members of the *domus Augusta*. If therefore the praetor P. Servilius was praetor *suo anno*, he will have been born in 65, which is too early for a grandson of Silanus and Servilia, since Münzer put the marriage of Isauricus and Iunia circa 60 B.C. Consequently, the wife of Isauricus should be identified as the daughter of the *monetal* D. Silanus who probably married shortly after 91 B.C. and had a daughter in the early or middle 80’s making Iunia about 20 when she bore Isauricus a son circa 65 B.C.

The arguments advanced by Harders are not cogent.

Her first point is a generalization which requires no refutation — though witness for instance the five adult daughters of Ap. Claudius Caecus,¹⁰⁰⁸ the three daughters of Q. Metellus Macedonicus (cos. 143) and Ap. Claudius Pulcher (cos. 79),¹⁰⁰⁹ the three sisters of P. Quintilius

¹⁰⁰⁷ For the *monetal* D. Silanus see *RE* no.162; *RRC* I.336-9 no.337. See Harders (2007) 408f (tentatively followed by Kirbihler (2011) 249-72).

¹⁰⁰⁸ See Cicero, *De sen.* 37; Val. Max., VIII.13.5; Plut., *Pyrrhus* XVIII.6.

¹⁰⁰⁹ Metellus Macedonicus was survived by three married daughters (Cicero, *De finibus* V.82; Val. Max., VII.1.1). One, Caecilia Metella (*RE* no.130), was the wife of C. Servilius Vatia (*RE* no.91), another, Caecilia Metella (*RE* no.131), married P. Scipio Nasica (cos. 111). And Münzer, *RAA* 252-3 = 232 Ridley posited that the third daughter (not in *RE*) was the wife of Q. Servilius Caepio (cos. 106). He overlooked some confirmatory evidence. Plutarch, *De*

Varus (cos. 13),¹⁰¹⁰ the three sisters of Caligula,¹⁰¹¹ the five daughters of Agrippa,¹⁰¹² the four daughters of Antony,¹⁰¹³ and the four daughters of Octavia Minor.¹⁰¹⁴

The second argument is an ill-conceived attempt to evade the logical implication of the epithets Tertia and Tertulla. Numerical *nomina* of this kind were used to distinguish between homonymous sisters and reflected the relative order of their birth.¹⁰¹⁵ Münzer was therefore fully justified in positing a third daughter of D. Silanus (cos. 62) and Servilia based on the use of these epithets in relation to the wife of Cassius. Macrobius is the only source to give the name Iunia Tertia in full precisely because the names Tertia and Tertulla were normally sufficient to distinguish the wife of Cassius from her sisters.¹⁰¹⁶

fortuna Romanorum 318 B states that Macedonicus was borne to the grave by two sons-in-law of consular rank (δύο γαμβροί ὑπατικοί), and Vatia never got beyond the praetorship. The three daughters of Ap. Pulcher (*RE* Clodia no. 66, 67, and 72) married L. Licinius Lucullus (cos. 74), Q. Marcius Rex (cos. 68), and Q. Metellus Celer (cos. 60).

¹⁰¹⁰ Namely: Quinctilia *RE* no.29; *PIR*¹ Q 28; *PIR*² Q 32 the wife of L. Nonius Asprenas; Quinctilia *RE* no.30a; *PIR*² Q 31 the wife of P. Cornelius Dolabella; and Quinctilia *RE* no.30; *PIR*² Q 33 the wife of Sex. Appuleius (cos. 29).

¹⁰¹¹ Agrippina the Younger, Drusilla, and Iulia Livilla.

¹⁰¹² Viz: Iulia, Agrippina the Elder, and the three Vipsaniae (the wives of Tiberius and C. Asinius Gallus, P. Quintilius Varus, and Q. Haterius).

¹⁰¹³ Antonia, Antonia Maior, Antonia Minor, and Cleopatra Selene — and Antony also had children by Fadia.

¹⁰¹⁴ Namely: Antonia Maior and Minor, and Claudia Marcella Maior and Minor. Observe also that Harders' claim that Aemilia Tertia, the daughter of L. Paullus (cos. 182, 168), died as an infant is erroneous — Tertia married M. Cato Licinianus the son of the Censor (Plut., *Cato Maior* XX.8).

¹⁰¹⁵ See Petersen (1962) 349; Kajanto (1972) 14, 19, 28-9, (1977) 149f; Kajava (1994) 14, 119f, 204f, 239f. Harders produces no supporting evidence for her claims regarding female nomenclature and her onomastic argument appears to be a garbled reflection of statements made by Kajava. Kajava accepted Münzer's argument with the proviso that we could not be absolutely certain that Cassius' wife Iunia Tertia was younger than the wives of Isauricus and Lepidus (206-7). Kajava pointed out that the usual assumption that the wives of Isauricus and Lepidus were older than Tertia did not necessarily follow — just as Clodia Tertia, the wife of Q. Marcius Rex (cos. 68), was not in fact the youngest of the three known daughters of Ap. Claudius Pulcher (Plutarch, *Cicero* XXIX states that Clodia Luculli was the youngest). In other words, Kajava alluded to the theoretical possibility that Servilia and Silanus had more than three daughters and that one or both of the wives of Isauricus and Lepidus might have been younger than Tertia. Harders seems to have misconstrued Kajava's argument — wrongly taking it to mean that the name Iunia Tertia did not imply the existence of two older sisters.

¹⁰¹⁶ Harders' argument with respect to the occurrence of the name Iunia Tertia is evidently based on a misunderstanding of the import of Kajava's statements on p.207. In their correspondence Cicero, *Ad Att.* XIV.20.2 (Tertulla), XV.11.1 (Tertulla), *Ad Brut.* II.4.5 (Tertia soror) and Brutus, *Ad Brut.* II.3.3 (Tertia soror) naturally do not insist on using the *gentilicium* — any more than L. Aemilius Paullus (cos. 182, 168) was compelled to address his daughter Tertia as Aemilia Tertia (Cicero, *De div.* I.103). The numerical epithet not only served to distinguish

The third point is a specious argument *ex silentio*. Plutarch, we are told, knows of only two daughters of Servilia and Silanus, but even a cursory inspection of the passages in question shows this to be a baseless inference. Plutarch, *Pompey* XLIV.2-3, *Cato Minor* XXX.2-6 refers to the two *nubile* nieces of Cato whom Pompey sought in marriage. The fact that Servilia and Silanus had only two nubile daughters in early 61 patently does not preclude the possibility that they had other daughters who were not of marriageable age at the time. Moreover, as the point of the anecdote was Pompey's unsuccessful attempt to secure a wife for himself and his son Cnaeus, Plutarch had no cause to mention any but the two prospective brides. The suggestion that Isauricus' marriage to a half-sister of Brutus could not have escaped mention in the literary record is equally fallacious. Despite a multitude of references to Brutus, Cassius, and Lepidus in the literary record, there are not more than a handful of explicit references to the fact that Brutus, Cassius, and Lepidus were brothers-in-law.¹⁰¹⁷ And Brutus' relationship to Cassius is never mentioned in the surviving works of Cicero in spite of all the references to the tyrannicides and the correspondence to and from Brutus and Cassius.¹⁰¹⁸ Furthermore, Cicero never explicitly refers to Brutus' own marriage to Porcia in 45 — which is a stark reminder of the fragility of arguments from silence.¹⁰¹⁹ Given that Isauricus features much more rarely in the written record,

between the sisters, it was also a more personal form of address. In the case of Cicero's witticism, reported by Macrobius, *Sat.* II.2.5 and Suetonius, *Iul.* L.2, the pun turned on the dual meanings of Tertia — the *gentilicium* was irrelevant. Conversely, Tacitus, *Ann.* III.76 and Plutarch, *Brutus* VII.1 omit the epithet because Iunia is unambiguously identified as the wife of Cassius. Note too that the identification of the Tertia referred to in *Ad fam.* XVI.22.1 with the wife of Cassius is uncertain.

¹⁰¹⁷ The relationship of Brutus to Cassius is explicitly referred to in Tacitus, *Ann.* III.76; Plutarch, *Brutus* VII.1-2; Dio XLIV.14.2; and Macrobius, *Sat.* II.2.5. Plutarch, *Brutus* I.4 also notes that Brutus and Cassius were related, without going into details. Brutus' relationship to Lepidus is explicitly mentioned by Brutus in *Ad Brut.* I.13.1, by Cicero in *Ad Brut.* II.2.1; and by Velleius, II.88. The relationship is also hinted at by Dio, XLIV.34.6-7; and Cicero, *Ad Att.* VI.1.25, XIV.8.1. In *Ad Brut.* I.18.2 the *imperator* who is an *adfinis* of Brutus is unnamed and at *Ad Brut.* I.12, I.15, and I.18.6 there is reference to the entreaties of Brutus' mother and sister and to his unnamed nephews, but the relationship is never spelt out. Cassius' relationship to Lepidus is explicitly referred to in *Ad fam.* XII.8.1 (*affinis tui Lepidi*), XII.10.1 (*Lepidus tuus affinis*), and alluded to in *Ad fam.* XII.2.2 (the unnamed *necessarius* of Cassius is L. Paullus), cf. *Ad fam.* XII.9.2 (*Lepido tuo*).

¹⁰¹⁸ The only remaining hint of the relationship is the use of the term *noster* of Cassius and Brutus (Cassius - *Ad Brut.* I.5.2, II.3.3, Brutus - *Ad fam.* XII.1.1, XII.5.1, cf. *Bruto tuo* - *Ad fam.* XII.10.4).

¹⁰¹⁹ In the surviving Ciceronian corpus there are only a handful of allusive references to Brutus' marriage to Porcia (see Cicero, *Ad Atticum* XIII.9.2, XIII.10.3, XIII.22.4, *Ad Brutum* I.9.1-2; M. Brutus, *Ad Brutum* I.17.7) and the authenticity of Brutus' letter to Cicero (*Ad Brutum* I.17) is disputed (vide infra). The marriage is amply attested in later authors largely as a consequence of Brutus' involvement in the assassination of Caesar and the fictitious tale of Porcia's heroic suicide (see Val. Max., III.2.15, IV.6.5, Martial, I.42.1-6, XI.104.17-18; Plutarch, *Brutus* II.1, XIII, XIV.4, XV.5-9, XXIII.2-7, LIII.4-7, *Caesar* LXII.1-2, *Cato Minor* LXXIII.3, *De mulierum virtutibus* 243 C;

and was absent from Rome in the crucial period from 46 to early/mid-44, it is not surprising that his relationship to Lepidus and the tyrannicides should go unremarked.

Harder's final argument is untenable for two reasons. Firstly, it is by no means certain that the praetor of 25 was a son of Isauricus.¹⁰²⁰ Secondly, the notion that the Republican *leges annales* were being enforced in 25 B.C. is unsustainable. The *leges annales* were already being disregarded by the dictator Caesar in 45–44, were routinely ignored by the Triumvirs, and were reshaped by Augustus so that *nobiles* might be quaestor at 24 or 25 years of age, praetor at 30, and consul at 32 or 33.¹⁰²¹ Furthermore, the exemptions granted to Marcellus and Tiberius establish that these *minima* were already in place by 24 B.C.¹⁰²² Hence if P. Servilius was a scion of the noble house, it is entirely possible that he was praetor in 25 B.C. at 30 years of age which is consistent with the date assigned to the marriage of Isauricus and Iunia by Münzer.

In the final analysis, Münzer's hypothesis lacks definitive corroboration in the literary sources, but it is supported by the onomastic evidence and a compelling prosopographical case. Harders' riposte, on the other hand, amounts to a dubious argument *ex silentio* combined with an identification which is baldly asserted and unsubstantiated by evidence of any kind. Münzer himself had considered the possibility that the *monetal* D. Silanus was the father of Isauricus' wife, but he rightly concluded that the identification had nothing to recommend it. We do not even know whether the *monetal* survived the *Bellum Italicum* and the first Civil War, let alone married and had offspring.¹⁰²³ It is not without reason therefore that the argument of Münzer has

Appian, *BC* IV.136; Polyaeus, *Strategemata* VIII.32; Dio, XLIV.13.1-14.1, XLVII.49.3; Jerome, *Adversus Iovinianum* I.46, *Commentarii in Sophoniam prophetam prologus*; the *Commenta Bernensia* on Lucan, II.234; and John of Antioch, fragment 103.17 Mariev).

¹⁰²⁰ Vide infra.

¹⁰²¹ The bibliography is extensive (see Parkin (2003) 98f with the references cited at p.354 n.19, to which should be added Sumner (1967) 413-35).

¹⁰²² Dio, LIII.28.3-4 states that in 24 B.C. Marcellus was given the right to stand for the consulship "ten years earlier than was customary" and Tiberius to stand for office five years "before the regular age" (cf. Tac., *Ann.* III.29). Tiberius was born on the 16th of November 42 B.C. (see *PIR*² C 941) and was quaestor in 23 B.C. at 18, praetor in 16 at 25, and consul in 13 at 28 years of age. Thus the five years remission granted to Tiberius presupposes that by 24 B.C. the "customary" or "regular" age at which other candidates might be quaestor, praetor, and consul were 24/25, 30, and 33 respectively — which accords with the evidence of Dio, LII.20.1-2 where the minimum age for the quaestorship and praetorship are set at 25 and 30 years of age (see Sumner (1967) 421f. It remains unclear why Tiberius was seemingly granted an additional years remission allowing him to be quaestor at 18 instead of 19 see Sumner, 424). All this was of course known to Münzer (see *RAA* 373 n.1 = 452 n.134 Ridley).

¹⁰²³ Note also that Harders glosses over the debate concerning the identification and ancestry of these Silani. She states that Drumann and Groebe considered the *monetal* D. Silanus the father of M. Silanus, the Caesarian legate of 53, and grandfather of M. Silanus (cos. 25). In fact, Drumann identified the legate and the consul and made the

commanded near universal assent.

Münzer inferred from Isauricus' reference to his *liberi* in 43 B.C. that he had several children by Iunia.¹⁰²⁴ He regarded P. Servilius, the praetor of 25 B.C., as the son of Isauricus and identified him with the rich and reclusive praetor Servilius Vatia mocked by Seneca.¹⁰²⁵ He also tentatively amalgamated the praetor with the Servilius attested as the husband of an Aemilia Lepida on an inscription in Rome.¹⁰²⁶ Münzer considered that the daughter of Isauricus honoured at Pergamon was likely to be one and the same as the betrothed of Octavian.¹⁰²⁷ And he posited that the Servilia who was married to the homonymous son of the Triumvir Lepidus in 30 B.C. was identical with Octavian's fiancée, or else was a younger sister.¹⁰²⁸ But Münzer's reconstruction is open to a number of objections. Firstly, the masculine plural *liberi* could be used of a single child even when that child was female.¹⁰²⁹ Hence we cannot be certain that Isauricus and Iunia had several children — they may have had only the daughter who is positively attested in the epigraphic and literary record.¹⁰³⁰ Secondly, Badian rightly rejected the identification of the praetor of 25 B.C. and the Servilius Vatia ridiculed by Seneca on chronological grounds for Vatia survived beyond A.D. 33.¹⁰³¹ And Badian also questioned their descent from Isauricus, arguing that the praetor P. Servilius might equally well be a son of the proconsul P. Servilius Globulus, and that the use of the cognomen *Vatia* in place of the triumphal *cognomen* Isauricus suggests that Seneca's Vatia was a collateral rather than a direct

consul the son of D. Silanus (cos. 62) and Servilia, whereas Groebe distinguished them and made them the son and grandson of the *monetal*. Moreover, the consul is now generally thought to be the son of M. Iunius D. f. Silanus the praetor of 77 and proconsul of Asia in 76 (see *PIR*² I 830; Syme, *AA* 190 *passim*).

¹⁰²⁴ *Phil.* XII.5; *RAA* 369, *RE* II.A.2.1801 (mehrere Kinder), cf. *RAA* 371: eine größere Schar von Kindern.

¹⁰²⁵ Münzer, *RAA* 373f = 342f Ridley. Seneca, *Ep.* LV. Münzer was followed *inter alios* by Syme, *RR* 492, *AA* 35 n.15. Fluss, *RE* II.A.2.1767, 1811 considered the praetor of 25 (*RE* no.26; *PIR*¹ S 410, *PIR*² S 576) was possibly the son of Isauricus and was either the father of the praetorian Servilius Vatia (*RE* no.90; *PIR*¹ S 430, *PIR*² S 602), or else identical with him as per Münzer.

¹⁰²⁶ *CIL* VI.4694; Münzer, *RAA* 370-1, 373 = 340, 342 Ridley.

¹⁰²⁷ Suet., *Aug.* LXII.1; cf. Dio XLVI.56.3; Zonaras, X.16.

¹⁰²⁸ Velleius, II.88.3; Münzer, *RAA* 354, 369-70 = 325, 339-40 Ridley, and *RE* II.A.2.1777 (*stemma*), II.A.2.1821 Servilia no.104. Münzer's *stemma* of the Servilii in *RAA* 282 = Ridley 272 and *RE* II.A.2.1777-8 shows only one daughter — the wife of M. Lepidus.

¹⁰²⁹ See Gellius, *NA* II.13; Gaius, *Digest* L.16.148; Donatus on Terence, *Hecyra* 212; and Cicero, *Verr.* II.1.65, 76, 106, 113; and Kuhlmann, *TLL* VII.2.1303.41f; and Gamberale (1995) 436-7.

¹⁰³⁰ If so, the praetor Servilius Vatia must be assumed to belong to a collateral line (vide infra).

¹⁰³¹ Badian (1984) 70-1. Seneca affirms that Vatia survived the deaths of Sejanus and Asinius Gallus.

descendant of the consul of 79 B.C.¹⁰³² Thirdly, the lineage of the wife of M. Lepidus is entirely unknown and Isauricus was not the only representative of the gens Servilia in evidence at the time.¹⁰³³ The *cognomina* Isauricus and Vatia both reappear in senatorial circles later in the Principate, but it is uncertain whether they indicate the perpetuation of the line or are merely instances of usurpation.¹⁰³⁴

¹⁰³² Note, however, that the gap between the praetorships of P. Servilius Globulus in 64 B.C. and P. Servilius in 25 B.C. seems overly long for a father and son in this period — unless the latter was born very late.

¹⁰³³ The patrician Servilii appear to have died out with the mother-in-law of Isauricus, but a surprising number of scions of the plebeian noble house are attested in the late Republic and the Triumviral epoch including: the monetar C. Servilius C. f. whose coinage dates about the year 57 B.C. (see *RE* no.16; Crawford, *RRC* I.447-8 no.423; and Badian (1984) 56-9); the senator M. Servilius who was prosecuted in 51 B.C. and dead by 46 B.C. (see *RE* no.20; Syme (1964) 410; Sumner, *Orators* 146; Badian (1984) 68-70. Caelius, *Ad fam.* VIII.8.3 refers to a retaliatory prosecution instigated *a Serviliis* which Badian plausibly interpreted to mean by M. Servilius and a brother otherwise unknown); P. Servilius Rullus, the son of the homonymous tribune of 63 B.C., who makes a brief and inglorious appearance in 40 B.C. (*RE* no.81); and the senator M. Servilius C. f. listed as a witness to the *senatus consultum de Panamareis* of 39 B.C. (Badian identified the tribune of 43 and legate of Brutus and Cassius with the senator of 39, but the legate may well have paid for his devotion to the assassins with his life — so the two are probably best kept apart). Moreover, Servilia might be a descendant of P. Servilius Globulus whose relationship to the noble Servilii is unclear (see *RE* no.66; Badian (1984) 65-6, 70; cf. now Debord (2010) 290-4).

¹⁰³⁴ Observe: Q. Antonius Isauricus (*PIR*² A 841); Caesennius Isauricus (*PIR*² C 171); Caesennius Servili[us Isauricus?] (*PIR*² C 175); Flavia Seia (Servilia) Isaurica (*PFOS* 380); Iulia Quintilia Isaurica (*PIR*² I 697); Plotia (Servilia) Isaurica (*PIR*² P 524); and T. Iulius Maximus Manlianus Brocchus Servilianus A. Quadronius [Verus?] L. Servilius Vatia Cassius Cam[ars?] cos. suff. 112 A.D. (*PIR*² I 426) on whom see Christol (2001) 629; and Settipani, *Continuité* 216-7. There was a peripheral link between P. Servilius Isauricus (cos. 48, 41) and the Caesennii through the Caecinae of Volaterrae. A. Caecina the Etruscan magnate defended by Cicero was the second husband of a Caesennia of Tarquinii (*Pro Caecina* 17) and the Caecinae were clients of Isauricus (*Ad fam.* XIII.66). But caution is required. It is not unknown for members of the senatorial aristocracy of the Principate to usurp historic *cognomina* formerly belonging to Republican *gentes* of the same name (witness for instance the annexation of the *cognomina* Papus and Lepidus by Aemilii from Siarum in Baetica see *AE* (1983) 517; *AE* (1988) 720; *PIR*² M 520b; Rémy (1989) 266 no.218). Suspicions are heightened by the fact that Plotia Isaurica may have laid claim to the *cognomen* Caepio as well (see *PIR*² P 524). And the *cognomen* Isauricus was also popular with persons with no connection to the noble house (e.g. *CIL* III.14513; VI.1617, 21330, 21351, 27537, 31140; X.3565; XI.514, 875; XIV *419, 7; *ILS* 6470; *AE* (1968) 454, *AE* (1975) 642, *AE* (1999) 726). Note also in respect of the polyonymous consul of 112 that the noble Servilii eschewed the *praenomen* Lucius (the quaestor L. Serveilius L. f. L. n. *RE* no.17; and L. Serv[ilius?] *RE* no.17a the praetor of A.D. 62 are probably unconnected with the noble house as Badian concluded, indeed the latter may have been a Servaeus or Servenius as E. Eck, *RE Suppl.* XV.568 observes). And the consul's avoidance of the *cognomen* Isauricus is surely significant. The supposed consuls Proculus et Vatia *anno incerto ante* 79 A.D. (*CIL* IV.5646; *RE* VIII.A.489 Vatia no.3) are probably identical with the Pompeian aediles Q. Postumius Proculus and M. Cerrinius Vatia (*CIL* IV.7245e; *AE* 1951, 158b).

The fate of the marriage is unknown. Iunia is last attested in early 43 B.C.¹⁰³⁵ Isauricus is last mentioned when consul in 41 B.C.. Broughton assumed that Isauricus died circa 40 B.C.¹⁰³⁶ Münzer, on the other hand, conceded that Isauricus may have survived for some time.¹⁰³⁷ It is sometimes suggested that Isauricus was proconsul of Illyricum following his second consulate,¹⁰³⁸ but the evidence for the Illyrian proconsulship is slight.¹⁰³⁹

¹⁰³⁵ *Phil.* XII.5. If *Ad Brut.* I.17 is genuine, as Moles (1983) 765, (1997) 148f forcefully argues, contra Shackleton Bailey (1980) 10f; Harvey (1991) 22-29; and Beaujeu (1996) 178, 238 (cf. Cugusi (1979) II.1.182, II.2.203-5 no.54 frg.77; and Canfora (2004) 126f), Brutus' reference to his *sorores* (I.17.7) might include Iunia Isaurici.

¹⁰³⁶ *MRR* II.386.

¹⁰³⁷ Münzer, *RAA* 371 = 341 Ridley conjectured that Isauricus may have died in the 30's (cf. *RE* II.A.2.1801).

¹⁰³⁸ Wilkes (1969) 247, 319 speculated that Isauricus was possibly made proconsul of Illyricum by Octavian after the Treaty of Brundisium (cf. Dzino (2010) 99). If Isauricus was in Illyricum, it would have to be after 41 since the period 48-42 is excluded by the tenure of A. Gabinius, Q. Cornificius, P. Sulpicius Rufus, P. Vatinius, and M. Brutus.

¹⁰³⁹ The conjecture is based on two inscriptions from Naron: *CIL* III 1858 - [...].o Isaurico; and *ILLug* 3.1878 - P. Servilio Isaurico cos [...]. In the latter inscription Isauricus is referred to as consul not proconsul and the bare *cos* perhaps suggests that the inscription refers to a time before his second consulate in 41. Moreover, the inscriptions do not establish that Isauricus ever set foot in Illyricum — they may have been erected in recognition of some benefaction possibly in connection with the Caesarian award of colonial status to Naron (on which see Šašel Kos (1995) 240, and Laffi (2007) 140-1 with further references). Note that Wilkes says that the ligatures indicate the inscription is of a much later date.

XVI.

Cn. Cornelius Lentulus Marcellinus (cos. 56) *RE* no.228
 Scribonia *RE* no.32; *PIR*¹ S 220; *PIR*² S 274

TESTIMONIA

Suetonius, *Divus Augustus* LXII.2; *CIL* VI.26033

DATE

Circa 55 B.C. — ? (before 46 B.C.)

MODE OF DISSOLUTION

Divorce, or death of Marcellinus

ISSUE

(Cn.?) Cornelius Lentulus Marcellinus (*RE* no.227; *PIR*² C 1395)

PARENTS

Marcellinus was the son of P. Cornelius Lentulus Marcelli filius (*RE* no.230) — the biological son of M. Claudius Marcellus (*RE* no.226) who had been adopted by a P. Cornelius Lentulus. The mother or grandmother of Marcellinus was a Cornelia of the patrician Scipiones Nasicae (vide infra)

Scribonia was the daughter of L. Scribonius Libo (*RE* no.19) and Sentia (*RE* no.15)

SIBLINGS

Marcellinus was the brother of P. Cornelius Lentulus Marcellinus (*RE* no.231) the quaestor of 75/74 B.C.

Scribonia was the sister of L. Scribonius Libo (cos. 34)

See Stemma II and Figure 1

The identity of the first two husbands of Scribonia Caesaris is an enduring puzzle.¹⁰⁴⁰ The question is a matter of more than merely genealogical interest. It concerns the alliances which connected families at very the heart of the Roman oligarchy during a critical phase in Rome's evolution: the collapse of the Republic and the birth of the Triumvirate. The evidence comes from three different sources: Suetonius' biography of Augustus, Propertius, IV.11, and *CIL* VI.26033.

1. Suetonius states that Scribonia was twice married prior to her short and tempestuous marriage to Octavian. Suetonius fails to name the predecessors of Octavian, but he affirms that both were men of consular rank and that Scribonia bore one of them children.¹⁰⁴¹

2. The posthumous monologue which Propertius composed for the wife of Paullus Aemilius Lepidus (cos. suff. 34) reveals that Cornelia was the daughter of Scribonia,¹⁰⁴² laid claim to Scipionic ancestry in the paternal line,¹⁰⁴³ and was the sister of a consul.¹⁰⁴⁴

3. A sepulchral inscription marking the last resting place of the freedmen and slaves of Scribonia Caesaris was unearthed near the *Porta Capena* in 1639: *Libertorum et familiae Scriboniae Caesar(is) et Corneli Marcell(ini) filii eius [in fr(onte)] p(edes) XXXII [in ag]r(o) p(edes) XX*.¹⁰⁴⁵ The inscription also names a son of Scribonia which constitutes a precious clue to the nomenclature of his father.¹⁰⁴⁶

Based on the testimony of Propertius, Biondi made the obvious and natural assumption that Cornelia's brother was none other than P. Cornelius P. f. P. n. Scipio the consul of 16

¹⁰⁴⁰ For a review of the debate and the various solutions proposed see Canas (2009) 183-95, (2010) 331-41 and *stemma* XVIII.

¹⁰⁴¹ *Divus Augustus* LXII.2: Mox Scriboniam in matrimonium accepit nuptam ante duobus consularibus, ex altero etiam matrem (Not long afterward Octavian married Scribonia, who had previously been married to two consulars, and was a mother by one of them).

¹⁰⁴² IV.11.55: mater Scribonia; 31: altera maternos exaequat turba Libones.

¹⁰⁴³ IV.11.29-30: si cui fama fuit per avita tropaea decori, / aera Numantinos † regna † loquuntur avos. 37-38: testor maiorum cineres tibi, Roma, colendos, / sub quorum titulis, Africa, tuns a iaces. Cf. IV.11.11 currus avorum (on which see Eisenhut (1948) 190-3). See further chapter XVII.

¹⁰⁴⁴ IV.11.65-66: vidimus et fratrem sellam geminasse curulem, / consul quo factus tempore, rapta soror.

¹⁰⁴⁵ *CIL* VI.26033: For the freedmen and slaves of Scribonia (the wife of) Caesar and her son Cornelius (Lentulus) Marcell(inus) 32 feet by 20 feet. The inscription is no longer extant and is known from an epigraphic codex compiled by cardinal Francesco Barberini (1597–1679) see *CIL* VI pt.1 p.lviii-lix on the *schede Barberiniane*.

¹⁰⁴⁶ Had any of the epitaphs of the freedmen of Scribonia's son Marcellinus (*RE* Cornelius no.227; *PIR*¹ C 1147; *PIR*² C 1395) survived we might have learned a little more — they would at least have revealed their patron's *praenomen*. The omission of the *cognomen* Lentulus is unexpected, but is paralleled in an inscription reportedly seen by Pirro Ligorio near Taurianum in Bruttium: Cn. Cornelius Marcellinus consul et M. Aquilius propraetor Siciliae ex s. c. (see *AE* (1964) 41; Settis (1964) 144 = (1987) 94).

B.C.¹⁰⁴⁷ Next Biondi combined the evidence of Suetonius with the filiation of P. Scipio (cos. 16) and inferred that the father of P. Scipio and Cornelia must have been a consular who answered to the name P. Cornelius P. f. Scipio. The only consul fitting that description, Biondi argued, was the consul suffect of 38 B.C. (whose *praenomen* and *cognomen* were unknown at that time).¹⁰⁴⁸ Building on Biondi's thesis, Borghesi argued that the second husband of Scribonia was (P.) Cornelius (Scipio) the consul suffect of 38 B.C.,¹⁰⁴⁹ while the first must be Cn. Cornelius Lentulus Marcellinus (cos. 56) given the nomenclature of Scribonia's son Marcellinus, since the consul of 56 B.C. is the only consular Marcellinus of an appropriate age in the requisite period.¹⁰⁵⁰ But critics objected that on Borghesi's reconstruction the testimony of Suetonius is doubly inaccurate for the consul suffect of 38 B.C. could not have been a consular when he married Scribonia,¹⁰⁵¹ plus Suetonius states that Scribonia only had children by one of her first two husbands.¹⁰⁵² And the hypothesis of Biondi collapsed when the consul suffect of 38 B.C. turned out to be a L. Cornelius Lentulus.¹⁰⁵³

Scheid accordingly proposed a radically different solution.¹⁰⁵⁴ He took the phrase *ex altero etiam matrem* to mean that Scribonia only bore children to the latter of her first two husbands,¹⁰⁵⁵ and therefore concluded that Scribonia's second husband was the father of Cornelia and Cornelius (Lentulus) Marcell(inus).¹⁰⁵⁶ Scribonia's first husband was thereby reduced to the

¹⁰⁴⁷ Biondi (1835) 319-24.

¹⁰⁴⁸ Biondi did not attempt to identify Scribonia's other consular husband.

¹⁰⁴⁹ Borghesi (1836) 107 = (1865) IV.70, (1848) 251 = (1869) V.140, (1869) V.289.

¹⁰⁵⁰ The only other Lentulus Marcellinus of consular rank on record being P. Cornelius Lentulus Marcellinus (cos. 18 B.C.).

¹⁰⁵¹ Scribonia married her third husband Octavian in 40 B.C.

¹⁰⁵² See Klebs, *PIR*¹ C 1147 and Groag, *PIR*² C 1395 (earlier in *RE* IV.1388 Groag had endorsed Borghesi's solution).

¹⁰⁵³ The discovery of the *fasti Magistrorum Vici* proved that the consul suffect of 38 B.C. was a Lucius not a Publius (see Degrassi, *Inscriptiones Italiae* XIII.1 no.20 = Friggeri, Granino Cecere, and Gregori (2012) 263: Ap. Claudius C. Norb(anus) suf(fecti) L. Corneli(us) L. Marcius. Shortly thereafter another find established that the consul suffect was a Lentulus not a Scipio (see Forlati Tomaro (1941) 271-6 = *ILLRP* 203: C. Norbano L. Lentulo cos.). The *praenomen* and *cognomen* of L. Lentulus are now also certified by the *fasti Tauromenitani*: L. Lentul[us].

¹⁰⁵⁴ Scheid (1976) 485-91.

¹⁰⁵⁵ (1976) 486, 487, 488. In fact, *ex altero* simply means 'by one of the two' (compare Suetonius, *Vitellius* VI.1, XVII.2, *De gramm. et rhet.* XXIX.1 = *De rhet.* V.1; see also Hey, *TLL* I.1731, 4f, 1732, 25, 1733, 24f; Canas (2009) 184 n.4; and Wardle (2014) 406).

¹⁰⁵⁶ Dessau, *PIR*¹ S 220 had earlier made a similar leap identifying the father of Cornelia and Marcellinus with Cn. Lentulus Marcellinus (cos. 56), but Groag, *RE* IV.1388 no.227 remarked that Dessau's thesis was unsustainable because he failed to take account of Cornelia's consular brother and the only consular Marcellinus available — P.

status of an unidentifiable consular whose marriage to the sister of L. Libo must have ended with his death, or in divorce, and without issue. Scheid furthermore proposed that the father of Cornelia and Marcellinus was himself a Lentulus Marcellinus who was able to claim Scipionic ancestry by virtue of the marriage of P. Lentulus Marcelli filius to the daughter of P. Cornelius Scipio Nasica (cos. 111),¹⁰⁵⁷ and he ventured three possible identifications: Cn. Cornelius Lentulus Marcellinus (cos. 56), L. Cornelius Lentulus (cos. suff. 38), and P. Cornelius the consul suffect of 35 B.C. He ruled out Cn. Lentulus Marcellinus (cos. 56) because Propertius indicates that Cornelia's brother held the consulship whereas the consul of 56 B.C. had no consular son,¹⁰⁵⁸ and he rejected the consul suffect of 38 B.C. since neither L. Lentulus, nor his putative son Cn. Cornelius L. f. Lentulus (cos. 18) bore the *cognomen* Marcellinus. Scheid consequently settled on the consul suffect of 35 B.C., P. Cornelius, and posited that he was the son of Cn. Lentulus Marcellinus (cos. 56), the father of P. Cornelius P. f. Lentulus Marcellinus (cos. 18) and Cornelia, and the second husband of Scribonia.

Syme preferred a variation on the thesis of Biondi and Borghesi. He reinstated Cn. Cornelius Lentulus Marcellinus (cos. 56) as the first husband of Scribonia, and identified her second husband with the consul suffect of 35 B.C. supposing him to be a P. Cornelius (Scipio)

Lentulus Marcellinus (cos. 18) — was the son of a Publius and so could not be the son of Cn. Lentulus Marcellinus (cos. 56).

¹⁰⁵⁷ Cicero, *De haruspicum responsis* 22 states that P. Cornelius Scipio Nasica Serapio (cos. 138) was the great-grandfather (proavus) of Cn. Cornelius Lentulus Marcellinus (cos. 56) and Scheid adopted the universal assumption that the mother of Marcellinus was a daughter of P. Cornelius Scipio Nasica (cos. 111). There are, however, three other possible explanations of the stated relationship: 1. the biological grandfather of Marcellinus, M. Claudius Marcellus (RE no.226), married a daughter of P. Cornelius Scipio Nasica Serapio (cos. 138); 2. the maternal grandmother of Marcellinus was a daughter of P. Cornelius Scipio Nasica Serapio (cos. 138); and 3. the adoptive grandfather of Marcellinus married a daughter of P. Cornelius Scipio Nasica Serapio (cos. 138). The last scenario, which would make Marcellinus merely the adoptive great-grandson of Serapio, is arguably the least likely in as much as adoption technically only affected the agnatic line (see the *Digest* I.7.23).

¹⁰⁵⁸ Scheid noted that the filiation of P. Cornelius P. f. Lentulus Marcellinus (cos. 18), Cn. Cornelius L. f. Lentulus (cos. 18), and P. Cornelius P. f. Scipio (cos. 16) proves that they cannot have been sons of the consul of 56 B.C. Scheid made no mention of Cn. Cornelius Cn. f. Lentulus the Augur (cos. 14), but the Augur is excluded as a son of Cn. Cornelius P. f. Lentulus Marcellinus (cos. 56) if he is identical with the quaestor Cn. Cornelius Cn. f. Cn. n. Lentulus honoured at Delphi, or is identified as the father of P. Cornelius Cn. f. Cn. n. Lentulus Scipio (cos. 2 A.D.) and Ser. Cornelius Cn. f. Cn. n. Lentulus Maluginensis (cos. 10 A.D.) vide infra. Also if the Augur were identified as the consular brother of Cornelia, it would require that Cornelia and Propertius both survived until 14 B.C. The Augur is usually supposed a son of Cn. Lentulus Clodianus (RE no.217) see Groag, RE IV.1363 no.181, PIR² C 1379; Sumner (1965) 135, 139, *Orators* 143; Scheid (1975) 65; Etcheto (2008) 121 n.17; and Baudry (2008) 500. Syme, AA 296 expressed a note of caution.

and the father of Cornelia and P. Cornelius Scipio (cos. 16).¹⁰⁵⁹ The hypotheses of Scheid and Syme both came undone, however, when the discovery of the *fasti Tauromenitani* revealed that the consul suffect of 35 B.C. was in fact a P. Cornelius Dolabella.¹⁰⁶⁰

We are back therefore where we started and a new explanation of the old conundrum is required.¹⁰⁶¹ The basic facts remain the same, but the range of possibilities has narrowed somewhat for we can no longer expect any new consul bearing the names Cornelius or Scipio to come to light,¹⁰⁶² and the one consular Cornelius in the period that remains to be positively identified cannot be the elusive husband of Scribonia.¹⁰⁶³

Settipani and Etcheto favour reverting to one of the three scenarios proposed and rejected by Scheid whereby Scribonia follows a barren marriage to an unidentifiable consular with a marriage to L. Cornelius Lentulus (cos. suff. 38), the hypothetical son of Cn. Cornelius Lentulus Marcellinus (cos. 56), to whom she allegedly bore Cornelia, the wife of Paullus Aemilius

¹⁰⁵⁹ Syme, *RR* 229 n.7, (1974) 29, *AA* 28-9, 57, 110, 245f, *stemma* XX, (1987) 12-14. Groag (1941) 32 n.13 also identified the consul suffect of 35 B.C. as the second husband of Scribonia once it became known that the consul suffect of 38 B.C. was a L. Cornelius. Billows (1982) 53-68 similarly proposed that the father of Cornelia was P. Cornelius [Scipio] (cos. suff. 35). Billows furthermore identified the consul suffect with Scipio Salvitto and equated P. Scipio (cos. 16) with Salvitto's adoptive son Scipio Pomponianus.

¹⁰⁶⁰ See Baci (1984-85) [1988] 724-5 and Bodel (1995) 279, 285-6. Notwithstanding which the spectre of the consul suffects of 38 and 35 B.C. continue to bedevil the record see Fantham (2006) 18, 23, 26, 148 n.4; Cairns (2006) 360; Caballos Rufino (2006) 253; Zmeskal, *Adfinitas* (2009) 95-6; Louis (2010) 410, 418; Flach (2011) 278; Wardle (2014) 406; and Coutelle (2015) 280, 951. Cf. Scardigli (2008) 164: P. Cornelio Scipione (console nel 39 a.C.) !

¹⁰⁶¹ Baudry (2008) 398, 496, 507, 519, 657, who treats the issue only in passing, has Scribonia marry Cn. Lentulus Marcellinus (cos. 56) and an unidentifiable Cornelius Scipio who fathered P. Scipio (cos. 16) — although at one point he abruptly identifies the Scipio in question as Metellus Scipio (519).

¹⁰⁶² Thanks to the *fasti Magistrorum Vici*, which supplies the names of the consuls *ordinarii* and *suffecti*, we possess a complete record of the incumbents of the consulship for the period 43 B.C. to A.D. 3 and so cannot expect any previously unknown *suffecti* in the requisite period to be revealed by fresh epigraphic discoveries (see now P. Liverani in Friggeri, Granino Cecere, and Gregori (2012) 262-7).

¹⁰⁶³ Namely L. Cornelius (cos. suff. 32 B.C.). Biondi (1835) 308-25 made a case for identifying the suffect with L. Cornelius Balbus Minor (so also Weinrib (1990) 296-311. Granino Cecere (2007) 231-46, esp. 235, does not take a definitive stand on the identity of the consul). Groag, *RE* IV.1256 no.32, 1270 no.70, 1282 no.104, *PIR*² C 1313, 1331, 1338 considered the suffect a Cornelius Cinna, but that was pure conjecture unsupported by any evidence (see chapter XIX). But even were the consul suffect to turn out to be a Scipio, he could not be the husband of Scribonia who fathered Cornelia since Cornelia's brother was consul (Propertius, IV.11.66) and there is no trace of a consular (L. ?) Cornelius L. f. Scipio in the requisite the period (see further chapter XVII). No one has so far tried the expedient of making the consul suffect of 32 B.C. a Lentulus Marcellinus and the father of Cornelia and Cn. Cornelius L. f. Lentulus (cos. 18), but Cornelia manifestly did not belong to the Lentuli Marcellini (vide infra).

Lepidus (cos. suff. 34), and Cn. Lentulus (cos. 18).¹⁰⁶⁴ But that reconstruction labours under a number of difficulties. To begin with, the ancestry of L. Cornelius - f. - n. Lentulus (cos. suff. 38) and Cn. Cornelius L. f. - n. Lentulus (cos. 18) is unattested and their place in the *stemma* of the Lentuli remains conjectural.¹⁰⁶⁵ When it comes to the consul suffect of 38 B.C. there are few certainties, but some tangible results are obtainable by deductive reasoning. The consuls of 38 B.C. were appointed by the Triumvirs early in 39 B.C. prior to the conclusion of the Pact of Misenum,¹⁰⁶⁶ and L. Lentulus (cos. suff. 38) was promoted ahead of the most trusted and

¹⁰⁶⁴ Scheid (1976) 489 scenario b; Settapani, *Continuité* 51-2 (the forthcoming paper signalled on pp.51 n.6, 99 n.1 was never published, but Dr. Settapani kindly sent me a copy); Etcheto (2008) 117-25, (2012) 199 *stemma* 5. Settapani makes one addition to Scheid's hypothesis — equipping Cn. Lentulus Marcellinus (cos. 56) with a hypothetical wife descended from Scipio Aemilianus' brother Q. Fabius Maximus Aemilianus (cos. 145). Wardle (2014) 406 has Scribonia marry Cn. Lentulus Marcellinus (cos. 56), then P. (sic) Cornelius Lentulus the suffect consul of 38 B.C., and bear the latter P. Lentulus Marcellinus (cos. 18) and Cornelia. But the filiation of P. Cornelius P. f. Lentulus Marcellinus (cos. 18) proves that he was not the son of L. Lentulus (cos. suff. 38), plus Wardle makes the consul suffect of 38 B.C. the nephew of Scribonia's first husband Cn. Lentulus Marcellinus (cos. 56).

¹⁰⁶⁵ The uncertainty is reflected in the variety of proposed reconstructions. When Groag composed the entries on the later Lentuli for *RE* and *PIR*² the consul suffect of 38 B.C. was still erroneously thought to be a (P.) Cornelius (Scipio) (see *RE* IV.1438 no.332 and *PIR*² C 1306, 1437; cf. Klebs, *PIR*¹ C 1174), and Groag posited that Cn. Lentulus (cos. 18) was möglicherweise the younger son of L. Lentulus Crus (see *RE* IV.1359-60 *stemma*, and 1361-2 no.180). He subsequently retracted that opinion ((1915) 55 n.1) and tentatively identified Cn. Lentulus (cos. 18) as a son of L. Lentulus the praetor of 44 B.C. (see *PIR*² C 1378 with Groag's *stemma* of the Lentuli *PIR*² vol. II opposite p.328) whom Groag distinguished from Lentulus Cruscclio (*PIR*² C 1389). Cruscclio was, of course, the husband of a Sulpicia — not Scribonia (see Val. Max., VI.7.3; Appian, *BC* IV.39). Sumner omitted the consul suffect of 38 B.C. from his *stemma* of the Lentuli (*Orators* 143), and made Cn. Lentulus (cos. 18) and L. Cornelius L. f. Lentulus (cos. 3 B.C.) the sons of the praetor of 44 B.C. (*RE* no.197) and grandsons of the *flamen Martialis* L. Lentulus Niger (*RE* no.234). Scheid (1976) 489 took it for certain that Cn. Lentulus (cos. 18) was the son of L. Lentulus (cos. suff. 38), whom he thought was perhaps identical with the praetor of 44 B.C., though he denied that either man was a Marcellinus. Syme, *AA* 286, 286 n.21, 287 remarked that L. Lentulus (cos. suff. 38) need not be equated with the praetor of 44 or Cruscclio, but may well have been the son of Lentulus Niger and the father of L. Lentulus (cos. 3), while Cn. Lentulus (cos. 18) may have been the son of the praetor or consul suffect “if they are kept apart.” Hinard, *Proscriptions* 459 no.47 reckoned Cn. Lentulus (cos. 18) a probable son of Lentulus Cruscclio whom he amalgamated with the praetor of 44, and Ferriès (2007a) 336, (2007) 505 identifies Lentulus Cruscclio with the praetor, consul suffect, and father of Cn. Lentulus (cos. 18); cf. Baudry (2008) 496.

¹⁰⁶⁶ Appian, *BC* IV.2 and Dio, XLVIII.35.1, L.10.1-2 indicate that the consuls for 38 B.C. were designated prior to the accord reached at Misenum, and that the designations made after the treaty affected the years from 34 to 31 B.C. (Appian, *BC* V.72-3; Dio, XLVIII.36.4. See further Mommsen (1887) I³ 586; Ferrero (1909) III.195, 269; Gabba (1970) lxxi, 125; and Bleicken (1990) 44).

intimate associates of Octavian.¹⁰⁶⁷ It follows that L. Lentulus must have been very close to one of the Triumvirs and the only known individual who matches that description is L. Lentulus the praetor of 44 B.C. who was a very close friend of Antony.¹⁰⁶⁸ It is highly probable therefore that L. Lentulus (cos. suff. 38) is identical with the homonymous praetor of 44 B.C.¹⁰⁶⁹ Furthermore, the praetor of 44 B.C. and consul suffect of 38 B.C. should be distinguished from Lentulus Cruscellio, the son of L. Lentulus Crus (49), because Cruscellio was probably too young to be praetor in 44 B.C.,¹⁰⁷⁰ and because the consuls of 38 B.C. were designated before the Triumvirs agreed to the restoration of (most of) the proscribed in accordance with the terms of the Treaty of Misenum. Consequently at the time that L. Lentulus (cos. suff. 38) was designated for the consulship Lentulus Cruscellio was still a *proscriptus* and political refugee serving under Sextus Pompeius in Sicily.¹⁰⁷¹ Hence L. Lentulus, the praetor of 44 and consul suffect of 38 B.C., was not the son of Lentulus Crus. Who then was his father? Arguably the most promising candidate is the *flamen Martialis* L. Lentulus Niger,¹⁰⁷² who is known to have had a homonymous son,¹⁰⁷³ of approximately the right age,¹⁰⁷⁴ whom Cicero might well have characterized as a *homo*

¹⁰⁶⁷ M. Agrippa and T. Statilius Taurus were both consul for the first time in 37 B.C.

¹⁰⁶⁸ Cicero, *Phil* III.25: familiarissimus.

¹⁰⁶⁹ Note that the timing also fits admirably for the consular colleague of L. Lentulus was L. Marcius Philippus (cos. suff. 38) who was likewise praetor in 44 B.C.

¹⁰⁷⁰ Cruscellio was almost certainly the first cousin of P. Lentulus Spinther junior for Spinther's father P. Lentulus Spinther (cos. 57) was probably the older brother of Lentulus Crus (see Sumner, *Orators* 140f; Wiseman (1975) 198; Broughton, *MRR* III.67, 69; Horsfall (1986) 84; and Badian (1990) 396-7, 407 n.26). Spinther junior was born circa 73 - 71 B.C. and was only quaestor in 44 B.C. (see *MRR* II.325; Sumner (1971) 369). If Cruscellio was approximately the same age as his cousin, he would not have been old enough to hold the praetorship before the late 30's B.C. according to the Republican *leges annales*. The praetors of 44 were, of course, appointed by the dictator Caesar who demonstrably flouted the *leges annales* on occasion (see Sumner (1971) 370-1), but it seems unlikely that Caesar would have granted such a major dispensation to the son of his *inimicus* Lentulus Crus.

¹⁰⁷¹ Note too that the *praenomen* of Cruscellio is unknown and Groag (1915) 54-5, *PIR*² C 1389 proposed identifying Cruscellio with the Sicilian admiral Cn. Lentulus named in *CIL* XI.6058 (so also Münzer, *RE Suppl.* III.260).

¹⁰⁷² Niger has traditionally been the other favoured candidate, apart from Lentulus Crus, for the father of the praetor of 44 B.C. (see Drumann, *GR*² II.473; Willems (1885) I.565; Ribbeck (1899) 22 no.84; Groebe, *GR*² II.567; Münzer, *RE* IV.1372 no.197; Sumner (1971) 365, *Orators* 143; Zmeskal, *Adfinitas* 86. Cf. Hölzl (1876) 97; Syme, *AA* 286 n.21; and Shackleton Bailey, *OCL* 40).

¹⁰⁷³ L. Lentulus *RE* no.196.

¹⁰⁷⁴ The son of Niger was already an adult in 59 B.C. when he was accused of complicity in the plot to assassinate Pompey. Sumner (1975) 365 doubted whether Niger was old enough to have had a son who could have held the praetorship in 44 B.C. in accordance with the Republican *leges annales* (i.e. born by 84 B.C.). But we do not know whether Niger's unsuccessful campaign for the consulship of 58 B.C. was his first attempt (compare the delays

coniunctus due to his friendship with Niger.¹⁰⁷⁵ Yet a glance at the complicated and ramified *stemma* of the Lentuli reveals that Niger is not the only conceivable candidate,¹⁰⁷⁶ and unless and until the filiation of L. Lentulus (cos. suff. 38) comes to light further speculation is idle. Much less is known, or can be safely inferred, about Cn. Cornelius L. f. Lentulus (cos. 18). A recent epigraphic find on the Black Sea has confirmed the view that Cn. Lentulus the Augur (cos. 14), and not Cn. Lentulus (cos. 18), was the conqueror of the Getae.¹⁰⁷⁷ So the consul of 18 B.C. is now “reduced to a name and a date.”¹⁰⁷⁸ We do not even know whether he was a youthful consul that benefited from Augustus’ fondness for historic names, or an aging veteran of the civil wars,¹⁰⁷⁹ and with regard to the identity of his father L. Lentulus, we cannot hope in the present

encountered by L. Lentulus Crus pr. 58, cos. 49, and Cn. Lentulus Marcellinus pr. 60, cos. 56). If Niger was praetor just a few years earlier than the latest possible date (e.g. praetor in 64 i.e. born by 104 B.C.), he might have had a son of the requisite age. The alternative is to suppose with Sumner that his son was praetor 44 in defiance of the *leges annales*.

¹⁰⁷⁵ *Phil.* III.25.

¹⁰⁷⁶ Other possibilities include a son of Cn. Lentulus Clodianus (*RE* no.217) the little known praetor of 59 B.C., or the mysterious Cn. Lentulus Vatia (*RE* nos.209, 241), who tends to be marginalized or overlooked altogether in genealogical reconstructions (he is unattached in the *stemmata* of Drumann, *GR*² II.446-7 and Münzer, *RE* IV.1359-60, and was omitted by Sumner, *Orators* 143). Less likely seems a son of Antony’s step-father P. Lentulus Sura (cos. 71) who is not known to have had any issue (on the Sicilian proconsul of uncertain date named Sura see Münzer, *RE* IV.1400 no.240, *RE* IV.A1.962-3 Sura no.5, (1897) 112; *MRR* II.108 n.4; and *PIR*² S 1039). It could of course be that the father of the consul suffect is entirely unknown to us, or largely so, like the *legatus pro praetore* L. Cornelius L. f. Lentulus (not in *RE*), not closely identifiable, initiated along with his freedman [L. C]ornelius L. l. Phil[o] into the Samothracian mysteries (see Dimitrova (2008) 154-6 no.67). Observe also that on Münzer’s *stemma* the proconsul L. Cornelius L. f. Lentulus (*Syll.*³ 745 = *IG* XII.1 no.48 = *ILS* 8772; *RE* no.194; cf. Ferrary (2000) 179-82, 193) and the praetor L. Lentulus (Cicero, *Pro Archia* 9; *RE* no.195), whom Dessau; Brennan, *Praetorship* II.359, 377-8, 747; and Kreiler (2006) 73-9 amalgamate, are not credited with any descendants, whereas the consul suffect could conceivably be a grandson. If, as has been suggested, the proconsul is identical with the Lentulus who bought Alexander of Miletus / Cornelius Polyhistor as a pedagogue (*Suda*, Alpha 1129 Adler), he must have had children. On Cn. Lentulus Marcellinus (cos. 56) vide infra.

¹⁰⁷⁷ See Avram and Ionescu (2007/2009) 167-77 = *SEG* 60 (2010) 783). Hence all the references to Cn. Lentulus in Tacitus (*Ann.* I.27, II.32, III.68, IV.29, 44), as well as Florus, II.28-9, Dio, LVII.24.8, Isidore, *Etym.* IX.2.93 and Jordanes, *Romana* 247 (ed. Mommsen, *MGH*: AA V.1 (1882) 32), pertain to the former, not the latter.

¹⁰⁷⁸ Syme, *AA* 288.

¹⁰⁷⁹ On the basis of Augustus’ claim (*Res Gestae* XXV.3) that he had 83 senators in his following at Actium that were either consulars or subsequently consul, Groag (1941) 34 listed the consul of 18 B.C. among those who may have sided with Octavian at Actium. However, Groag was unable to produce 83 consulars even when he counted neutrals and those who fought with Antony, so the accuracy of Augustus’ figure is doubtful. It is entirely possible, on the other hand, that Cn. Lentulus (cos. 18) is identical with the Sicilian admiral Cn. Lentulus ‘ante 27’ B.C. (*CIL* XI.6058; *RE* no.179) whom Groag identified with Lentulus Cruscellio.

state of the evidence to do more than register some feasible contenders including L. Lentulus (cos. suff. 38).¹⁰⁸⁰

It is not possible therefore to securely identify the father of L. Lentulus (cos. suff. 38) or Cn. Lentulus (cos. 18), but it is nonetheless unlikely that they were the son and grandson of Cn. Cornelius Lentulus Marcellinus (cos. 56) for a number of reasons. In the first place, the onomastic evidence is against it. Cn. Cornelius Lentulus Marcellinus (cos. 56) was the son and grandson of a P. Lentulus.¹⁰⁸¹ The supposition that he was the father of L. Lentulus (cos. suff. 38) accordingly presupposes that the consul suffect had two older siblings named Cnaeus and Publius of whom there is no trace. More importantly, the *cognomen* Marcellinus is conspicuously absent from the nomenclature of the consul suffect of 38 B.C. and the consul of 18 B.C. Etcheto maintains that the omission is not probative because neither man is well-documented.¹⁰⁸² Yet it would be very odd if Dio equipped Cn. Lentulus Marcellinus (cos. 56) and P. Lentulus Marcellinus (cos. 18) with the additional *cognomen* while withholding it from Cn. Lentulus (cos. 18).¹⁰⁸³ Plus the consuls of 18 B.C. are sometimes described simply as Cnaeus and P. Lentulus, or the *duo Lentuli*,¹⁰⁸⁴ whereas Cnaeus and P. Marcellinus, or the *duo Marcellini* would be the obvious shorthand if they both belonged to the same *stirps*.

Moreover, if the father of Scribonia's daughter Cornelia was a Lentulus Marcellinus,

¹⁰⁸⁰ Another possibility is that Cn. Lentulus (cos. 18) was a son of Lentulus Cruscellio — though that identification is predicated on the assumption that Cruscellio bore the *praenomen* Lucius which is not certified. It is also worth recalling that L. Cornelius (cos. suff. 32) remains to be positively identified (vide supra), and it is not beyond the bounds of possibility that he was a Lentulus (he might even be the father of the consul of 3 B.C. L. Cornelius L. f. Lentulus). As Syme, AA 287 remarked: "There is every advantage in multiplying Lentuli — and avoiding premature certitudes." Alternatively the father of Cn. Lentulus (cos. 18) may have escaped all mention in the surviving sources.

¹⁰⁸¹ The paternal *praenomen* of Marcellinus is recorded in the index to Dio, book XXXIX and three inscriptions from Cyrenaica (*CIL* I² 2960 = *JRS* 52 (1962) 99-100 no.7; *JRS* 52 (1962) 97 nos.1 and 2 = *SEG* 20 (1964) 730), and since his father P. Lentulus Marcelli f. was adopted by a P. Lentulus his adoptive grandfather's *praenomen* is certain (hence his full filiation was P. f. P. n. as per Badian (1990) 396).

¹⁰⁸² The newly discovered *fasti* of Alba Fucens apparently refers to the consuls of 18 B.C. as [Cn. C]ornelius L. f. Lent. and P. Cor[ne]lius P. f. Le[...] see Letta (2012-2013) 332. In view of the format and spacing of the *fasti*, it seems unlikely that the latter was equipped with the *cognomen* Marcellinus — unless both his *cognomina* were abbreviated.

¹⁰⁸³ In the index to book XXXIX the full names of the consuls of 56 B.C. are supplied viz.: Γν. Κορνήλιος Π. υἱ. Λεντούλος Μαρκελλίνος and Α. Μαρκιος Α. υἱ. Φίλιππος, and in the index to book LIV the names of the consuls of 18 B.C. are given as: Γν. Κορνήλιος Α. υἱ. Λεντούλος and Π. Κορνήλιος Π. υἱ. Λεντούλος Μαρκελλίνος.

¹⁰⁸⁴ See Groag, *RE* IV.1361-2 no.180, *PIR*² C 1378.

how is it that Propertius refers exclusively to the Scipiones Africani and makes no mention of the Lentuli, the Marcellini, or the Claudii Marcelli? The Lentuli could not match the exploits of the Scipiones, but the Lentuli Caudini did accumulate some martial trophies of their own,¹⁰⁸⁵ while the Claudii Marcelli celebrated multiple triumphs in three successive generations,¹⁰⁸⁶ and the Lentuli Marcellini were descended from the conqueror of Syracuse,¹⁰⁸⁷ and perhaps also from the Lentuli Caudini.¹⁰⁸⁸ The absence of M. Marcellus (cos. 222, 215, 214, 210, 208) would be particularly glaring since he features prominently elsewhere in Propertius.¹⁰⁸⁹ The logical implication of the genealogical testimony of Propertius is that the father of Cornelia was a Scipio and not a Lentulus of Scipionic descent.

Furthermore, Etcheto regards the presence of some representatives of the Lentuli Gaetulici in the tomb of the Scipiones as definitive confirmation of his reconstruction for he supposes that the Gaetulici enjoyed this right as a consequence of their descent from the Scipiones Nasicae through the Lentuli Marcellini.¹⁰⁹⁰ But that argument is inconclusive for the simple reason that there is no evidence of any link between Scribonia and the Lentuli Gaetulici, nor any proof that the Lentuli Gaetulici were descended from L. Lentulus (cos. suff. 38), or the

¹⁰⁸⁵ L. Cornelius Lentulus Caudinus (cos. 275) triumphed over the Samnites and Lucanians (*MRR* I.195) and his son P. Cornelius Lentulus Caudinus (cos. 236) over the Ligurians (*MRR* I.222).

¹⁰⁸⁶ M. Claudius Marcellus (cos. 222, 215, 214, 210, 208) triumphed over the Insubrian Gauls and the Germans and won the *spolia opima* at Clastidium (*MRR* I.233) and in 211 celebrated a triumph *in monte Albano* and an *ovatio* in Rome for the capture of Syracuse (*MRR* I.274). His son M. Claudius Marcellus (cos. 196) triumphed over the Insubrian Gauls (*MRR* I.335), and his grandson M. Claudius Marcellus (cos. 166, 155, 152) over the Gauls and Ligurians (*MRR* I.437) as well as over the Apuan Ligurians (*MRR* I.448).

¹⁰⁸⁷ See Cicero, *Divinatio in Caecilium* 13 with Pseudo-Asconius, 190.21-4 Stangl. The *triskeles* on the as issued by P. Lentulus Marcelli filius is also held to allude to the conqueror of Syracuse (see Crawford, *RRC* I.330 no.329), and the *monetal* Marcellinus (*RRC* I.460 no.439) explicitly celebrates M. Marcellus (cos. 222, 215, 214, 210, 208).

¹⁰⁸⁸ According to Sumner's *stemma* of the Lentuli (*Orators* 143) the Lentuli Marcellini were descended from L. Cornelius Lentulus Caudinus (cos. 275). Drumann, *GR*² II.340 and Münzer, *RE* IV.1390 no.230, 1359-60 declined to speculate on the ancestry of the P. Lentulus who adopted P. Lentulus Marcelli filius.

¹⁰⁸⁹ See III.18.33 and IV.10.39-45.

¹⁰⁹⁰ (2008) 122f, (2012) 209-10. The tomb of the Scipiones contained epitaphs for a Cornelia Gaetulica Gaetulici f. (*CIL* VI.1392 = *ILS* 958) and a M. Iunius Silanus D. Silani f. Gaetulici n. Cossi. pron. Lutatius Catulus (*CIL* VI.1439 = *ILS* 959). Etcheto makes Gaetulica the daughter of Cn. Cornelius Lentulus Gaetulicus (cos. 26 A.D.). Groag, *PIR*² C 1488 was more hesitant, suggesting that she might be the daughter of the consul of A.D. 26, or of one of his sons Cossus Lentulus Gaetulicus (*PIR*² C 1392), or Cn. Lentulus Gaetulicus (cos. 55 A.D.); cf. *PFOS* 284. The polyonymous youth M. Silanus was evidently a grandson of Cn. Lentulus Gaetulicus (cos. 26 A.D.) and great-grandson of Cossus Cornelius Lentulus (cos. 1 B.C.) see Salomies (1992) 50. A freedman of the Gaetulici was also interred in the tomb (*CIL* VI.9834 = *ILS* 7387).

Lentuli Marcellini. The Gaetulici were descended from Cossus Cornelius Cn. f. - n. Lentulus (cos. 1), but the parentage of Cossus is uncertain. Etcheto contends that we can identify the father of Cossus *sans risque* as Cn. Lentulus (cos. 18) based on his *praenomen*, *cognomen*, and the interval between their consulates.¹⁰⁹¹ Yet that assessment appears overly optimistic. The *cognomen* Lentulus self-evidently tells us little for several branches of the family were still extant in the early Principate,¹⁰⁹² and the interval between their consulates in fact gives reason for pause as Klebs duly noted.¹⁰⁹³ Intervals of this order normally signify that the parent came late to the fasces — as was the case with Cossus' colleague L. Calpurnius Piso the Augur (cos. 1), the younger brother of Cn. Piso (cos. 7), and son of the ardent Republican Cn. Piso (cos. suff. 23) who belatedly succumbed to the blandishments of Augustus.¹⁰⁹⁴ Etcheto's *stemma*, however, implies that Cossus Lentulus (cos. 1) and his supposed father Cn. Lentulus (cos. 18) were both youthful consuls, while L. Cornelius Lentulus (cos. suff. 38), the alleged father of Cn. Lentulus (cos. 18), was consul no more than a few years beyond the minimum age.¹⁰⁹⁵ That being so, Cn. Lentulus (cos. 18) will have been in his teens when he sired Cossus.¹⁰⁹⁶ The *praenomen* of Cn.

¹⁰⁹¹ (2008) 124-5 citing Barbieri (1977) 184, who simply adopts the postulate of Klebs, *PIR*¹ C 1121, 1124 and Groag, *RE* IV.1363 no.180, 1364 no.182, *PIR*² C 1378, 1380 that Cossus Lentulus was the son of Cn. Lentulus (cos. 18). Note that Barbieri's *stemma* reproduces Groag's *stemma* in *PIR*², but without the marks of interrogation (cf. p.177), and that Groag tentatively made Cn. Lentulus (cos. 18) a grandson of L. Lentulus the praetor of 44 B.C. Klebs offered no reasoning for that conjecture aside from the filiation of Cossus (Cn. f.). Groag, *PIR*² C 1380, cf. *RE* IV.1365 adduced as 'apparent confirmation' the epitaph of a L. Cornelius Primigenius — *CIL* VI.16287: Diis (sic) Manibus L. Corneli Primigeni Cossi n(ostri) libert(i) Terentia Thallusa coniux cum filis (sic) viro karissimo et benemerenti. Groag took Primigenius for a freedman of Cossus Lentulus and speculated that his *praenomen* (Lucius) reflects the *praenomen* of Cossus' grandfather. But L. Cornelius Primigenius can be traced in a cluster of inscriptions (*CIL* VI.1840, 16288, and 16436 name his mother Cornelia Primigenia, his freedmen Andricus and Philoxenus, and his son L. Cornelius Terentianus), and *CIL* VI.16283 almost certainly names his patron (D. M. L. Cornelio Pithyrati L. Cornelius Cossus avo b(ene) m(erenti)). In other words, Primigenius was the freedman of L. Cornelius Cossus, who was the grandson of a L. Cornelius Pithyras, so his *praenomen* offers no clue to the identity of the grandfather of Cossus Lentulus.

¹⁰⁹² Also on Etcheto's reconstruction Cossus Lentulus belonged to the Lentuli Marcellini although there is no evidence that he ever used the additional *cognomen*.

¹⁰⁹³ *PIR*¹ C 1121: Filius videtur Cn. Cornelii Lentuli consulis a. 736 = 18 a. C., quamquam si hoc ponimus, spatium temporis inter annos consulatum patris filiique paulo minus quam solet esse efficitur.

¹⁰⁹⁴ L. Volusius Saturninus (cos. suff. 3 A.D.), the son of the homonymous consul suffect of 12 B.C., is another case in point.

¹⁰⁹⁵ Etcheto (2008) 121 identifies L. Lentulus (cos. suff. 38) with the praetor of 44 B.C., who may, or may not, have been praetor in accordance with the Republican *leges annales*.

¹⁰⁹⁶ A consulate *suo anno* for Cn. Lentulus (cos. 18) implies a date of birth in 52 or 51 B.C. If Cossus was consul *suo anno*, he was born by 35/34 B.C. Cossus was undoubtedly a youthful consul for he was a *monetal* circa 12 B.C.

Lentulus (cos. 18) is a start, but is hardly sufficient for the filiation of Cossus is only partially preserved and the consul of 18 B.C. was not the only Cn. Lentulus in the relevant period. Setting aside the *quaestor Imp. Caesar divi f.* Cn. Lentulus Cn. f. Cn. n. honoured on Delos, who is most plausibly identified with Cn. Lentulus the Augur (cos. 14),¹⁰⁹⁷ there is still the problematic Sicilian admiral Cn. Lentulus,¹⁰⁹⁸ and Cichorius suggested that Cossus was the brother of P. Cornelius Cn. f. Cn. n. Lentulus Scipio (cos. suff. 2 A.D.) and Ser. Cornelius Cn. f. Cn. n. Lentulus Maluginensis (cos. suff. 10 A.D.) since all three bore archaic *nomina* evoking the distant glories of the patrician Cornelii.¹⁰⁹⁹ The filiation Cn. f. Cn. n. would, needless to say, rule out the possibility that Cossus was the son of Cn. Cornelius L. f. Lentulus (cos. 18) and grandson of L. Lentulus (cos. suff. 38). In truth, we do not know the basis on which the Gaetulici availed themselves of the tomb of the Scipiones, or by what right the Lentuli of the early Principate laid claim to the *cognomen* Scipio. In view of the gaps in the evidence, it is best to proceed on the assumption that they had legitimate cause due to some familial link, but the nature of the

(see Fullerton (1985) 473-83; and Wallace-Hadrill (1986) 72, 79, 86), and he survived until A.D. 36 (see Groag, *PIR*² C 1380).

¹⁰⁹⁷ See Bourguet (1929) III.1.348 no.528; Groag, *PIR*² C 1379; Cébeillac (1973) 11-2 no.1; and Scheid (1975) 65. The Augur was certainly Cn. f. (Dio, ind. LIV; *CIL* VI.2023 = *CFA* no.2 lines 1, 10, 19), and we are told that he owed his advancement to Augustus (Seneca, *De ben.* II.27.1-2). Plus the quaestor's filiation precludes his identification with Cn. Cornelius L. f. Lentulus (cos. 18). Syme, *AA* 288, 297 rejected the identification based on the approximately 15 year interval between the quaestorship (which he put "within the limits of 30 and 28") and the Augur's consulship. However, Syme's analogues Sex. Quinctilius Varus (cos. 13) and Paullus Fabius Maximus (cos. 11), whose quaestorships (*ILS* 8812; *IG* II² 4130) are held to date in the period circa 22—19 B.C. (*AA* 288, 313, 404), were both related to the dynasty (the former was the son-in-law of Agrippa, and the latter married Augustus' cousin Marcia), and Groag observed that interval is 'no great surprise' given that P. Lentulus Marcellinus (cos. 18) was probably praetor in 29 B.C. (*CIL* XI.7412). The delay also accords with the fact that the Augur is said to have been in extreme old age in A.D. 24 (Tac., *Ann.* IV.29: *senectutis extremae*).

¹⁰⁹⁸ *RE* no.179; Groag, *PIR*² C 1389. On Cn. Lentulus and his *praefectus* T. Marius Siculus see also Stein, *RE* XIV.1821-2 T. Marius Siculus no.30; Petersen, *PIR*² M 319; Saddington (1988) 300, 307; Demougin (1992) 38-40 no.25; Devijver (1977) 565-6, (1994) 2171 no.35; and Trevisiol (1999) 21 no.10.

¹⁰⁹⁹ Cichorius (1904) 469. Cichorius argued that the brothers could not be the sons of Cn. Lentulus the Augur, as Klebs, *PIR*¹ C 1142 and Groag, *RE* IV.1364 suggested, because the Augur opposed Maluginensis' bid for the governorship of Asia, and died without issue, leaving Tiberius as his sole heir (cf. Groag, *PIR*² C 1379; Syme, *AA* 296-7; and Scheid (1975) 72. See Sumner (1965) 135-6 for an attempt to circumvent these objections). Cichorius therefore posited that their father might be the admiral Cn. Lentulus. Cossus Lentulus is omitted from the *stemma* of Sumner, *Orators* 143. The hypothesis of Letta (2000) I.532, 534 that Maluginensis had two younger brothers named Cossus and Cn. Lentulus was predicated on Letta's identification of the A. [C]ae[cina] mentioned in line 2 of the fragment with the consul of A.D. 13, but the latter was a C. Caecina (see Gorostidi Pi (2014) 274).

connection remains elusive.¹¹⁰⁰ And it is worth adding that Etcheto's argument is predicated on the unverifiable assumption that the Scipiones Nasicae were interred in the mausoleum of the Scipiones.¹¹⁰¹

Lastly, a series of chronological indicators cast doubt on the proposition that the wife of Paullus Lepidus was the daughter of L. Lentulus (cos. suff. 38) and the sister of Cn. Lentulus (cos. 18). Etcheto insists that the testimony of Suetonius is extremely precise and discountenances conjectures founded on a lax reading of the text.¹¹⁰² Yet it has often been remarked that if the language of Suetonius is interpreted strictly Scribonia's first two husbands were both ex-consuls, whereas L. Lentulus (cos. suff. 38) did not assume the *fascēs* until after Scribonia's marriage to Octavian.¹¹⁰³ That objection is not incontrovertible. For although there is not a single instance in the extant corpus where Suetonius can be shown to have used the label *consularis* anachronistically,¹¹⁰⁴ he does employ the term on occasion simply as a means of

¹¹⁰⁰ It is nevertheless unsettling to find the Lentuli also annexing the *cognomina* Maluginensis and Cethegus (*PIR*² C 1388) at this time. The former *cognomen* had Scipionic associations, but the Cethegi belonged to an entirely different *stirps*. And it must be recalled that the Aemilii Lepidi brazenly usurped the *cognomen* Paullus in this period.

¹¹⁰¹ It is often assumed that the Scipiones Nasicae were buried in the tomb although none of the surviving epitaphs refer to the Nasicae (see Coarelli (1996) 198, 200, 235; Zevi, *LTUR* IV.283; and Etcheto (2012) 45-6, 209-59). Moreover, the tomb went out of use in the latter part of the Second Century B.C. (see Etcheto (2012) 146, 209, 218), so the only Nasicae who could have been buried in the mausoleum are P. Scipio Nasica (cos. 191), P. Scipio Nasica Corculum (cos. 162, 155), P. Nasica Serapio (cos. 138), and P. Nasica Serapio (cos. 111), but Serapio was buried in Asia (see Tuchelt (1979) 309-16), while Pliny, *NH* XXI.10 mentions the funeral, but not the location of the burial of the consul of 111 B.C. Metellus Scipio, who died at sea in 46 B.C. was certainly not buried there (on Mommsen's conjecture that a prematurely deceased son of Metellus Scipio was buried on his Tiburtine estate see Etcheto (2012) 147, 207, 375 n.93, 399 n.252). Nor for that matter was Cornelia, the Scipionic wife of Vatienus (see *CIL* VI.1296 = *CIL* I² 821 = *ILLRP* 384).

¹¹⁰² (2008) 119 n.11.

¹¹⁰³ Etcheto (2008) 121 puts the marriage in the 40's, but even if Cn. Lentulus (cos. 18), the alleged son of L. Lentulus (cos. suff. 38) and Scribonia, was consul at the minimum age for a *nobilis* according to the Augustan *leges annales* (i.e. at 32 or 33 see Morris (1964) 316-37; Syme (1958) 653-6, (1987) 326; and Sumner (1967) 433 n.1), he was born in 52 or 51 B.C., when the consul suffect of 38 will not even have held the praetorship. Etcheto considers this une imprécision somme toute vénielle (122 n.21).

¹¹⁰⁴ Of the instances where the label is applied to individuals who are named or can be positively identified the following are straightforward: *Caesar* IV.1: Cornelium Dolabellam consularem et triumphalem (Caesar prosecuted Cn. Dolabella (cos. 81) in 77 B.C. see Alexander, *Trials* 71 no.140); *Caesar* IX.1: Marco Crasso consulari (the anecdote relates to 66 B.C. and Crassus was consul for the first time in 70 B.C.); *Augustus* VIII.2: Marcio Philippo consulari (Octavian's stepfather had been consul in 56 B.C.); *Tiberius* XXVII.1: consularem (the suppliant consular of A.D. 14 is Q. Haterius (cos. suff. 5 B.C.) see Tacitus, *Annals* I.13); *Tiberius* XLI: consularibus legatis, *Tiberius*

indicating an individual's rank.¹¹⁰⁵ It can be argued, however, that the two closest parallels

LXIII.2: unum et alterum consulares (the reference is to L. Aelius Lamia (cos. 3 A.D.) and L. Arruntius (cos. 6 A.D.) respectively legates of Syria and Tarraconensis); *Tiberius* LXI.6: Quirini consularis (Aemilia Lepida was banished in A.D. 20 to appease her ex-husband P. Sulpicius Quirinius cos. suff. 12 B.C.); *Tiberius* LXI: Annalibus suis vir consularis (the consular historian is generally identified as M. Servilius Nonianus (cos. 35 A.D.) who began his history late in life see Pliny. *Ep.* I.13.3; Levick, *FRH* I.523-4); *Caligula* XIV.3: legati consularis (L. Vitellius (cos. 34 A.D.) met Artabanus in 36 A.D. see Suetonius, *Vitellius* II.4); *Caligula* XXIV.1: Lucio Cassio Longino consulari (Caligula compelled L. Cassius Longinus (cos. 30 A.D.) to divorce Drusilla between 33 and 38 A.D.); *Caligula* XXV.1: C. [sic.] Memmio consulari (Caligula forced P. Memmius Regulus (cos. suff. 31 A.D.) to surrender Lolliia Paulina in 37/38 A.D.); *Claudius* XXVI.3: Aeliam Paetina consulari patre (Claudius married the presumed daughter of Sex. Aelius Catus (cos. 4 A.D.) by 28 A.D. at the latest since their daughter Antonia was married in 41 A.D.); *Claudius* XXIX.2: nece consularis viri (the reference is to one of the consular victims of Claudius viz.: M. Licinius Crassus Frugi (cos. 27), Ser. Asinius Celer (cos. suff. 38), Q. Futius Lusius Saturninus (cos. suff. 41), Pompeius Peto (*RE* no.101; *PIR*² P 635) consul circa 39 - 45 A.D., or Cornelius Lupus (cos. suff. 42). Evidently not D. Valerius Asiaticus (cos. II 46) who calmly took his own life see Tacitus, *Annals* XI.3); *Nero* XI.3: senes consulares (only one of consulars obliged to take part in the Iuvenalia is identifiable — Tacitus, *Ann.* XVI.21: Thræsea Paetus); *Nero* XII.3: praeposuit consulares (confirmed by Suetonius, *Vitellius* IV. A. Vitellius (cos. 48) presided at the second Neronia in 65 A.D.); *Nero* XXI.2: Cluvium Rufum consularem pronuntiavit (sc. at the Neronia in A.D. 65. The date of Cluvius' consulship is uncertain see Levick, *FRH* I.550-1, but the testimony of Suetonius is confirmed by Dio, LXIII.14.3); *Otho* II.2: damnatum consularem virum (the condemned consular is Lurii Varus see Syme (1985) 41; Murison (1993) 132; Tortoriello (2004) 524 n.371); *Vitellius* VI.1: Petroniam consularis viri filiam (Vitellius married Petronia, the presumed daughter of P. Petronius (cos. suff. 19 A.D.), circa A.D. 32-34 see *PFOS* I.492 no.606 and Murison, 150-3); *Vespasian* IV.1: Auli Plautii legati consularis (Vespasian was one of the legionary legates of A. Plautius (cos. suff. 29) when he invaded Britain in 43 A.D.); *Vespasian* IV.5: legatum Syriae consularem (i.e. C. Cestius Gallus (cos. suff. 42) governor of Syria in 66 A.D.); *Titus* VI.1: Aulum Caecinam consularem (A. Caecina Alienus (cos. suff. 68) was killed c.75-79 A.D.); *Domitian* VI.1: Oppio Sabino consulari (C. Oppius Sabinus (cos. 84) was defeated and killed by the Dacians in 86 A.D.); *Domitian* X.2: aliquot consulares interemit (on the consular victims of Domitian see Jones (1992) 182-8); *Domitian* XI.1: Arrecinum Clementem consularem (i.e. M. Arrecinus Clemens (cos. suff. 73, 85 A.D.); *Vita Terenti* IV: Q. Fabio Labeone et M. Popillio, consulari utroque ac poeta (Labeo and Laenas were consul in 183 and 173 B.C. respectively and Terence put on his first play in 166 B.C. so they will certainly have been *consulares* if and when Terence knew them); *De gramm. et rhet.* XXVIII.1: consularis Isaurici (the clash between Cannutius, Antony and Octavian dates to 44/43 B.C. and P. Servilius Isauricus was consul for the first time in 48 B.C. see Münzer, *RE* III.1486 no.3; Kaster (1995) 304-5). The following are less definitive: *De gramm. et rhet.* XX.2: Clodio Licino consulari (the historian C. Clodius Licinus was consul suffect in A.D. 4, but the period of his acquaintance with C. Iulius Hyginus cannot be precisely established see Kaster, 212-3; Levick and Cadoux, *FRH* I.474f); *Vespasian* XXII.1: Mestrium Florum consularem (L. Mestrius Florus was consul suffect circa 75 A.D., but Vespasian's witticism is not securely datable).

¹¹⁰⁵ See Suetonius, *Galba* III.2: Familiam illustravit Servius Galba consularis — where *consularis* does not relate to a specific time or event after the consulship of Ser. Sulpicius Galba (cos. 144 B.C.). Cf. *Augustus* LXIX.1: feminam consularem, *Caligula* XXXVI.1: Valerius Catullus, consulari familia iuvenis. For an instance of the kind

favour a literal interpretation of the phrase *duo consulares* in Augustus LXII.2.¹¹⁰⁶ Furthermore, we are told that Cornelia breathed her last after seeing her brother appointed consul,¹¹⁰⁷ and Propertius indicates that Augustus was present at her funeral.¹¹⁰⁸ *Consul quo factus tempore* ought strictly to mean that Cornelia died after her brother was returned as consul in the *comitia centuriata*, but prior to his taking office on the 1st of January,¹¹⁰⁹ which puts her death in the latter half of 19 B.C. if her frater is identified with Cn. Lentulus (cos. 18),¹¹¹⁰ and since Augustus

of anachronism imputed to Suetonius compare Velleius, II.41.2: M. Piso consularis Anniam, quae Cinnae uxor fuerat, in Sullae dimisisset gratiam (M. Pupius Piso divorced Annia in 82/81 B.C., but was not consul until 61 B.C.).

¹¹⁰⁶ See Suetonius, *Claudius* XXVI.3: Uxores deinde duxit Plautiam Urgulanillam triumphali et mox Aeliam Paetina consulari patre. *Vitellius* VI.1: Uxorem habuit Petroniam consularis viri filiam ... Duxit mox Galeriam Fundanam praetorio patre. In both passages the chronology implied by the terms *triumphalis* and *consularis* is borne out by the facts. *Triumphalis pater*: M. Plautius Silvanus (cos. 2 B.C.), the father of Claudius' first wife Plautia Urgulanilla, was awarded the *ornamenta triumphalia* in 9 A.D. for his part in suppressing the Pannonian revolt (Dio, LVI.17.2; Gordon (1952) 314 no.15; Swan (2004) 221, 236f, 249). Claudius had initially been betrothed to Aemilia Lepida, the great-granddaughter of Augustus, but the match was repudiated in A.D. 8 when her parents *Augustum offenderant* (*Claudius* XXVI.1; Syme, AA 121, 430). Claudius' next fiancée, Livia Medullina, died on their wedding day, and only then did he marry the daughter of Silvanus sometime prior to A.D. 12 A.D. (*Claudius* IV.3: the son of Silvanus was his *affinis* in A.D. 12). *Consularis pater*: Sex. Aelius Catus (cos. 4 A.D.), the probable father of Claudius' second wife Aelia Paetina, was consul long before their marriage (vide supra). *Consularis vir*: the father of A. Vitellius' first wife, Petronia, was a senior ex-consul when they married (vide supra). *Praetorius pater*: the father of Vitellius' second wife, Galeria Fundana, is labelled an ex-praetor. Galerius is otherwise unknown, but it seems likely that he was praetor in the reign of Tiberius (see *PFOS* I.344-6 no.399; Murison, 153-4; and Eck (1994) 229-30).

¹¹⁰⁷ IV.11.66: consul quo factus tempore.

¹¹⁰⁸ IV.11.57-9: defensa et gemitu Caesaris ossa mea. / ille sua nata dignam vixisse sororem / increpat, et lacrimas vidimus ire deo.

¹¹⁰⁹ See Buongiorno (2013) 281-7. Observe *CIL* VI.10213 = *ILS* 6044: inprobae comitiae [qu]ae fuerunt in Aventino ubi [Sei]anus co(n)s(ul) factus est (see Syme (1956) 257-9 and Champlin (2012) 384). *Consules facti* (vel sim) is also regularly employed by Livy when reporting the outcome of the *comitia consularia* (see for example II.8.9, 21.2, 21.5, 41.1, 43.1, III.25.1, IV.26.2, IX.20.1, X.15.12, XXIX.11.10, XXX.26.1, XXXV.10.10). For *consulem facere* meaning 'to be elected consul' see further E. Lommatzsch, *TLL* IV.565, 13f and Buongiorno (2013) 282 n.26. By contrast Cornelia is said to have actually witnessed her brother's aedileship and praetorship (IV.11. 65: vidimus et fratrem sellam geminasse curulem).

¹¹¹⁰ Despite much discussion of the conduct of elections under Augustus (see now Hollard (2010) esp. 167-225), the scheduling of the *comitia consularia* has received comparatively little attention. Mommsen (1887) I³ 588-9 posited that Augustus probably held the consular elections twice a year in March and October as the appointment of *suffecti* predominated and most consuls came to serve for half a year or less, but in the period in question (19-16 B.C.) the appointment of *suffecti* was still the exception, rather than the rule, and the limited evidence we possess suggests that the consular *comitia* were conducted sometime after the Kalends of July in summer or autumn. Thus the delayed consular elections for 21 B.C. were conducted while Augustus was in Sicily (Dio, LIV.6.1) in the

only returned to Rome from the East on the night of the 12th of October in 19 B.C.,¹¹¹¹ it is easier to have Cornelia die in the latter part of 17 B.C. when P. Cornelius Scipio (cos. 16) was elected consul.¹¹¹² Similarly, the latest datable events in the last book of Propertius pertain to the year 16 B.C.,¹¹¹³ so to have the final poem devoted to an event that occurred some three years in the past “will provoke some resistance.”¹¹¹⁴ In addition, Propertius places great emphasis on the offspring of Cornelia for in spite of her untimely death she bore Paullus Lepidus three children: two sons

autumn of 22 B.C. (Augustus left Rome sometime after dedicating the temple of *Iuppiter Tonans* on the 1st of September 22 B.C. see *Res Gestae* XIX; Suet., *Aug.* XXIX.1, 3; and Dio, LIV.4. The date is supplied by the *fasti* of the Arval Brethren and the *fasti Amiterni* and *Antiates* see Gros, *LTUR* III.159-60). Similarly, if, as is sometimes suggested, M. Egnatius Rufus was seeking the consulship of 18 B.C. and not the vacant place in 19 B.C. (see Badot (1973) 606-15; Badian (1982) 21 n.10; and Birley (2000) 716f), then the consular elections for 18 B.C. must have been conducted before C. Sentius Saturninus (cos. 19) retired from office (i.e. before the 12th of October). And even in A.D. 14 Augustus' death on the 19th of August took place after the consular elections for A.D. 15, but before the election of the praetors (see Tacitus, *Annals* I.14: Drusus was already consul designate, I.15, 81; Syme (1958) II.756f; Frei-Stolba (1967) 130 n.4, 146f; and Brunt (1984) 429; cf. Ober (1982) 310-11).

¹¹¹¹ *Res Gestae* XI; Dio, LIV.10.3-4. The altar of *Fortuna Redux* was inaugurated on October 12th to commemorate his safe return (see Coarelli, *LTUR* II.275; and Scheid (2009) 288-9).

¹¹¹² Augustus was continuously in Rome from his return in 19 B.C. until his departure for Gaul sometime after the rededication of the temple of Quirinus on the 29th of June 16 B.C. (see Dio, LIV.19.4; Coarelli, *LTUR* IV.185; Gardthausen (1891) II.1.647-8; and Fitzler and Seeck, *RE* X.352-7). Propertius does not specifically refer to Iulia's presence at Cornelia's funeral, but Iulia was in Rome until late in 17 B.C., or early in 16 B.C., when she accompanied Agrippa to the East (see Fitzler, *RE* X.898; Hanslik, *RE* IX.A.1259; and Roddaz (1984) 420). Buongiorno (2013) 287f assigns the consular elections for 16 B.C. to one of the *dies comitiales* between the 10th and 22nd of July 17 B.C. P. Scipio (cos. 16) was succeeded by the suffect L. Tarius Rufus in the second half of the year.

¹¹¹³ IV.1.9 seemingly refers to the *aedes Quirini* rededicated 16 B.C. (Dio, LIV.19.4; see Coutelle (2015) 369-71). IV.6.1-10 is generally held to have been written to mark the *ludi Quinquennales* of 16 B.C. (Dio, LIV.19.8; see Günther (2006) 374 with additional bibliography). The reference to the sons of Agrippa as the *pueri sui* of Augustus (IV.6.82) necessarily post-dates the adoption of Caius and L. Caesar in 17 B.C. (Dio, LIV.18.1; Suet., *Aug.* LXIV; Vell., II.96; Jerome, *Chron.* p.166 Helm; Tac., *Ann.* I.3.2). The submission of the Sygambri in 16 B.C. is mentioned in IV.6.77 (Dio, LIV.19, 20.4-6). von Domaszewski (1919) 6-9 linked the deaths of the trooper Lupercus and the aquilifer Gallus (IV.1.89-96) with the *clades Lolliana* during which the Roman cavalry was ambushed and beaten and the eagle of the Fifth legion was lost (Dio, LIV.20.4; Vell., II.97; cf. Butler and Barber (1933) xxvi, 330; Ritterling, *RE* XII.1567, 1571-2; Groag, *RE* XIII.1382 M. Lollius no.11; Petersen, *PIR*² L 311, 416; and Coutelle (2015) 439f). Fedeli (2015) II.1269-70, 1341-2, 1356, 1358-60 also maintains that IV.11 alludes to the *lex Iulia de maritandis ordinibus* and the *lex Iulia de adulteriis coercendis* (the latter of which Buongiorno (2013) 273-90 would date to June-July of 17 B.C.).

¹¹¹⁴ Syme, AA 251. On the debate concerning the “conscious structural arrangement of the poems” in book IV see Günther (2006) 353f; and Fedeli (2015) I.68f.

and a daughter.¹¹¹⁵ Cornelia's fertility consequently made her a fine advertisement for Augustus' policies on marriage and procreation, and a worthy sister of Iulia as the poet's stresses.¹¹¹⁶ And the parallel between the two sisters perhaps goes a little deeper. Iulia was obliged to marry M. Agrippa in 21 B.C. and she bore him five children in all. The first three were born in rapid succession between 20 and 17 B.C. and consisted of two boys and girl mirroring the *tota caterva* of Cornelia.¹¹¹⁷ The poetic pairing of Cornelia and Iulia is arguably therefore better suited to a time after the birth of L. Caesar around the middle of 17 B.C.

Canas adopted a different approach. Like Scheid, he insists that Scribonia's son Marcellinus and Cornelia must be full siblings (i.e. the product of one and the same marriage) since Suetonius says that Scribonia only became a mother by one of her first two husbands.¹¹¹⁸ And as Cornelia's death can be fixed between circa 22 and 12 B.C.,¹¹¹⁹ her brother must be one of the four Cornelii who held the consulship in this period — namely: Cn. Cornelius L. f. Lentulus (cos. 18), P. Cornelius P. f. Lentulus Marcellinus (cos. 18), P. Cornelius P. f. P. n. Scipio (cos. 16), and Cn. Cornelius Cn. f. Lentulus (cos. 14). Canas holds that Cn. Lentulus (cos. 18) and Cn. Lentulus (cos. 14) are to be excluded as neither bore the *cognomen* Marcellinus or Scipio, but considers it impossible to decide between P. Lentulus Marcellinus (cos. 18) and P. Scipio (cos. 16), and so tentatively retains the postulate of Groag and Syme that they may have been brothers. As Marcellinus and Scipio were both *Publii filius*, it follows, according to Canas, that the father of Cornelia was a Publius Cornelius who bore the *cognomina* Lentulus

¹¹¹⁵ IV.11.12, 63-8, 75-80, 87, 95-100.

¹¹¹⁶ IV.11.59: *dignam sororem*. There is also an implicit contrast between the fates of Cynthia and Cornelia (IV.7). After a life devoted to the pursuit of pleasure and illicit casual affairs, Cynthia's ghost bemoans the fact that there was no one to mourn her passing except one faithful slave, and complains that her funeral was a pitiful affair (IV.7.23-30, 43). Her lonely end provides a bleak counterpoint (note esp. IV.7.23 versus IV.11.100) to the devotion of Cornelia's husband and children which are seen as the reward of a virtuous life, and as validation of the regime's program of 'moral regeneration.'

¹¹¹⁷ C. Caesar (*RE* no.134; *PIR*² I 216) was born in 20 B.C. (Dio, LIV.8.5). Probably between the 14th of August and the 13th of September (see Priuli (1980) 77-9 and Vassileiou (1984) 54). L. Caesar (*RE* no.145; *PIR*² I 222) was born in 17 B.C. (Dio, LIV.18.1. Apparently between the 14th of June and the 15th of July see Vassileiou, *loc. cit.*). Iulia's daughter Iulia was born betwixt Caius and L. Caesar in the second half of 19 B.C., or the first half of 18 B.C. (see Mommsen (1913) VIII.192-3, (1906) IV.271-2; and Fantham (2006) 59, 108).

¹¹¹⁸ (2009) 185, 187. Canas also follows Scheid in renouncing any hope of identifying Scribonia's first spouse: making her first marriage a sterile union with an unidentifiable consular (185, 209 *stemma* 5).

¹¹¹⁹ The *termini* are deduced from Propertius, IV.11.67-8, which is taken to fix the birth of Cornelia's daughter Aemilia during the censorship of Paullus Lepidus, and Lepidus' remarriage to Claudia Marcella Minor, which is put sometime not long after the death of Marcella's first husband M. Valerius Messalla Barbatus Appianus early in 12 B.C. ((2009) 186-7).

Marcellinus or Scipio and married Scribonia in the latter half of the 50's.¹¹²⁰ Yet we know from Suetonius that Scribonia's husband was a consular, and no individual bearing the name P. Lentulus Marcellinus or P. Scipio appears in the consular *fasti* in the late Republic or early Principate (aside from the consuls of 18 and 16 B.C.), nor do any of the consular P. Cornelii in the period correspond to the required profile.¹¹²¹ The solitary Scipionic consular in the period, Pompey's colleague and father-in-law Q. Caecilius Metellus Pius Scipio (cos.52), who was known before, and sometimes after, his testamentary adoption by his natal nomenclature P. Cornelius Scipio Nasica,¹¹²² is ruled out of contention by Canas because he was not descended from the Lentuli Marcellini and so had no reason to give one of his sons the *cognomen* Marcellinus. Canas accordingly embraces a more recent conjecture that Scribonia's husband may merely have been a recipient of the *consularia ornamenta*.¹¹²³ In the end, therefore Canas

¹¹²⁰ Canas (2009) 189 maintains that the consuls of 18 and 16 B.C. were youthful consuls born respectively in 52/51 and 50/49 B.C.

¹¹²¹ Canas, 189-90 first extends the search as far back as 80 B.C. and rules out P. Lentulus Sura (cos. 71) and P. Lentulus Spinther (cos. 57), and then carries the search down to the 30's B.C. in case Suetonius was wrong, or inexact, in implying that both of Scribonia's first two husbands were consulars at the time of the marriage.

¹¹²² See Linderski (2007) 143-52.

¹¹²³ The hypothesis was advanced by the author in (2000) 266 n.9. Suetonius, *Divus Iulius* LXXVI.2 and Dio, XLIII.47.3 indicate that Caesar awarded the *consularia ornamenta* to 10 *praetorii* in 45 or 44 B.C. (cf. Cicero in Jerome, *Ep.* LXVI.7 = Müller (1890) III.4, 410 frag.38), and the earliest documented award by Augustus took place in 29 B.C. (Dio, LII.42.4). None of the 10 *praetorii* honoured by Caesar have been positively identified. Willems (1885) I.524 and Ribbeck (1899) 9 no.25 suggested P. Sulpicius Rufus, the censor of 42 B.C., was one of the 10, as all *censorii* had been of consular rank since 209 B.C. (but Willems, I.607f demonstrated that the Triumvirs distributed *honores* without regard for the traditional prerequisites for office), and Holzapfel (1900) 811-2 conjectured that the senator Varus proscribed in 43 B.C. (Appian, *BC* IV.28) was another (but see Tansey (2008) 206 n.176). The senior *praetorii* who had served Caesar well, but were kept out of the consulship by the dictator's younger favourites must surely have been first in line for this honour. If, as Drumann and Münzer, *RE* IV.A.770-1 maintained (cf. Hinard, *Proscriptions* 526 and Broughton (1991) 18 n.33) Ser. Sulpicius Galba joined the conspirators because the dictator passed over him and elevated younger men like Lepidus and Dolabella to the consulship, Caesar may have tried to fob Galba off by awarding him the *consularia ornamenta* (other men in this category, like the disgraced consul designate for 65 B.C. P. Sulla and the orator M. Calidius *RE* no.4, died before the *ornamenta* were awarded). Other possible candidates are Caesarians from lesser families who were not considered consular material — such as perhaps C. Rabirius Postumus (praetor in 48? see Sumner (1971) 254-5), who was reportedly contemplating standing for the consulship in May 45 B.C. (*Ad Att.* XII.49.2). The survey of Rémy (1976-1977) 160-98 only treats Caesar and Augustus very briefly and is defective on various counts — most notably in claiming that Augustus never bestowed the *ornamenta consularia* (161). Rémy overlooks C. Cluvius and C. Furnius (Dio, LII.42.4). Plus if L. Cornelius Balbus the Younger is distinguished from L. Cornelius (cos. suff. 32 B.C.), it follows that Balbus also received the *ornamenta* from Augustus (see Granino Cecere (2007) 234f).

opts for a variation on the thesis of Groag,¹¹²⁴ substituting an otherwise unknown P. Cornelius Lentulus Marcellinus awarded the *consularia ornamenta* by the dictator Caesar in 44 B.C.,¹¹²⁵ for Groag's (P.?) Cornelius (Scipio ?) (cos. suff. 38) on the grounds that nothing permits us to affirm, or even to suppose that the husband of Scribonia bore the *cognomen* Scipio.¹¹²⁶ This Marcellinus is held to have been the son of Cn. Cornelius Lentulus Marcellinus (cos. 56), or of his older brother P. Lentulus Marcellinus (*RE* no.231), and thus descended both from the Lentuli Marcellini and from the Scipiones through his putative grandmother Cornelia, the daughter of P. Scipio Nasica (cos. 111), and Canas supposes that he was the father by Scribonia of P. Lentulus Marcellinus (cos. 18), Cornelia, and perhaps also P. Scipio (cos. 16).¹¹²⁷

The hypothesis of Canas is open to a number of objections. First and foremost, there is once again the matter of Propertius' total silence about the Cornelii Lentuli, Marcellini, and Claudii Marcelli. Moreover, one cannot help but feel that Canas turns this problem on its head for his declaration that there is nothing to suggest that the father of Cornelia was a Scipio flies in the face of Propertius' account of the paternal ancestry of Cornelia, whereas his conviction that the husband of Scribonia was a P. Cornelius Lentulus Marcellinus is contingent upon his inference that P. Lentulus Marcellinus (cos. 18) is the unnamed consular brother of Cornelia referred to by the poet. Secondly, the proposition, tentatively entertained by Groag, Syme and Canas, that P. Lentulus Marcellinus (cos. 18) and P. Scipio (cos. 16) were siblings should be abandoned. Aside from the fact that both men bore the same *praenomen*, which would be highly anomalous in biological brothers of this epoch,¹¹²⁸ Propertius could not have baldly stated that

¹¹²⁴ Ventured in *PIR*² C 1395 (cf. C 1437, 1438, 1475 and Groag's *stemma* opposite p.328).

¹¹²⁵ Canas (2009) 194-5 rejects his identification with the other Marcellini documented in the period — namely: the quaestor of 48 B.C. (*RE* no.232), the *monetal* Marcellinus (see *RE* no.232; Crawford, *RRC* I.460 no.439), and the praetor of 29 B.C. (not in *RE*; see *CIL* XI.7412; *PIR*² C 1396).

¹¹²⁶ (2009) 194: car rien ne permet d'affirmer ni même de supposer que le mari de Scribonia portait celui de Scipio.

¹¹²⁷ Canas (2009) 194 acknowledges that if P. Lentulus Marcellinus (cos. 18) and P. Cornelius P. f. P. n. Scipio (cos. 16) were brothers, then the filiation of Scipio would dictate that they were the grandsons of the proquaestor P. Lentulus Marcellinus (*RE* no.231) and not his younger brother Cn. Lentulus Marcellinus (cos. 56).

¹¹²⁸ Canas adduces in mitigation of this anomaly the fact that the brothers T. Statilius Taurus (cos. 11 A.D.) and T. Statilius Taurus Sisenna (cos. 16 A.D.) both bore the *praenomen* Titus, but the consul of 16 A.D. is only referred to in this fashion in the index to book LVII of Cassius Dio compiled by a later hand (see Swan (2004) 33-4, 39-40). The rest of the literary and epigraphic sources indicate that the consul bore the name Sisenna Statilius Taurus which accords with the contemporary fashion for using *cognomina* in place of traditional *praenomina* (compare inter alia Paullus and Africanus Fabius Maximus, Iullus Antonius, Nero Claudius Drusus, and Cossus Lentulus). That being so, Vespasian and his brother Sabinus constitute the earliest certain case of non-adoptive brothers bearing the same *praenomen* (see Salomies (1987) 329, 335f, 378f contra Solin (1995) 202-3).

Cornelia died when her brother was elected consul, if Cornelia had two consular brothers.¹¹²⁹ Nor would it be easy to explain why the inscription from the *Porta Capena* refers solely to Scribonia's son Marcellinus, if P. Scipio and Marcellinus were full siblings born within a few years of another.¹¹³⁰ Thirdly, if the husband of Scribonia was awarded the *consularia ornamenta* by the dictator Caesar, he was not a consular when they married,¹¹³¹ and it must be assumed that Suetonius was more concerned with the relative seniority of Octavian's predecessors, than with the chronology of Scribonia's marriages. Yet if that was Suetonius' intent, his choice of language was singularly maladroit because Octavian extorted his first consulship from the senate in 43 B.C., and so, despite his youth, was also a *consularis* when he married Scribonia. Lastly, in order to accommodate this hypothetical Caesarian praetor in the *stemma* of the Marcellini Canas is obliged to distinguish him from all the known Lentuli Marcellini of the period, and to make him praetor in his 20's or early 30's,¹¹³² and while such a violation of the Republican *leges annales* is not unthinkable in this epoch,¹¹³³ it does not seem very likely that the dictator advanced a young favourite to the praetorship at this age, and then awarded him the *ornamenta*

¹¹²⁹ The theory of M. Dominicy (reported by Coutelle (2015) 971) that the infinitive *geminasse* in Propertius IV.11.65 evokes *deux frères qui ont occupé chacun cette magistrature à intervalle rapproché* is linguistically insupportable (note the singular *fratrem* in IV.11.65) and patently fanciful.

¹¹³⁰ The inscription from the *Porta Capena* does not mention Cornelia either, but there are several possible explanations for her absence. The nomenclature Scribonia Caesaris shows that *CIL* VI.26033 post-dates Scribonia's marriage to Octavian in 40 B.C., but the inscription cannot be dated more precisely and it is conceivable that it was erected after Cornelia's death. Or it could be that Scribonia maintained separate burial plots for the *familia urbana* of her first two husbands since they technically belonged to different households. It so happens that a second sepulchral inscription of unknown provenance relating to the household staff of Scribonia Caesaris is on record (*CIL* VI.26032: *Ex domo Scriboniae Caesar(is) libertorum libertar(um) et qui in hoc monument(um) contulerunt*), and it is unclear how it relates to the inscription discovered near the *Porta Capena*. Perhaps the most likely explanation, however, is that the inscription was set up after Cornelia's marriage to Paullus Lepidus when Cornelia was no longer part of her mother's household. Note by way of parallel the near contemporary inscription from the *via Nomentana* relating to the *familia* of Claudia Marcella Minor — *AE* (1996) 253: *Libertorum et libertar(um) et famil(iae) Marc[e]llae Paulli et Messallae et Regilli [qui in hoc] monume(ntum) [contuleru]nt quoru(m) [nomina in]tro insc(ripta) [su]nt*. After the death of Cornelia, Paullus Lepidus went on to marry Augustus' niece and the inscription from the *via Nomentana* mentions Marcella's sons (Messalla Barbatus and Paullus Aemilius Regillus) by both her husbands (M. Valerius Messalla Barbatus Appianus and Paullus Lepidus), but omits her step-children (L. Paullus, M. Lepidus, and Aemilia Lepida) as well as her own daughter Claudia Pulchra. Fusco and Gregori (1996) 230 posit that Claudia Pulchra may already have been married to P. Quinctilius Varus (cos. 13) when the inscription was cut.

¹¹³¹ Canas puts the marriage in the late 50's (vide supra).

¹¹³² Canas puts the birth of this putative Marcellinus in the 70's (192).

¹¹³³ C. Asinius Pollio was praetor in 45 B.C. at 31 or 32 years of age (see Sumner (1971) 358, 370).

consularia as well almost immediately thereafter. It was precisely because there were too many adherents clamouring to be rewarded and too few *honores* to go around that Caesar resorted to the *ornamenta* as a consolation prize.¹¹³⁴

It was not without good reason then that Syme deemed the problem of Scribonia's first two husbands an insoluble riddle,¹¹³⁵ but it is premature to despair of identifying either man.¹¹³⁶

The inscription from the *Porta Capena* is undeniable proof that Scribonia married a Lentulus Marcellinus, and as Suetonius testifies that both of Scribonia's first two husbands were of consular rank, there is only one candidate who fits all the requirements: Cn. Cornelius Lentulus Marcellinus (cos. 56). Groag discounted the consul of 56 B.C. due to his age, but that objection is invalid.¹¹³⁷ Scribonia was undoubtedly much younger than Marcellinus, probably about 35 years younger,¹¹³⁸ and the marriage, which presumably took place shortly after 56 B.C.,¹¹³⁹ will not have been Marcellinus' first. But the age difference between Marcellinus and Scribonia is precisely paralleled by Pompey's marriage to Cornelia, the daughter of Metellus Scipio, which took place around the same time,¹¹⁴⁰ and it pales in comparison to the age gap attested in the late remarriages of other consulars.¹¹⁴¹ Cn. Cornelius Lentulus Marcellinus (cos. 56) was probably therefore Scribonia's first husband as Borghesi suggested.

Furthermore, Cn. Cornelius Lentulus Marcellinus (cos. 56) is not a plausible father or grandfather for Scribonia's daughter Cornelia and her consular brother in view of Propertius' narrow and unambiguous insistence on Cornelia's Scipionic pedigree, and the lack of credible

¹¹³⁴ Dio, XLIII.47.2; cf. Plutarch, *Caesar* LVIII.1.

¹¹³⁵ Syme, *RR* 229 n.7, *AA* 249. Cf. Groag, *PIR*² C 1395: neque hanc quaestionum certe solvere licebit.

¹¹³⁶ In Wachtels's *stemma* of the Scribonii Libones in *PIR*² pars VII fasc. 2 (2006) p.103 both husbands are treated as unidentifiable. The first is registered simply as an *Ignotus*, while the second, the father of Cornelia and Marcellinus, is dubbed 'a certain Cornelius' (Cornelius quidam).

¹¹³⁷ *PIR*² C 1395: Propter temporum rationes de Lentulo Marcellino cos. 56 a.C. vix est cogitandum. Groag, *RE* IV.1388 no.227 had earlier accepted Cn. Lentulus Marcellinus (cos. 56) as the first husband of Scribonia.

¹¹³⁸ Scribonia was born around 70 B.C. (see Münzer, *RE* II.A.1.882; Leon (1951) 168-9; Syme (1964) 161, *AA* 248, (1987) 13; Fantham (2006) 17-19; Canas (2009) 189 n.30, 199f).

¹¹³⁹ If Suetonius' *duo consulares* is interpreted strictly, the marriage must post-date 56 B.C. and Marcellinus was dead by 46 (vide infra). In view of Scribonia's probable age the marriage could not in any case be dated much before 56 and Marcellinus did not return from Syria until 57 (*MRR* II.197).

¹¹⁴⁰ Pompey was born in 106 B.C., Cornelia circa 70 (see Münzer, *RAA* 315 = 289-90 Ridley; Syme (1980) 408, *AA* 246; Hemelrijk (1999) 272 n.88; and Etcheto (2012) 189). Note also Q. Hortensius (cos. 69), born in 114 B.C., married Cato's wife Marcia, who was probably born between 82 and 73 B.C., in the 50's.

¹¹⁴¹ Compare: Cato the Censor's marriage to Salonia, and Cicero's marriage to Publilia. Note also the marriage of L. Gellius (cos. 72) and Palla — the latter was young enough to be accused of illicit relations with her step-son L. Gellius Poplicola (cos. 36).

evidence for a consular son of Cn. Lentulus Marcellinus who might be identified as either the father or brother of Cornelia. When approached without prepossessions the combined evidence of Propertius and Suetonius suggests that the father of Cornelia was a Scipio of consular standing and there are at least two viable candidates who fit that profile.¹¹⁴² The inference that Cornelia and her brother were the children of Scribonia's second husband is in apparent conflict with Suetonius' statement that Scribonia only bore children to one of her first two husbands in as much as the inscription from the *Porta Capena* suggests that Scribonia had a son by Cn. Lentulus Marcellinus (cos. 56). But it is entirely possible that Scribonia's son Marcellinus perished prematurely so that Suetonius was unaware of his existence,¹¹⁴³ or it could even be that he was Scribonia's step-son (i.e. the product of an earlier marriage of the consul of 56 B.C.) which would absolve Suetonius of any blame.¹¹⁴⁴

Scribonia's marriage to Cn. Cornelius Lentulus Marcellinus (cos. 56) must therefore have ended in divorce, or with his death for Scribonia went on to acquire two more husbands and lived to an advanced age. Marcellinus, on the other hand, is usually assumed to have died shortly after his consulship.¹¹⁴⁵ There is a chance that he died in 55 B.C.,¹¹⁴⁶ and he was certainly dead by early 46 B.C.¹¹⁴⁷

¹¹⁴² See chapter XVII.

¹¹⁴³ As suggested by Leon (1951) 169-70. *CIL* VI.26033 proves that Marcellinus was still alive when Scribonia married Octavian, but we cannot say how long he survived. Canas (2009) 187-9, 209 *stemma* 5 assumes the Marcellinus of *CIL* VI.26033 and P. Lentulus Marcellinus (cos. 18) are identical, but Groag, *PIR*² C 1395, 1396, who was inclined to identify the consul of 18 B.C. with the praetor of 29 B.C., warned against this *ex ratione aetatis* (see also Ferriès (2007a) 335 and Etcheto (2008) 122 n.22).

¹¹⁴⁴ Groag, *RE* IV.1388 no.227 excluded this possibility, but did not offer any reasoning. Cf. Canas (2009) 187.

¹¹⁴⁵ So Münzer, *RE* IV.1390; Syme, *AA* 22-3, 248.

¹¹⁴⁶ If *Ad Atticum* IV.6.1 dates to 55 not 56 B.C. (as Lily Ross Taylor (1949) 217-21 argued; cf. Shackleton Bailey, *CLA* II.95), then it becomes possible that the Lentulus whose death is remarked upon by Cicero (IV.6.1, 2) is Marcellinus rather than Lentulus Niger. Cicero's characterization of the deceased as a staunch patriot arguably suits Marcellinus better than Niger. Marcellinus had been a vociferous opponent of Clodius and the 'Triumvirs'. Cicero's comment that Lentulus' death spared him the sight of his country's ruin (i.e. the ascendancy of the 'Triumvirate') is therefore very appropriate to Marcellinus.

¹¹⁴⁷ Cicero registers Marcellinus in the *Brutus* 247 where he eschews discussion of the living, so Marcellinus was certainly dead by the dramatic date of the dialogue (i.e. early 46 B.C.). Nor is he known to have played any part in the civil war.

XVII.

[P.] Cornelius [Scipio] consul *anno incerto* see *RE* no.332; *PIR*¹ C 1174; *PIR*² C 1306,
 1437 = Q. Caecilius Metellus Pius Scipio (cos. 52)?
 Scribonia *RE* no.32; *PIR*¹ S 220; *PIR*² S 274

TESTIMONIA

Propertius, IV.11. 29-32, 37-40, 55; Suetonius, *Divus Augustus* LXII.2

DATE

Circa 51 — 46 B.C.?

MODE OF DISSOLUTION

Death of Scipio?

ISSUE

Cornelia (*RE* no.419, *PIR*¹ C 1206, *PIR*² C 1475), the wife of Paullus Aemilius Lepidus (cos. suff. 34), and P. Cornelius Scipio (cos. 16)

PARENTS

Metellus Scipio was the son of P. Cornelius Scipio Nasica (*RE* no.351) and Licinia Scribonia was the daughter of L. Scribonius Libo (*RE* no.19) and Sentia (*RE* no.15)

SIBLINGS

Metellus Scipio was the older brother of L. Licinius Crassus Scipio (*RE* Licinius no.76)
 Scribonia was the sister of L. Scribonius Libo (cos. 34)

See Stemma II and Figure 1

Suetonius, *Divus Augustus* LXII.2: Mox Scriboniam in matrimonium accepit nuptam ante duobus consularibus, ex altero etiam matrem.

Not long afterward Octavian married Scribonia, who had previously been married to two consulars, and was a mother by one of them.

Propertius, IV.11 (Cornelia, the wife of Paullus Aemilius Lepidus (cos. suff. 34), speaks from beyond the grave):

si cui fama fuit per avita tropaea decori,
aera¹¹⁴⁸ Numantinos nostra¹¹⁴⁹ loquuntur avos: 30
altera maternos exaequat turba Libones,
et domus est titulis utraque fulta suis.

G. P. Goold, *Propertius*, Cambridge MA, (1999) 385: If any has ever derived ennobling fame from ancestral trophies, then our house has bronze spoils that tell of ancestors who took Numantia: a second host claims equality for the Libones of my mother's line, and my family is sustained on either side by achievements of its own.

testor maiorum cineres tibi, Roma, colendos,
sub quorum titulis, Africa, tunsa iaces,
et Persen proavo stimulantem pectus Achille,
quique tuas proavo fregit Achille¹¹⁵⁰ domos ... 40

G. P. Goold, *Propertius*, Cambridge MA, (1999) 385: I testify by the ashes of forebears who command Rome's reverence, beneath whose triumphs Africa lies ground in the dust, and him, who, when Perses was spurred on by the spirit of his ancestor Achilles, crushed the house inflated by its ancestor Achilles ...

nec te, dulce caput, mater Scribonia, laesi: 55
in me mutatum quid nisi fata velis ?
maternis laudor lacrimis urbisque querelis,
defensa et gemitu Caesaris ossa mea.
ille sua nata dignam vixisse sororem
increpat, et lacrimas vidimus ire deo. 60

G. P. Goold, *Propertius*, Cambridge MA, (1999) 387: Nor, dear heart, have I injured you, mother Scribonia: what in me would you wish otherwise except this my death ? I am praised by a mother's tears and a city's lamentations, and my bones are vindicated by Caesar's sighs. He grieves that in me died one worthy of being his daughter's sister, and we saw a god's tears flow.

vidimus et fratrem sellam geminasse curulem; 65
consul quo factus tempore, rapta soror.¹¹⁵¹

G. P. Goold, *Propertius*, Cambridge MA, (1999) 387: We also saw my brother twice seated in the curule chair, and it was when he was appointed consul that his sister was snatched away.

The first two husbands of Scribonia Caesaris are an intractable problem. Epigraphic evidence suggests that Scribonia was initially married to Cn. Cornelius Lentulus Marcellinus

¹¹⁴⁸ Mss: aera Λ, et LP, versa ζ. Afra: Scaliger. For the manuscript tradition and the various editorial conjectures associated with lines 30 and 39-40 see Finkenauer (2001) 146-59; Hutchinson (2006) 55-6, 237-9; Coutelle (2015) 950-1, 955-8; and Fedeli (2015) II.1322-4, 1332-4.

¹¹⁴⁹ Mss: regna.

¹¹⁵⁰ Finkenauer: proavus ... Achive.

¹¹⁵¹ Mss: consule quo facto.

(cos. 56).¹¹⁵² Her second husband is more of an enigma and has left only vestigial traces in Propertius and Suetonius.

Propertius, IV.11 celebrates the life of Scribonia's daughter Cornelia. In conformity with the funereal context the elegy lays heavy emphasis on the illustrious lineage of the deceased. The poet begins with the paternal line and immediately evokes the destroyer of Numantia P. Cornelius Scipio Aemilianus (cos. 147, 134).¹¹⁵³ He goes on to reinforce Cornelia's claim to Scipionic blood by having her swear on the graves of her revered ancestors the conquerors of Africa — i.e. the victor of Zama P. Cornelius Scipio Africanus (cos. 205, 194), and Scipio Aemilianus the destroyer of Carthage.¹¹⁵⁴ And he drives his message home with an allusion to the victor of Pydna — L. Aemilius Paullus (cos. 182, 168) — the biological father of Aemilianus and brother-in-law of Africanus.¹¹⁵⁵ Thus Propertius not only unambiguously asserts Cornelia's claim to Scipionic ancestry, the claim is specific to the family nexus centred on Scipio Africanus and his adoptive grandson. The only other clue to the identity of Cornelia's father is supplied by Suetonius who affirms that Scribonia's first two husbands were men of consular rank.

It is evident from the outset that the substance of Propertius' genealogical claim incorporates an element of poetic licence for Scipio Aemilianus died without issue.¹¹⁵⁶ The father of Cornelia cannot therefore have been a direct descendant of Scipio Aemilianus. But the descendants of P. Cornelius Scipio Africanus (cos. 205, 194) were also descended from the Aemilii Paulli by virtue of Africanus' marriage to Aemilia, the daughter of L. Aemilius Paullus (cos. 219, 216), who was both the biological aunt and adoptive grandmother of Scipio Aemilianus. If therefore the genealogical claims made by Propertius are legitimate then the father of Cornelia can only be a descendant of Scipio Africanus and Aemilia who could claim kinship with Scipio Aemilianus with some degree of veracity.¹¹⁵⁷

When the evidence of Propertius is combined with the testimony of Suetonius the pool of

¹¹⁵² *CIL* VI.26033 on which see chapter XVI and below.

¹¹⁵³ See *MRR* I.498.

¹¹⁵⁴ See *MRR* I.321, 467. Compare Claudian, *Laus Serenae* 42: *claram Scipiadam taceat Cornelia gentem seque minus iactet Libycis dotata tropaeis*.

¹¹⁵⁵ See *MRR* I.433-4. Cf. IV.11.11 *currus avorum*, 43: *exuviis tantis*, 44: *magnae domus*, 102: *honoratis avis*.

¹¹⁵⁶ Aemilianus' marriage to Sempronia, his first cousin once removed, was barren (Appian, *BC* I.20).

¹¹⁵⁷ One may compare the pretensions of the contemporary Fabii Maximi. Q. Fabius Maximus, the future consul suffect of 45 B.C., advertized a connection with L. Aemilius Paullus (cos. 182, 168) and Scipio Aemilianus when restoring the *Fornix Fabianus* (see *CIL* VI.1304 and Cicero, *In Vatinius* 28). And the link was reiterated in the *praenomina* of his sons Africanus and Paullus, and the *cognomina* of their descendants Numantinus, Numantina, and Persicus. Yet as descendants of Scipio Aemilianus' brother Q. Fabius Maximus Aemilianus (cos. 145) the Fabii had no more right to Africanus or Numantinus than Cornelia.

potential candidates is reduced to just two men as there are only two consulars in the requisite period who were descended from Scipio Africanus and Aemilia — namely: Cn. Cornelius Lentulus Marcellinus (cos. 56) and Q. Caecilius Metellus Pius Scipio (cos. 52). Marcellinus was the great-grandson of P. Cornelius Scipio Nasica Serapio (cos. 138),¹¹⁵⁸ and was accordingly descended from Scipio Africanus via the marriage of Serapio's father P. Cornelius Scipio Nasica Corculum (cos. 162, 155) to the elder daughter of Scipio Africanus and Aemilia. But Marcellinus cannot be the father of Cornelia since Propertius refers exclusively to Cornelia's Scipionic ancestors and makes no mention of the Cornelii Lentuli or Claudii Marcelli whom the poet could hardly have glossed over if the father of Cornelia was a Lentulus Marcellinus. Moreover, Marcellinus did not have a son who was consul, whereas Propertius certifies that Cornelia's death coincided with her brother's election to the consulship. Plus the consul of 56 B.C. was almost certainly the first husband of Scribonia. That leaves Metellus Scipio as the only candidate who fits all the requirements for the father of Cornelia and the second husband of Scribonia, and Metellus Scipio has in any case a superior claim in that he was a Cornelius Scipio by birth: his great-great-great-grandfather P. Cornelius Scipio Nasica (cos. 191) was the first cousin of Africanus, and Metellus Scipio was also the great-great-great-grandson of Africanus himself through the marriage of his great-great-grandfather Scipio Nasica Corculum to the daughter of Africanus.¹¹⁵⁹ What is more, Cicero employs the self-same conceit as Propertius when speaking of the young Metellus Scipio as the heir in name and blood to Scipio Aemilianus.¹¹⁶⁰ The obvious and natural inference that Cornelia's brother was none other than the consul of 16 B.C. P. Cornelius P. f. P. n. Scipio completes the picture.¹¹⁶¹ Paradoxically,

¹¹⁵⁸ Cicero, *De har. resp.* 22.

¹¹⁵⁹ For explicit acknowledgement of Metellus Scipio's kinship with Scipio Africanus and Scipio Aemilianus see Cicero, *Verr.* II.4.79f; Lucan, VI.788-9; *Commenta Bernensia* VI.310, 788 pp.200, 218 Usener; *Adnotationes super Lucanum* VI.310, 788 pp.216, 244 Endt; *Supplementum adnotationum super Lucanum* II.349 p.120 Cavajoni; Eutropius, VI.23.2; and John of Antioch, fragment 103.13 Mariev; cf. Cicero, *Ad Att.* VI.1.17 (with Linderski (1996) 157-9 = (2007) 145-7), *Phil.* XIII.29; and *Seneca*, Ep. XXIV.9-10.

¹¹⁶⁰ *Verrines* II.4.79-81. Note especially II.4.79: *generi et nomini ... familiae vestrae ... monumenta maiorum suorum ...* 80: *generi tuo ...* 81: *ex eadem familia ... generis et nominis*. As Cicero's exhortation to the young P. Scipio Nasica to defend his family heritage predates his testamentary adoption by Metellus Pius, the *lectissimus ornatissimusque adulescens* is addressed simply as P. Scipio. Cicero's repeated reference to the spoils of Carthage and the reverence due to the memory of Scipio Aemilianus (*Verrines* II.2.85-7, 4.73-5, 82-4, 93, 97-8, 5.124-5) also finds an echo in Propertius (IV.11.37-8).

¹¹⁶¹ The natal nomenclature of Metellus Scipio was P. Cornelius P. f. P. n. Scipio Nasica. The fact that the consul of 16 B.C. is not known to have used the *cognomen* Nasica is not significant as the additional *cognomen* was frequently omitted (see Shackleton Bailey, *OCL* 25, 42, *OCS*² 27, 40-1, *OCT* 20, 28-9; and Linderski (1996) 154-64 = (2007) 140-52).

however, Metellus Scipio tends to be overlooked, or summarily disqualified for wholly inadequate reasons,¹¹⁶² and it is high time to test the possible objections to this hypothesis.

The identification of Metellus Scipio as the second husband of Scribonia requires Metellus Scipio to have married twice. In his youth Scipio bested Cato in a spiteful contest for the hand of an Aemilia Lepida,¹¹⁶³ and Lepida bore Scipio the daughter who went on to marry P. Licinius Crassus and Cn. Pompeius Magnus (cos. 70, 55, 52). But the fate of Lepida is unknown, and since death and divorce conspired to make iterated matrimony a common phenomenon in First Century Rome,¹¹⁶⁴ it is entirely possible that Aemilia died, or that Scipio and Lepida separated, in the last years of the Republic after Scribonia had been widowed by the death of Lentulus Marcellinus.

If Metellus Scipio espoused Scribonia in the twilight of the Republic, it follows that the groom was old enough to be the father of the bride for Metellus Scipio was perhaps as much as 25 years older than Scribonia.¹¹⁶⁵ The disparity in age is not a serious objection: Roman brides were routinely younger than the groom, often significantly younger.¹¹⁶⁶ Cn. Pompeius Magnus was some 35 years older than his fifth wife Cornelia (the daughter of Metellus Scipio and Aemilia Lepida), and Scribonia's first husband Cn. Lentulus Marcellinus (cos. 56) was coeval with Pompey.¹¹⁶⁷

¹¹⁶² Thus Billows (1982) 60 ruled Metellus Scipio out on the grounds that he was married to Aemilia Lepida, but see below. See also Canas (2009) 189 where the circular reasoning is predicated on the assumption that P. Lentulus Marcellinus (cos. 18) was the consular brother of Cornelia alluded to by Propertius. Cf. Etcheto (2008) 118 n.4 and (2010) 241.

¹¹⁶³ The marriage took place circa 73 B.C. (see Münzer, *RAA* 314-5, 331 = 289, 304 Ridley; Syme (1980) 408, *AA* 20 n.42, 245, (1987) 322, 324, (1987) 188; Fehrle (1983) 69; and Linderski (2007) 136 n.22; Etcheto (2012) 189, 397 n.238).

¹¹⁶⁴ Hence the exceptions were noteworthy (see Plutarch, *Cato Minor* VII.3; Val. Max., II.1.3; Propertius, IV.11.36: *uni nupta*; the *Laudatio Turiae* column I.27: *Rara sunt tam diuturna matrimonia*; Jerome, *Epist.* LIV.1; and Treggiari, *Marriage* 233f). As Syme remarked, the more that we discover about any senator, the more wives accrue (*AA* 20, (1987) 331).

¹¹⁶⁵ The age of Metellus Scipio is bound up with the prolonged debate on the details of his *cursus* (see *MRR* III.41-2; and Konrad (1996) 123-141), but the date of his consulship establishes that he was born no later than 95 B.C. Sumner, *Orators* 113 proposed 94 as a possibility since the elections for the praetorship of 55 and consulship of 52 were both delayed, but it is not certain that Scipio was praetor in 55, and he was already standing as a candidate for the consulship in 53 prior to the postponement of the *comitia*. If Scipio was praetor in 56 rather than 55, his date of birth must be pushed back to 96 B.C. (see Konrad (1996) 139; cf. Ryan (1997) 89-93). Scribonia was probably born circa 70 B.C. (vide supra).

¹¹⁶⁶ See Treggiari, *Marriage* 102-3, 400-1.

¹¹⁶⁷ Pompey was born in 106 B.C. and Cornelia was born circa 70 B.C. (vide supra).

If Scribonia's daughter Cornelia was the offspring of Metellus Scipio, she was the much younger paternal half-sister of Scipio's daughter by Aemilia Lepida, whereas Propertius registers only one sister of the wife of Paullus Lepidus: her maternal half-sister Iulia.¹¹⁶⁸ The omission cannot be considered probative. The widow of Crassus and Pompeius Magnus is last mentioned in 46 B.C. when she interred Pompey's remains on his Alban estate,¹¹⁶⁹ and she may have been dead by the time Propertius composed his elegy for the wife of Paullus Lepidus circa 16 B.C.¹¹⁷⁰

The nomenclature of Cornelia and P. Cornelius P. f. P. n. Scipio (cos. 16). Any children fathered by Metellus Scipio after his adoption in the testament of Metellus Pius in 64 or 63 B.C.¹¹⁷¹ might be expected to bear the *gentilicium* Caecilius not Cornelius — just as the daughter born to T. Pomponius Atticus after his testamentary adoption by his maternal uncle Q. Caecilius was called Caecilia not Pomponia,¹¹⁷² and Scribonia's daughter by Octavian, born after his adoption in the dictator's will, was named Iulia. That was not, however, an inevitable consequence of testamentary adoption.¹¹⁷³ It has been amply demonstrated that testamentary adoption was not equivalent to a form of posthumous adrogation as Mommsen contended, it was merely a bequest which entailed a *condicio nominis ferendi*,¹¹⁷⁴ and Linderski pointed out that the *condicio* "pertained solely to the person who entered upon the inheritance" and "did not automatically extend to his dependents."¹¹⁷⁵ Thus although Scipio's daughter by Lepida was still

¹¹⁶⁸ IV.11.59.

¹¹⁶⁹ Dio, XLII.5.7; Plutarch, *Pompey* LXXX.6.

¹¹⁷⁰ The daughter of Scipio and Lepida was coeval with Scribonia (vide supra) and so would have been in her 50's in 16 B.C., and as Pompey's Alban estate was in the possession of P. Dolabella by 43 B.C. (Cicero, *Phil.* XIII.11), Cornelia had either died or been evicted by Caesar.

¹¹⁷¹ On the date see Linderski (2007) 134; cf. Tansey (2000) 238 n.4. Scribonia's daughter Cornelia and her consular brother were undoubtedly born after 63 B.C. Cornelia was a virgin bride when she married Paullus Lepidus sometime probably not long after 36 B.C. She and her brother, who was undoubtedly a youthful consul, were likely born circa 50/49 B.C. (see chapter XVII).

¹¹⁷² See *Ad Att.* VI.2.10, VI.4.3; and Shackleton Bailey, *Two Studies*² 68, *OCL* 24.

¹¹⁷³ Octavian of course had a powerful political motive for stressing his links to the Iulii Caesares — Antony not unjustly described him as a boy who owed everything to a name (*Phil.* XIII.24-5).

¹¹⁷⁴ See Schmitthenner (1973) 39f; Weinrib (1967) 253f; Syme (1982) 398, 404, (1985) 191, (1985a) 43, *AA* 244; Konrad (1996) 124f; Linderski (1996) 148-54 = (2007) 133-40; Kunst (1996) 87-104, (2005) 21f, 121f; and Lindsay (2009) 79f, 160f.

¹¹⁷⁵ Linderski (1996) 150 n.23 = (2007) 136 n.23. It was even possible for the heir to accept the inheritance without fulfilling the *condicio* (see the *Digest* XXXVI.1.65.10 on the *senatus consultum Trebellianum*), and we are told that Tiberius was adopted in the will of M. Gallius, but soon dispensed with the name (see Shackleton Bailey, *Two Studies*² 59). Linderski noted that the testator might seek to impose the additional requirement that some of the offspring of the heir carry the testator's name, and Mommsen posited the existence of a son of the consul of 52

in his *potestas* at the time of his ‘adoption’ she did not change her name from Cornelia to Caecilia, and Metellus Scipio himself was still sometimes addressed as P. Scipio after he assumed the name of Metellus Pius.¹¹⁷⁶ Moreover, in this epoch even instances of plenary adoption sometimes had no effect on the nomenclature of the adoptee let alone their children.¹¹⁷⁷ The supposition that Metellus Scipio gave a late-born son and daughter names that reflected his natal nomenclature and patrician heritage does not therefore pose a problem.

In recalling the exploits of the paternal ancestors of Scribonia’s daughter Cornelia Propertius invokes the subjugation of Africa,¹¹⁷⁸ the defeat of Perseus of Macedon,¹¹⁷⁹ and the *Bellum Numantinum*,¹¹⁸⁰ which is to say the triumphs of Scipio Africanus, L. Aemilius Paullus (cos. 182, 168), and Scipio Aemilianus.¹¹⁸¹ The deafening silence about the Lentuli Marcellini and Claudii Marcelli is fatal to the thesis that Cornelia’s father was a Marcellinus, but nor, it might be rejoined, does the poet explicitly mention the Scipiones Nasicae. There is, however, no genuine comparison for not only was Metellus Scipio a Scipio by birth, and related by blood, marriage, and adoption to all three triumphators,¹¹⁸² his more immediate forebears also had a hand in these events. In addition to being an *adfinis* of Aemilius Paullus, Metellus Scipio’s great-great-grandfather P. Scipio Nasica Corculum (cos. 162, 155) played an important part in Paullus’ victory.¹¹⁸³ Corculum led the contingent which out-flanked Perseus and forced the king to withdraw from his fortified position on the river Elpeüs and make a stand at Pydna. In the

named Metellus Scipio based on an inscription from Tibur (*CIL* I² 1487 = *CIL* XIV.3589 = *Inscriptiones Italiae* IV.1 no.6 = *Supplementa Italica: Latium Vetus* I no.971), but the inscription is so fragmentary that all subsequent editors have been suitably cautious and any reconstruction is necessarily speculative (Etcheto (2012) 147, 207, 375 n.93, 399 n.252 conjectures that the inscription may have honoured Metellus Scipio himself).

¹¹⁷⁶ See Cicero, *De domo* 123, *Phil.* XIII.29; Livy, *Per.* CXIII, CXIV; Val. Max., IX.5.3; Seneca, *Suas.* VII.8; Suet., *Tib.* IV.1; Eutropius, VI.23.2; *Scholia Bernensia* on Lucan II.475, V.8 (pp.80, 152 Usener); *Annotationes super Lucanum* II.473 (p.68 Endt); John of Antioch, fragment 103.13 Mariev; cf. Appian, *BC* II.24, 65, 87, 95, 100-1 (L. Scipio sic).

¹¹⁷⁷ Witness P. Clodius Pulcher whose notorious adrogation by P. Fonteius left no mark upon his name or upon that of his son or daughter. Clodius was not an isolated instance. L. Cornelius Balbus the Elder was adrogated by Cn. Pompeius Theophanes, and P. Lentulus Spinther, the son of the consul of 57, was adopted by a Manlius Torquatus without leaving any trace on their nomenclature (see Shackleton Bailey, *Two Studies*² 58f).

¹¹⁷⁸ IV.11.37-8.

¹¹⁷⁹ IV.11.39-40.

¹¹⁸⁰ IV.11.30.

¹¹⁸¹ See Broughton, *MRR* I.320-1, 433-4, 467, 498.

¹¹⁸² Metellus Scipio’s great-great-grandmother Cornelia was the daughter of Africanus and Paullus’ sister Aemilia.

¹¹⁸³ See Broughton, *MRR* I.429, 434; Hammond (1988) III.545f; and Linderski (1990) 69. Corculum wrote an account of the campaign glorifying his role (see Rich, *FRH* I.636-7).

ensuing battle Corculum fought with the cavalry on the right wing, and when the Macedonian line collapsed Paullus sent him in pursuit of the fleeing king. Moreover, some two decades later it fell to a Scipio Nasica to organize the first resistance to the usurper Andriscus who claimed to be the son of Perseus,¹¹⁸⁴ and the pretender was ultimately defeated by Metellus Scipio's great-grandfather Metellus Macedonicus.¹¹⁸⁵ Metellus Scipio was also believed to have a special connection with Africa by virtue of his descent from Scipio Africanus,¹¹⁸⁶ but the Scipiones Nasicae had a more direct involvement in the fate of Carthage for although Scipio Nasica Corculum famously opposed the destruction of the city, his son P. Scipio Nasica Serapio (cos. 138) served in the Third Punic War under M'. Manilius (cos. 149) alongside Scipio Aemilianus.¹¹⁸⁷ Furthermore, it ought to be borne in mind that Metellus Scipio triumphed over an unidentifiable foe in 54 or 53 B.C. so that *Africa tunsa iaces* also conceivably applies to him.¹¹⁸⁸ Lastly, while Scipio Aemilianus was responsible for ending the Numantine War, one of his predecessors in that inglorious and protracted conflict was Metellus Scipio's great-grandfather Metellus Macedonicus who won a number of victories, but could not take Numantia.¹¹⁸⁹ The

¹¹⁸⁴ Zonaras, IX.28; cf. Livy, *Per.* L. Zonaras says the senate sent "Scipio Nasica" to arrange a peaceful settlement, but when Nasica saw the situation on the ground he organized local levies and advanced to the borders of Macedonia in order to contain Andriscus. Münzer, *RE* IV.1500-1 and Broughton, *MRR* I.457 identified the Nasica in question as Corculum (cf. Brennan, *Praetorship* I.224), although Broughton later opted for his son Serapio (*MRR* III.72). Lentano (2012) 120f sees a parallel between the *locus desperatus* IV.11.39: et Persen proavo stimulantem (or simulantem) pectus Achille and Velleius' description of Andriscus (I.11.1: simulatae originis).

¹¹⁸⁵ See *MRR* I.461; Itgenshorst (2005) 250-3 no.209). Macedonicus had also been present at Pydna (Münzer, *RE* III.1213; *MRR* I.430).

¹¹⁸⁶ This affinity manifested itself in a prophecy circulating in 46 B.C. which Caesar was obliged to counteract (see Suetonius, *Divus Iulius* LIX; Plutarch, *Caesar* LII.4-5; Dio, LVII.4-LVIII.1; Seneca, *Ep.* XXIV.9-10, LXXI.10; Eutropius, VI.23.2; Lucan, VI.788; *Adnotationes super Lucanum* VI.310, 788 pp.216, 244 Endt; *Commenta Bernensia* VI.788 p.218 Usener; John of Antioch, frag. 103.13 Mariev; and Linderski (2007) 159f).

¹¹⁸⁷ See Broughton, *MRR* I.459. Note too that the province that Serapio was allotted as praetor is unknown. Morgan (1974) 183-216 argued for Macedonia, but see Brennan, *Praetorship* I.229 and Dzino (2010) 73 n.67 (with additional references). Africa is a possibility (see Brennan, *Praetorship* II.539f, 702).

¹¹⁸⁸ See Linderski (1985) 248-54 = (1995) 100-6; *MRR* III.42; Konrad (1996) 139-40; and Brennan, *Praetorship* II.927 n.470. It is unknown who governed the province of Africa between Q. Valerius Orca in 56 B.C. and P. Attius Varus circa 52 B.C. (see Brennan, *Praetorship* II.546, 712). Konrad, 139 n.169 dismisses the possibility that Metellus Scipio governed Africa too quickly. The notion of Scipionic invincibility in Africa, which lifted the morale of the Republican forces in 46 B.C., would have been a much more potent idea if Metellus Scipio himself had triumphed *ex Africa*.

¹¹⁸⁹ See Appian, *Iber.* 76; *MRR* I.471-2, 475; and Itgenshorst (2005) 264-6 no.212b. Note the plural *avos* in Propertius, IV.11.30: aera Numantinos nostra loquuntur avos — which implies the reference is not limited to Scipio

poet's references to Rome's victories in Africa, Macedonia, and Hispania Citerior consequently have an undeniable relevance to the ancestors of Metellus Scipio, and the deliberate suppression of the names of the referents allows Propertius to suggest a complex web of overlapping allusions. Similarly, once it is recalled that the Scipiones Nasicae produced three *triumphators* of their own: P. Scipio Nasica (cos. 191), P. Scipio Nasica Corculum (cos. 162, 155) and Metellus Scipio,¹¹⁹⁰ it need not be supposed that the *currus avorum* (IV.11.11) alludes solely to the triumphs of Scipio Africanus and Scipio Aemilianus. Moreover, if Cornelia was the daughter of Metellus Scipio, there is an obvious reason why Propertius treated Cornelia's paternal ancestry in this curiously oblique fashion: Metellus Scipio had been a relentless opponent of Caesar in the civil war and was singled out for scathing criticism in the dictator's *commentarii*.¹¹⁹¹ Faced with this difficulty, the politic course of action was to focus on the more remote past and draw a discreet veil over the recent history of the Nasicae.¹¹⁹² And the very fact that Propertius explicitly names Cornelia's mother Scribonia, as well as her family the Libones,¹¹⁹³ and mentions Cornelia's brother, half-sister, and step-father,¹¹⁹⁴ whilst simultaneously maintaining a studious silence about her real father, should prompt the alert reader to reflect on the poet's apparent reluctance to speak about Cornelia's father.¹¹⁹⁵

Like father, like son? As the father-in-law of Pompey, Metellus Scipio was one of the most determined and vocal opponents of the *unicus imperator*. P. Cornelius Scipio (cos. 16), on the other hand, was advanced to the highest honours under the dictator's heir.¹¹⁹⁶ But the very different fates of the father and his putative son would scarcely be unique. Augustus'

Aemilianus. P. Scipio Nasica (cos. 191) and Metellus Scipio's father also won victories in Spain (*MRR* I.343, 348, II.14, III.72; Brennan, *Praetorship* II.501-2, 707), but in Hispania Ulterior not Hispania Citerior.

¹¹⁹⁰ See *MRR* I.352, 448, III.42; and Itgenshorst (2005) 182-4 no.175, 245-6 no.207.

¹¹⁹¹ See Caesar, *BC* I.1-2, 4, 6, III.31, 33, 83.

¹¹⁹² Nor did Metellus Scipio's father, grandfather, and great-grandfather offer Propertius much to work with. His father died prematurely, and his grandfather, the consul of 111 B.C., died in office without accomplishing anything of note, while his great-grandfather Scipio Nasica Serapio was a controversial figure whose fame rested chiefly on the assassination of an alleged aspirant to monarchical power (i.e. was a figure best avoided by a 'court poet'). Note that whereas Scipio Africanus, Scipio Aemilianus, and L. Aemilius Paullus all took their place among the *summi viri* represented in the *Forum* of Augustus, none of the Nasicae apparently made the grade unless perchance *CIL* VI.40985 refers to the consul of 191 or Corculum (only the letters NA are preserved see Geiger (2008) 157).

¹¹⁹³ IV.11.31, 55.

¹¹⁹⁴ IV.11.58-60, 65-6.

¹¹⁹⁵ If Cornelia's father had died young, or had played no part in public life, his conspicuous absence could be satisfactorily explained, but thanks to Suetonius we know that he held the consulship.

¹¹⁹⁶ It now seems virtually certain that he was appointed proconsul of Asia *extra sortem* by Augustus and served for a *biennium* (see Eilers (2001) 201-5 and Jones (2014) 26-8).

predilection for the old *nobilitas* is well-known,¹¹⁹⁷ and in the years after Actium he sought to neutralize the remaining pockets of resistance by extending an olive branch to his former enemies,¹¹⁹⁸ and to the offspring of one-time adversaries.¹¹⁹⁹ In addition, P. Scipio could claim a personal bond with the *princeps*: as the maternal half-brother of Iulia, he was technically the step-son of Augustus.

On first inspection, the thesis seems irreconcilable with Suetonius' testimony on the offspring of Scribonia. Suetonius says that Scribonia presented one of her first two husbands with issue,¹²⁰⁰ and a sepulchral inscription discovered near the *Porta Capena* in the Seventeenth Century vouches for a son named Marcellinus: that is, a son of Scribonia's presumed first husband Cn. Cornelius Lentulus Marcellinus (cos. 56).¹²⁰¹ Yet according to the reconstruction proposed above Scribonia bore her second husband Metellus Scipio a son and a daughter. How is the discrepancy to be resolved? Perhaps Suetonius was mistaken.¹²⁰² The error would be easier to excuse if Marcellinus died young leaving little trace on the record.¹²⁰³ As Marcellinus is named alongside "Scribonia Caesaris" in *CIL* VI.26033, he was evidently still alive when Scribonia married Octavian in 40 B.C., but there is no telling how long he survived. Another explanation appears preferable. If Marcellinus was the son of Cn. Lentulus Marcellinus by a previous wife, and the step-son of Scribonia, then the perceived contradiction evaporates and Suetonius is vindicated.¹²⁰⁴

The alleged adulterer Scipio and the downfall of Iulia. Among the *nobiles* implicated in

¹¹⁹⁷ See Syme, *AA* 56f, 95f, 197, 228-9, 286, passim (with particular emphasis on the renaissance of the patriciate).

¹¹⁹⁸ Witness for instance the consulships conferred on the formerly and ardent Republicans Cn. Calpurnius Piso (cos. suff. 23) and L. Sestius Quirinalis (cos. suff. 23). In the brutally forthright language of Tacitus, *Annals* I.2.1 Augustus seduced the rump of the *nobilitas* with wealth and offices (opibus et honoribus).

¹¹⁹⁹ Thus Scipio's colleague L. Domitius Ahenobarbus (cos. 16), P. Quinctilius Varus (cos. 13), Iullus Antonius (cos. 10), and Cn. Cornelius Cinna Magnus (cos. 5 A.D.) were all the sons of old foes.

¹²⁰⁰ Suetonius, *Augustus* LXII.2. *Ex altero etiam matrem* means that Scribonia bore children to one of the two, not the latter of the two (see Hey, *TLL* I.1731, 4f, 1732, 25; Canas (2009) 184 n.4; and Wardle (2014) 406).

¹²⁰¹ *CIL* VI.26033: Libertorum et familiae Scriboniae Caesar(is) et Corneli Marcell(ini) f(ili) eius [in fr(onte)] p(edes) XXXII [in ag]r(o) p(edes) XX.

¹²⁰² For errors and omissions in Suetonius and his factual unreliability see Flach (1972) 273-89, (1985) 174-90; and Syme (1980) 119, 125, *AA* 45 n.81, 142, 155f, 159f, 179f, 248f, 269, 355. For an assessment of his strengths and failings as a historian and researcher see De Coninck (1983); Gascou (1984); and Wallace-Hadrill (1986) 243-5.

¹²⁰³ That was the solution proposed by Leon (1951) 169-70, who identified the children alluded to by Suetonius as "the illustrious Cornelia, celebrated by Propertius (4.11), and her brother the consul of 16 B.C." Although Suetonius did not apparently write a biography of Propertius, he was certainly familiar with his work (see *Vita Vergili* 30).

¹²⁰⁴ Groag, *RE* IV.1388 no.227 rejected this possibility for undisclosed reasons.

the scandal that shook the imperial house in 2 B.C. was a certain Scipio,¹²⁰⁵ who is sometimes reckoned to have been a son of P. Cornelius Scipio (cos. 16).¹²⁰⁶ That being so, if Iulia was the maternal half-sister of the consul of 16 B.C., then the Scipio relegated in 2 B.C. was her nephew, and Iulia was guilty of incest as well as adultery.¹²⁰⁷ The imputation of incest would not be unique.¹²⁰⁸ But as the alleged paramour of Iulia cannot be securely identified the point is moot.

Assuming that Metellus Scipio was the second husband of Scribonia, the marriage cannot have lasted long. A strict interpretation of the language of Suetonius entails that Metellus Scipio was an ex-consul at the time of the nuptials, which puts the wedding in or after 51 B.C., and Scipio committed suicide in April 46 B.C. The timing is consistent with the probable dates of birth of P. Scipio (cos. 16) and Cornelia. As a patrician *nobilis* the consul of 16 B.C. was presumably consul *suo anno* (i.e. at 32 or 33 years of age) and so will have been born in 50 or 49 B.C., and given the date of her marriage to Paullus Aemilius Lepidus (cos. suff. 34) Cornelia was at most a few years younger than her brother.¹²⁰⁹ The match is also highly plausible from a political perspective for Metellus Scipio became the father-in-law of Pompey in 52 B.C. and Scribonia's brother L. Libo belonged to Pompey's inner circle.¹²¹⁰

It can therefore be justifiably maintained that not only are there no serious obstacles to

¹²⁰⁵ Velleius, II.100.5; *RE* IV.1427 no.319; *PIR*¹ C 1173; *PIR*² C 1435.

¹²⁰⁶ See for instance: Groag, *RE* IV.1427 no.319 (vermutlich), IV.1438 no.333, *PIR*² C 1435, 1438 compare Groag (1919) 86 n.4 where the relationship between the consul and the adulterer is deemed unsicher; Syme (1974) 22, AA 59, 91, 252; Rapke (1989) 53; cf. Herz (1993) 284-5; Fantham (2006) 85. Syme supposes the adulterer was a brother of the P. Scipio attested as quaestor in Achaëa circa A.D. 2 (*RE Suppl.* XIV.109 no.333a).

¹²⁰⁷ Velleius, II.100.3 does say that Iulia was guilty of every conceivable form of debauchery. It is a legitimate question, however, whether Scipio was convicted of adultery with Iulia herself, or simply with one of the other members of her 'hell-fire club' whose activities made a mockery of Augustus' moral legislation (the evidence is almost exclusively concerned with Iulia's male accomplices, but see Dio, LV.10.16 on the other women caught up in the scandal). On the debate whether the talk of adultery masks a political conspiracy see Lacey (1996) 190f; Cogitore (2002) 165f; Swan (2004) 106f; and Wardle (2014) 417.

¹²⁰⁸ There were a number of high profile prosecutions in the early Principate involving allegations of incest see Jerome, *Chronicon* p.172 Helm (Maggiulli (1978) 73-8 contends that the defendant Saeuius Plautus is identical with Plautius Silvanus the praetor of A.D. 24); Tacitus, *Annals* VI.19.1 and Dio, LVIII.22.3 (Sex. Marius); Tacitus, *Annals* VI.49 (Sex. Papinius); Suetonius, *Nero* V.2 (Cn. Ahenobarbus cos. 32 A.D. and Domitia Lepida); Tacitus, *Annals* XII.4 (L. Silanus and his sister Iunia Calvina); Tacitus, *Annals* XVI.8 (Iunia Lepida and her nephew L. Silanus) see Moreau (2002) 350f.

¹²⁰⁹ It is possible that Cornelia was born in the early stages of the civil war. Some of the Republicans, including Pompey and Faustus Sulla, fled Italy with their wives in 49 (see *Ad Att.* IX.6.3). Scribonia's whereabouts in the period 49 – 46 are unknown, but her brother L. Scribonius Libo certainly left Italy with Pompey.

¹²¹⁰ See Münzer, *RE* II.A.1.881-5 no.20. Libo was the father-in-law of Sex. Pompeius.

the hypothesis that Metellus Scipio was the second husband of Scribonia, but that the evidence as it stands points squarely to that conclusion. If, however, one chooses to regard Suetonius' *duo consulares* as anachronistic, and assume that while both of Scribonia's first two husbands ultimately rose to the rank of consul, they were not necessarily both ex-consuls at the time of the marriage, another possibility presents itself.¹²¹¹

Billows argued that the father of Cornelia and P. Scipio (cos. 16) was the Cornelius Scipio Salvitto who earns a passing mention in Pliny, Suetonius, Plutarch, and Dio.¹²¹² He furthermore proposed that Salvitto was identical with P. Cornelius the consul suffect of 35 B.C. and that Suetonius was mistaken in implying that Salvitto was a consular when he married Scribonia. We now know that the consul suffect was a P. Cornelius Dolabella, which leaves no room for Scipio Salvitto in the *fasti consulares*, but it could be that Salvitto was one of the ten *praetorii* granted the *ornamenta consularia* by the dictator Caesar in 45 or 44 B.C.¹²¹³ We are told that Caesar put Salvitto in nominal command during the African campaign because the Republican forces serving under Metellus Scipio, as well as Caesar's own soldiers, put a good deal of faith in a prophecy which declared the Scipiones were invincible on African soil.¹²¹⁴ It might be supposed therefore that Salvitto was already an ex-praetor in 46 B.C., or was advanced to the praetorship of 46 for the sake of appearances, and was subsequently rewarded for his part in the African campaign with the *consularia ornamenta*.¹²¹⁵

¹²¹¹ In the process of arguing that the father of Cornelia was identical with the consul suffect of 38 B.C. Biondi (1835) 324 maintained that the term *consularis* properly denoted an ex-consul, but was often applied to those who achieved consular rank sooner or later (cf. Scheid (1976) 487 who convicts Suetonius of une légère imprécision. Klebs, *PIR*¹ C 1147; Fluss, *RE* II.A.891; and Syme (1955) 24 n.21, (1964) 161, AA 248-9 all assume Suetonius erred; cf. Groag, *PIR*² C 1395 and Groebe, *GR*² IV.308 n.9). The only evidence Biondi cited is Velleius' description of L. Cornelius Balbus Minor as *ex privato consularis* (II.51.3), but that passage is problematic as some argue that Balbus was adlected *inter consulares* by Augustus (whereas Biondi identified Balbus with the consul suffect of 32 B.C.). A better parallel is Velleius, II.41.2 where M. Pupius Piso (cos. 61) is anachronistically described as a *consularis* at the time of his repudiation of the ex-wife of Cinna in 82/81 B.C. On Suetonius' use of the term *consularis* see chapter XVI.

¹²¹² Pliny, *NH* VII.54, XXXV.8; Suetonius, *Divus Iulius* LIX; Plutarch, *Caesar* LII.4-5; Dio, XLII.58.1; Billows (1982) 53-68 (followed by Marshall (1993) 313); cf. Münzer, *RE* IV.1505-6 no.357.

¹²¹³ Suetonius, *Divus Iulius* LXXVI.2; Dio, XLIII.47.3. None of the 10 have been identified (see chapter XVI).

¹²¹⁴ Plutarch, *Caesar* LII.4-5; Suetonius, *Iulius* LIX.2; Dio, XLII.57.5-58.1. Cf. Plutarch, *Cato Minor* LVII.3; Seneca, *Ep.* XXIV.9-10, LXXI.10.

¹²¹⁵ Of the 10 praetors who held office in 46 only 5 can be positively identified: the *praetor urbanus* L. Volcacius Tullus, the *praetor peregrinus* L. Roscius, A. Hirtius, and C. Sallustius Crispus, (see Sumner (1971) 265-70, but note contra Sumner that Q. Marcius Crispus and L. Staius Murcus were *praetorii* by 43 see Ryan (1997) 190-2. For Roscius see Mitchell (2005) 167 lines 3-4, 170, 177-8).

Moreover, Pliny and Plutarch attest that Salvitto claimed to belong to the ‘house of the Africani’ — i.e. Salvitto, like Propertius’ Cornelia, maintained that he was related to Scipio Africanus and Scipio Aemilianus.¹²¹⁶ The specifics of Salvitto’s ancestry are not reported and some facet of his genealogical claim, which devolved upon his testamentarily adopted son Scipio Pomponianus, was contested by Messalla Rufus.¹²¹⁷ But it is difficult to see how Salvitto could have belonged to the ‘house of the Africani’ unless he claimed to be a Scipio Nasica or a descendant of Scipio Africanus’ younger son L. Scipio.¹²¹⁸ Billows opted for the latter possibility arguing that Salvitto was in reality descended from the disreputable praetor of 174 B.C., but that he claimed to be a direct descendant of Scipio Aemilianus, and that it was this fraudulent claim which provoked the indignation of Messalla Rufus when he saw the *imagines* displayed in the *atrium* of Scipio Pomponianus.¹²¹⁹ There are two manifest problems with that hypothesis. Firstly, the fame of Scipio Aemilianus was such that it would not take a genealogical expert to spot such an obvious falsehood. Secondly, there are some grounds for thinking that L. Scipio had no issue.¹²²⁰ In addition, it will be noted that Pliny describes Salvitto as a Scipio from the same

¹²¹⁶ Plutarch, *Caesar* LII.5: οἰκία τῆς Ἀφρικανῶν. Pliny, *NH* XXXV.8, like Plutarch, refers to the Africani plural (Africanorum). It is unclear how much detail was contained in Plutarch’s source(s). Plutarch’s οἰκία τῆς Ἀφρικανῶν may simply translate *ex familia/domo Africanorum* in a Latin source (on the definition and membership of the οἰκία see MacDowell (1989) 15f; Cox (1998) 130f; and Ferrucci (2006) 183-210).

¹²¹⁷ Pliny, *NH* XXXV.8. See Billows (1982) 56f and Shackleton Bailey, *Two Studies*² 63, 73-4. Messalla must have been acquainted with Scipio Salvitto for he also served under Caesar in Africa (*Bell. Afr.* XXVIII.2, LXXXVI.3, LXXXVIII.7).

¹²¹⁸ Settipani, *Continuité* 52, 99 n.3 makes Salvitto the adoptive son of L. Scipio Asiagenus (cos. 83), or the adoptive son of the adoptive son of the consul of 83 B.C. (Scipio *Lepidi filius* see *RE* no.318; Shackleton Bailey, *Two Studies*² 73). However, Billows demonstrated that it was only Salvitto’s son Scipio Pomponianus that was adopted not Salvitto himself. Plus if Salvitto traced his ancestry back to L. Scipio Asiaticus (cos. 190), the brother of Africanus, he was not a member of the ‘house of the Africani’ for the Asiatici were not related to Scipio Aemilianus.

¹²¹⁹ (1982) 59-60. The thesis of Billows is tentatively adopted by Etcheto (2012) 190-1, but was rejected by Marshall (1993) 314, who is vague about Salvitto’s real origins and implausibly contends that Atticus falsified his ancestry to please Caesar.

¹²²⁰ Scipio Aemilianus was apparently the sole heir to the estate of Africanus’ widow Aemilia in 162 B.C. (see Polybius, XXXI.26-7 with Boyer (1950) 177-8 and Walbank (1979) III.503f). A circumstance which implies that L. Scipio was already dead and had no heirs for even supposing that L. Scipio had been disinherited (a possibility raised by Boyer, 177), it is difficult to imagine that Aemilia would not have made some provision for any legitimate offspring that he had produced. Brunt (1980) 274 n.8 also inferred that the line of Africanus was extinct by the 70’s because the Nasicae had assumed Aemilianus’ role as patron of Segesta in Sicily. Eilers (2002) 152-4, however, questions Brunt’s interpretation speculating that the Nasicae may have been patrons of Segesta in their own right.

family (*eadem familia*) as P. Scipio Nasica Serapio (cos. 138),¹²²¹ which may be construed as meaning that Salvitto belonged to the Nasicae,¹²²² who were certainly regarded as members of the *familia* of the Africani.¹²²³ It would then be a matter of finding a suitable place for Salvitto in the *stemma* of the Nasicae. Marshall remarked that Salvitto “might have been a collateral descendant of any Scipio Nasica, including Metellus Scipio.”¹²²⁴ Yet only the descendants of P. Scipio Nasica Corculum (cos. 162, 155) and Cornelia, the daughter of Africanus and Aemilia, could legitimately advance a claim to membership of the house of the Africani. Hence the putative ancestor of Salvitto would have to be lodged in the *stemma* of the Nasicae somewhere in the 4 generations between P. Scipio Nasica Serapio (cos. 138) and his great-grandson Metellus Scipio. In that time, however, a single surviving son is documented in every generation except the last where two brothers are attested — Metellus Scipio and Crassus Scipio.¹²²⁵ But Crassus Scipio died young and apparently without issue.¹²²⁶ Nor does it seem likely that Salvitto can have been closely related to Metellus Scipio as this would surely have aroused comment in view of the fact that Caesar pitted Salvitto against Metellus Scipio in Africa.

There is, however, another possible line of enquiry which might also explain the nature of Messalla Rufus’ complaint. In *De oratore* Cicero records some witticisms of Scipio

¹²²¹ *NH* VII.54: Eiusdem familiae Scipioni post eum nomen Salutio mimus dedit.

¹²²² *Familia* is an elastic term which can embrace all the agnates who traced their origins to a single progenitor — i.e. in the broadest sense not only all the various branches of the Scipiones, but all the patrician Cornelii belonged to the same *familia* (see Ulpian, *Digest* L.16.195.4; Saller (1994) 75f). Etcheto (2012) 400 n.267 takes Pliny to refer to the *familia* in the broader sense of l’ensemble du nomen Scipionum, but Pliny says a “Scipio of the same family” which implies he was using *familia* in a more restricted sense (i.e. Salvitto belonged to the same *stirps* of the Scipiones as Serapio).

¹²²³ Pliny, *NH* XXI.10 describes P. Scipio Nasica (cos. 111) as a man worthy of the *familia* of the Africani (dignus Africanorum familia), while Cicero, *Verr.* II.4.81 refers to the young Metellus Scipio as being from the same family (ex eadem familia) as P. Africanus (i.e. Scipio Aemilianus). Note that *ex eadem familia* is not intended to imply Metellus Scipio was a direct descendant of Aemilianus. The phrase appears to bear that connotation in *Verr.* II.2.8 in respect to C. Marcellus and M. Marcellus, the conqueror of Syracuse, but in *Verrines actio prima* 23, where it is applied to Q. Verres and C. Verres, it evidently signifies something quite different since Caius and Quintus were cousins at best.

¹²²⁴ (1993) 313.

¹²²⁵ Crassus Scipio was adopted in the will of his maternal grandfather L. Licinius Crassus (cos. 95) see Münzer, *RE* XIII.1.348 no.76, *RAA* 224, 308-10 = 238, 284-5 Ridley; Schmitthenner (1973) 44-5; Shackleton Bailey, *Two Studies*² 77; and Etcheto (2012) 48, 65, 189, *passim*.

¹²²⁶ M. Brutus, born in 85 B.C., had only second-hand knowledge of Crassus Scipio (Cicero, *Brutus* 212). It is unknown whether Crassus Scipio survived long enough to take a wife and no descendants are recorded.

Aemilianus and Scipio Maluginensis,¹²²⁷ and then goes on to cite the ill-timed remark of a certain Lucius [Porcius] Nasica which saw him reduced to an *aerarius* by Cato the Censor in 184 B.C.¹²²⁸ The *gentilicium* Porcius is usually regarded as an intrusive gloss due to the mention of Cato the Censor.¹²²⁹ If that is so, L. Nasica could be a Scipio Nasica, suitably juxtaposed with Scipio Aemilianus and Scipio Maluginensis, for Cato is known to have pursued his feud with the Scipiones during his censorship.¹²³⁰ What is more, judging by his age L. Nasica would have to be assumed a brother of P. Scipio Nasica Corculum.¹²³¹ If then the obscure L. Nasica degraded by Cato in 184 B.C. was a Scipio Nasica and the ancestor of Scipio Salvitto, Salvitto did not belong to the house of the Africani, because among the Nasicae that claim was unique to the progeny of Corculum and Cornelia. It might therefore be conjectured that Salvitto claimed, through ignorance or artifice, to be descended not from his actual progenitor L. Nasica, but from his brother P. Scipio Nasica Corculum, and that it was this error/fraud that Messalla Rufus spotted in the *atrium* of Scipio Pomponianus.¹²³² If so, the protest of Messalla Rufus did not stop Propertius from reasserting the claim.

If Scipio Salvitto was the second husband of Scribonia, Cornelia's consular brother P. Scipio (cos. 16) must be Scipio Pomponianus the son 'adopted' in Salvitto's will. In that event

¹²²⁷ Aemilianus (*De oratore* II.258), Maluginensis (*De oratore* II.260). Maluginensis was praetor in 176 B.C. (*RE* no.348).

¹²²⁸ *De oratore* II.260: Ridicule etiam illud L. [Porcius] Nasica censori Catoni; cum ille "ex tui animi sententia tu uxorem habes?" "Non hercule" inquit "ex mei animi sententia." The incident is also recounted by Gellius, *NA* IV.20.3-6 (where Nasica is unnamed). Cf. Baltrusch (1989) 14, 24.

¹²²⁹ See for instance: Ernesti (1838) 200; Kayser (1860) I.118; Wilkins (1892) 360, (1901) I.255; Piderit (1886) 338, 576; Courbaud (1927) 116; Leeman, Pinkster, and Rabbie (1989) 284; and Kumaniecki (1995) III.216. See also Shackleton Bailey, *OCT* 51-2. Note that Cicero sometimes refers to the Scipiones Nasicae by their *praenomen* and *agnomen* alone (see *De amic.* 101, *De off.* I.76, *Pro Milone* 8, *Pro Plancio* 33, 51, *Phil.* VIII.13). Pighius (1615) II.311 proposed emending the *cognomen* Nasica to Laeca, but the *praenomen* Lucius is not attested in use amongst the Porcii Laecae.

¹²³⁰ Cato also deprived L. Scipio Asiaticus (cos. 190) of his public horse in 184 (Livy, XXXIX.44.1; Plutarch, *Cato Maior* XVIII.1; *De vir. ill.* LIII.2). Münzer, *RE* IV.1494, XVI.2.1788 regarded L. Nasica as schwerlich a member of the Scipiones Nasicae, whereas Groebe, *GR*² V.124 n.6 cryptically remarked that Cicero apparently intended a Scipio Nasica, who certainly did not belong to the family of P. Scipio Nasica (cos. 191). C. and Ö. Wikander (1979) 4 n.16, on the other hand, reckoned him "almost certainly" a member of the Scipiones Nasicae (so also Treggiari, *Marriage* 58, 553; and Etcheto (2012) 46, 48-9, 51, 65, 140, 174-5 *passim*).

¹²³¹ Nasica was a married man with a reputation as a *cavillator* in 184 B.C. (Gellius, *NA* IV.20.3-6). Shackleton Bailey, *OCT* 51-2 suggested an older brother, whereas Etcheto (2012) 51, 140, 174-5 *passim* favoured a younger brother.

¹²³² Pliny, *NH* XXXV.8.

the marriage need not precede the birth of Pomponianus, but Cornelia must have been born no later than circa 45 B.C., so Salvitto was not a consular when the marriage took place.¹²³³ Given that Scribonia married her third husband in the Summer of 40 B.C., it would have to be supposed that her marriage to Salvitto ended with his death by late 41 B.C.,¹²³⁴ or in divorce.

Apart from Metellus Scipio and Scipio Salvitto credible candidates for the second husband of Scribonia are lacking. The only Cornelius who was consul in the period and remains to be positively identified is L. Cornelius the consul suffect of 32 B.C. It is true that a number of Scipiones bearing the *praenomen* Lucius are attested in the First Century B.C. namely: L. Cornelius Scipio Asiagenes (cos. 83) and his homonymous son,¹²³⁵ as well as the father of the Cornelia L. Scipionis f. who the wife of a Vatienus,¹²³⁶ and the father of Cornelia L. f. the Scipionic bride of L. Volusius Saturninus (cos. 3 A.D.).¹²³⁷ It is also true that Groag's conjecture that the consul suffect of 32 B.C. was a L. Cornelius Cinna was no more than a guess. Nevertheless, it is highly improbable that the consul suffect was a L. Cornelius Scipio and the father of Cornelia. For one thing, L. Cornelius (cos. suff. 32) would not have been a consular at the time of the marriage.¹²³⁸ For another, it is possible that the suffect is identical with L. Cornelius Balbus the Younger.¹²³⁹ Furthermore, the line of L. Scipio Asiagenes (cos. 83) appears to have come to an end with the death of his adoptive son who was killed in 77 B.C. in the uprising led by his biological father M. Lepidus (cos. 78). Nor in any case could the descendants of L. Scipio Asiaticus (cos. 190) have claimed an affinity with the Aemilii Paulli and Scipio Aemilianus in the way that Scribonia's daughter does in Propertius, IV.11. Finally, if Cornelia was the daughter of a L. Scipio, then her consular brother will have been a Lucius (?) Cornelius L. f. Scipio and there is no trace of any such individual.

¹²³³ Based on the age of their sons L. Aemilius Paullus (cos. 1 A.D.) and M. Aemilius Lepidus (cos. 6 A.D.), Cornelia married Paullus Aemilius Lepidus (cos. suff. 34) no later than 31 B.C. (see Syme, *AA* 111, 125, 148, (1987) 11, 12, (1987) 329).

¹²³⁴ Allowing for the observance of 10 months of mourning before Scribonia's marriage to Octavian.

¹²³⁵ *RE* nos.327 and 338. A daughter of the consul was the second wife of P. Sestius (see *RE* Cornelia no.416).

¹²³⁶ See *CIL* VI.1296 = *ILLRP* 384; *LTUR* IV.281; and *RE* Cornelia no.415.

¹²³⁷ Pliny, *NH* VII.62; *CIL* XV.7441; *RE* no.423; *PIR*¹ C 1210. Groag, *PIR*² C 1384, 1476 suggested Cornelia was the daughter of L. Lentulus (cos. 3 B.C.) although there is no sign that Lentulus had Scipionic blood in his veins (Syme, *AA* 252-3, 297). The notion that Cornelia may have been a daughter of P. Scipio (cos. 16) is ruled out by her filiation and the timing of her marriage to Volusius (Syme, *AA* 59).

¹²³⁸ The consuls of 32 B.C. were nominated in 39 B.C. (Dio, XLVIII.35.1, L.10.1-2; Appian, *BC* V.72) by which time Scribonia was already married to her third husband Octavian.

¹²³⁹ See Biondi (1835) 308-25; Willems (1885) I.597, 607 n.8; Woodman (1983) 93; Broughton, *MRR* III.63; Weinrib (1990) 296f; Elefante (1997) 334-5; Syme (1999) 22-3 (contra *AA* 3); and Granino Cecere (2007) 231-46.

In sum, all the evidence accords with the proposition that Metellus Scipio was the second husband of Scribonia. The only conceivable alternative is Scipio Salvitto, but that identification is predicated on a whole series of unverifiable assumptions.

XVIII.

M. Antonius (cos. 44, 34, cos. des. 31) *RE* no.30
 Fadia *RE* no.13

TESTIMONIA

Cicero, *Philippics* II.3, III.17, XIII.23, *Ad Atticum* XVI.11.1

DATE

The relationship took place in Antony's youth — most likely in the late 60's or early 50's

MODE OF DISSOLUTION

—

ISSUE

The relationship produced an unspecified number of children who apparently died in infancy

PARENTS

Antony was the son of M. Antonius Creticus and Iulia
 Fadia was the daughter of the freedman Q. Fadius (*RE* no.3)

SIBLINGS

Antony was the older brother of C. Antonius, L. Antonius (cos. 41), and Antonia the wife of P. Vatinius (cos. 47)
 No siblings of Fadia are attested

Cicero, *Philippics* II.3: Contra rem suam me nescio quando venisse questus est. An ego non venirem contra alienum pro familiari et necessario, non venirem contra gratiam non virtutis spe, sed aetatis flore collectam, non venirem contra iniuriam, quam iste intercessoris iniquissimi beneficio optinuit, non iure pretorio ? Sed hoc idcirco commemoratum a te puto, ut te infimo ordini commendares, cum omnes te recordarentur libertini generum et liberos tuos nepotes Q. Fadi, libertini hominis, fuisse.

D. R. Shackleton Bailey, *Cicero, Philippics 1 - 6*, Cambridge MA, (2009) 57: He (sc. Antony) has complained that at some time or other I appeared against his interests in a civil case. Can it be that I was not to appear against a stranger on behalf of a friend and connection, in opposition to influence gathered not by the promise of manly excellence but by youthful good looks; was I not to appear in opposition to an unfair advantage which that opponent had gained thanks to a grossly biased veto, not by due process of law in the praetor's court. But I imagine you brought up this incident to recommend yourself to the lowest tier of citizens, since they will all bear in mind that you were a freedman's son-in-law and that your children were the grandchildren of a freedman, Quintus Fadius.

Cicero, *Philippics* III.17: Quae porro amentia est eum dicere aliquid de uxorum ignobilitate, cuius pater Numitoriam Fregellanam, proditoris filiam, habuerit uxorem, ipse ex libertini filia suscepit liberos?

Moreover, it is sheer madness for a man to speak of the ignoble birth of wives, when his father had Numitoria of Fregellae, the daughter of a traitor, for a wife, and he himself sired children by the daughter of a freedman!

Cicero, *Philippics* XIII.23: At scurrae filium appellat. Quasi vero ignotus nobis fuerit splendidus eques Romanus Treboni pater. Is autem humilitatem despiciere audet cuiusquam, qui ex Fadia sustulerit liberos?

He calls C. Trebonius the son of a *scurra* — as though the father of Trebonius, an eminent Roman knight, was unknown to us! Does he that has fathered children by Fadia, presume to look down upon the humble birth of anyone?

Cicero, *Ad Atticum* XVI.11.1 (November 5th 44 B.C.): Nostrum opus tibi probari laetor; ex quo ἄνθη ipsa posuisti, quae mihi florentiora sunt visa tuo iudicio. Cerulas enim tuas miniatulas illas extimescebam. De Sicca ita est ut scribis; <ab>ista ea aegre me tenui. Itaque perstringam sine ulla contumelia Siccae aut Septimiae, tantum ut sciant παῖδες παίδων sine vallo Luciliano eum ex C. Fadi filia liberos habuisse.

D. R. Shackleton Bailey, *Cicero's letters to Atticus*, Cambridge, (1967) VI.189, 191: I am glad you like my work. You have quoted the very gems, and your good opinion makes them sparkle the brighter in my eyes. I was terrified of those little red wafers ! You are right about Sicca. I had a struggle to keep away from that material. So I shall touch on it, without any offence to Sicca or Septimia, just enough to make posterity aware with no Lucilian coarseness (?) that he had children by C. Fadius' daughter.

In the course of his vitriolic attacks upon Antony in late 44 and 43 B.C. Cicero made reference to the fact that Antony had children by the daughter of the freedman Quintus (or Caius) Fadius.¹²⁴⁰ Scholarly opinion is divided on whether Fadia was Antony's first wife, or his

¹²⁴⁰ *RE* no.3. In *Ad Att.* XVI.11.1 the reading of the *Mss* favour the *praenomen* Caius (see the apparatus of Shackleton Bailey, *CLA* VI.190), whereas in *Phil.* II.3 the *praenomen* of Fadius is given as Q. The discrepancy is variously attributed to a copyist's error, or a lapse on Cicero's part (see Drumann, *GR*² I.380; Shackleton Bailey, *CLA* VI.299, *OCS*² 48; Ramsey (2003) 165). Cicero spoke out in response to Antony's attacks on the allegedly sordid origins of Octavian and C. Trebonius. Antony had claimed that Octavian's mother Atia was of low birth

first mistress.¹²⁴¹ It has been amply demonstrated that marriages between freeborn Roman citizens (*ingenui, ingenuae*) and emancipated slaves (*libertini, libertinae*) were not subject to any prohibition during the Republic and were valid in law.¹²⁴² And although Fadia was the daughter of a freedman, she was probably freeborn,¹²⁴³ so there was nothing to prevent Antony from marrying her — except the opprobrium that a marriage between a *nobilis* and the daughter of a freedman would inevitably attract due to the pronounced disparity in their status.¹²⁴⁴ Nevertheless, there is good reason to believe that Antony and Fadia were not married.

(*Phil.* III.16), and that his grandfather was a freedman (Suetonius, *Aug.* II.3), and described Trebonius as the son of a *scurra* (*Phil.* XIII.23).

¹²⁴¹ Wife: Glandorp (1589) 83; Orelli and Baiter (1838) II.248; Drumann, *GR*² I.42, 379-80; Haakh (1844) III.416 and I² (1864) 1180; Mommsen (1872) 272 = (1913) VIII.267, (1887) III.1.431 n.1; Groebe, *RE* I.2612 M. Antonius no.30; Gelzer (1912) 11 = (1975) 15; Johnson (1972) 21; Wiseman, *NMRS* 53, 57; Humbert (1972) 81 (cinq épouses); Huzar (1986) 25, 254, 330, (1986a) 97-8, 110-1; Bradley (1987) 42 = (1991) 133; Beaujeu (1991) 90, 245; Sussman (1994) 71; Welch (1995) 184; Cébeillac-Gervasoni (1998) 217 n.2; Perruccio (2001) 43; Novielli (2001) 135; McGinn (2003) 85 n.159; Traina (2003) 10; Cristofoli (2004) 108; Rizzelli (2006) 201-20 (with additional bibliography); Cristofoli (2008) 118 n.24; Zmeskal, *Adfinitas* 33, 121, 439; Beneker (2012) 173. Mistress: Syme (1960) 324; Babcock (1965) 13; Bengtson (1977) 18; Shackleton Bailey (1986) 33 n.2, *OCS* 48, (2009) 56 n.2 (compare *CLA* (1967) VI.299); Treggiari (1981) 75, *Marriage* 401, 413, cf. Treggiari (1969) 235; Roberts (1988) 38; Myers (2003) 344 (a common-law marriage!); Monteleone (2003) 73 n.78; Manuwald (2007) 385. Undecided: Münzer, *RE* VI.1958 Q. Fadius no.3; Scuderi (1984) 37, 119; Pelling (1988) 137; Gafforini (1994) 109; Ramsey (2003) 164-5; Matijević (2006) 14 n.5 (with additional bibliography); Harders (2008) 52 n.81; Pasquali (2009) 295 n.152. Tarwacka (2013) 192 conflates Fadia with the *mima* Volumnia Cytheris.

¹²⁴² See Corbett (1930) 31f; Watson (1967) 32-8; Treggiari (1969) 81-6, *Marriage* 64; Fabre (1981) 184f; McGinn (2003) 85f; Rizzelli (2006) 201-5. Even Mommsen, who maintained that such marriages were banned and void in law, conceded that the evidence indicated the alleged prohibition was disregarded in the late Republic.

¹²⁴³ Since Fadia bore her father's *gentilicium* it is probable that she was born after his manumission, though it is theoretically possible that she acquired the *gentilicium* after being freed by the same *dominus* as her father.

¹²⁴⁴ Already in the mid-Second Century the daughter of the freedman playwright P. Terentius Afer had married an unidentified *eques Romanus* (Suetonius, *Vita Terenti* V). Rizzelli (2006) 210 adduces Cato the Censor's marriage to the daughter of a freedman, but it is not quite certain that the father of Salonia was a *libertinus*, though he was undoubtedly of very humble birth and probably ultimately of servile extraction. A former *apparitor* (Plutarch, *Cato Maior* XXIV.2 (3): ὑπογεγραμματοτεχνότων, *Comparison of Aristides and Cato* VI.1 (2): ὑπηρέτου καὶ δημοσιεύοντος ἐπὶ μισθῷ), and one of Cato's tenant-farmers (Seneca, *Contr.* VII.6.17: colonus), Salonia was clearly a *homo tenuis* like many of the members of the *ordo scribarum* of the Republic (see Wiseman, *NMRS* 73; and Badian (1989) 582-603 who overlooked Salonia), and while it is possible that he was a *libertinus*, it is perhaps rather more likely that he was the freeborn descendant of a freedman of the senatorial Salonii attested in the later Third and early Second Century B.C. (see *MRR* II.613 and Prag (2014) 45, 53-4. Badian (1989) 599 noted how often the *scribae* of the Republic bear *gentilicia* belonging to senatorial families). It is improbable that Caecilia Metella (*RE* no.137), the ex-wife of P. Lentulus Spinther junior, was actually the wife rather than the lover of M. Clodius Aesopus, the son of the famous actor, as the scholia on Horace, *Satires* II.3.239 claim.

Cicero repeatedly emphasizes that Fadia bore Antony children — *Philippics* III.17: *susceperit liberos*, *Philippics* XIII.23: *sustulerit liberos*, *Ad Atticum* XVI.11.1: *liberos habuisse*. Rizzelli maintained that *tollere liberos* is a technical expression for the ritual act whereby the father lifted the newborn child from the ground symbolically acknowledging its paternity and welcoming it into the family.¹²⁴⁵ Moreover, Rizzelli argued, while the juridical effects of the ceremony are contentious, there is no doubt that the performance of the rite presupposes a *matrimonium iustum* and that the children who underwent the ritual were recognized as legitimate. Consequently, Cicero's language indicates that Antony and Fadia were in fact married. But that argument cannot withstand close scrutiny for Köves-Zulauf and Shaw have conclusively proven that the *tollere liberos* ritual is a modern myth.¹²⁴⁶ An exhaustive analysis of the literary and epigraphic evidence shows that the synonyms *tollere liberos* and *suscipere liberos* mean nothing more than to beget, or rear children, and, most significantly in the present context, are also used of begetting and rearing illegitimate children.¹²⁴⁷ Thus *susceperit liberos* and *sustulerit liberos* have no deeper significance than *liberos habuisse* — all three expressions simply mean that Antony fathered children by Fadia, and they reveal nothing about the juridical status of the relationship, or the children. If, however, Antony and Fadia were married, then the question arises: why does Cicero lay such stress upon the resulting offspring? The primary purpose of marriage, as the Romans saw it, and as the censors were wont to emphasize, was the production of legitimate offspring, and Antony would naturally be expected to raise any issue resulting from a *iustum matrimonium*.¹²⁴⁸ Yet Cicero treats the birth of the children as scandalous and the relationship as a fitting subject for the excoriating and ribald wit of Lucilius — an attitude which strongly suggests that Antony's children by Fadia were the illegitimate children of a freedwoman concubine.¹²⁴⁹

¹²⁴⁵ Rizzelli (2006) 210f.

¹²⁴⁶ Köves-Zulauf (1990) 1-94 citing Cicero *Phil.* III.17 at 28 n.100, 74 n.267, 76 n.273, and *Phil.* XIII.23 at 27 n.100, 29 n.101, 73 n.264; and Shaw (2001) 31-56, esp.38-9 on Cicero's usage.

¹²⁴⁷ See Quintilian, *Inst. or.* III.6.97 (*sustulit nothum*); Seneca, *Controversiae* II.4.5 regarding a son's illegitimate child by a prostitute (*meretrix*), *Controversiae* VI.3 the bastard son (*nothus*) of a slave (*ancilla*); Calpurnius Flaccus, *Declamationes* XXX (*nepos ex meretricio susceptus*); Vergil, *Aen.* IX.545-7 on Helenor the illegitimate son of the Lydian king furtively raised by his slave (*serva*) mother; Terence, *Andria* 219, 400-1, 464, 759 (the illegitimate child of Pamphilus and Glycerium), *Hecyra* 575-6, 703-5 (Pamphilus' illegitimate child by Philumena), and *Phormio* 1005-7 (Chremes' daughter Phanium by his bigamous marriage to a woman from Lemnos).

¹²⁴⁸ Livy, *Per.* LIX (*liberorum creandorum causa*); Suetonius, *Caesar* LII.3 (*liberorum quaerendorum causa*), *Augustus* LXXXIX.2 (*de prole augenda*); see also Cicero, *De domo* 34; Gellius, *NA* IV.3.2, XVII.21.44; Treggiari, *Marriage* 58; Péter (1991) 285-331; cf. Badian (1988) [1997] 106-12.

¹²⁴⁹ In such relationships children may have been deliberately avoided (see Treggiari (1981) 68f).

Cicero does describe Fadius as the father-in-law (*gener*) of Antony, but elsewhere Cicero applies the vocabulary of marriage to the mistresses of his enemies for comic effect. Thus in the Second *Philippic* he dubs Antony's mistress Volumnia Cytheris his *mima uxor*,¹²⁵⁰ and a little later with mock solemnity refers to their divorce,¹²⁵¹ while in a letter to Atticus Volumnia is described as Antony's "other wife."¹²⁵² Similarly, more than a decade earlier Cicero had claimed that another *inimicus*, the *eques* Gellius, had married a freedwoman when it is probable that the *libertina uxor* of Gellius was in reality a concubine.¹²⁵³ And the orator even employs the language of matrimony when ridiculing Antony's alleged homosexual relationship with C. Scribonius Curio.¹²⁵⁴ Clearly therefore Cicero's employment of the term *gener*, which can be used ironically in relation to extra-marital affairs, cannot be taken at face value.¹²⁵⁵

Lastly, Plutarch must have known of Fadia's existence because he used the *Philippics* as a source for his biography of Antony,¹²⁵⁶ but Plutarch does not register Fadia among the wives of Antony — he speaks of only three wives: Antonia, Fulvia, and Octavia.¹²⁵⁷

Cicero is consequently our sole authority for Antony's relationship to Fadia, and in view of his undeniable hostility to Antony, and his propensity to misrepresent the true nature of his enemies' relationships, the allegation that Antony married Fadia must be regarded as highly suspect. It appears altogether more likely that Fadia was the first of a series of mistresses, and that Antony had adopted the strategy, later reportedly advocated by the historian Sallust, of

¹²⁵⁰ *Phil.* II.20. A little later she is accorded her true title (*Phil.* II.58: *amica*), though Antony's mother Iulia is said to have to treat her like a daughter-in-law (*nurus*).

¹²⁵¹ *Phil.* II.69: *mimulam suam suas res sibi habere iussit, ex duodecim tabulis clavis ademit, exegit. Quam porro spectatus civis, quam probatus! Cuius ex omni vita nihil est honestius, quam quod cum mima fecit divortium.*

¹²⁵² *Ad Att.* X.10.5: *altera uxor* — as opposed to his lawful wife Antonia.

¹²⁵³ *Pro Sestio* 110: *libertinam duxit uxorem*. Cicero admitted that his hatred of Gellius had induced him to go too far (*Pro Sestio* 111), and the daughter of Gellius, (Gellia) Cana, was later suggested as a potential wife for Q. Cicero junior (*Ad Att.* XIII.41, 42, XV.21), and the orator would scarcely have considered the daughter of a freedwoman a suitable match for his nephew.

¹²⁵⁴ Curio is said to have taken Antony in a stable and enduring marriage (*Phil.* II.44: *Curio ... in matrimonio stabili et certo collocavit*). And is called Antony's husband (*Phil.* II.50: *egens ad tribunatum, ut in eo magistratu, si posses, viri tui similis esses*). Cf. Sussman (1998) 114-28; and Ott (2013) 344f.

¹²⁵⁵ Horace, *Satires* I.2.64 labels Villius Annalis, one of Fausta's lovers, the son-in-law of Sulla.

¹²⁵⁶ See Pelling (1988) 26-7; and Matijević (2006) 24f.

¹²⁵⁷ *Antony* LXXXVII.1: *τῶν γυναικῶν*. Plutarch was aware that according to Roman law Cleopatra was not Antony's lawful wife (*Comparison of Demetrius and Antony* IV.1).

pursuing freedwomen and thereby avoiding the dangers confronting the *sectator matronarum*.¹²⁵⁸

The timing and duration of the liaison is unknown. Cicero treats the affair as one of the follies of Antony's youth. Traina accordingly assigned it to the years 61 — 58 B.C. when Antony was 22 to 25 years of age,¹²⁵⁹ whereas Pasquali tentatively dated it circa 64 B.C. when Antony was 19.¹²⁶⁰ Both chronologies are feasible, but unverifiable for it is unclear how Antony came into contact with Fadia.¹²⁶¹ Nor is it clear what became of Fadia. It cannot be determined from Cicero's references whether she was alive or dead in 44 B.C. She could have succumbed to disease or died in childbirth, but Antony may have pensioned her off when he had outgrown the affair.¹²⁶²

The relationship produced an indeterminate number of children. Cicero uses the plural *liberi* and a well-established usage permitted the employment of the masculine plural *liberi* for a single child even when the child was female,¹²⁶³ but Cicero also speaks of the grandchildren (*nepotes*) of Q. Fadius, so it seems likely that the liaison resulted in more than one child. If, as is probable, Antony and Fadia were not married their offspring were illegitimate and will have

¹²⁵⁸ Horace, *Satires* I.2.47-54. Pseudo-Acro, *Satires* I.2.49 claims that Sallust actually defended himself in these terms before the censors of 50 B.C. Antony would later publicly scoff at the reproductive constraints imposed by notions of monogamy, illegitimacy, and nationality (Plutarch, *Antony* XXXVI.3-4).

¹²⁵⁹ (2003) 10, 113. Based on the supposition that Antony was driven into this "unseemly union" by the pressing claims of his creditors (Traina assumes that Fadius was wealthy).

¹²⁶⁰ Pasquali (2009) 295 n.152: im Jahr 64 (?).

¹²⁶¹ Schmidt (1900) 408 refuted the fantasy of Gurlitt (1898) 405-7 that Fadia and Septimia were the biological daughters of Antony with whom he had incestuous relations. The *gentilicium* of Fadius shows that he was not a freedman of the Antonii. Münzer, *RE* VI.1958 no.3 hinted that Fadius was connected with the 'Fadii Galli', but the latter were in fact Fabii (see Shackleton Bailey (1962) 196, *OCL* 49). There was perhaps an Arpinate connection. A L. Fadius was aedile at Arpinum in 44 (see *RE* no.2 and Harvey (1990) 332-3) and M. Antonius (cos. 99) had been on close terms with a number of leading Arpinate families including the Gratidii and Tullii Cicerones (see Nicolet (1967) 288f, *OE* II.907 no.173, 1052f nos.362, 364, 366-7; and Clinton (2001) 27-35). So it is possible that Fadia's father had been a slave of the Fadii of Arpinum whom Antony came to know due to the links between the Antonii and the *municipium* established by his grandfather. Alternatively one might speculate that Antony was introduced to Fadia by Curio for Plutarch says that Curio accustomed Antony to affairs with women (*Antony* II.3).

¹²⁶² Compare the senator Fulvius, who, when it was time for him to marry, freed his slave mistress and provided her with a dowry (Appian, *BC* IV.24). Appian regarded this as a notable instance of philanthropy, but the mistress of Fulvius took a different view.

¹²⁶³ On the usage see Gellius, *NA* II.13; Briscoe (1974) 126; Kuhlmann, *TLL* VII.2.1303, 41f; Harvey (1991) 24 n.50; and Gamberale (1995) 436-7. For the use of the masculine plural in respect of a solitary daughter in Cicero see *Verr.* II.1.65, 76, 106, 113, and *De prov. cons.* 35. Note also *Phil.* I.2 where Cicero uses the plural *liberos* of Antony's son Antyllus who served as a hostage on the *Ides* of March (compare *Phil.* I.31: filius, II.90: puer).

borne the *gentilicium* Fadius.¹²⁶⁴ That being so, this represents one of the very rare instances where the veil of secrecy that usually conceals the existence of ‘bastards in the Roman aristocracy’ has been lifted.¹²⁶⁵ It is sometimes said that Fadia’s offspring had all perished by 44,¹²⁶⁶ but Cicero’s few references to the children tell us nothing about their fate.¹²⁶⁷ There is, however, one anomaly that tends to be overlooked. In March 43 when Cicero was pressing the offensive against Antony in the senate, Fulvia employed the children of Antony to arouse sympathy for their father’s plight and Appian twice refers to a son of Antony who was a *μειράκιον* at the time.¹²⁶⁸ Appian usually applies that term to individuals ranging in age from their late teens to early 30’s,¹²⁶⁹ whereas Antony’s oldest legitimate son, Fulvia’s eldest M. Antonius Antyllus, was only an infant in 43.¹²⁷⁰ If Appian was not simply mistaken about the age

¹²⁶⁴ See Rawson (1989) 10–41.

¹²⁶⁵ See Syme (1960) 323–7.

¹²⁶⁶ So Drumann, *GR*² I.380 citing Cicero, *Phil.* II.3, XIII.23, *Ad Att.* XVI.11.1; Mommsen (1872) 272 = (1913) VIII.267; Groebe, *RE* I.2612; Huzar (1986) 25, (1986a) 98; Bradley (1987) 44; cf. Traina (2003) 10; Rizzelli (2006) 201 n.3. Halm (1875) VI.60 and Denniston (1926) 93 objected that the perfect *fuisse* instead of *esse* in *Phil.* II.3 need only mean that Fadius was dead. But the use of the perfect tense was to be expected for whatever the fate of Fadius and Fadia, the relationship was long in the past in 43.

¹²⁶⁷ *Philippics* II.3, III.17, XIII.23 and *Ad Atticum* XVI.11.1 merely tells us that Antony fathered the children at some point in the past, and have no bearing on their current condition.

¹²⁶⁸ Appian, *BC* III.51, 58. White (1913) translates *μειράκιον* as young man (53), and grown up son (67).

¹²⁶⁹ The term *μειράκιον* originally connoted youths in their mid-to-late teens (see Wattendorf (1926) 72f; and Davidson (2006) 44f), but Wattendorf notes that in latter writers, including Polybius and Plutarch, the age limits are sometimes extended upward significantly (74), and this is also true of Appian. Demetrius Poliorcetes was about 22 years of age in 312 B.C. as Appian himself notes (*Syriaca* 54); Hannibal, born in 247, was around 23 circa 224 B.C. (*Iberica* 6), and was 27 in 220 (*Annibaica* 3); Masinissa, born circa 240 B.C. was about 28 in 212 (*Lybica* 10), and about 34 in 206 (*Lybica* 11); Ptolemy V Epiphanes, born circa 210, was about 16 when he married Cleopatra I in 194 (*Syriaca* 5); Sex. Caesar the quaestor of 48 (*BC* III.77), was born by or close to 79, and so was about 32/33 in 47/46 B.C. (Sumner (1971) 258–9); Sex. Pompeius was in his 20’s or early 30’s when his brother Cnaeus was killed in 45 (*BC* V.143); Octavian is repeatedly described as a *μειράκιον* in late 45, in 44, and in April 43 when he was 18/19 years of age (*BC* III.9, 12, 43, 64, 75); and the son of Q. Fufius Calenus (cos. 47) was old enough to accompany his father to Gaul in 41/40, but was younger than Octavian (i.e. born after 63 B.C.) who pushed him aside in 40 on the grounds of his youth (*BC* V.61). The identification of the son of Polemocrates in *BC* IV.75 is problematic (see Delev (2016) 122–5), but Appian oddly calls him simultaneously a boy (παῖς) and a *μειράκιον*. Cf. Appian, *BC* I.38, 104 for two unidentified youths of indeterminate age.

¹²⁷⁰ The parents of Antyllus married no earlier than 47 B.C. (Antony divorced his cousin Antonia in that year). Antyllus was consequently still an infant when he served as a hostage on the *Ides* of March 44 (Cicero, *Phil.* I.31: *parvus filius*, II.90: *puer*), and he only donned the *toga virilis* in 30 (Plutarch, *Antony* LXXI.3; cf. Dio, LI.61.1–2). Hence Torrens describes the term *μειράκιον* as improprie (in Goukowsky (2010) 147 n.370).

of Antyllus, or cavalier in his usage,¹²⁷¹ then the son in question must either be a child of Fadia, or else Fulvia's son and Antony's stepson, P. Claudius Pulcher, who was a teenager in 43.¹²⁷² As Antony's stepson is mentioned in other sources at this time,¹²⁷³ and was apparently close to his step-father,¹²⁷⁴ and there is no other trace of Fadia's children,¹²⁷⁵ the latter scenario appears more likely than the former.

¹²⁷¹ As in *BC* IV.75 where *μετράκιον* and *παῖς* are treated as synonyms.

¹²⁷² Fulvia's son P. Claudius Pulcher was very young in January 52 B.C. (Asconius, 35.8 C: *parvolus filius*), and was still a *puer* in 44 B.C. (*Ad Att.* XIV.13a.2, 3, XIV.13b.4, 5). Tatum (1999) 60-1 thinks the diminutive *parvulus* was used for pathetic effect and estimates that the boy was born between 62 and 60 B.C., which makes him 17 to 19 years of age in 43 B.C. If the diminutive is taken literally, he must have been younger still. Antony's other step-son, Fulvia's son by C. Curio cannot have been more than 7 or 8 years of age in 43 since, allowing for the requisite ten months of mourning following the murder of Clodius, Fulvia cannot have married Curio before October 52 B.C., and the marriage most likely occurred in the interval between October 52 and June of 51 B.C.

¹²⁷³ *Ad Att.* XIV.13a.2-3, 13b.4-5.

¹²⁷⁴ *Ad Att.* XIV.13a.

¹²⁷⁵ Plutarch, *Antony* LXXXVII and Dio, LI.15.5-7 enumerate the 7 children of Antony that outlived him, including his legitimate children by Fulvia and Octavia (M. Antonius Antyllus, Iullus Antonius, Antonia Maior, and Antonia Minor) as well as his illegitimate offspring by Cleopatra (Cleopatra Selene, Alexander Helios, and Ptolemy Philadelphus). The omission of Fadia's offspring suggests that they predeceased their father.

XIX.

L. Cornelius Cinna praetor 44 B.C. *RE* no.107
 Pompeia *RE* no.54

TESTIMONIA

Seneca, *De Clementia* I.9.2; Dio, LV.14.1; *Inscriptiones Italiae* XIII.1.60-1

DATE

The marriage belongs no earlier than the first half of 45 B.C. and was over by late 39 or early 38 B.C. at the latest

MODE OF DISSOLUTION

The marriage was terminated by the death of Pompeia — unless perchance L. Cinna predeceased her

ISSUE

The marriage produced a son, Cn. Cornelius Cinna Magnus (cos. 5 A.D.), and a daughter, (Cornelia) Magna. (L. Cornelius) Cinna the quaestor of 44 B.C. and L. (Cornelius) Cinna the *frater arvalis* of 21 B.C., if they are one and the same, must be presumed the product of an earlier unrecorded match of the praetor of 44 B.C.

PARENTS

Cinna was the son of L. Cornelius Cinna (cos. 87, 86, 85, 84) and Annia
 Pompeia was the daughter of Cn. Pompeius Magnus (cos. 70, 55, 52) and Mucia

SIBLINGS

Cinna was the brother of Cornelia, the wife of Cn. Domitius Ahenobarbus, and Cornelia, the second wife of C. Julius Caesar (cos. 59, 48, 46, 45, 44)
 Pompeia was the sister of Cn. Pompeius Magnus Minor and Sex. Pompeius Magnus

Three sources testify that Cn. Cornelius Cinna Magnus (cos. 5 A.D.) was the grandson of Cn. Pompeius Magnus (cos. 70, 55, 52). Seneca claims that Augustus was loath to condemn Cinna for conspiring against him partly because he was Pompey's grandson.¹²⁷⁶ Cassius Dio refers to Cinna Magnus as the son of Pompey's daughter (θυγατριδοῦς).¹²⁷⁷ And the filiation of Cinna as recorded in the *fasti Capitolini* (L. f. Pompei Magni n.) likewise declares him to be the grandson of Pompeius.¹²⁷⁸ Moreover, (Cornelia) Magna, the presumed sister of Cinna Magnus, was also given a name which evoked her illustrious maternal ancestry.¹²⁷⁹ It is clear therefore that Pompey's only daughter, Pompeia, must have married a L. Cornelius Cinna after the death of her first husband Faustus Cornelius Sulla.¹²⁸⁰ The question is which L. Cinna? The answer is not only relevant to the life and heritage of Cinna Magnus, it also has a bearing on events after the assassination of Caesar.

It was once unanimously assumed that the daughter of Pompey married Caesar's former brother-in-law L. Cornelius Cinna, the praetor of 44 B.C., and that Cn. Cornelius Cinna Magnus (cos. 5 A.D.) was their son.¹²⁸¹ But Sumner maintained that it "seems more reasonable" to regard Cinna Magnus as a grandson of the praetor, which is to say, a son of Pompeia and the presumed son of the praetor: L. Cornelius Cinna the quaestor of 44, consul suffect of 32 and *frater arvalis*

¹²⁷⁶ *De clementia* I.9.3: Cn. Pompei nepotem. Seneca also alludes to Cinna Magnus' descent from Pompeius in *De beneficiis* IV.30.2.

¹²⁷⁷ LV.14.1: Γναίος Κορνήλιος θυγατριδοῦς τοῦ μεγάλου Πομπηίου. See also Zonaras, X.36: Γναίος Κορνήλιος τοῦ μεγάλου Πομπηίου θυγατριδοῦς.

¹²⁷⁸ *Inscriptiones Italiae* XIII.1.60-1. Note also the entry in the *fasti Hydatiani* under A.D. 5: Magno Pompeio (*Chron. Min.* I.219). Perhaps the result of confusion arising from the filiation of Cinna Magnus.

¹²⁷⁹ On Cornelia Magna (*RE* no.440; *PIR*² C 1489, cf. M 93, P 675) see Syme, *AA* 257f. The *cognomen* recurs in the name of her great-granddaughter Licinia Magna, the daughter of M. Licinius Crassus Frugi (cos. 27 A.D.) and Scribonia.

¹²⁸⁰ Settipani, *Continuité* 297, 300 credits Pompey with two daughters one married to Faustus Sulla and the other to L. Cornelius Cinna (cos. 32), but Pompey's only offspring were his two sons and his daughter by Mucia (Suetonius, *Divus Iulius* L.1). Had he had more than one daughter, it would be difficult to explain the recurring focus on the solitary daughter who was the fiancée / wife / widow of Faustus Sulla (Cicero, *Ad Att.* XII.11.6; *De bello Africo* XCV; Sen., *De cons. ad Polyb.* XV.1; Suet., *Iul.* XXVII.1, *Tib.* VI.3; Plutarch, *Caes.* XIV.7, *Pomp.* XLVII.6, *Comp. Ages. and Pomp.* I.2, *Quaest. Conviv.* IX.1.3; Florus, II.13.90; Appian, *BC* II.100; Orosius, VI.16.5; John of Antioch, frg.103.13 Mariev).

¹²⁸¹ See for instance Drumann, *GR*² II.499, 509, IV.592; Klebs, *PIR*¹ C 1084; Hula (1892) 28; Groag, *RE* IV.1288 Cn. Cinna Magnus no.108, *PIR*² C 1338, 1339; Münzer, *RE* IV.1288 L. Cinna no.107; Miltner, *RE* XXI.2.2264 Pompeia no.54; Syme, *RR* 269 n.2, 279 n.3 and *stemma* V; Grenade (1950) 29-30, 33 n.3; Smith (1951) 133f, 137f; Béranger (1956) 59-60 = (1975) 198; Petersen, *PIR*² M 93; Shackleton Bailey, *CLA* V.309; Weinrib (1967) 250; Bauman (1967) 194f, (1985) 111.

of 21 B.C.¹²⁸² Sumner's hypothesis was predicated on the conviction that Seneca's account of the conspiracy of Cinna Magnus is fundamentally unreliable because Seneca mistakenly equips Cinna Magnus with the *praenomen* Lucius and makes him an adversary of Octavian in the civil wars, which is chronologically impossible as Cinna Magnus was not born until sometime after 46 B.C.¹²⁸³ Sumner therefore posited that Seneca confused Cinna Magnus with his father and that in reality it was L. Cinna who fought with his wife's brother, Sex. Pompeius, against Octavian, before being pardoned and elevated to the consulship in 32 B.C. Scheid, on the other hand, continued to regard the praetor of 44 B.C. as the second husband of Pompeia, but, like Sumner, Scheid believed that Seneca conflated the lives of L. Cornelius Cinna (cos. suff. 32 B.C.) and Cinna Magnus, and that the former fought against Octavian at some point in the 30's.¹²⁸⁴ But the hypotheses of Sumner and Scheid have two serious problems in common.

Firstly, it is necessary to recognize that Lucius Cornelius Cinna the quaestor of 44, consul suffect of 32, and *frater arvalis* of 21 B.C. is a prosopographical pastiche created by Groag from the meager literary and fragmentary epigraphic sources on the quaestor Cinna,¹²⁸⁵

¹²⁸² Sumner (1971) 368-9. Sumner won the tentative, but authoritative, backing of Griffin (1976, 1992) 411 n.2 and Syme, AA 30 n.124, 46-7, 257, 266 n.80 and their *auctoritas* has persuaded others. See for example: Mayer (1991) 151, 158; Wachtel, *PIR*² P 675 and *stemmata* VI.279, VII.2.103 (though observe Wachtel, *PIR*² S 268: either the praetor of 44 or the consul of 32); Swan (2004) 150; and Canas (2010) 162-3, 253, *stemmata* VIII and XVII.

¹²⁸³ The conjecture was perhaps also influenced by the perception that the praetor of 44 B.C. was "elderly" (Sumner (1971) 368). As his civil rights were not fully restored until the passage of the *Lex Antonia de proscriptorum liberis* in 49 B.C. (*MRR* II.258) Caesar's brother-in-law probably held the praetorship around 11 years later than normal (see Sumner (1971) 365), but he was certainly not too old to father a late-born son with Pompeia.

¹²⁸⁴ Scheid (1975) 20-7, 321, 380 *stemma* I. Scheid, 20, 24, 27 adopted Groag's postulate that L. Cinna, the quaestor of 44, suffect consul of 32 and *frater arvalis*, was a son of the praetor of 44 B.C. by a previous unrecorded marriage. Hinard, *Proscriptions* 344, 458 and Ferrière (2007) 503-4 follow Scheid. Others retain the traditional *stemma* seemingly unaware of the contributions of Sumner or Scheid (see Shotter (1974) 306; Schor (1978) 107, 149; Rapke (1989) 55-6; H. Stegmann, *DNP* Pompeia no.2; Barrett (2002) 318; Lovano (2002) 27; Malaspina (2005) 301; Zmeskal, *Adfinitas* (2009) 84, 218; and Kaster (2010) 185 n.73). W. Eck, *DNP* L. Cinna II.6; Baudry (2008) 483-5; Braund (2009) 264; and Adler (2011) 135-6 are non-committal. Welch (2012) 217, 253-4 n.41 was convinced by my reconstruction. Chastagnol (1994) 424-5, 428; Cogitore (2002) 153; and Chaumartin (2005) 76f follow the lead of Grimal (1986) 49-57, whom I belatedly discovered, saw through the modern misinterpretations and restores the praetor of 44 B.C. to his proper place, anticipating many of my own arguments.

¹²⁸⁵ See Plutarch, *Brutus* XXV.1: Κίττω; Cicero, *Philippics* X.13: quaestor, cf. *Phil.* XI.27; Dio, XLVII.21.3; Zonaras, X.18; Münzer, *RE* IV.1282 no.104; and *MRR* II.325. Toward the end of 44 B.C. the quaestor was conducting a detachment of 500 cavalry to P. Dolabella (cos. suff. 44) when they defected to M. Brutus in Thessaly.

the suffect consul L. Cornelius,¹²⁸⁶ and the *frater arvalis* L. Cinna¹²⁸⁷ — none of which unequivocally refer to a L. Cornelius Cinna, much less to one and the same individual. Since Plutarch only supplies the *cognomen* of the quaestor, which was not unique to the Cornelii,¹²⁸⁸ while the *fasti* merely preserve the indistinctive *praenomen* and *gentilicium* of the consul, and the *acta* of the arval brethren omits the *gentilicium*, Münzer was appropriately cautious.¹²⁸⁹ And even supposing that the quaestor survived the downfall of P. Cornelius Dolabella,¹²⁹⁰ that the suffect is not L. Cornelius Balbus minor or a representative of the prolific Lentuli or some other *stirps* of the *gens* Cornelia,¹²⁹¹ and that the *arvalis* was indeed a Cornelius Cinna, there must nonetheless be grave doubts about Groag's proposed identification.

¹²⁸⁶ See the *Fasti Venusini*: K. Iul. L. Cornelius K. Nov. M. Valerius; *Fasti Magistorum Vici*: [suf. L. Cornelius M. Valerius], *Fasti Cuprenses*: [suf. L. Cornelius] M. Messal(ia); *Fasti Amiternini*: suf. [L. Cornelius] M. [Valerius]; Groag, *RE* IV.1256 no.32; Klebs, *PIR*¹ C 1057; Groag, *PIR*² C 1313, 1338; and *MRR* II.417.

¹²⁸⁷ *CIL* VI.32338 = *CFA* 3 frg. 1 line 3: [adfuerunt L. Scriboniu]s Libo, L. Cinna, A[p. Claudius]. Cf. Rüpke, *Fasti sacerdotum* no.1318.

¹²⁸⁸ The *cognomen* Cinna was not especially rare (see *RE* III.2562, *RE Suppl.* I.299 and III.250-1 no.8; Reisch, *TLL Onomasticon* II.448.50-449.50). Attested in this period are the unfortunate tribune of 44 B.C. C. Helvius Cinna (*RE* no.11), the neoteric poet Helvius Cinna (*RE* no.12), and the little-known jurist Cinna who was a pupil of Ser. Sulpicius Rufus (*Digest* I.2.2.44). The tribune and poet are now generally held identical (see Morgan (1990) 558-9 and Hollis (2007) 18f contra Deroux (2002) 971-2 who fails to take account of Ovid, *Ibis* 539 *laesus cognomine*, and overlooks Dio, XLIV.52.2, which implies that the praetor L. Cornelius Cinna and the tribune Helvius Cinna had only the *cognomen* in common i.e. the tribune did not bear the *praenomen* Lucius. Judging by the other names in his list Obsequens, 70 probably called the tribune C. Cinna, but the faulty manuscript reading *Caecinnae* does not prove this — witness the *Chronicon Paschale* for 127 B.C.: Κερίννα). Whether the jurist and the tribune, who is known to have drafted at least two laws for Caesar (see *MRR* II.324), are identical is more difficult to say (see Kunkel (1967) 35; Bauman (1985) 70-1, 110-1; and Lewis (1986) 136-7, 141).

¹²⁸⁹ Münzer, *RE* IV.1282 registered the quaestor as a (Cornelius) Cinna and did not venture to connect him with the consul suffect or *frater arvalis*. Drumann, *GR*² II.499, 509 assumed that the quaestor was the son of L. Cinna (cos. 87-84) and the younger brother of the praetor of 44 B.C. which would mean that he was conceived before Cinna's death in 84 B.C. and was quaestor at around 40 years of age (!). But there is no suggestion in the sources that Caesar had two brothers-in-law, and it seems most unlikely that a putative younger brother of the praetor would have been made to wait this long before taking the first step on the *cursus honorum*.

¹²⁹⁰ Dolabella was declared a *hostis publicus* in mid-March of 43 and committed suicide on the fall of Laodicea in July (Münzer, *RE* IV.1307-8; *MRR* II.344). The subordinates of Dolabella were instructed by the senate to leave his service by a specified date or else be branded *hostes* themselves. Those who remained in Dolabella's service to the bitter end, were pardoned by Cassius. Some then entered Cassius' service, only to subsequently conspire against him (see Dio, XLVII.30.6-8). Others remained loyal to Cassius up until his death at Philippi (Appian, *BC* V.4). What became of Dolabella's quaestor is therefore anyone's guess.

¹²⁹¹ Groag abruptly dismissed the possibility that the consul suffect could be Balbus Minor, but see Weinrib (1990) 296-311 and chapter XVI.

Secondly, the belief that Seneca confounded the lives of the Cornelii Cinnae is a modern misconception. In fact, Seneca's concise account of the conspiracy of Cinna Magnus preserves much detailed information about the plot and the conspirator,¹²⁹² and aside from one minor mistake is free from errors,¹²⁹³ whereas Cassius Dio manages to misdate the conspiracy by some 20 years and uses the episode as a pretext for a prolix rhetorical exercise which is almost totally devoid of substantive detail.¹²⁹⁴

Seneca states that the conspiracy came to light when Augustus had passed his fortieth year (*annum quadragensimum transisset*) and was in Gaul — which firmly places the episode during Augustus' extended tour of Gaul in the years 16-13 B.C.¹²⁹⁵ That conclusion is reinforced

¹²⁹² In addition to the details concerning Cinna's background and the date and location of the plot (vide infra) Seneca knew that Cinna was betrayed by one of his accomplices (I.9.2, cf. I.9.9), that the plan was to strike while Augustus was conducting a sacrifice (I.9.4), and that Augustus' interview with Cinna reportedly lasted for over 2 hours (I.9.11). Seneca also reveals in passing many incidental details about Cinna including that he held an unidentified priesthood (I.9.8), that he was defeated in an otherwise unknown civil suit by a freedman (I.9.10), and that he was wealthy (I.9.8) and made Augustus his sole heir (I.9.12).

¹²⁹³ The *Mss* equip Cinna Magnus with the *praenomen* Lucius (I.9.2, 6) instead of Cnaeus. But even if the mistake is attributed to Seneca and not the 'research assistants' who are said to have sometimes led him astray (Quintilian, *Inst. or.* X.1.128), or a copyist's error (as Préchac (1921) lvii n.5, (1967) 155-9 maintained), the lapse is venial and readily understandable for all the other known Cornelii Cinnae bore the *praenomen* Lucius. Indeed, Welch (2012) 254 n.41 suggests that the novel *praenomen* Cnaeus was intended as another reminder of Cinna's maternal grandfather — compare Cinna's contemporary Sex. Nonius L. f. L. n. Quinctilianus (cos. 8 A.D.) whose mother was the sister of P. Quinctilius Sex. f. Varus (cos. 13 B.C.) and whose *praenomen* and *cognomen* harked back to his maternal grandfather (see Doer (1937) 106).

¹²⁹⁴ LV.14-22. Some think Dio mistakenly inferred that the plot occurred in A.D. 4, the year before Cinna Magnus held the consulship, because Seneca says that Augustus later appointed Cinna consul and tendentiously claims that Cinna Magnus and his confederates were the last to conspire against Augustus (I.9.12; see Speyer (1956) esp. 277-9; Grimal (1986) 54; Malaspina (2005) 299, 309 with further references; and Swan (2004) 149). Cogitore (2002) 152, however, contends that Dio did not misdate the conspiracy, he simply recalls the episode at this point in his narrative due to the mention of Cinna's consulate.

¹²⁹⁵ *De clem.* I.9.2. So rightly *inter alia* Adler (1909) 196; Speyer, 278f; Griffin, 410; Grimal, 49-50; Barrett, 39, 318-9; Chastagnol, 424f; Malaspina, 300; Cogitore, 151-3; Chaumartin, 76f; and Braund, 263f. It is sometimes objected that Augustus, who was born on the 23rd of September 63 B.C., entered his fortieth year in September 23 B.C., and passed it in September of 22 B.C., and so was in his late 40's in the period 16-13 B.C. Hence Bauman (1967) 196-7, who insists on taking the phrase *annum quadragensimum transisset* literally, pursues the argument to its logical conclusion and puts the episode in 22 B.C. (which requires him to invent an unattested trip to Gaul). But as Renard (1937) 249f and Speyer saw the expression *annum quadragensimum transisset* was not intended as a precise formulation. It is to be understood as an approximation, just as in the preceding sentence Seneca can refer to Octavian's attempt on the life of Antony, his surreptitious murder of his friends (Hirtius and Pansa), and the proscriptions as having occurred when Octavian had passed his eighteenth year (I.9.1: *duodevicensimum egressus*

by Seneca's chronological list of the conspiracies that preceded the plot of Cinna Magnus,¹²⁹⁶ and by the fact that Cinna was an *adulescens* at the time.¹²⁹⁷ Moreover, Seneca discloses vital information about the life and family of Cinna Magnus. First and foremost, he unambiguously indicates that the father of Cinna Magnus had fought against Octavian and that this had cost him his life. It is said that up until the revelation of the conspiracy Cinna Magnus was considered blameless,¹²⁹⁸ and plainly Cinna could not be so described if he had previously taken up arms against Octavian. There is then no contradiction involved when we subsequently learn that

annum). Whereas in point of fact, the plot against Antony occurred early in October 44 and the deaths of Hirtius and Pansa in April 43 when Octavian had completed his 19th year and entered his 20th, while the proscriptions began in November 43 at which time Octavian had completed his 20th year and begun his 21st year (see Richter (1965) 161; and Malaspina, 295-8 for full discussion. Griffin, 407f also notes that the chronological inaccuracy at I.9.1 is purposeful in as much as it allows Seneca to make a flattering comparison between the young Augustus and Nero). Moreover, a precise chronological framework was unnecessary to Seneca's argument which was intended to demonstrate that in his youth (i.e. his late teens and early 20's) Augustus was utterly merciless toward his opponents whereas in middle age (i.e. in his 40's) and in old age (i.e. as a *senex* at 61 in 2 B.C. – I.10.3, 11.1) he was a model of clemency. The phrase *annum quadragesimum transisset* can, however, be taken to exclude Augustus' shorter visits to Gaul in 10 and 8 B.C. as the occasion for the conspiracy since by then Augustus had passed his fiftieth year and Seneca's chronology will not have been that imprecise. Unfortunately, Livia's presence in Gaul in the period 16-13 B.C. cannot be independently established (the anecdote in Suetonius, *Aug.* XL.3 may suggest Livia visited Gaul at some point, but *pace* Ollendorff, *RE* XIII.904, 905 the date cannot be determined). We are, however, told that Livia often accompanied Augustus on his travels (Tacitus, *Ann.* III.34), and it seems more likely that that she was present during Augustus' extended visit to Gaul than during his shorter trips. The suggestion that Livia is unlikely to have accompanied Augustus to Gaul in 16-13 B.C. as it was rumoured that he left Rome at this time in order to pursue his affair with Terentia the wife of Maecenas (Dio, LIV.19.3) is not cogent. Dio does not vouch for the rumour (see LIV.20.4) and even were it given any credence, it would not exclude Livia's presence because she frankly admitted turning a blind eye to Augustus' affairs (Dio, LVIII.2.5).

¹²⁹⁶ Seneca, *De clem.* I.9.6 names: Salvidienus (40 B.C.), Lepidus (30), Murena (22), Caepio (22), Egnatius (19 B.C.), and some other unnamed plotters (*alios*). That is to say, Seneca does not register any plot later than 19 B.C. despite the fact that a number of later conspiracies, real or alleged, are recorded (see Suetonius, *Aug.* XIX with Wardle (2014) 160f; and Dio, LV.4.3, 10.15) and were well-known to him (see *De brevitae vitae* IV.5). Now the morale of Seneca's parable is that *clementia* not *saevitia* is the autocrat's surest path to security (on which see Dowling (2006) 197f). Hence he is obliged to suppress any mention of plots that post-dated the conspiracy of Cinna Magnus which would implicitly contradict his thesis (see I.9.12. I cannot follow the logic of Cogitore's claim, 151 n.255, that the phrase: *Nullis amplius insidiis ab ullo petitus est* — is a generalization without temporal significance). If therefore the conspiracy of Cinna is dated in the period 16-13 B.C. this explains why Seneca's list of conspiracies ends in 19 B.C. If, however, the conspiracy of Cinna is dated in A.D. 4 with Dio, the omission of the plots which allegedly occurred between 19 B.C. and A.D. 4 is inexplicable.

¹²⁹⁷ *De clem.* I.9.3, cf. I.9.5 (*adulescentulus*). On Cinna's date of birth and the meaning of *adulescens* see below.

¹²⁹⁸ *De clem.* I.9.3: *hoc detracto integrum*.

Cinna's life had been spared during the civil war when he was discovered in the enemy camp.¹²⁹⁹ For Seneca states that Cinna was pardoned and allowed to keep his entire *patrimonium* because Octavian recognized that Cinna had been born into the enemy camp. Octavian's uncharacteristic clemency and generosity are attributable to the fact that Cinna had been a non-combatant and that it was his father who had fought on the losing side in the war and had paid for his mistake with his life.¹³⁰⁰ The point is driven home when we are told that Cinna was later given a priesthood in preference to men whose fathers' had fought for Octavian — with the clear implication that the father of Cinna Magnus had fought against Octavian.¹³⁰¹

And the testimony of Seneca is supported by the chronology of events. Pompeia, the mother of Cinna Magnus, was married to Faustus Sulla up until his murder following the battle of Thapsus in April 46 B.C.¹³⁰² Cinna Magnus could not therefore have been born before the end of 45 B.C. at the earliest.¹³⁰³ Consequently, Cinna was too young to have played any active part in the civil wars,¹³⁰⁴ and a date of birth in, or after, 45 B.C. corroborates Seneca's statement that

¹²⁹⁹ *De clem.* I.9.8: Ego te, Cinna, cum in hostium castris invenissem, non factum tantum mihi inimicum sed natum, servavi, patrimonium tibi omne concessi. Cf. *De ben.* IV.30.2: ex hostium castris.

¹³⁰⁰ The mention of Cinna's *patrimonium* establishes that his father was deceased. That Cinna Magnus was *sui iuris* before the conspiracy is also suggested by the legal proceedings instituted against a freedman (*De clem.* I.9.10).

¹³⁰¹ *De clem.* I.9.8: Sacerdotium tibi petenti praeteritis compluribus, quorum parentes mecum militaverant, dedi.

¹³⁰² See [Caesar], *De bello Africo* XCV; Livy *Per.* CXIV; Suetonius, *Iul.* LXXV.3; Florus, II.13.90; Dio, XLIII.13.2; De vir. ill. LXXVIII.9; Orosius, VI.16.5; Eutropius, VI.23; the Scholia Bernensia on Lucan, II.464, VI.787; and John of Antioch, fragment 103.13 Mariev.

¹³⁰³ Pompeia will have observed the customary ten months of mourning after the death of Faustus. Hence she was still single late in 46 B.C. when Atticus suggested her to Cicero as a possible replacement for Terentia (*Ad Att.* XII.11). And as the *tempus lugendi* began in April 46 (*Digest* III.2.8), allowing for the two extra months intercalated between November and December 46 B.C., it will not have elapsed until December 46, so Pompeia cannot have married L. Cinna before January 45 B.C.

¹³⁰⁴ Thus the notion that Cinna Magnus fought against Octavian in the civil wars — perhaps on the side of Sex. Pompeius in Sicily or with Antony at Actium (see *inter alia* Drumann, *GR*² II.510; Klebs, *PIR*¹ C 1084; Groag, *RE* IV.1288, *PIR*² C 1339, (1941) 39 n.49; Glauning (1936) 45f; De Laet (1941) 43 no.127; Schor, 107; cf. Malaspina, 305; and Braund 264, 274) is chronologically impossible. Similarly, Cinna cannot have been 'nearly 60' when consul (as per Groag, *PIR*² C 1339) as this would imply a birthdate circa 55 B.C. which is a decade before the earliest possible date for Cinna's birth. This was pointed out long ago by Hohl (1948) 114 (cf. Smith, 137-8), and was seen by Sumner (and Grimal, 52), but Sumner blamed the "conflicting statements" of Seneca, whereas in fact Seneca's evidence is entirely consistent and he is at most guilty of the venial error of equipping Cinna Magnus with the wrong *praenomen*.

Cinna Magnus was an *adulescens* at the time of the conspiracy.¹³⁰⁵ Hence it is abundantly clear that Cinna Magnus, like the young men who were his rivals for the priesthood, belonged to the generation whose fathers had fought in the civil wars.

Nor does it require great ingenuity to identify the circumstances in which Cinna Magnus was pardoned during the civil war. We know that Cinna's mother Pompeia had joined her brother Sextus Pompeius in Sicily by 41 B.C. when Ti. Claudius Nero and Livia Drusilla fled there after the Persusine War with their infant son Tiberius.¹³⁰⁶ We also know, thanks to Seneca, that Pompeia predeceased her brother Sextus,¹³⁰⁷ and when Seneca says that the death of Pompeia 'severed the bonds of peace which had united the Romans', there can be little doubt that the expression *vincula pacis* is an allusion to the Treaty of Misenum.¹³⁰⁸ Since therefore

¹³⁰⁵ As 45 B.C. is the *terminus ante quem non* for Cinna's birth he was no more than 29/32 years old when the conspiracy occurred in 16-13 B.C. The term *adulescens* is difficult to quantify precisely in the absence of corroborative evidence (see Kleijwegt (1991) 51f and Parkin (2003) 20f). Various sources affirm that it denoted individuals between 14 and 29 years of age (see Néraudau (1979) 93f and Balbo (1997) 15f). But in actual usage the term was even applied to men in their early 30's and sometimes beyond (see Rougé (1968) 182f; Sumner (1971) 257, *Orators* 55, 92; Služanski (1974) 364f; Badian (1984) 302f; and Evans and Kleijwegt (1992) 186-7). The attempt by Grimal, 52 to fix Cinna's date of birth in 41 B.C. based on the argument that Cinna was an *adulescens* in 16 B.C. and *adulescentia* signifies that he was then precisely twenty-five years of age is therefore untenable. *Adulescentia* plainly does not bear this precise meaning elsewhere in *De clementia* (see I.9.5, 11.1, cf. I.15.4, 7) and Balbo, 22-4 confirms that in writers of the First Century A.D., including Seneca, where the usage can be tested, it signifies persons between 15 and 35 years of age. It is most improbable that Cinna was still a teenager when he conspired against Augustus as the act itself implies someone of more mature years, and prior to the conspiracy he had already been appointed to one of the priestly colleges (I.9.8), and had been active in the courts (I.9.10), which suggests he was over 17 years of age (see the *Digest* III.1.1.3). It is most likely that Cinna was in his 20's at the time of the plot which puts his birth in the later half of the 40's or the 30's B.C.

¹³⁰⁶ See especially Suetonius, *Tiberius* IV.2-3 and VI.3; cf. *MRR* II.381. On the timing of Pompeia's arrival in Sicily see further below.

¹³⁰⁷ *De consolazione ad Polybium* XV.1: Sextus Pompeius primum sorori superstes, cuius morte optime cohaerentis Romanae pacis vincula resoluta sunt.

¹³⁰⁸ So rightly Grimal, 51f. The passage has given rise to unwarranted and implausible divagations. Lipsius contended that Seneca seemingly confused Sextus' sister Pompeia with his stepmother Iulia, the daughter of Caesar, whose death is often linked to the breakdown of relations between Caesar and Pompey (a verdict endorsed *inter alia* by Dahlmann (1937) 308 n.2; Miltner, *RE* XXI.2.2264; Shackleton Bailey, *CLA* VII.87; and Kurth (1994) 178-9). Whereas Abel (1962) 376-7 identified the sister of Sextus with the infant born to Pompey and Iulia in 54 who died within a few days (Abel neglects to point out that some sources state that the child was a boy see Vell., II.47.2; cf. Suet., *Iul.* XXVI; Lucan, V.474, IX.1049). But Seneca's meaning is perfectly clear. His theme is the separation of siblings, and he cites a series of historical *exempla* to illustrate his point (Scipio Aemilianus and the two younger sons of L. Aemilius Paullus, Lucius and M. Licinius Lucullus, Augustus and Octavia Minor, Caius and L. Caesar, Tiberius and Drusus, Marcus and C. Antonius, Claudius, Germanicus and Livilla, Caligula and Drusilla). Amidst

Seneca treats Pompeia's death as a contributory cause of the breakdown of the Pact of Misenum, her death must be dated after the conclusion of the Treaty in early-to-mid 39 B.C., but before the resumption of hostilities between Octavian and Sextus late in 39 or early in 38 B.C.¹³⁰⁹ It follows then that both the parents of Cinna Magnus perished during the *Bellum Siculum* and it is probable that Cinna Magnus fell into Octavian's hands in the panic which followed the battle of Naulochus (September 3rd 36 B.C.) when Sextus Pompey fled Sicily with only seventeen vessels from his once vast armada. Presumably Cinna Magnus and (Cornelia) Magna were left behind in the confusion and captured. Evidently therefore Seneca's *dictum* that Cinna Magnus was born into the enemy camp is not a mere metaphor since Cinna Magnus must have been born by 39/38 B.C. and may actually have been born while Pompeia was in the camp of Sex. Pompeius in Sicily.¹³¹⁰ At any rate, it is clear that Cinna Magnus was only an infant at the time of his father's opposition to Octavian. No doubt it was Cinna's extreme youth which saved him — though it is conceivable that Octavian's clemency was also influenced by Livia who may have wished to repay the kindness Pompeia had shown her when she was a refugee with her former husband Ti.

these instances occur the Pompeii whence Seneca observes that Sextus lost his *soror* (Pompeia) and as well as his older brother Cnaeus. Moreover, the Pact of Misenum was cemented by a complicated series of familial alliances intended to bind the various signatories. Octavian had married Scribonia, the sister of L. Scribonius Libo (cos. suff. 34) in the previous year and Libo's daughter Scribonia was married to Sex. Pompey. Antony had also married Octavian's sister Octavia Minor in 40 B.C. And M. Aemilius Lepidus, the son of the Triumvir, was already betrothed to the daughter of Antony by Antonia. Then as a consequence of the compact Pompeia, the daughter of Sextus and Scribonia, was betrothed to M. Marcellus, the nephew of Octavian and step-son of Antony. The marriages of Libo's son to (Cornelia) Magna, the daughter of Pompeia and L. Cinna, and of Q. Lepidus, the son of the Triumvir, to Cornelia, the daughter of Pompeia and Faustus Sulla, evidently occurred years after the Treaty, but it is not impossible that they were betrothed as infants around this time. And some of these relationships did rapidly unravel along with the Treaty. Octavian abruptly divorced Scribonia in 39 and the betrothal of Marcellus and Pompeia was presumably shelved on the renewal of hostilities.

¹³⁰⁹ The date of the Treaty of Misenum cannot be accurately established: compare Kromayer (1894) 561-2 (before August/September 39) with Reynolds (1982) 69f (between the 14th of August and the 2nd of October 39). Whether the death of Pompeia was indeed a causal factor in the breakdown of the Treaty is unknown and largely irrelevant, the association of the two events may simply be an instance of the application of the *post hoc ergo propter hoc* fallacy. Nevertheless, the fact that Pompeia is not mentioned in connection with the flight of Sex. Pompeius after Naulochus is a further indication that she did not survive the *Bellum Siculum*. The bilingual inscription from Smyrna (CIG 3373 = CIL III no.18* = IGRRP IV 1476 = Petzl (1982) I.202 no.478 = Kearsley (2001) 32-3 no.42) which honours a Pompeia Cn. f. Magna is either spurious (as Mommsen believed), or else honours a provincial who took that name (as per Kearsley).

¹³¹⁰ If Cinna Magnus was born in or after 41, he was at most 25/28 years of age at time of conspiracy in 16-13 B.C., and was consul at 46 years of age or less, which is still late for a *nobilis* by the standards of the era, but the delay is readily understandable given his past.

Nero in Sicily.¹³¹¹

It is apparent therefore that the evidence of Seneca is both accurate and internally consistent and Sumner's case, which was founded on the misinterpretation of Seneca's testimony, lapses. Lucius Cornelius Cinna the praetor of 44 B.C. must be reinstated as the second husband of Pompeia. It was the praetor of 44 B.C. who fought against Octavian and perished as a consequence leaving two young children to the mercy of Octavian. The marriage of L. Cinna and Pompeia was accordingly contracted no earlier than 45 B.C. and did not last beyond late 39 or early 38 B.C., but the movements of Pompeia and the actions of L. Cinna suggest a more precise time-frame for the match. After the debacle of Thapsus in early April 46 B.C. Faustus Sulla and L. Afranius fled overland with a small force of cavalry intending to make for the Republican forces in Spain. According to Appian, Caesar captured Pompeia at Utica whereupon he sent her, and her children by Faustus, to the "young Pompeius,"¹³¹² that is to say, to Cn. Pompeius junior, who by this time had established himself in Spain.¹³¹³ Yet the Author of the *Bellum Africum*, as well as Florus and Orosius, all state that Pompeia accompanied Sulla and Afranius in their flight and was captured along with them by P. Sittius,¹³¹⁴ and by late 46 B.C. Pompeia was evidently back in Rome since Atticus could suggest her as a prospective bride to Cicero.¹³¹⁵ Hence either Sittius deposited Pompeia in Utica pending the arrival of Caesar, and

¹³¹¹ Both Seneca and Dio make plain that Livia was chiefly responsible for saving the life of Cinna Magnus upon the revelation of the conspiracy. This is sometimes treated as a piece of rhetorical embroidery, but in view of Livia's past associations with the mother of Cinna Magnus her involvement must be taken seriously.

¹³¹² *BC* II.100: τῷ νέῳ Πομπηίῳ.

¹³¹³ Grimal, 51 identifies the "young Pompeius" as Sextus Pompeius. But in the surrounding narrative the young (νέος) Pompeius denotes Cn. Pompeius junior (see *BC* II.103, 150, 152), whereas Sextus is introduced more fully as: the younger brother of this Pompeius, who bore the first name Sextus (*BC* II.105: ὁ τοῦδε τοῦ Πομπηίου νεώτερος ἀδελφός, Πομπήιος μὲν καὶ ὅδε ὢν, Σέξτος δὲ καλούμενος τῷ προτέρῳ τῶν ὀνομάτων). Elsewhere, with one exception (*BC* IV.94), Sextus is the younger (νεώτερος) Pompeius, i.e. the younger of the two sons of Pompey, rather than the young (νέος) Pompeius (see *BC* IV.54, 83, V.1, 143). Given that by this time both of Pompeia's brothers were in Spain the distinction may seem immaterial, but if Appian is mistaken (vide infra), the distinction may be significant for Grimal, 52 posited that Appian was aware that Pompeia was later with her brother Sextus in Sicily and mistakenly believed that she joined him there at this time.

¹³¹⁴ *De bello Africo* XCV.3; Florus, II.13.90; Orosius, VI.16.5. Florus and Orosius wrongly claim that Pompeia was killed with Faustus on Caesar's orders.

¹³¹⁵ *Ad Att.* XII.11. The date of the letter is uncertain. It is generally dated in the first or second intercalary month inserted between November and December 46 (see Marinone (2004) 203). But Shackleton Bailey sometimes suggested it might be somewhat earlier (compare *CLA* V.83, 308-9, (1971) 202, (1977) II.407; cf. Treggiari (2007) 133). It must in any case predate Cicero's marriage to Publilia which belongs in the latter part of 46 B.C. (see Treggiari).

Caesar then allowed her to go to Spain, whereupon Cnaeus sent her back to their mother Mucia in Rome. Or, as seems more likely, Appian is mistaken and Caesar sent Pompeia directly back to Rome.¹³¹⁶ In any event, she was back in the Capital before the end of 46 B.C. where, even though she was still in mourning and her brothers were prosecuting the war in Spain, she was regarded as eminently marriageable. When we next encounter Pompeia, however, in 41 B.C., she is living as an exile with her brother Sextus in Sicily, though we are not told what had induced her to flee the Capital. Her presence in Sicily becomes more puzzling when it is recalled that her mother Mucia was able to remain in Rome unmolested by the warring factions all throughout the civil wars (49—31 B.C.),¹³¹⁷ and Pompeia herself was apparently in Italy during the bitter contest in Spain (December 46—March 45).¹³¹⁸ Then there is the surprising behaviour of Lucius Cinna. Cinna was both related to the dictator Caesar and deeply in his debt.¹³¹⁹ Caesar had backed the restoration of his brother-in-law on two separate occasions. First by supporting the passage of the *Lex Plautia* (70 B.C.) and a second time through the *Lex Antonia de proscriptorum liberis* (49 B.C.).¹³²⁰ And having fully restored Cinna's civil rights Caesar appointed him to the praetorship for 44 B.C.¹³²¹ But L. Cinna's attitude toward his *adfinis* and benefactor in 44 B.C. nearly got him lynched twice.¹³²² As praetor Cinna was responsible for the decree which permitted the return of the exiled tribunes L. Caesetius Flavius and C. Epidius Marullus who had been deposed and banished after being denounced by a furious Caesar.¹³²³ And although he was

¹³¹⁶ That Appian could have conflated and telescoped events in this way may seem implausible, but observe *BC* II.87 where he implies that Cn. Pompeius junior and T. Labienus proceeded to Spain straight after Pharsalus, when in fact they arrived in Spain independently after both had spent time in Africa (see Appian, *BC* II.95; Dio, XLII.5.7, 10.2, 56.4, XLIII.2.1, 4.5, 29.2-30.4; *Bell. Afr.* 19, 22-24).

¹³¹⁷ See Appian, *BC* V.69, 72 and Dio, XLVIII.16.3, LI.2.5, LVI.38.2. On one occasion in 39 B.C. Mucia was reportedly threatened by the starving mob, but she was still living in Rome after the battle of Actium.

¹³¹⁸ Caesar's bloody victory at Munda on the 17th of March 45 was decisive. Cn. Pompeius junior was killed in April, but Caesar did not return to Rome until September 45.

¹³¹⁹ Cinna was the brother of Caesar's second wife Cornelia.

¹³²⁰ See *MRR* II.128, 258; and Hinard, *Proscriptions* 97, 162f, 217f, 343.

¹³²¹ In December 45 after Caesar's return Spanish triumph.

¹³²² On the *Ides* and on the 17th of March see *MRR* II.320-1; Hinard, *Proscriptions* 303, 343-4, 557-8; and Moles (1987) 124-8.

¹³²³ The dictator reportedly claimed that they were maliciously portraying him as a tyrant and conspiring against him (see Nicolaus of Damascus, *Vit. Aug.* XX, 69; Münzer, *RE* III.1310-11, IV.1288; *MRR* II.320-1, 323-4; Bellemore (1984) 32, 36, 104-5, 108; Malitz (2003) 61, 150-1, 155, 160). Nicolaus, XXII, 76 says that Cinna obtained this concession from Caesar, but the other sources indicate that Caesetius and Marullus were recalled after Caesar's death (see esp. Appian, *BC* II.122, 138).

not actually a party to the conspiracy,¹³²⁴ on the *Ides* of March Cinna theatrically divested himself of the *insignia* of his office, which he disclaimed as the gift of a tyrant, then reviled Caesar from the *rostra* and proposed public honours for the assassins. Nor will Cinna have endeared himself to Antony when he sided with the senate in December 44 in declining the province which Antony had assigned him.¹³²⁵ It appears probable therefore that the curious conduct of L. Cinna in 44 B.C. and the flight of Pompeia are connected, and the inference seems almost unavoidable that Pompeia followed her second husband to Sicily which would put their marriage somewhere in the period between January 45 and March 44 B.C.¹³²⁶ Certainly, Cinna's sudden and dramatic conversion to the Republican cause is more readily understandable if it was preceded by the establishment of fresh ties of *adfinitas* to the house of Pompeius Magnus,¹³²⁷ and it may be that Cinna's perceived *impietas* towards Caesar, and the hostility of Antony, led to his proscription in late November 43.¹³²⁸ Or else, Cinna and Pompeia may have taken refuge in Sicily when Octavian made his first attempt to crush Sex. Pompeius in 42 B.C.¹³²⁹

It is unclear whether the marriage was terminated by the death of L. Cinna or Pompeia. Pompeia died in 39 or 38 B.C., but L. Cinna evidently did not survive the *Bellum Siculum*, and it

¹³²⁴ Plutarch, *Caesar* LXVIII.5-6, Dio, XLIV.50.4, and Zonaras, X.12 assert that Cinna was one of the conspirators (contra Appian, *BC* II.121, 126). But, as Drumann, *GR*² II.508 n.10 and Münzer, *RE* IV.1287 saw, this is untrue. Firstly, the conspirators withdrew to the *Capitol* after killing Caesar and Cinna was not among them. He made his first appearance later in the *Forum*. Secondly, Cinna was still in Rome and still functioning as praetor in December 44 (Cicero, *Phil.* III.26), long after the tyrannicides had been compelled to withdraw from the city (see Pelling (2011) 493), which is only explicable on the assumption that it was accepted that he was not complicit in the conspiracy.

¹³²⁵ Cicero, *Phil.* III.26.

¹³²⁶ Scheid, 22-3 dated the marriage to 46 B.C. and posited that it was arranged by Caesar, but Pompeia was not free of the constraints of mourning until January 45 (vide supra). By January 45 Caesar was already engaged in hostilities with Pompeia's brothers in Spain and it is perhaps more likely that the marriage occurred after rather than during the war in Spain War (i.e. sometime after Caesar's triumph in early October 45).

¹³²⁷ Cinna had formerly been an *adfinis* of Pompey through his niece Iulia, the daughter of his sister Cornelia and the fourth wife of Magnus (59-54 B.C.).

¹³²⁸ As Hinard, *Proscriptions* 344, 457-8 and Grimal, 52 argued. Pompeia's brother Sextus was certainly proscribed although he too had played no part in Caesar's death (Hinard, *Proscriptions* 505-6 no.105). That being so, Octavian's decision to allow Cinna Magnus to keep his entire patrimony (*De clem.* I.9.8) was uncharacteristically generous. The sons of the proscribed normally received only one tenth of their paternal estate (Dio, XLVII.14.1) and even the exiles who returned under the terms of the Treaty of Misenum were only promised a quarter of their property (Appian, *BC* V.72; Dio, XLVIII.36.4).

¹³²⁹ See *MRR* II.362; Drumann, *GR*² IV.568f; Miltner, *RE* XXI.2220f. Some of the exiles who sought safe haven in Sicily had not been proscribed and had fled solely through fear (Appian, *BC* V.25, 72). Under the terms of the Treaty of Misenum they were promised the return of all their property except movables.

is possible that he predeceased Pompeia.¹³³⁰ Cinna may have been a casualty of Sex. Pompeius' campaigns against the Triumvirs in the period between the seizure of Sicily and the Treaty of Misenum (late 43 and early 39 B.C.).¹³³¹ Alternatively, it is not unthinkable that when Octavian spared Cinna's children late in 36 B.C. his clemency did not extend to their father, who had publicly proclaimed the dictator Caesar a tyrant, commended the tyrannicides, and waged war against Octavian himself.

Two surviving children of the match are attested: a son and a daughter. Cn. Cornelius Cinna Magnus (cos. 5 A.D.) was eventually made consul by Augustus even though he had reportedly not sought the office. Cinna predeceased Augustus and made the *princeps* his sole heir which probably indicates that he had no living offspring.¹³³² (Cornelia) Magna was to marry L. Scribonius Libo, the son of the consul suffect of 34 B.C., and transmit the blood of Pompeius Magnus to her often ill-starred descendants.

¹³³⁰ Hula (1892) 28 identified the praetor of 44 B.C. with the homonymous *arvalis* of 21 B.C., which would entail that L. Cinna outlived Pompeia, but the identification has rightly been rejected by all commentators (see Münzer, *RE* IV.1288; Groag, *PIR*² C 1338; Scheid (1975) 20f; Syme, *AA* 46-7).

¹³³¹ It is not known when Cinna and Pompeia first arrived in Sicily. Cinna is last directly attested in December 44 when he was still attending the senate (*Phil.* III.26). Hinard, *Proscriptions* 344, 457-8 speculated that Cinna was proscribed by the Triumvirs, but there is no record of this and the fact that Cinna Magnus was allowed to keep his entire patrimony perhaps militates against the possibility since the sons of the proscribed normally only received a fraction of their paternal inheritance (vide supra). Nor is there any record of Cinna having played any part in the Philippi campaign and it is perhaps safer to assume he left Rome for the safe haven of Sicily in 43.

¹³³² *De clem.* I.9.12.

XX.

M. Lollius (cos. 21) *RE* no.11; *PIR*¹ L 226; *PIR*² L 311
[Valeria]

TESTIMONIA

Suetonius, *Caligula* XXV.2

DATE

Circa 5 B.C. — A.D. 2

MODE OF DISSOLUTION

Unknown (death of Lollius?)

ISSUE

M. Lollius *RE* no.12; *PIR*¹ L 227; *PIR*² L 312

PARENTS

Lollius was the son of an otherwise unknown M. Lollius
Valeria was the daughter of M. Valerius Messalla Messallinus (cos. 3 B.C.)

SIBLINGS

No siblings of Lollius are recorded
Valeria was the sister of M. Valerius Messalla Messallinus (cos. 20 A.D.)

See Figures 2, 3, 4, and 5

Suetonius, *Caligula* XXV.2: Lolliam Paulinam, C.¹³³³ Memmio consulari exercitus regenti nuptam, facta mentione aviae eius¹³³⁴ ut quondam pulcherrimae, subito ex provincia evocavit ac perductam a marito coniunxit sibi brevique missam fecit interdicto cuiusquam in perpetuum coitu.

J. C. Rolfe, *Suetonius*, Cambridge MA, (1913) I.443: When the statement was made that the grandmother of Lollia Paulina, who was married to Caius Memmius, an ex-consul commanding armies, had once been a remarkably beautiful woman, he suddenly called Lollia from the province, separated her from her husband, and married her; then in a short time he put her away, with the command never to have intercourse with anyone.

In A.D. 38 Lollia Paulina became the third wife of the emperor Caligula.¹³³⁵ According to Suetonius, Caligula's impulsive marriage to Lollia was inspired by reports that her grandmother had been a famous beauty. Needless to say, Lollia had two grandmothers: her paternal grandmother, the nowhere named wife of the Augustan marshal M. Lollius (cos. 21), and her maternal grandmother Nonia Polla, the wife of L. Volusius Saturninus (cos. suff. 12).¹³³⁶ Suetonius fails to identify the *pulcherrima avia* of Paulina and we cannot say definitively which one of the two was the great beauty,¹³³⁷ but it is her paternal grandmother that is of interest in the present context.

No source puts a name to the wife (or rather wives) of the *novus homo* M. Lollius (cos. 21), but in pronouncing a sentence of banishment on the unfortunate Lollia Paulina in the senate in A.D. 49 the emperor Claudius prefaced his decree with an expurgated account of her marital history and some valuable remarks on her distinguished ancestry:

Tacitus, *Annals* XII.22.2: Exim Claudius inaudita rea multa de claritudine eius apud senatum praefatus, sorore L. Volusii genitam, maiorem ei patrum Cottam Messalinum esse, Memmio quondam Regulo nuptam (nam de C. Caesaris nuptiis consulto reticebat) ...

Claudius, without granting the accused a hearing, expatiated in the senate on her exalted lineage, observing that she was born of a sister of L. Volusius, that Cotta Messalinus was her paternal great-great-uncle, and that she had once been married to Memmius Regulus (her marriage to C. Caesar was intentionally suppressed).¹³³⁸

The fact that M. Aurelius Cotta Maximus Messalinus (cos. 20 A.D.) was the *patruus*

¹³³³ Sic. actually P. Memmius P. f. Regulus (cos. suff. 31 A.D.) *RE* no.29; *PIR*² M 468.

¹³³⁴ Freisenbruch (2011) 103 conflates the unnamed grandmother of Lollia Paulina with Caligula's paternal grandmother Antonia Minor and erroneously makes Antonia Caligula's informant.

¹³³⁵ See Lollia Paulina *RE* no.30; *PIR*¹ L 242; *PIR*² L 328; *PFOS* I.429-31 no.504. The marriage reportedly took place a few days after the death of Iulia Drusilla (Dio, LIX.12.1).

¹³³⁶ See *RE* XVII.902 Nonius no.60; *PIR*¹ N 129; *PIR*² N 160; *PIR*² V 978.

¹³³⁷ So rightly Groag, *RE* XIII.1387.

¹³³⁸ The term *patruus maior* (a paternal great-great-uncle or grand-uncle) is often mistranslated as great-uncle (i.e. *patruus magnus*) see for example Pitman (1912) 80; Jackson (1937) 345; and Heller (2002) 513, 886. Similarly, Koestermann (1967) 110 tacitly corrects *patruus maior* to *patruus magnus*. Cf. Wuilleumier (2003) 66 and Landrea (2011) 562: petite-nièce par son père.

maior of Lollia Paulina is the key to identifying Lollia's paternal grandmother. The lexicographer Festus and the Roman jurists defined a *patruus maior* (and the synonymous term *propatruus*) as the paternal uncle of a grandfather or grandmother, the brother of a great-grandfather, or the paternal great-uncle (*patruus magnus*) of a father or mother.¹³³⁹ Cotta Maximus was in other words the paternal great-great-uncle of Lollia Paulina, but the few commentators who have made the attempt have struggled to find a satisfactory explanation for the relationship.¹³⁴⁰ Groag remarked that M. Lollius (cos. 21) and Cotta Maximus were not biological full siblings for Cotta was the biological son of M. Valerius Messalla Corvinus (cos. suff. 31) and he had only the one brother namely M. Valerius Messalla Messallinus (cos. 3).¹³⁴¹ Furthermore, he noted that Lollius and Cotta cannot have been maternal half-brothers since they were born about 30 years apart.¹³⁴² Groag posited therefore that M. Lollius was the biological son of the same M. Aurelius Cotta who adopted Cotta Maximus so that Cotta Maximus and Lollius were brothers by adoption and Cotta Maximus could be called the *patruus maior* of Lollius' granddaughter. But Afzelius pointed out that Groag's exposition is untenable.¹³⁴³ In the first place, the suggested scenario is convoluted and implausible for the adoptive father of Cotta Maximus is supposed to have ceded his own son (the future consul of 21 B.C.) to the Lollii and then to have filled the resulting void by adopting the son of Messalla Corvinus. Secondly, M. Lollius (cos. 21) and Cotta Maximus would technically not even have been adoptive brothers since according to Groag's thesis the adoption of Cotta Maximus took place long after the future consul of 21 B.C. had been adopted into the Lollii. Moreover, if Cotta Maximus was a sibling, adoptive or otherwise, of Lollia's paternal grandfather M. Lollius (cos. 21) that would have

¹³³⁹ *Maior patruus avi et aviae patruus* (Lindsay (1997) 121); *Digest* XXXVIII.10.10.16: *patruus maior est proavi frater, patris vel matris patruus magnus*; *Digest* XXXVIII.10.1.7: *propatruus id est proavi frater*; cf. Iulius Paulus, *Sententiae* IV.11.5, *Tractatus de gradibus cognationum* 7, Iustinian, *Institutes* III.6.3, and Isidore, *Etymologiae* IX.6.24: *propatruus id est proavi frater*. See also Bush (1972) 39-47; F. Hickson Hahn, *TLL* vol. X pars 1 fasc. V (1990) col.792-4; and Moreau (2007) 70, 77, 84.

¹³⁴⁰ Szramkiewicz (1976) I.198 and Rémy (1989) 129 declare the problem insoluble.

¹³⁴¹ *RE* XIII.1378 M. Lollius no.11. Son of Corvinus: Pliny, *HN* X.52; Vell., II.112.2; Schol. Pers. II.72; Ovid, *Ex Pont.* III.2.105, IV.16.43-4. Frater of Messallinus: Vell., II.112.2; Ovid, *Ex Pont.* I.7.31, 60, II.2.83, 99, II.3.80.

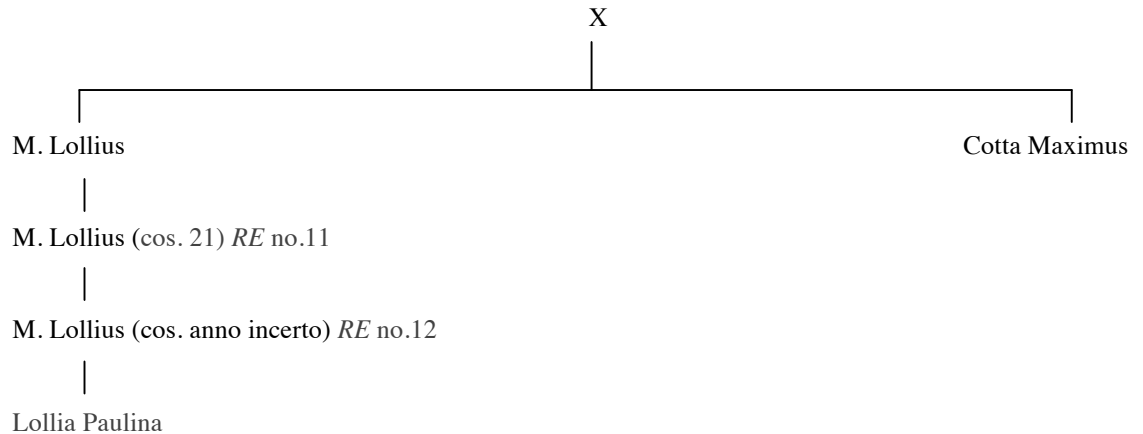
¹³⁴² In fact, Lollius and Cotta Maximus were probably born more than 30 years apart. Cotta, a *nobilis* and favourite of Tiberius, was probably praetor in A.D. 17 and consul *suo anno*, and so will have been born in 14 or 13 B.C. (see Syme (1978) 118, 120, 125, AA 230-1, 236; Vogel-Weidemann (1982) 281, 283, 284; and Landrea (2011) 557, 565), whereas Lollius, as a *novus homo* from an undistinguished family, will not have been a youthful consul, and even if he was not a legate of Brutus at Philippi, he was very likely born in the 60's (see Tansey (2008) 193-4; cf. Morris (1964) 326).

¹³⁴³ Afzelius (1935) 201. Groag's thesis was also rejected by Vogel-Weidemann (1982) 289 n.560 and Syme, AA 178, *stemma* XI — though the later did not offer any argument beyond its inherent lack of plausibility.

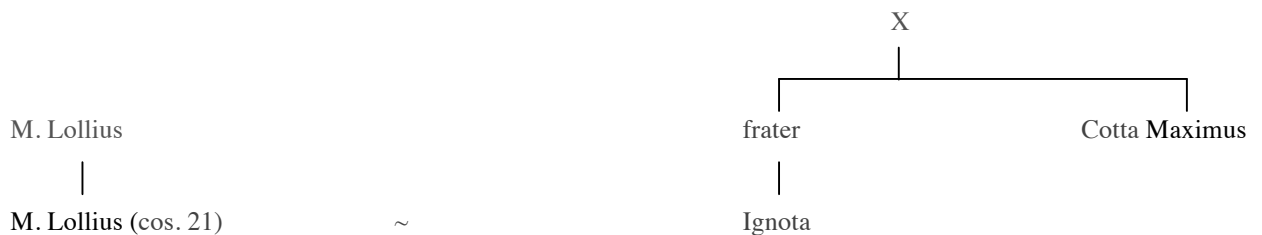
made Cotta the *patruus magnus* not the *patruus maior* of Lollia Paulina.¹³⁴⁴

Afzelius, on the other hand, observed that since the term *patruus maior* can denote a *frater proavi*, *aviae patruus*, or *proaviae frater*, Lollia's relationship to Cotta Maximus ought to be conform to one of the following scenarios:

A) *frater proavi* - Cotta Maximus is the brother of M. Lollius, the father of M. Lollius (cos. 21) and paternal great-grandfather of Lollia:



B) *aviae patruus* - M. Lollius (cos. 21) married a niece of Cotta Maximus:



C) *proaviae frater* - M. Lollius, the father of M. Lollius (cos. 21) and great-grandfather of Lollia, married a sister of Cotta Maximus:



Afzelius, however, rejected all three scenarios on chronological grounds because they place Cotta Maximus a generation earlier than M. Lollius (cos. 21), which he judged cannot be right for M. Aurelius Cotta Maximus Messalinus was the late-born son of Messalla Corvinus and

¹³⁴⁴ *Patruus maior* denotes the brother of a great-grandfather (*proavus*), vide supra, whereas M. Lollius (cos. 21) was the grandfather (*avus*) of Lollia Paulina. Groag briefly considered whether Pliny, *NH* IX.118 mistakenly wrote *neptis* for *proneptis*, but he rightly rejected this possibility for *neptis* is supported by *avitae opes* (Pliny, *NH* IX.117) and some editors advocate supplying *neptem* after *Lolliam Paulinam M. Lollii consularis* in Tacitus, *Annals* XII.1 (see Furneaux (1907) II.63; Koestermann (1967) 110; and Syme (1958) II.748, (1966) 59, AA 177, (1991) 150-1).

was consul with his own nephew in A.D. 20. Afzelius accordingly proposed that Tacitus erred in calling Cotta Maximus the *patruus maior* of Lollia Paulina, and contended that *patruus maior* represents a slightly inaccurate expression for *patruus magnus*.¹³⁴⁵ Afzelius concluded therefore that Cotta Maximus was in reality the paternal great-uncle of Lollia and he claimed that this new understanding of the relationship opens up a range of new possibilities which he declined to pursue. Yet the exegesis of Afzelius is no more satisfactory than Groag's hypothesis. For one thing, Tacitus has been shown to be scrupulous in his use of kinship terminology.¹³⁴⁶ Moreover, if Cotta Maximus was the *patruus magnus* of Lollia Paulina, the possible explanations of the relationship are strictly limited and none of them are remotely credible. In short, Cotta would have to have been the brother of Lollia's paternal grandfather M. Lollius (cos. 21), or of her maternal grandfather L. Volusius Saturninus (cos. suff. 12), but Groag established that Cotta was not a biological brother of Lollius and his argument applies equally to Volusius. Similarly, Groag showed that the difference in their ages precluded the possibility that Lollius and Cotta were maternal half-brothers, and the same goes for Volusius who was coeval with Lollius.¹³⁴⁷ Hence it would be necessary to resort to making Lollius or Volusius an adoptive brother of Cotta Maximus (i.e. a biological son of the M. Aurelius Cotta who adopted Cotta Maximus), and this, as we have already seen with respect to Lollius, entails a convoluted and implausible sequence of events.¹³⁴⁸

Syme sought to resolve the puzzle by making M. Lollius (cos. 21) marry an Aurelia (a putative sister of the adoptive father of Cotta Maximus).¹³⁴⁹ Yet were that so, the "abnormally accurate" Tacitus (Syme's own expression) committed a far greater terminological blunder than Afzelius supposed for on Syme's reconstruction Cotta Maximus was neither the *patruus maior*, nor the *patruus magnus* of Lollia, but the first cousin of Lollia's father,¹³⁵⁰ and Lollia's first

¹³⁴⁵ (1935) 201: som et lidt unøjagtigere Udtryk for *patruus magnus*.

¹³⁴⁶ See Moreau (1980) 239-50. Nor is there any evidence in the *Mss* to suggest that *maior* somehow supplanted *magnus* in the course of the transmission of the text (no variants are recorded in the comprehensive apparatus of the Teubner edition of Wellesley (1986) 25).

¹³⁴⁷ The homonymous son of Saturninus, L. Volusius Saturninus (cos. suff. 3 A.D.), was born in 38 B.C. (Tacitus, *Annals* XIII.30.2), and it follows that consul suffect of 12 B.C. must have been born in the 60's, hence he cannot have had the same mother as Cotta Maximus who was born in 14/13 B.C.

¹³⁴⁸ Afzelius rightly branded it improbable (201: usandsynligt).

¹³⁴⁹ AA 44, 73, 177-8, *stemma* XI (tentatively followed by Wardle (1994) 233).

¹³⁵⁰ By adoption and by blood if, as is often supposed, the mother of Cotta Maximus was another sister of the adoptive father of Cotta Maximus (see Groag, *PIR*² A 1485, 1488; Syme, AA 231, *stemma* IX and XI; *PIR*² V 143).

cousin once removed (*proprius sobrino*).¹³⁵¹

The conjectures of Groag, Afzelius, and Syme are, however, unnecessary for there is one explanation of Lollia's relationship to Cotta Maximus, and only one, which satisfies all the evidence. Vogel-Weidemann tentatively suggested that M. Lollius (cos. 21) married a daughter of Cotta Maximus' older paternal half-brother M. Valerius Messalla Messallinus (cos. 3 B.C.) who was more than 20 years senior to Cotta.¹³⁵² It will be noted that that hypothesis corresponds to Afzelius' scenario B. Afzelius mistakenly ruled this option out for he failed to allow for the possibility that M. Lollius (cos. 21) remarried late in life taking a youthful bride who was many years younger than himself, so that the bride's paternal uncle Cotta Maximus was not a contemporary of the great-grandfather of Lollia Paulina (as one might otherwise have legitimately assumed based on the label *patruus maior*). It will also be noted that if M. Lollius (cos. 21) married a daughter of Messalla Messallinus, then Cotta Maximus was the *patruus maior* of Lollia in the strict sense of the term and Tacitus need not be convicted of any error.¹³⁵³ The hypothesis is also chronologically feasible. M. Valerius Messalla Messallinus (cos. 3 B.C.) was born no later than 36 B.C.,¹³⁵⁴ and his son M. Valerius Messalla Messallinus (cos. 20 A.D.) was born by 14 B.C.,¹³⁵⁵ hence the older brother of Cotta Maximus was already a father in his early 20's, and there is no difficulty in believing that he had a daughter of marriageable age in the closing decade of the First Century B.C.¹³⁵⁶ It is axiomatic that the daughter of Messallinus

¹³⁵¹ On the term *proprius sobrino* and the usage of Tacitus see Moreau (1980) 241-3, (2007) 86.

¹³⁵² (1982) 289 n.560. Bowersock (1965) 24 had earlier suggested that Lollius "had probably taken a wife from the ... Valerii Messallae" without further explanation — prompting Szramkiewicz (1976) I.195, II.245, 274, 280 to posit that Lollius was the son-in-law of Messalla Corvinus, but that would have made Cotta Maximus the *avunculus magnus* of Lollia Paulina. In case the thought be entertained, it is not a viable alternative to suppose that M. Lollius (cos. 21) married an adoptive niece of Cotta Maximus (i.e. to substitute an Aurelia for Valeria) because the adoption of Cotta Maximus establishes that his adoptive father lacked other male heirs.

¹³⁵³ That is to say, if we adopt the formulation of Festus/Paulus (vide supra) Cotta Maximus was the paternal uncle (*patruus*) of Lollia's (paternal) grandmother (*avia*) Valeria, or, to use the language employed in the *Digest*, the brother (*frater*) of Lollia's paternal great-grandfather (*proavus*) Messalla Messallinus, and the paternal great-uncle (*patruus magnus*) of Lollia's father.

¹³⁵⁴ See Syme, AA 230; Tansey (2007) 888-9; Landrea (2011a) 568-9; and *PIR*² V 144).

¹³⁵⁵ Syme (1978) 117-8, AA 230.

¹³⁵⁶ Given the nature of the record, it counts for little that no daughter of Messallinus happens to be explicitly attested (unless it be the Vestal virgin Valeria honoured in Athens see *RE* no.393; *PIR*¹ V 154; *PIR*² V 231; Kajava (1990) 76 n.86; Rüpke, *Fasti sacerdotum* no.3364). The sister of Messallinus and Cotta Maximus (*RE* no.402; *PIR*¹ V 160; *PFOS* 773; *PIR*² V 240) is likewise only known through her descendants. Syme, AA 241, *stemma* IX posited another daughter who married into the Vipstani Galli (see *PFOS* 772 and *PIR*² V 689).

was not the first wife of M. Lollius.¹³⁵⁷ Rather, it would seem, that the aging consular, now immensely wealthy and confident in his status as a member of Augustus' inner circle, took a resplendent young bride commensurate with his new standing.¹³⁵⁸

There are two important consequences of Vogel-Weidemann's reconstruction. Firstly, it follows that the marriage cannot have lasted all that long since Lollius died in A.D. 2 while serving as *comes et rector* to the young C. Caesar (cos. 1 A.D.) in the Orient.¹³⁵⁹ Secondly, the timing of the marriage is further proof, if it were needed, that the father of Lollia Paulina did not hold the consulship in A.D. 13.¹³⁶⁰ If, however, the father of Lollia was ever consul,¹³⁶¹ it remains theoretically possible that he held that office late in the reign of Tiberius.¹³⁶² The timing of the marriage also fits with the age of Lollius' granddaughter. Lollia's date of birth is not recorded,¹³⁶³ but her marriage to P. Memmius Regulus was contracted in the early-to-mid 30's

¹³⁵⁷ It is probable that Valeria was preceded by one or more unrecorded wives who died or were discarded when a more advantageous match presented itself. The relationship of M. Lollius (cos. 21) to the young brothers addressed by Horace circa 20 B.C. (*Epistles* I.2, 18; *RE* Lollius Maximus no.19; *PIR*² L 317) is unclear. If they are taken for sons of the consul of 21 B.C. (a notion rejected by Groag, *RE* XIII.1387; Fluss, *RE* XIII.1389-90; Fraenkel (1957) 315; and Syme (1966) 59, (1978) 185 n.4, AA 177, 396), the timing presupposes that they were the product of an earlier match. But the *gentilicium* Lollius is not rare.

¹³⁵⁸ The reputation of Lollius took a hit as a consequence of the *clades Lolliana* in 17 B.C., but Augustus and Maecenas evidently retained full confidence in him (see Groag, *RE* XIII.1383f). Lollius also had pre-existing links with Messalla Messallinus. Both men were members of the same priestly college (the *XVviri sacris faciundis*) by 17 B.C. (Rüpke, *Fasti sacerdotum* nos.2279 and 3415), and Lollius may have fought alongside the father of Messallinus and Cotta Maximus at Philippi (see Tansey (2008) 174f).

¹³⁵⁹ Velleius, II.102.1; Pliny, *NH* IX.118; Solinus, LIII.29.

¹³⁶⁰ A consulship in A.D. 13 implies a date of birth no later than 20 B.C. Degrassi (1946) 36, (1952) 7 contemplated the possibility that the son of M. Lollius (cos. 21) was consul suffect in 13 A.D. (cf. Adams (1951) 240). But the *fasti Antiates minores* and a recently discovered fragment of the *fasti* of *Tusculum* (see Gorostidi Pi (2014) 265-75) disprove that conjecture.

¹³⁶¹ The consulship attributed to the son of M. Lollius (cos. 21) rests entirely on a disputed interpretation of Tacitus, *Annals* XII.1 see Furneaux (1907) II.63; Koestermann (1967) 110; and Syme (1958) II.748, (1966) 59, AA 177, (1991) 150-1.

¹³⁶² Groag, *RE* XIII.1387; Degrassi (1946) 36; and Syme, AA 177 maintained that Tiberius' hostility towards M. Lollius (cos. 21) would have debarred his son from holding the consulship during the principate of Tiberius, but that argument is not cogent. Tiberius nursed an inveterate grudge against C. Asinius Gallus (cos. 8), but two of Gallus' three consular sons were appointed during Tiberius' lifetime — namely C. Asinius Pollio (cos. 23) and M. Asinius Agrippa (cos. 25) — the third, Ser. Asinius Celer, was consul suffect in 38 A.D.

¹³⁶³ Based on a fragmentary entry in the *fasti* of the Arval brethren (*CIL* VI.32346), Hülsen, *CIL* vol. VI pars 4 fasc.2 p.3267 speculated that Lollia was born between the 6th and 12th of February in an unknown year, but Scheid (1998) 13e connects the fragment with Caligula's grandmother Antonia.

and was apparently her first,¹³⁶⁴ which is consistent with a date of birth around 20 A.D. — making Lollia about five years junior to Agrippina the Younger who was her main rival in A.D. 49 when Claudius decided to marry for a fourth time.¹³⁶⁵

Lollius' marriage to a Valeria of the patrician Messallae also helps account for Tacitus' portrayal of the extraordinary contest in A.D. 49. Tacitus states that the three contenders, Aelia Paetina, Iulia Agrippina, and Lollia Paulina, vied with another in nobility of birth, in beauty, and in wealth, and that all three esteemed themselves worthy of the exalted match with Claudius.¹³⁶⁶ Yet the ancestors of Paetina, the plebeian Aelii Paeti / Tiberones, had attained consular rank in the Fourth Century B.C. and Paetina was related to the patrician Aemilii Paulli and Cornelii Scipiones,¹³⁶⁷ as well as the patrician Sulpicii Rufi, Postumii Albini, and the consular Cassii Longini,¹³⁶⁸ while Agrippina was descended from the patrician Iulii,¹³⁶⁹ and Claudii (both the Pulchri and Neroni), the Livii Drusi, and the consular Antonii, whereas all the known forebears of Lollia Paulina belonged to plebeian families that were elevated to the consulship in the Triumviral epoch or later.¹³⁷⁰ Unless therefore the paternal grandmother of Lollia was a woman of illustrious birth the premise that Lollia was equal in rank to her two rivals seems utterly

¹³⁶⁴ Lollia had no children (Tacitus, *Ann.* XII.1; cf. Dio, LIX.23.7) and so was not the mother of Memmius' son C. Memmius Regulus (*RE* no.28; *PIR*² M 467). Regulus' son by his unknown first wife (*PFOS* I.683 no.895) was still a boy when he accompanied his father to his province (see Groag, *RE* XV.625, 631) and was later consul in A.D. 63 which indicates that he was born in or shortly before A.D. 30 and establishes a *terminus post quem* for Memmius' second marriage. Conversely, Lollia had also evidently accompanied Regulus to his province for she and her husband were summoned to Rome in A.D. 38 (Suet., *Cal.* XXV) and it follows that they were married before his departure in 35 A.D. (on the untenable notion of Brassloff and Oliver that Memmius and Lollia were married in Athens according to Attic rites see Groag, *RE* XV.633; Jones (1998) 402-3; and Schmalz (2009) 195-6).

¹³⁶⁵ Agrippina was born on the 6th of November probably in A.D. 15 (see Barrett (1996) 230-1).

¹³⁶⁶ *Annals* XII.1: nec minore ambitu feminae exarserant: suam quaeque nobilitatem formam opes contendere ac digna tanto matrimonio ostentare. Cf. Claudius' reference to Lollia's illustrious birth in *Annals* XII.22.2 (*claritudo generis*) and Dio, LXI.32.4 where Lollia is numbered among the foremost women in Rome (τῶν ἐπιφανῶν γυναικῶν).

¹³⁶⁷ Through the marriage of Q. Aelius Tubero (*RE* no.154) to Aemilia (*RE* no.151) the sister of Scipio Aemilianus.

¹³⁶⁸ The paternal grandmother of Paetina, Sulpicia (*RE* no.111), was the daughter of Ser. Sulpicius Rufus (cos. 51) and Postumia, and her paternal aunt was the wife of L. Cassius Longinus (cos. suff. 11 A.D.).

¹³⁶⁹ Via her maternal great-great-great-grandmother (i.e. Augustus' maternal grandmother Iulia), and her paternal great-great-grandmother (i.e. Iulia the wife of M. Antonius Creticus).

¹³⁷⁰ Namely, her paternal grandfather M. Lollius (cos. 21 B.C.), her maternal grandfather L. Volusius Saturninus (cos. suff. 12), her maternal grandmother Nonia Polla who very probably belonged to the Nonii Asprenates whose first consul was L. Nonius Asprenas (cos. suff. 36 B.C.).

fanciful.¹³⁷¹

Lastly, there is one other possible clue to Lollia's ancestry which tends to be overlooked. Although the nomenclature of M. Lollius (cos. 21) is well-documented, no source equips him with a cognomen.¹³⁷² His granddaughter, however, bore the *cognomen* Paulina, and the *cognomen* Paul(l)inus also features in the nomenclature of his presumed great-great-grandson M. Lollius Paullinus D. Valerius Asiaticus Saturninus (cos. 93, 125 A.D.).¹³⁷³ At a later time the *cognomina* Paul(l)ina and Paul(l)inus are so common as to barely rate a mention, but in the high aristocracy of the early Principate they are far less commonplace and Lollia's *cognomen* consequently merits investigation. Kavanagh suggested that Lollia's *cognomen* derives from the epithet Polla borne by her maternal grandmother Nonia Polla.¹³⁷⁴ Yet the epithet Pol(l)a / Paul(l)a was arguably too common and indistinctive to serve as an effective onomastic reminder of Lollia's grandmother Nonia,¹³⁷⁵ and the true comparanda are the female *cognomina* of the early Principate ending in the suffix -ina,¹³⁷⁶ like the *cognomen* borne by Lollia's sister (or niece) Lollia Saturnina,¹³⁷⁷ and her rivals Agrippina and Paetina, all of which were inherited *cognomina*. The *cognomen* of Lollia Saturnina was bequeathed to her by the Volusii

¹³⁷¹ Groag, *RE* XIII.1378 saw that it was Lollia's link with Cotta Maximus that makes the passage intelligible (begreiflich).

¹³⁷² To the sources enumerated in *RE* and *PIR* add *IG* II² 4140 and the recently discovered inscription from Sagalassos (*SEG* 58 (2008) 1562) which explains Lollia's alleged connection with the temple of Apollo Clarios (Tacitus, *Ann.* XII.22).

¹³⁷³ On the latter see Groag, *RE* XIII.1392, 1395 nos.23 and 31; Weynand, *RE* VII.A.2346 no.108; Dessau, *PIR*¹ L 233; Petersen, *PIR*² L 320; Salomies (1992) 34-5, 44, 56-7, 58-9, 61; Kavanagh (2001) 229-32; and J. Heinrichs, *PIR*² V 44, 45. The literary sources spell the *cognomen* of Lollia with one 'l' (see Suetonius, *Caligula* XXV.2, *Claudius* XXVI.2; Tacitus, *Annals* XII.1, XIV.12.6; Pliny, *NH* IX.117; Solinus, LIII.29; Dio, LIX.12.1, 23.7, LXI.32.4 = Xiphilinus, 144.7-16). The epigraphic sources on the consul of 93, 125 vary between Paulinus and Paullinus (see *CIL* XIV.4240: [Paul]lino; *CIL* XVI.38: Paullino ... Paulino; *AE* (2004) 1920: Paullino. *CIL* XIV.363 and XIV.4148: Paulinus — perhaps pertain to a son of the consul).

¹³⁷⁴ (2001) 229. Weynand, *RE* VII.A.2346 inferred from the *cognomen* Paulinus that the consul of 93, 125 A.D. was related to the Valerii Paulini of Forum Iulii (on whom see now Christol (2012) 327-36; and *PIR*² V 163-166), but he overlooked the fact that the *cognomen* was already established in the family in the lifetime of Lollia Paulina.

¹³⁷⁵ Kajava (1994) 50-9, 176-81 cites numerous instances of the names Pol(l)a and Paul(l)a including a Lollia M. f. (*IG* II² 10156) and several Valeriae — none of whom were related to Lollia Paulina (see *RE* nos.394, 395, 406, cf. *PIR*¹ V 164; *PIR*² V 244; and Gregori (2016) 109-20).

¹³⁷⁶ See Doer (1937) 211; Leumann (1959) 78f; and Kajanto (1965) 113-4.

¹³⁷⁷ *RE* no.31; *PIR*² L 329; *PFOS* no.506. Kavanagh redraws the traditional *stemma* making Lollia Saturnina the niece, rather than the sister of Lollia Paulina.

Saturnini,¹³⁷⁸ while the *cognomina* of Agrippina and Paetina were diminutives formed from *cognomina* already well-established in the family.¹³⁷⁹ Hence in theory Lollia's *cognomen* ought to be a familial inheritance harking back to a Paul(l)inus, Paul(l)ina, or Paullus among her immediate forebears. One obvious possibility is that the unknown wife of Lollia's great-grandfather M. Valerius Messalla Messallinus (cos. 3 B.C.) bore the name Paul(l)ina, but the only families of repute that used the names Paullina or Paullus at the appropriate juncture were the patrician Aemilii Lepidi and Fabii Maximi,¹³⁸⁰ and neither the Aemilii nor the Fabii had any spare daughters available at the time.¹³⁸¹ Perhaps therefore the wife of M. Lollius (cos. 21) was known as Valeria Paul(l)ina,¹³⁸² or it could be that the *cognomen* originated with Lollia or her little known father because they were short of stature, and that it bears no relevance to their ancestry after all.

Nor is anything known for certain about the background of M. Lollius (cos. 21) beyond

¹³⁷⁸ Other examples are Marcia Censorina (Eilers (2002) 195 C 9), the wife of L. Sempronius Atratinus (cos. suff. 34), and his daughter Sempronia Atratina (PIR² S 375). In the case of Lollia Saturnina the *cognomen* passed through intermarriage from the Volusii to the Lollii and comparable instances of this phenomenon are the Statiliae Messallinae (PIR² S 865, 866), the great-granddaughters of Messalla Corvinus, and Iunia Calvina (RE no.198; PIR² I 856; PFOS 469) the daughter of M. Iunius Silanus (cos. 19 A.D.) and great-great-granddaughter of Cn. Domitius Calvinus (cos. 53, 40).

¹³⁷⁹ That is, the *cognomina* Agrippa and Paetus. The *cognomina* of Munatia Plancina (PIR² M 737); (Cornelia) Dolabellina (PIR² C 1487); Livia Ocellina (PIR² L 305); and Claudius' third wife Valeria Messallina (PIR¹ V 161; PIR² V 241) belong in the same category.

¹³⁸⁰ Observe: Paullus Aemilius Lepidus (cos. suff. 34 B.C.) and his son L. Aemilius Paullus (cos. 1 A.D.), and Fabia Paullina (PIR² F 80), the daughter of Q. Fabius Maximus (cos. 45 B.C.), wife of M. Titius (cos. suff. 31 B.C.), and sister of Paullus Fabius Maximus (cos. 11 B.C.) and Africanus Fabius Maximus (cos. 10 B.C.).

¹³⁸¹ The only daughter of Paullus Lepidus and Cornelia (RE Lepida no.8; PIR¹ L 95; PIR² A 417) married a Servilius and was called Lepida not Paulla (see CIL VI.4694 which Münzer wrongly attributed to a daughter of the Triumvir Lepidus), while the only daughter of L. Paullus (cos. 1) and Iulia (PIR² A 419) was likewise called Lepida and married M. Iunius Silanus (cos. 19 A.D.). And a hypothetical daughter born of Paullus Lepidus' marriage to Claudia Marcella, circa 11 B.C. would not have been nubile soon enough to be the mother of Lollia's great-grandmother Valeria. Nor can Messallinus have married a Fabia Paullina since a putative sister of the consuls of 11 and 10 B.C., necessarily born prior to the death of their father in December 45 B.C., would have been too old for him, and a putative daughter of Paullus Fabius Maximus would have been too young since Messallinus was already married / a father by 14 B.C., which puts the birth of his wife no later than circa 29 B.C. when Paullus Fabius Maximus was only around 17 years of age.

¹³⁸² The only Valeria Paullina of note on record (RE no.405; PIR¹ V 162; PFOS 775; PIR² V 242) belongs to a later epoch and was undoubtedly related to C. Valerius Paullinus (cos. suff. 107 A.D.).

the fact that he was the son and grandson of a Marcus Lollius,¹³⁸³ and although Lollius need not have been a complete *arriviste*,¹³⁸⁴ his marriage to a Valeria of the patrician Messallae was an acknowledgment of his acceptance in the highest circles of Roman society and marked the zenith of his rise to fame and fortune.¹³⁸⁵ It is a pity that the identity of Valeria's predecessor (or predecessors) is a mystery for her name might have offered some insight into the early career and allegiances of the future consul of 21 B.C.

The only known issue of the marriage is the homonymous son of M. Lollius (cos. 21). The βουλή and δῆμος of Athens honoured Lollius on his way to the Orient in 2/1 B.C.,¹³⁸⁶ but the *gentilicium* is not uncommon and there is no reason to think that the consular was closely related to the Polla Lollia M. f. and M. Lollius M. f. who were buried in Athens at an indeterminate date.¹³⁸⁷

¹³⁸³ According to the inscription on the Pons Fabricius (*CIL* VI.31594 = *ILS* 5892 = *ILLRP* 379) Lollius was M. f. (Lollius' filiation is restored in the index to Dio, book LIV) and the newly discovered *fasti* of Alba Fucens shows that Lollius was M. n. (see *AE* (2012) 437; Letta (2012-2013) 332).

¹³⁸⁴ Groag, *RE* XIII.1378 conjectured that his grandfather was perhaps the censor M. Lollius recorded at Ferentinum in Latium in the Sullan epoch (*RE* no.8; *CIL* I² 1522-5 = *ILS* 5342-5 = *ILLRP* 584-6; cf. *Suppl. Ital.* 1 (1981) 31-2) which is consistent with the evidence of the *fasti Albenses*. For the little that is known about the background of Lollius see Syme (1964) 118 = (1991) 596, but note also the senator [Μ]άρκος Λόλλιος Κοίντου Μενηνία named in the *senatus consultum de agro Pergameno* (see Badian (1963) 136; Wiseman, *NMRS* 237 no.230; and Di Stefano (1998) 747-8). There were also Lollii of equestrian rank in the late Republic (see *RE* no.2 = Hinard, *Proscriptions* 367-8 no.40, and *RE* nos.9, 13, 14 = Nicolet, *OE* II.924-5 nos.201-3; Hesnard (1998) 307-10). On the M. Lollii attested in Campania and on Delos in the Second Century B.C. see Müller and Hasenohr (2002) 14, 15 and Ferrary, Hasenohr, Le Dinahet, and Boussac (2002) 200.

¹³⁸⁵ In the same way, and around the same time, the elderly *novus homo* from Lanuvium P. Sulpicius Quirinius (cos. 12 B.C.) set the seal on his ascension with a late marriage to an Aemilia Lepida originally destined for L. Caesar (*PIR*² A 420; *PFOS* no.28).

¹³⁸⁶ See *IG* II² 4139, 4140; and Romer (1978) 201-2; Hurlet (1997) 134 n.271; and Schmalz (2009) 101.

¹³⁸⁷ *IG* II² 10156 = Traill (2002) 157-8 no.608655 and Traill (2005) 260 *777030: Πόλλα Λολλία Μάρκου / Μάρκος Λόλλιος Μάρκου Ῥωμαῖος. The suggested dates for the epitaph vary markedly. Kajava (1994) 56, 103 assigns the inscription to the Second / First Century B.C. whereas Osborne and Byrne (1996) 269 nos.6322-3, 6327 and Follet (2002) 81 date it to the 'imperial epoch.' See also Bodnar (1960) 182-3.

Conclusion

The ancient historian is often compelled by the quality of the sources to resort to inferences and supposition, but we must not become complacent about the dangers posed by the uncritical acceptance of received dogma. My fundamental objective in compiling a comprehensive prosopographical corpus of marriage for the Roman Republican elite, of which the preceding studies are a small selection, has been to set out the evidence as clearly as possible and so distinguish fact from conjecture. I hope also to have shown, however, that the individual marriages are historically revealing on a number of levels; for they have much to tell us about the families involved, about the history of their times, and about the Roman elite in general.

Historiography, like most everything else, is responsive to current tastes and trends, and in recent decades the debate about the “political culture” of the Roman Republic has, with some notable exceptions, tended to impugn the validity of prosopography and marginalize the contribution that it has made to our understanding of Roman history. But as Moses Finley observed long ago, political events and institutions cannot be properly understood except in the context of the social structures that created them, and the networks of interrelationships which they reflect,¹³⁸⁸ and it is precisely in the description of these structures and networks that prosopography excels. In Chapter I, I sought to redress the balance by restoring *adfinitas* and heredity to their rightful place as crucial formative influences in the daily lives and worldview of the Roman elite.

The marriage of Ti. Sempronius Gracchus (cos. 177, 163, cens. 169) to the younger daughter of Scipio Africanus is one of the best-attested marriages of the Republican epoch and the surviving sources, which are coloured by the mythology surrounding Cornelia’s father and by pro- and anti-Gracchan propaganda, allow us to observe the process of myth-making in action. According to a persistent legend, the marriage paradoxically grew out of the *inimicitia* between Scipio Africanus and Ti. Gracchus, but Polybius, who must have known Cornelia, stated that the marriage was arranged by the relatives of Cornelia after the death of her father. That much is generally agreed among modern scholars, but the date of the marriage has nevertheless been much debated. I have argued in Chapter II that the marriage cannot have taken place earlier than circa 170 B.C., if Plutarch is correct in stating that all of Cornelia’s twelve children by Ti. Gracchus were alive at the time of their father’s death, otherwise the marriage may be dated some years earlier — perhaps in 178/177 B.C. Either

¹³⁸⁸ Finley (1974) ix.

way, the chronology belies the fable that the marriage was arranged by Scipio Africanus, and the timing of the match (after the death of Africanus and the eclipse of Scipio Asiaticus), must affect our assessment of Gracchus' motives in marrying Cornelia. The attempt to strip away the idealized portrait of Cornelia fostered by her son Caius and later pro-Gracchan sources, as well as the hostile 'optimates' tradition, in order to reveal the historical Cornelia is a more difficult task. All the same, the positive and hostile traditions agreed that Cornelia was devoted to her children and that she gave her two surviving sons, via their education and upbringing, the tools and the drive, to live up to their extraordinary paternal and maternal heritage. The crucial point of difference was on whether Cornelia's influence upon her sons was construed as beneficial or malign, and on whether she exceeded the normal bounds of propriety for a Roman matron by actively intervening in the careers of her two ill-fated sons.

The conflict in the ancient sources concerning the identity of the wife of Cornelia's younger son has never been satisfactorily explained. Caius Sempronius Gracchus unquestionably married a daughter of P. Licinius Crassus Mucianus (cos. 131), one of the most influential advisors of Caius' older brother Tiberius. Some authorities, however, mistakenly and paradoxically maintained that Caius was the son-in-law of D. Iunius Brutus Callaecus (cos. 138), who, acting in concert with L. Opimius (cos. 121), was instrumental in the death of Caius. In Chapter III it was argued that Münzer's convoluted explanation of the discrepancy must be abandoned, and I offered a new solution in its place: the mistaken view arose from a misunderstanding of an ambiguously worded Latin source that identified Callaecus as the father-in-law of Opimius. Few would deny that Callaecus, the arch-conservative consular colleague of P. Scipio Nasica Serapio (cos. 138), the murderer of Caius' brother Tiberius, and L. Opimius (cos. 121) make eminently plausible *adfines*. I also sought to show that Münzer's date for the marriage of C. Gracchus and Licinia, which has an important bearing on its political significance, is very insecure, and investigated the disputed progeny of Caius and Licinia.

Münzer was inexplicably vague about the ancestry of Cornelia, the Scipionic wife of M. Livius Drusus (cos. 112, cens. 109), and the most recent and detailed treatment of Cornelia comes to no firm conclusion.¹³⁸⁹ In Chapter IV I demonstrated that a neglected postscript to the death of Ti. Gracchus in the chronicle of John of Antioch establishes that P. Scipio Nasica Serapio (cos. 138) was the father of an unmarried daughter when he departed Rome in 132 B.C. This neglected evidence appears to hold the key to Cornelia's Scipionic background, and the hypothesis that the nubile daughter of Serapio is identical with the wife of Livius Drusus, puts Drusus' opposition to C. Gracchus in an altogether different light.

¹³⁸⁹ Etcheto (2012).

In Chapter V I argued that Velleius' statement that Pompey's mother was a Lucilia of senatorial stock must be preferred to the garbled testimony of the Horatian scholia, and that the now dominant genealogical reconstruction of West is an ingenious, but misguided attempt to harmonize two fundamentally irreconcilable traditions. Pompey's relationship to the satirist C. Lucilius is more difficult to determine, but it seems most likely that the poet was the paternal uncle (*patruus*) of Lucilia, and the paternal great-uncle (*patruus magnus*) of Pompey. The marriage of Cn. Pompeius Strabo (cos. 89) and Lucilia is also a salutary reminder of the often unspoken influence of intermarriage in the elite for C. Lucilius Hirrus was a consistent supporter of Pompey,¹³⁹⁰ and was evidently related to Magnus through the general's mother,¹³⁹¹ but the relationship is only obliquely attested in the surviving sources.¹³⁹²

Chapter VI investigates the identity of the Q. Scaevola honoured along with his wife Caelia by the Ephesians. Although the honorific inscription was first discovered in 1895, it was unknown to Münzer, was unpublished until 1980, and did not receive detailed consideration until 1995. I ventured to prove that recent epigraphic discoveries in Turkey, combined with a thorough reassessment of Münzer's *stemma* of the Mucii Scaevolae, reinforce the verdict of Eilers and Milner that the honorand is none other than Q. Mucius Scaevola the Pontifex. The inquiry also led to the conclusion that all the scions of the Scaevolae attested in the later First Century B.C. were descendants of the Pontifex and not of Q. Mucius Scaevola the Augur as is generally supposed.

The wife of Q. Scaevola the Pontifex is also relevant to the much-debated relationship of the Mucii Scaevolae, Caecilii Metelli, and Claudii Pulchri discussed in Chapter VII. The first serious attempt to explain the baffling familial nexus was essayed by the humanist scholar Paulus Manutius (1512–1574) who authored the reconstruction now generally credited to Drumann. His explanation held the field until it was challenged by Wiseman in 1971. Wiseman's thesis in turn encountered opposition from Shackleton Bailey (1977), while Hillard, Taverne, and Zawawi posited a radically new solution in the 1980's, and there matters have rested in a state of *aporia* ever since. A wholesale re-examination of this abiding problem showed that all the hypotheses advanced in recent times are untenable, and that the most likely solutions are: that Q. Metellus Nepos (cos. 98) and Ap. Pulcher (cos. 79) married two sisters, and that the wife of Nepos subsequently married Q. Scaevola (cos. 95); or that Ap. Pulcher married the sister of Metellus Nepos and Nepos' wife later married Q. Scaevola. The incidental discovery that the terms *frater* and *soror*, as applied to cousins, were not as

¹³⁹⁰ See Münzer, *RE* XIII.1643-4.

¹³⁹¹ Hirrus himself was married to the daughter of the *eques* L. Cossinius (Varro, *De re rustica* II.1.2).

¹³⁹² Asconius, 35.22 with 51.7 C: propinquus.

narrowly restricted as previously thought, is a lexical revelation that has wider implications for the interpretation of other family relationships within the elite.

In Chapter VIII I argued against the *communis opinio* that the young C. Iulius Caesar (cos. 59) was merely betrothed to Cossutia and that Caesar's abortive appointment as *flamen Dialis* was the cause of their separation. The evidence points instead to the conclusion that Caesar was married to, and divorced Cossutia when a more illustrious option presented itself in the form of a match with the daughter of L. Cornelius Cinna (cos. 87–84), who was then the master of Rome. As the civil war was still in progress, the decision was a high-stakes political gambit which did not ultimately succeed for Cinna was killed soon after, and his allies were defeated by Sulla. The cold and calculating treatment of Cossutia is a notable contrast to Caesar's steadfast loyalty to Cornelia after Sulla's victory when the match was no longer politically advantageous. At the time that he repudiated Cossutia and married Cornelia, Caesar was *sui iuris* due to the premature death of his father, and it is regrettable that we do not know whether Caesar's mother Aurelia and aunt Iulia were responsible for this move, or whether Caesar himself was behind it, and was already showing signs of the pathological risk-taker in his teens.

The first civil war also had a formative influence on another young patrician: L. Sergius Catilina. We know that Catiline was married at least twice, but the *Commenta Bernensia* is the only source to identify the wife of his youth. The Berne scholiast states that Catiline married a sister of M. Marius Gratidianus, and that he is alleged to have later murdered his brother-in-law during the proscriptions. Marshall rejected the evidence of the scholiast, arguing that Catiline was neither the brother-in-law of Gratidianus, nor responsible for his death. A comprehensive reappraisal of the evidence in Chapter IX suggests that the testimony of the *Commenta Bernensia* cannot be lightly repudiated, and that Catiline was involved in the murder of Gratidianus, and may nonetheless have been his brother-in-law as the civil war demonstrably caused rifts in other families.

In Chapter X I show that the use of the term *θεῖος* in Attic kinship terminology confirms Münzer's deduction that Q. Servilius Caepio, the maternal uncle and adoptive father of the tyrannicide M. Iunius Brutus, married the daughter of Q. Hortensius (cos. 69). In addition, it is argued that Münzer was correct in identifying the adoptive father of the assassin with Servilius Caepio, the beloved older maternal half-brother of M. Porcius Cato (Uticensis), who died at Aenus in Thrace circa 67 B.C., and that the counterarguments advanced by Gelzer, Cichorius, and Geiger are not cogent.

On four separate occasions Plutarch calls Servilia, the second wife of L. Licinius Lucullus (cos. 74), the sister (ἀδελφή) of M. Porcius Cato, which implies that she was also

the sister of her more famous namesake (the mother of M. Iunius Brutus), but Plutarch's assertion conflicts with the evidence of Cicero. In Chapter XI I examined the complicated modern debate concerning Servilia's true place in the stemma of the Servilii Caepiones, and endeavoured to prove that Plutarch was mistaken, and that the second wife of Lucullus was none other than the daughter of Q. Caepio and Hortensia, i.e. Cato's niece (ἀδελφιδῆ) not his sister. It follows that the second wife of Lucullus was the niece of Q. Hortensius, and the first cousin (and adoptive sister) of M. Brutus, and it may be that these familial links go some way to explaining why the former Caesarian, Q. Hortensius, rapidly aligned himself with the conspirator M. Brutus in 43 B.C.

Chapter XII documents the first of M. Porcius Cato's two marriages to the daughter of L. Marcius Philippus (cos. 56). Due to the extraordinary manner in which it was dissolved, Cato's marriage to Marcia became a pivotal episode in the bitter posthumous battle over Cato's disputed legacy. In Chapter XII I strove to cut through the pro- and anti-Catonian propaganda to put the marriage in its proper historical and social context, and explain Cato's conduct in yielding Marcia to Q. Hortensius (cos. 69). Cato was not motivated by greed, as Caesar spitefully alleged, nor did he stand to derive any appreciable political benefit from the arrangement, and as there is no credible evidence that wife-swapping was ever practised in Rome, Cato's willingness to 'lend' Marcia to Hortensius was apparently driven by his fundamentalist approach to Stoic doctrine. The neglected evidence of the Byzantine chroniclers John the Lydian and John Camaterus was also introduced to prove that it was the wife of Cato, and not the homonymous maternal grandmother of Caesar, who was struck by lightning when pregnant.

In Chapter XIII I set out to clarify the identity of the Aemilius Lepidus who was the first of the *interreges* appointed in January 52 B.C. and the husband of the *casta* Cornelia. A review of the three competing explanations of the crux led to the conclusion that the manuscripts of Asconius are defective and that the *interrex* was M'. Aemilius Lepidus (cos. 66) and not the future Triumvir M. Aemilius Lepidus (cos. 46, 42) — which is a welcome addition to our knowledge of the little-known consular. It is likely that Cornelia belonged to the patrician gens, but unfortunately her background cannot be determined, so the *adfinēs* of her husband and the maternal heritage of her presumed son, Q. Aemilius Lepidus (cos. 21), remain a mystery. The identification of the *interrex* with Manius Lepidus (cos. 66) also means that Iunia (the maternal half-sister of the tyrannicide M. Brutus), is the only identifiable spouse of M. Aemilius Lepidus (cos. 46, 42), which makes M. Lepidus the only member of the Triumvirate who married just the once.

The rediscovery of the Nolan epitaph of *Porcia C. Catonis f.* (CIL X.181*) represents

a rare recent addition to our knowledge of marriages within the Republican nobility. In Chapter XIV I discussed Camodeca's hypothesis that Porcia's husband was an otherwise unknown decurion of the Sullan colony of Nola belonging to the *gens Tullia*. As Camodeca overlooked the possibility that the gamonymic *Tulli* may refer to the *cognomen* Tullus, rather than the *gentilicium* Tullius, and since a decurion of Nola seems something of a mismatch for a *mulier nobilis*, I raised the possibility that the husband of Porcia may have belonged to the senatorial Volcacia Tulli.

Münzer marshalled an assortment of epigraphic, onomastic, and literary evidence in an effort to prove that Iunia D. Silani f., the wife of P. Servilius Isauricus (cos. 48, 41), was the missing third daughter of D. Iunius Silanus (cos. 62) and Cato's half-sister Servilia. He then set about demonstrating that this relationship (which made Isauricus simultaneously the brother-in-law of M. Brutus, C. Cassius, and M. Lepidus) could account for the remarkable political shifts in the career of Isauricus. Harders, however, rejected Münzer's analysis as an unfounded "Faktionentheorie" and identified Iunia as the daughter of the little-known *monetalis* D. Iunius L. f. Silanus. In Chapter XV Harders' critique of Münzer's case was found to be seriously wanting, while her own identification was shown to lack corroboration of any kind.

The identity of the first two husbands of Scribonia Caesaris is a long-standing prosopographical puzzle which has exercised the ingenuity of scholars since the early Nineteenth Century. In Chapters XVI and XVII I undertook a comprehensive re-evaluation of the evidence and doxography. The most recent attempts to resolve the conundrum differ in points of detail, but they all share the view that the first husband of Scribonia is unidentifiable, and that the second was a Lentulus Marcellinus who attained consular rank after the fall of the Republic. Having re-examined the evidence and the underlying assumptions, I proposed a novel alternative: namely that Scribonia first married Cn. Cornelius Lentulus Marcellinus (cos. 56), and subsequently either Q. Caecilius Metellus Pius Scipio (cos. 52), or the mysterious Scipio Salvitto. If either of the latter conjectures is correct, then the enigmatic Scipionic husband of Scribonia has been hiding in plain sight all along, and both hypotheses have interesting implications for the allegiances of the Scribonii Libones in the late 50's and early 40's B.C.

Women played a conspicuous and influential role in the life of M. Antonius (cos. 44) from his youth up until his death at Alexandria in 30 B.C. Chapter XVIII discussed the earliest and least well-attested of Antony's partners and argued that Fadia was his first mistress, not his first wife. Cicero's exposure of Antony's youthful relationship with the daughter of a freedman accordingly constitutes rare literary evidence for an extra-marital

liaison between a free, but low-born woman and a member of the Roman nobility. As Fadia bore Antony a number of children, the relationship also offers a rare glimpse into the phenomenon of illegitimacy in the Roman aristocracy.

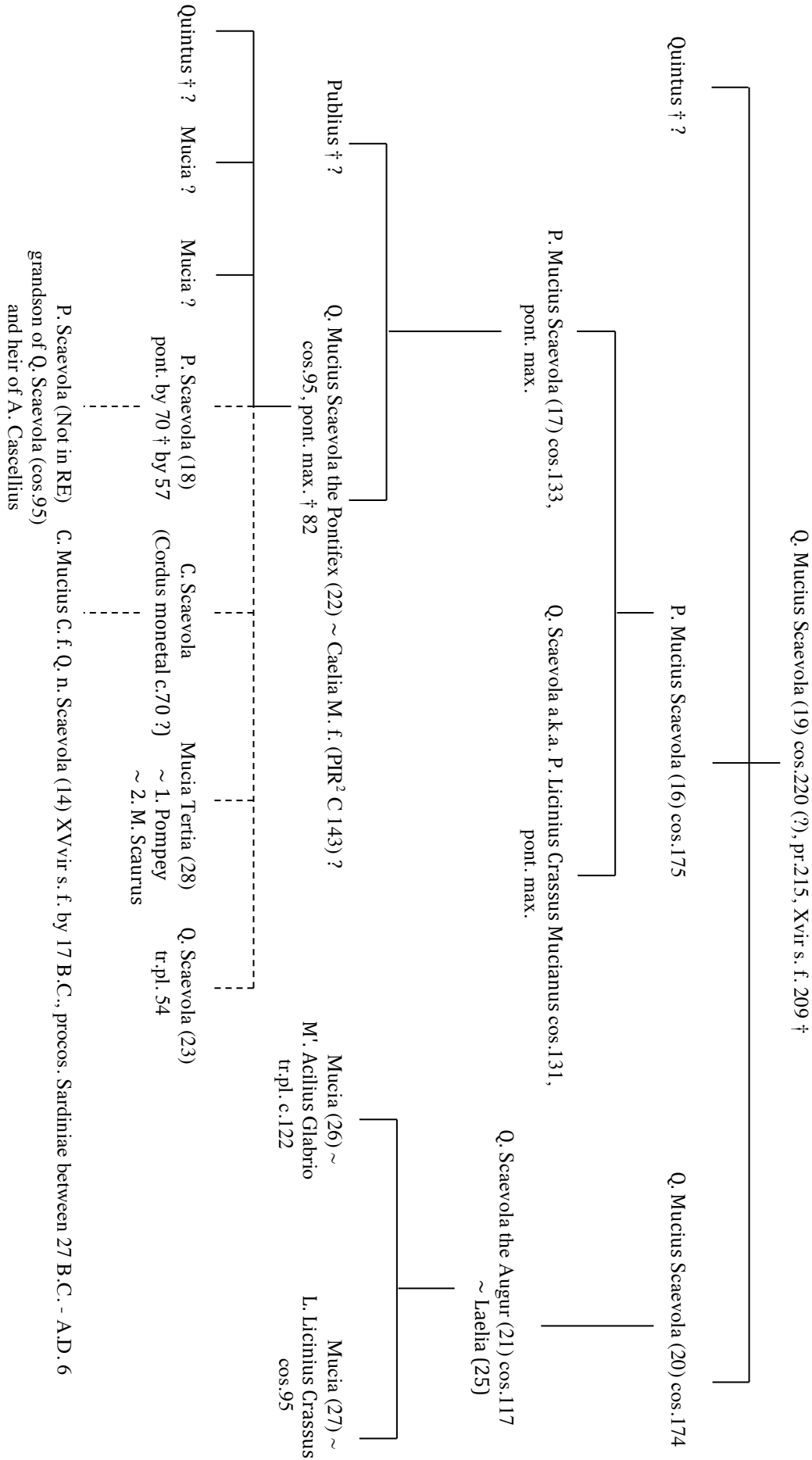
The penultimate Chapter (XIX) addressed a series of modern misapprehensions relating to the last of the Corneli Cinnæ. Firstly, it was argued that L. Cornelius Cinna, the praetor of 44 B.C. and one-time brother-in-law of Caesar, must be reinstated as the second husband of Pompey's only daughter, Pompeia, and that in all probability Sumner's rival candidate, L. Cornelius the consul suffect of 32 B.C., did not even belong to the Cinnæ. Secondly, the conviction that Seneca confused L. Cinna with his son, Cn. Cornelius Cinna Magnus (cos. A.D. 5), was shown to be erroneous. Seneca clearly intimates that the praetor of 44 B.C. fought against Octavian and perished in the *Bellum Siculum*. Once these misapprehensions are cleared away the praetor of 44 B.C. re-emerges into the light of history, and it appears highly likely that L. Cinna's marriage to Pompeia, in late 45 or early 44 B.C., was a stimulus to his surprising, and intensely unpopular, decision to denounce his former brother-in-law and benefactor and praise his assassins in March 44 B.C. The common assertion that Seneca conflated Pompeia with Caesar's daughter Iulia was also shown to be baseless. Seneca's testimony establishes that Pompeia died just prior to the collapse of the Treaty of Misenum and that her infant son, Cinna Magnus, was captured and spared by Octavian a few years later when the boy's maternal uncle, Sex. Pompeius Magnus, was driven out of Sicily. But having been literally born in the enemy camp, Cinna Magnus was a prisoner of his heritage, and the grandson of Pompey later conspired against the dictator's heir, who nonetheless pardoned him for a second time. The marriage of L. Cinna and Pompeia is evidence therefore of the remarkable instability of Roman politics in the 40's and the shifting allegiances of moderate Caesarians.

Two of the greatest prosopographers, Groag and Syme, were baffled by the connection between the influential Augustan *novus homo* M. Lollius (cos. 21) and the unctuous friend of Tiberius, M. Aurelius Cotta Maximus (cos. 20 A.D.). In Chapter XX it was demonstrated that Lollius must have married a niece of Cotta Maximus, i.e. a daughter of M. Valerius Messalla Messallinus (cos. 3 B.C.), when he was at the height of his success and shortly before his sudden downfall.

Some 170 years, and the fall of the Republic, separate the marriages of Ti. Gracchus (cos. 177, 163) and M. Lollius (cos. 21), but the institution of marriage was one relative constant in the often turbulent period of transition from Republic to empire, and it is my hope that the foregoing case-studies of marriage in the Roman elite (excerpted from my complete

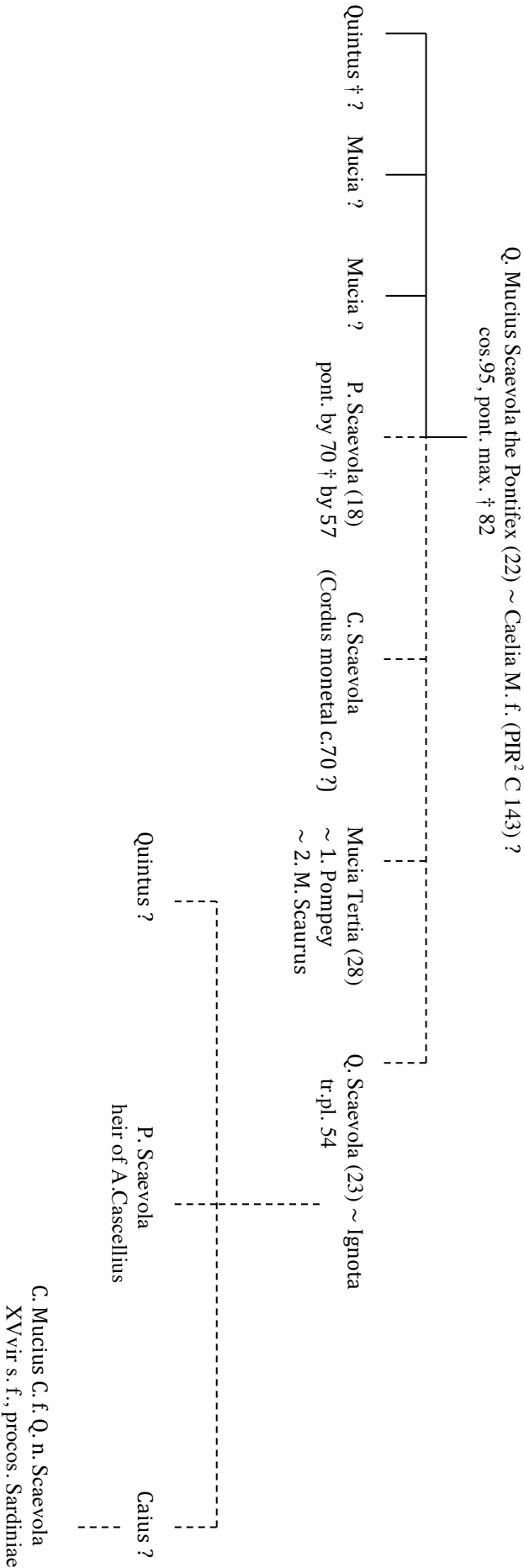
corpus) have demonstrated that prosopography remains an indispensable tool in the ongoing effort to reconstruct the social and political history of the Roman Republic.

Stemma I: The Mucii Scaevolae



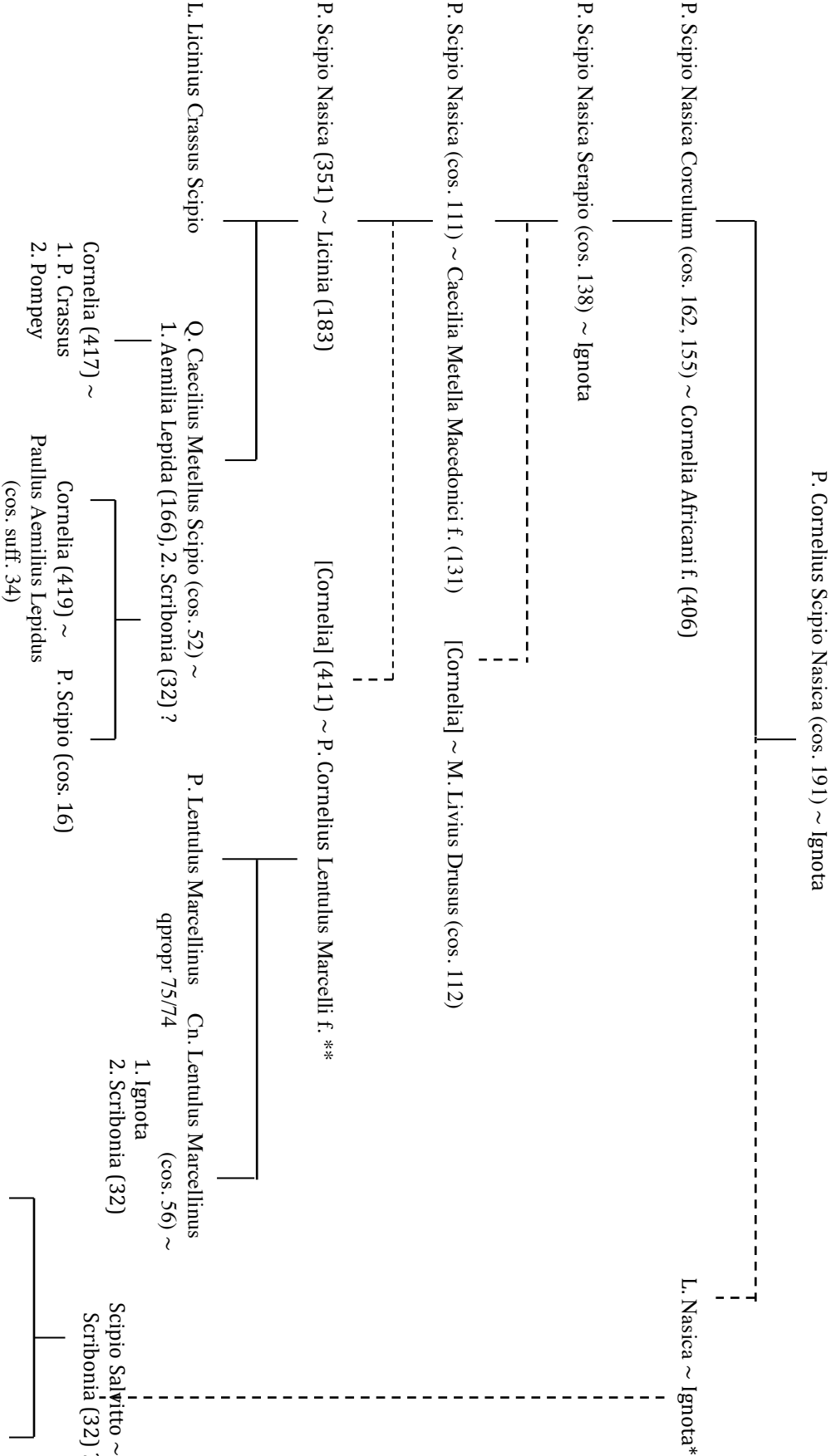
* Broken lines indicate relationships which are not directly attested
* See over for an alternative reconstruction of the parentage of P. Scaevola, the heir of Cascellius, and C. Mucius Scaevola (14)

The parentage of P. Scaevola, the heir of Cascellius, and C. Mucius Scaevola (14): An alternative scenario



* Broken lines indicate relationships which are not directly attested

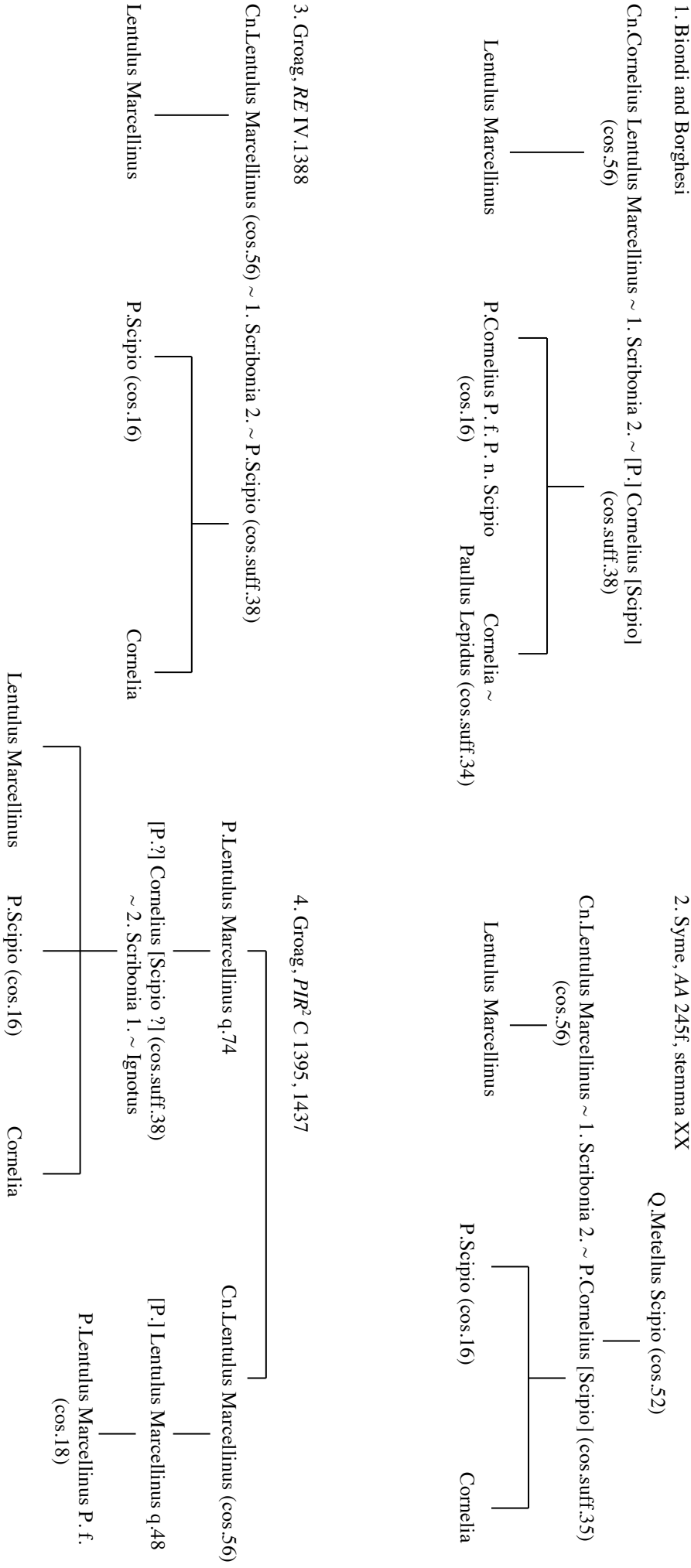
Stemma II: The Corneli Scipiones Nasicae



Broken lines signify relationships that are conjectural

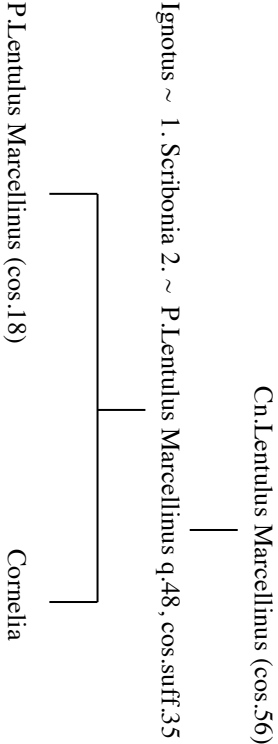
* L. [Porcius] Nasica (Cicero, De oratore II.260) was not certainly a Scipio Nasica ** P. Scipio Nasica Serapio (cos. 138) and P. Scipio Nasica (cos. 191) were the proavus and abavus of Cn. Lentulus Marcellinus (cos. 56), but the exact nature of link is uncertain (Cicero, De har. resp. 22)

Figure 1 : The first two husbands of Scribonia Caesaris

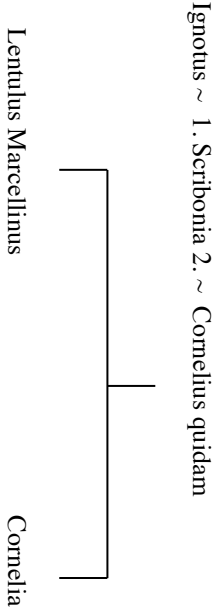


The first two husbands of Scribonia Caesaris (cont.)

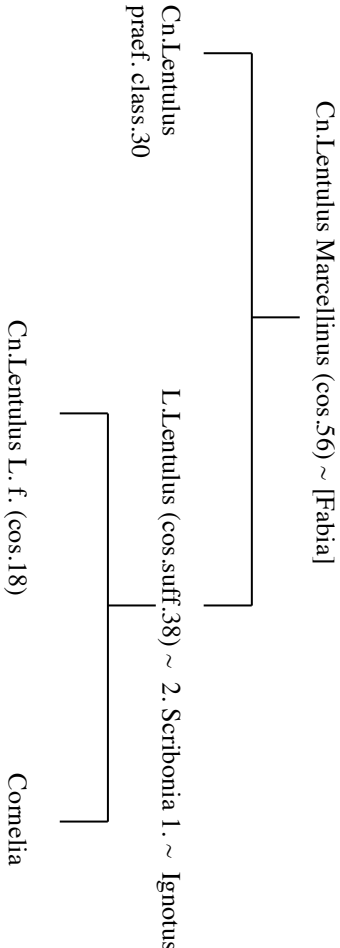
5. Scheid, *BCH* 100 (1976) 485-91



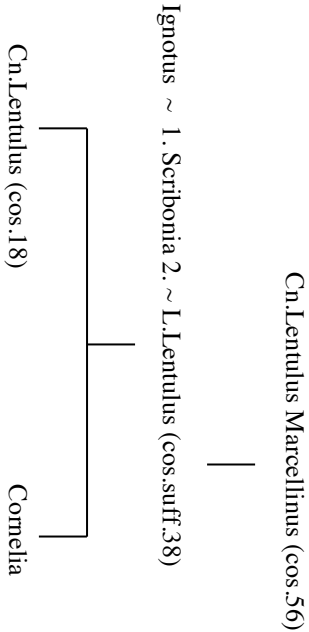
7. Wachtel, *PIR*² S 274



6. Settipani, *Continuité*, (2000) 51-2



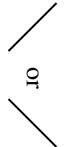
8. Eicheto, *REA* 110 (2008) 117-25, *Les Scipions*, (2012) 199 stemma 5



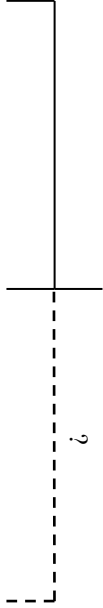
The first two husbands of Scribonia Caesaris (cont.)

9. Canas, *RPh* 83 (2009) 183-95

P.Lentulus Marcellinus q.74 Cn.Lentulus Marcellinus (cos.56)



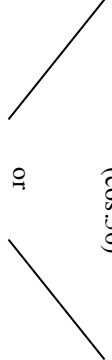
Ignotus ~ 1. Scribonia 2. ~ P.Lentulus Marcellinus (pr. by 45 ? otherwise unknown)



Cornelia Lentulus Marcellinus P.Scipio (cos.16)
= P.Lentulus Marcellinus
(cos.18) ?

10. Tansey

Ignota ~ 1. Cn.Lentulus Marcellinus 2. ~ 1. Scribonia 2. ~ 2. Metellus 1. ~ Aemilia
(cos.56)



Lentulus Marcellinus

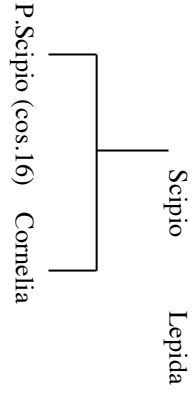
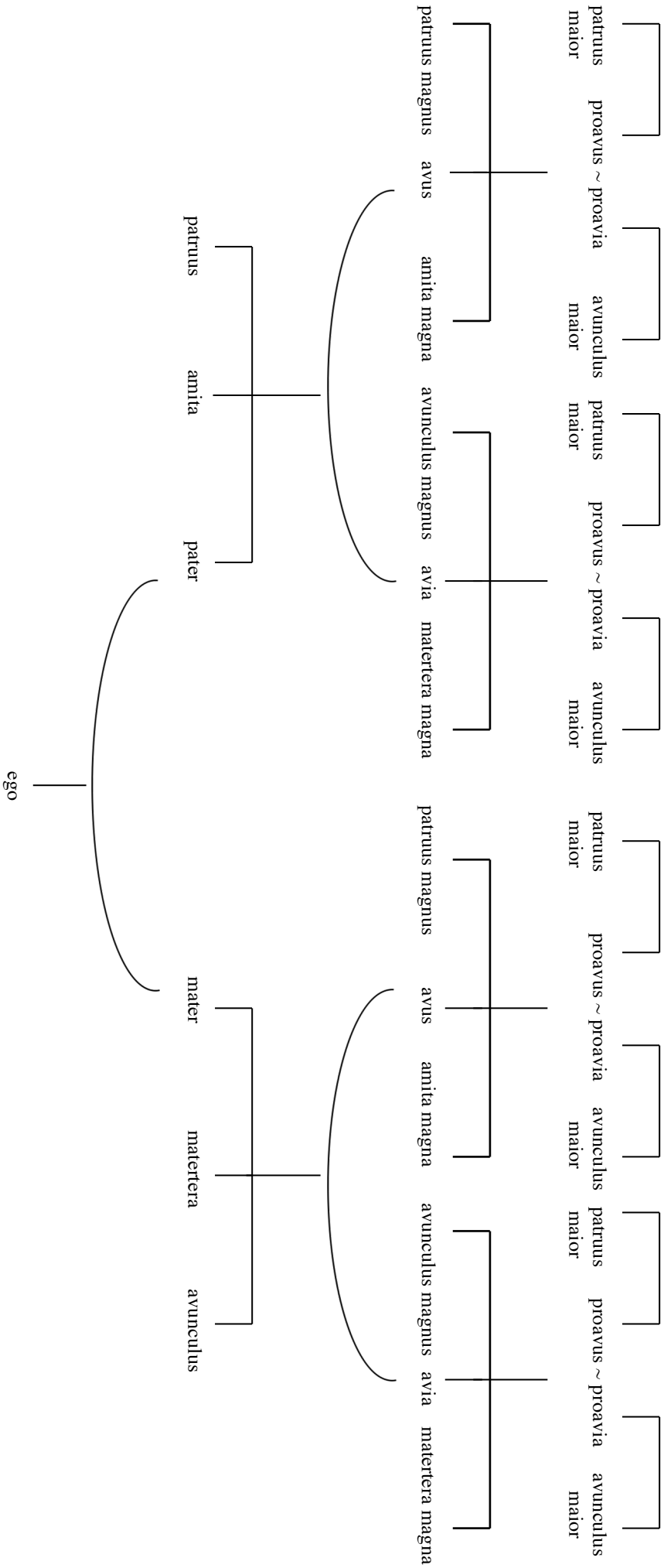


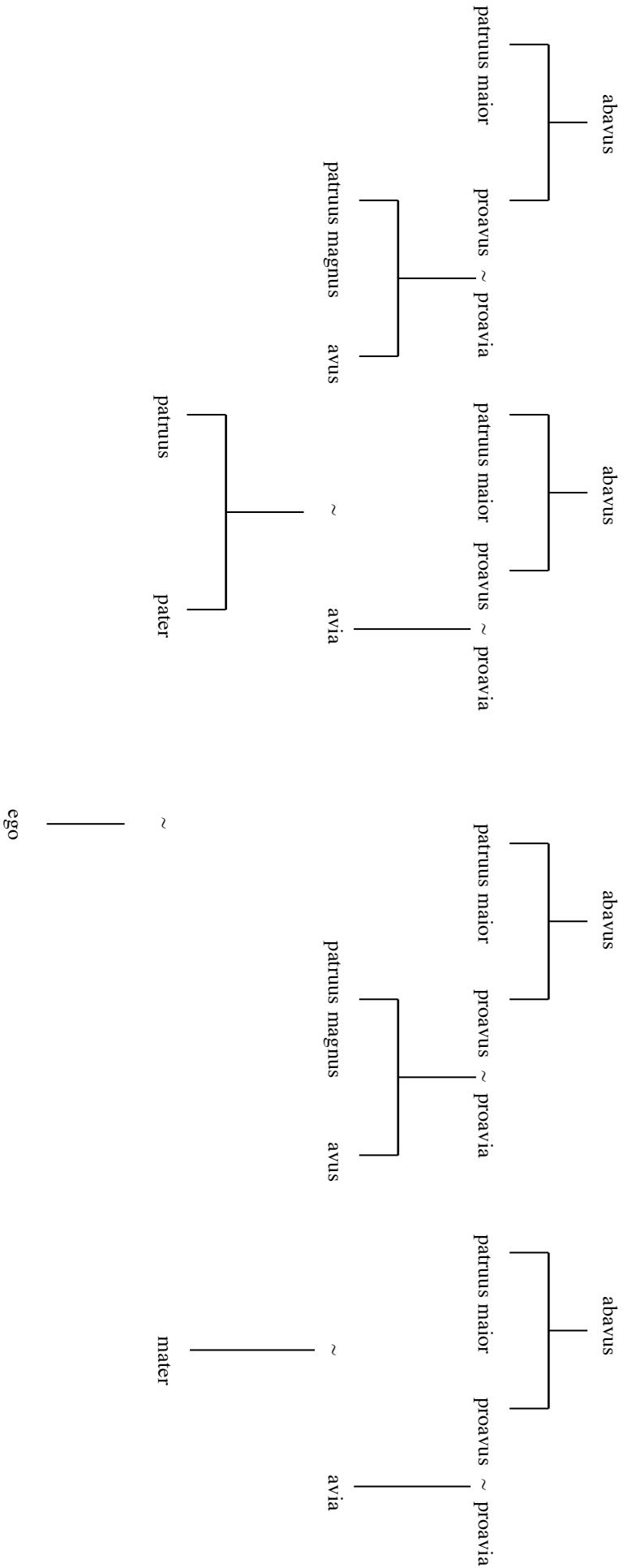
Figure 2: Remote uncles and aunts: *Magnus* versus *Maior*



The terms for a paternal / maternal great-uncle (*patruus magnus* / *avunculus magnus*) and a paternal / maternal great-great-uncle (*patruus maior* / *avunculus maior*) are sometimes conflated in the literary sources. An *avunculus magnus* was the brother of a maternal or paternal grandmother. A *patruus magnus* was the brother of a maternal or paternal grandfather. An *avunculus maior* was the brother of a maternal or paternal great-grandmother. A *patruus maior* was the brother of a maternal or paternal great-grandfather.

The Latin kinship terminology of Iulius Paulus is aberrant in restricting the terms *patruus magnus*, *propatruus* (i.e. *patruus maior*), and *abpatruus* (i.e. *patruus maximus*), along with the female equivalents (*amita magna*, *proamita* / *amita maior*, *abamita* / *amita maxima*), to the siblings of a paternal grandfather, paternal great-grandfather, and paternal great-great-grandfather (see A. C. Bush, "Remote 'uncles' and remote 'aunts' as defined in the *Sententiae Receptae Paulo*", *TAPA* 103 (1972) 39-47, esp. 43 n.14).

Figure 3: Remote paternal uncles: *patruus magnus* and *patruus maior* (*propatruus*)



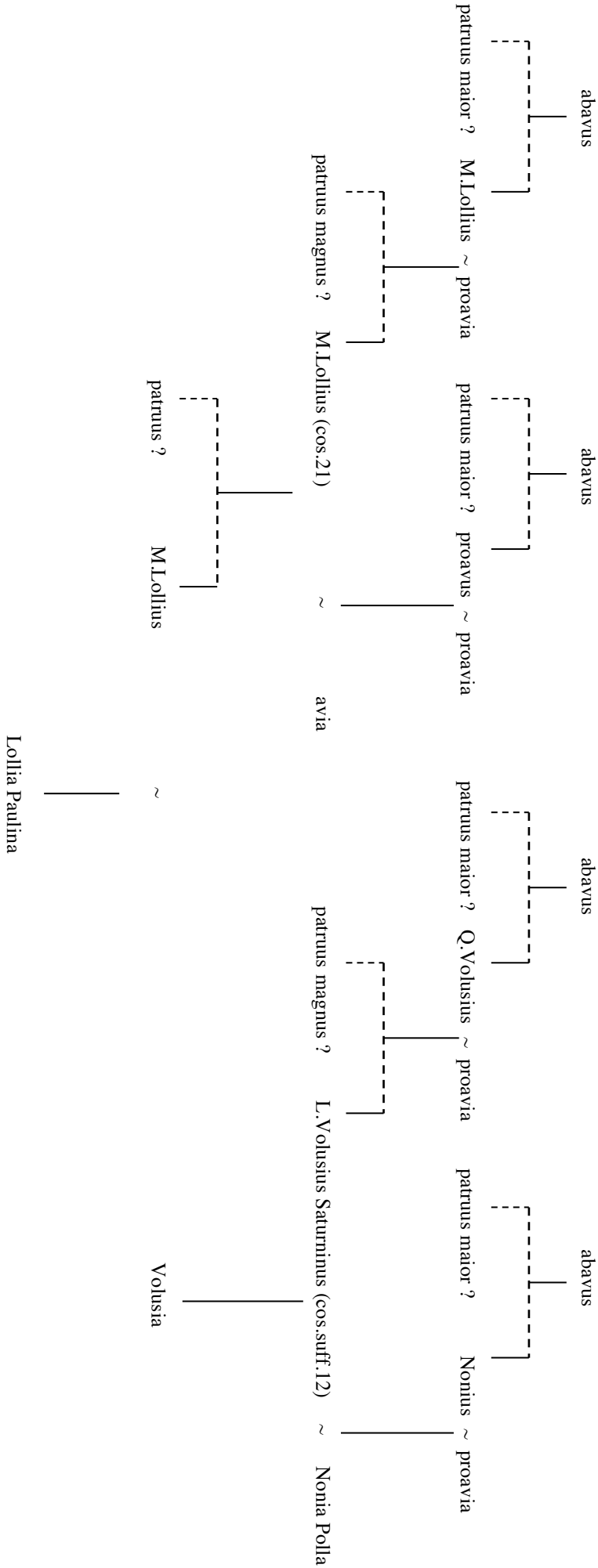
Digest XXXXVIII.10.1.6, XXXXVIII.10.10.15: patruus magnus est frater avi (a paternal great-uncle is the brother of a grandfather)

Paulus Diaconus = Festus, 121 Lindsay: maior patruus avi et aviae patruus (a paternal great-great-uncle is the paternal uncle of a grandfather or grandmother)

Digest XXXXVIII.10.10.16: patruus maior est proavi frater, patris vel matris patruus magnus (a paternal great-great-uncle is the brother of a great-grandfather, the paternal great-uncle of a father or mother)

Digest XXXXVIII.10.1.7: propatruus ... id est proavi frater (a paternal great-great-uncle is the brother of a great-grandfather)

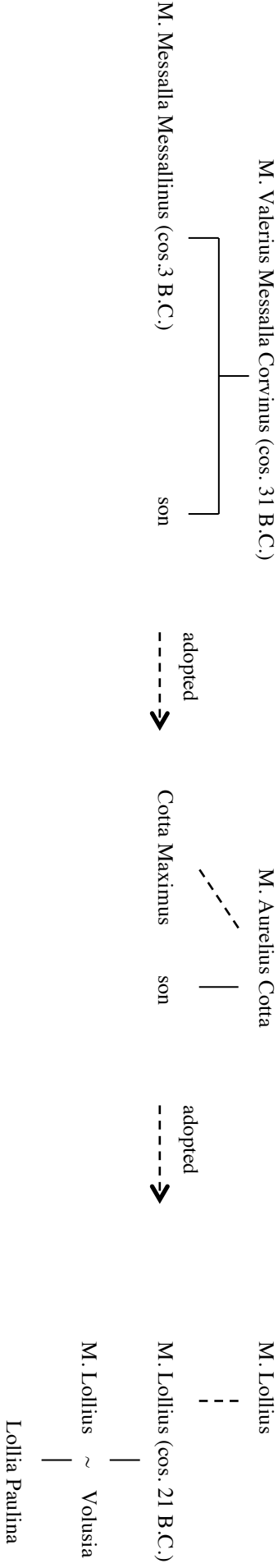
Figure 4: The possible paternal uncles (*patrui*) of Lollia Paulina



* Dotted lines indicate the theoretically possible patrui of Lollia Paulina

Figure 5: Lollia Paulina, M. Aurelius Cotta Maximus (cos. 20 A.D.), and the Valerii Messallae

1. Groag's hypothesis



2. Syme's hypothesis

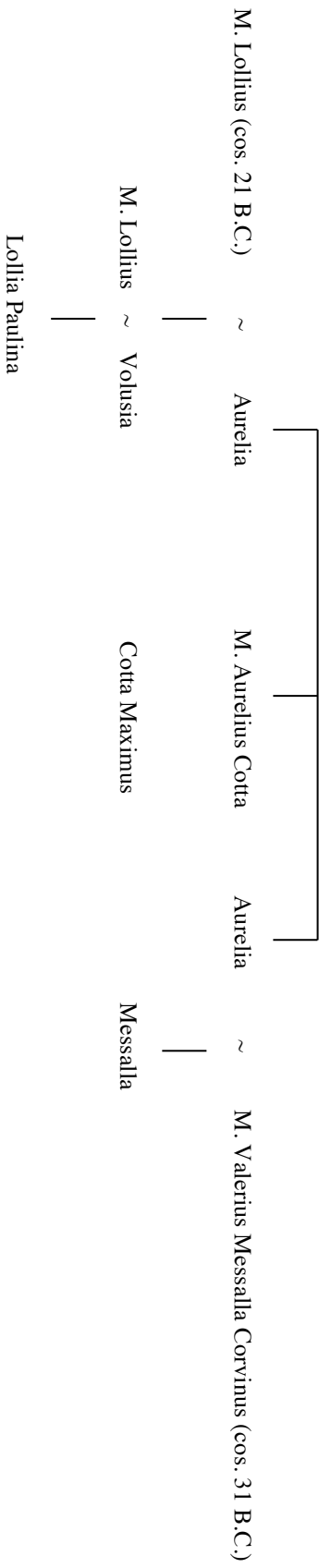
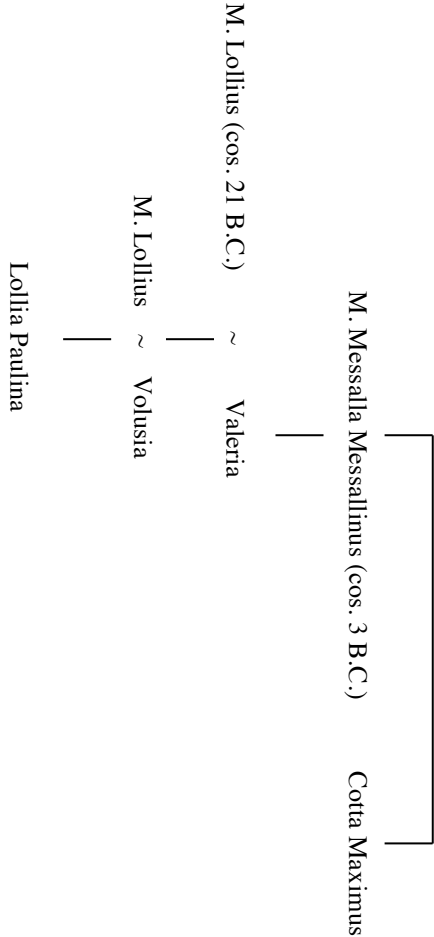


Figure 5 (cont.): Lollia Paulina, M. Aurelius Cotta Maximus (cos. 20 A.D.), and the Valerii Messallae



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