

commentary of Sophocles used for several generations in Germany.<sup>15</sup> Many others, I suggest, reading Nauck's commentary and not realizing that his statement applied only to Schneidewin's interpretation, accepted as fact that ξυγ-γνοίμεν here could not mean "forgive." That they did so should not be surprising, since almost everyone else seemed to be arguing only over whether the verb meant "be conscious" or "confess."

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15. On the importance of the Schneidewin-Nauck edition, see Wilamowitz, *History*, p. 147. It is a curious coincidence that the influential commentaries of Hermann and Nauck were both reeditions of earlier works.

### COTTA OFF MELLARIA AND THE IDENTITIES OF FUFIDIUS

Two men of the Sertorian War, neither of great account, have recently become the subject of scholarly interest. Their story is briefly told. When Q. Sertorius returned from Africa in 80 B.C. to launch his great uprising in Spain, he defeated, first, a certain Cotta in a naval engagement off Mellaria (near Punta de la Peña, ca. 70 km southeast of Cadiz) and later a commander by the name of Fufidius in a battle on the banks of the river Baetis (now Guadalquivir).<sup>1</sup> Plutarch calls Fufidius the governor of Hispania Ulterior (ὁ ἄρχων τῆς Βαιτικῆς); nothing else is known of Cotta, though he has always been identified with one of the three brothers C., M., and L. Aurelius Cotta.<sup>2</sup> Fufidius is generally taken to be the *primpilaris* L. Fufidius, who was endowed by Sulla with a seat in the senate and a praetorship in 81 or 80, and who suggested to Sulla that he publish the lists of proscription.<sup>3</sup> In a recent study, P. O. Spann decided in favor of C. Cotta and, while accepting the traditional identification of Fufidius, argued that not he but Cotta was the governor of Ulterior.<sup>4</sup> Pointing to the *nobilitas* of the Aurelii Cottae and the presumably humble origins of Fufidius, he reasoned that Cotta would never have served under such an upstart. As for Plutarch's calling Fufidius ἄρχων, Spann suggests that he was in fact Cotta's quaestor or legate and that the biographer misunderstood some phrase like "quem pro praetore in castris apud flumen Baetim relictum supra diximus" that he had found in Sallust's *Histories*.

1. Plut. *Sert.* 12. 3-4; cf. Sall. *H.* 1. 108. Jerzy Linderski kindly read a draft of this study and offered helpful suggestions. Research for this article was made possible in part by a grant from the Council on Research and Creative Work of the University of Colorado.

2. Earlier scholars preferred Lucius: D. Wilsdorf, "Fasti Hispaniarum Provinciarum," *Leipziger Studien* 1 (1878): 63-140, esp. 118; P. R. von Bieńkowski, "Kritische Studien über Chronologie und Geschichte des sertorianischen Krieges," *W/S* 13 (1891): 145; W. Stahl, *De Bello Sertoriano* (Ph.D. diss., Erlangen, 1907), p. 44. More recently, Marcus and especially Gaius have been favored: T. R. S. Broughton, *The Magistrates of the Roman Republic*, vol. 2 (New York, 1952), p. 80; G. V. Sumner, *The Orators in Cicero's "Brutus"* (Toronto, 1973), p. 110.

3. Sall. *H.* 1. 55. 21 (*oratio Lepidi*); Plut. *Sull.* 31. 4; Flor. 2. 9. 25; Oros. 5. 21. 3. The identification is discussed below, sections II-III.

4. "C., L. or M. Cotta and the 'Unspeakable' Fufidius: A Note on Sulla's *Res Publica Restituta*," *CJ* 82 (1986/87): 306-9.

An ingenious reconstruction, yet resting on precarious assumptions. If a Cotta can be found who could have served under Fufidius, and if it can be shown that this former centurion is not so unlikely as a governor in Spain, Plutarch's account should be retained. As for the right Cotta, not only one can be found but two.

# I. WHICH COTTA?

Spann starts by arguing that C. Cotta (cos. 75) "would surely have been given" a praetorship in 81 (and a provincial governorship in the following year) since he was "long overdue" for it.<sup>5</sup> But as Spann himself observes, Broughton already lists nine possible praetors for 81, though there cannot have been more than six.<sup>6</sup> Adding Cotta because he was "one of the leading lights of the oligarchy" does not help. Doubtless many of the *boni* returning with Sulla had to wait a year or two, at least, before they all could attain the positions for which they were "overdue." Metellus Pius, much more prominent because of his house and his family connections with Sulla, not to mention his performance in the Civil War, should have been consul in 86 and yet had to wait until 80 (admittedly, though, he was to be Sulla's colleague).<sup>7</sup> Spann's other point—that Gaius mentions military defeats he had suffered (ap. Sall. *H.* 2. 47. 1)—is inconclusive; the passage in question may as well refer to the Social or the Civil War. If we are to take it literally at all, we should note that Cotta speaks of *multa adversa*: it does not follow that Mellaria must have been one of them. Concerning his own career, Sallust used the very same phrase: *mihi multa adversa fuere* (*Cat.* 3. 3). He was not alluding to military defeats. Spann's proposal would have been better served had he adduced Asconius (19. 25–20. 2 St.), from whom we learn that Cotta died of an old wound *quod ante plures annos proelio acceperat*. But that, too, points no more to Mellaria than to the Civil War of 83/82. Of course, after his return Gaius certainly would have pursued his career by seeking a praetorship, which makes his serving under Fufidius indeed unlikely. Methodologically, this means not that we should conclude Plutarch was wrong and Gaius was the governor, but that we should look for a different Cotta.

Marcus (cos. 74) can be ruled out for the same reason as Gaius: he was too senior, in 80, for the subordinate command implied by Plutarch's account. But Lucius (cos. 65) fits the bill: praetor in 70, he was born no later than 110 and thus was about thirty in 80. Spann rejects him because he was too young for a "major and possibly independent command," and because Cicero on several occasions speaks highly of Lucius' *ingenium* and *prudentia*—"praise more becoming a man with an unblemished public record."<sup>8</sup> In fact we do not know the

5. *Ibid.*, p. 307. To be precise, Cotta was two years overdue: he was born probably in 124 (Sumner, *Orators*, pp. 109–10).

6. *MRR*, 2:76, with Spann, "Cotta," p. 308. Sulla's increase of the number of magistrates to eight praetors and twenty quaestors certainly did not take effect until 80, as follows from the *Lex Cornelia de XX quaestoribus* (*CIL* 1<sup>2</sup> 587). See also Mommsen, *CIL* 1<sup>1</sup> 202 (ad loc.); J. Keil, "Zur Lex Cornelia de Viginti Quaestoribus," *WS* 24 (1902): 548–51; Sumner, *Orators*, pp. 7, 107 (R 139).

7. He had been praetor in 89 (*MRR*, 2:33, 3:41); less likely in 88: see A. Keaveney and J. Madden, "Metellus Pius: The Evidence of Livy, *Epitome* 76," *Eranos* 81 (1983): 47–51.

8. "Cotta," p. 306. One of the referees for *CP* points out that *ingenium* and *prudentia* "do not suggest that Cicero is thinking primarily of the military sphere."

nature and scope of Cotta's naval command, or the size of the naval forces available to the governor of Ulterior in 80 B.C. But we know that Sertorius' invading force was rather small and not very impressive: 2,600 Romans of dubious birthright, plus 700 Africans—perhaps some thirty ships.<sup>9</sup> In any case, there is no compelling need to assume that the governor himself took to the sea. By crossing on a moonless night Sertorius tried to escape detection, but he was spotted and forced to give battle (Sall. *H.* 1. 104). Whatever happened at Mellaria, Cotta was not guilty of negligence. The moment of surprise seems to have been on his side, not Sertorius', but the fact that he was defeated does not point to a significant advantage in numbers: hence, not a "major" command.<sup>10</sup>

As for Cicero's praise, it usually pays to read such passages in context. At *De domo sua* 84 he extolls Cotta's moral support for him during his exile, and at *De legibus* 3. 45 he recounts Cotta's opinion that the bill banishing Cicero was null and void. At *Philippic* 2. 13 it is all too evident what earned Cotta the characteristic *vir summo ingenio summaque prudentia*: after Cicero's finest hour on the Nones of December, Cotta had put forward, *verbis amplissimis*, a motion for a supplication—"qui honos post conditam hanc urbem habitus est togato ante me nemini." As usual, Cicero is most of all praising himself; from such rhetoric one cannot reconstruct people's careers nearly forty years earlier.

Here, then, is one Cotta who may have served under Fufidius the upstart, as the story is told by Plutarch. At age thirty, Lucius could have been quaestor in 80, assigned to his province by lot. At this point in his career, *nobilitas* would not have been excuse enough for him to refuse to serve under a *novus homo*—especially if the latter had Sulla's ear. As for Plutarch's supposed mistake, though he might have misunderstood *pro praetore* in an isolated context, it may be assumed that Sallust clearly stated which of the two was the governor, and which the lieutenant. In fact, the parallel in *Iugurtha* 36. 4–37. 3 adduced by Spann does just that. We first read: "sed postquam dilapso tempore comitiorum dies adventabat, Albinus [i.e., Sp. Albinus, the consul] Aulo fratre in castris pro praetore relicto Romam decessit"; and three sentences farther down we find: "ea mora in spem adductus Aulus, quem pro praetore in castris relictum supra diximus. . . ." This is not easy to misunderstand.

Yet nothing in Plutarch's account suggests that the Cotta in question was an Aurelius. The same cognomen is well attested in the late Republic for a member of another family: L. Aurunculeius Cotta, legate under Caesar in Gaul from 58 to 54 and author of a treatise on the Roman constitution, who was killed in battle during the Eburonian revolt.<sup>11</sup> Nor should it be argued that if Plutarch had meant this less familiar Cotta, he would have given his full name. Whenever he refers to an Aurelius Cotta, Plutarch adds a specification: Κόττας ὁ ὕπατος

9. Plut. *Sert.* 12. 2; see B. Scardigli, "A proposito di due passi su Sertorio," *A&R* 15 (1970): 174–81; cf. also P. O. Spann, *Quintus Sertorius and the Legacy of Sulla* (Fayetteville, 1987), p. 189, n. 5.

10. Spann ("Cotta," pp. 307–8) rightly doubts that Cotta's command was "possibly independent," i.e., as a *propraetor* (*extra ordinem*?) in charge of the fleet. That suggestion, made by Wilsdorf, "Fasti," p. 118 (apparently followed by Broughton, *MRR*, 2:80), rests on a misunderstanding of the term ἀντιστράτηγος in Plut. *Sert.* 12. 3, where the word plainly has its ordinary Greek meaning ("the enemy's general"), not its Roman technical sense ("propraetor").

11. See E. Klebs, "Aurunculeius (6)," *RE* 2. 2 (1896): 2555–56; Broughton, *MRR*, 2:199, 204, 212, 219, 225; and cf. Ath. 6. 273B = *HR* 2:1xi, 45–46.

(= L., cos. 119; *Mar.* 4. 2–6); Λεύκιος Κόττας (= cos. 65; *Cic.* 27. 3); Μάρκος Κόττας (= cos. 74; *Luc.* 5. 1). The biographer seems to have been aware of the need to distinguish among the three brothers. But when he mentions Caesar's legate, the man is simply Κόττας (*Caes.* 24. 2)—just like Sertorius' opponent. (No doubt Sallust gave the full name.) A relative of Caesar's legate, or the latter himself as a young *praefectus classis* or quaestor, may have been the Cotta off Mellaria.

## II. FUFIDIUS

To evaluate Spann's second claim, that Fufidius was too lowborn to have been praetor in 81 and consequently was not the governor of Ulterior in 80, we must address the larger question of the man's precise identity, which is far from obvious. Observing that the name of the *primipilaris* who "invented" the lists of proscription is not given as *Fufidius* in any of the manuscripts but appears variously as *Aufidius*, *Fursidius*, *Forsidius*, or *Furfidius*, and that the name of the Roman commander in Spain is similarly corrupt in the manuscripts, Claude Nicolet some twenty years ago voiced serious doubts about identifying the two and vehemently denied their further identification with the L. Fufidius, *vir praetorius*, to whom M. Aemilius Scaurus (cos. 115) dedicated three books *De vita sua* (*Cic. Brut.* 112; *Plin. HN* 33. 21).<sup>12</sup> We may reexamine the evidence.

The "inventor" of the lists is referred to as *L. Fursidio primipilari (forsidio primalari D)* in Orosius 5. 21. 3. The manuscripts of Florus (in the editions by E. Malcovati [Rome, 1938] and P. Jal [Paris, 1967]) at 2. 9. 25 have *forfidio* BR: *furfudio* F: *furfidio* cett. Citing a private communication from Jal, Nicolet claimed that "des bons manuscrits" of Florus give *forsidio*.<sup>13</sup> But in his own edition, Jal does not show a reading *forsidio*; on the contrary, he lists β (Durocortorensis saec. XV) as having *fufidio* (according to Jal, incidentally, β "est parfois le seul à donner la 'bonne leçon'" [p. ccxxiii; cf. cxv]). In Plutarch *Sulla* 31. 4, the manuscripts indeed have αὑφίδιον.

The letters *f*, *s* (written ϑ), and *t* are easily confused in medieval bookhands; e.g., the *praetorius* in Pliny (*HN* 33. 21) is *fufidius* in most manuscripts, but R has *suffidium*, and Caesarius' Cologne edition of 1524 prints *fusidium* (cf. the edition by C. Mayhoff [Leipzig, 1892–97]). Horace's moneylender (*Serm.* 1. 2. 12) is *fufidius* in the better manuscripts (DEM in the OCT of 1912), but *fusidius* in the β-class, and *futidius* in VB. No such confusion is likely between Greek phi and sigma. On the basis of Plutarch and Florus (none of whose manuscripts has *-sidius*), it seems certain that the centurion's name ended in *-fidius*. From Orosius and Florus it follows that the name began with *Fu-*: Plutarch's αὑφίδιον may be due to the preceding ἀλλὰ or may simply be a substitution of the more familiar for the obscure. Whereas *Fursidius* is attested epigraphically,<sup>14</sup> there seems to be no such example of *Furfidius*. Moreover, the *Fufidius* of Lepidus' speech (*Sall. H.* 1. 55. 21) is, despite Nicolet's query, surely the same *primipilaris*: the phrase *ancilla turpis* suggests a disreputable connection with Sulla—such as his special role in the proscriptions—and the outrage expressed at his obtaining a magistracy implies that he was not

12. "Arpinum, Aemilius Scaurus et les Tullii Cicerones," *REL* 45 (1967): 276–304, esp. 297–301, followed by E. S. Gruen, *The Last Generation of the Roman Republic* (Berkeley and Los Angeles, 1974), p. 191, n. 102. Broughton, *MRR*, 3:93, and T. P. Wiseman, *New Men in the Roman Senate* (Oxford, 1971), p. 232 (nos. 183, 184), tentatively accept both identifications.

13. "Arpinum," p. 299, n. 2.

14. *CIL* 6. 13886; cf. W. Schulze, *Zur Geschichte lateinischer Eigennamen* (Berlin, 1904), p. 91.

considered destined for it by birth. There appears to be no doubt that the name in the Vaticanus (the only manuscript to contain the speeches of the *Histories*) is *Fufidius*.

In addition to *s* and *t*, *r* too is easily confused with *f*, especially in Carolingian minuscules.<sup>15</sup> The *furf-* of Florus (except β) and the *furs-* of Orosius—authors whose manuscripts are notoriously erratic in their spelling of proper names—need not surprise: *r* is a likely intruder, the result (e.g.) of a variant *fuffidius* (cf. Plin. *HN* 33. 21, where *R* has *suff-*). On the testimony of Sallust (and Plutarch's αὐφίδιον), it is safe to call the "inventor" of the proscription lists *L. Fufidius*.

For the governor of Ulterior in 80, the manuscripts of Plutarch (*Sert.* 12. 4, in the edition of K. Ziegler [Leipzig, 1964]) all have κατεναυμάχησε πον· φίδιον (not, as Nicolet writes, Πονφίδιον). That is nonsense, and Ruhnken's emendation Φουφίδιον is unassailable. Nicolet's treatment of Sallust *Histories* 1. 108 *et mox Fufidius adveniens* does not inspire confidence either. He attributes the fragment to Charisius and points to the *Stipidius* of "certain manuscripts"; on the next page, we learn that "le manuscrit portait peut-être *Aufidius* et . . . une seconde main a corrigé *Fufidius*."<sup>16</sup> Not quite so. Charisius indeed quotes part of the fragment (*GL* 1. 34. 9 [cf. add., p. 607] = p. 37. 21–22 Barwick): *unum haud facilem pugnantis vadum*. Plainly, the problematic name is not found here. It comes instead from Book 3 of Nonius Marcellus (p. 231 M. = 343 L.), and thanks to W. M. Lindsay and others we need not guess what might have stood, *peut-être*, in the text before it was corrected to *Fufidius*: we can look it up. "Le manuscrit" is in fact the five codices of Nonius, LFHEG in Lindsay's edition (Leipzig, 1903), that contain Book 3. L has *fupidius*, "but so written as to be indistinguishable from *stipidius*."<sup>17</sup> F, copied from L, had *stipidius* as its original reading but was corrected to *fufidius*;<sup>18</sup> the point is that the corrections in F are derived "ex optimo fonte, . . . fortasse ex archetypo ipso."<sup>19</sup> The remaining manuscripts all have *fufidius*: this is not surprising in the case of H and E, since each is a copy of F; but G is an independent witness, copied directly from L's exemplar (see Lindsay's edition, pp. xix–xxx).

The matter can be closed. Not only is there no basis for Nicolet's "peut-être *Aufidius*," but from the manuscripts of Nonius the commander's name emerges with complete certainty: *Fufidius*. That Scaurus' friend was a *Fufidius* has not been doubted by anyone.

Since the *primipilaris* and the Roman commander in Ulterior had the same name, there remains no a priori reason to treat them as separate persons, unless one postulates a multitude of equally obscure Fufidii with senatorial rank in 81/80 B.C. Unfortunately, Sallust's failure to give *praenomina* in his two extant references to Fufidius (*H.* 1. 55. 21, 1. 108) proves less for their identity than Spann would think.<sup>20</sup> *Histories* 1. 108 clearly is not the first, introductory mention of Fufidius in Spain, for if it were, at least his function (e.g., *proconsul*, *quaestor*, *legatus*) would have been stated. The absence of the *praenomen* in a subsequent mention, such as the one preserved, has little significance.

15. For examples, see B. Bischoff, *Paläographie des römischen Altertums und des abendländischen Mittelalters* (Berlin, 1979), p. 145.

16. "Arpinum," pp. 299, n. 2, and 300.

17. W. M. Lindsay, "Onions' Nonius Marcellus," *CR* 9 (1895): 356. According to R. Mazzacane, "Il codice *Gudianus* di Nonio Marcello (libb. I–III)," *Studi Noniani* 5 (1978): 195–96, the reading in L (or at least its photograph, *ibid.*, p. 119, n. 12) is *fapidius*. The difference seems immaterial.

18. This is not made clear in Lindsay's apparatus; see J. W. Brown, "The Corrections in the Florence Ms. of Nonius," *CR* 9 (1895): 453.

19. Lindsay's edition, p. xxv; cf. pp. xxii, xxxv; and *id.*, "The Lost 'Codex Optimus' of Nonius Marcellus," *CR* 10 (1896): 16–18.

20. "Cotta," p. 307, n. 6.

But a governorship in 80 implies a praetorship, either in the same year or in 81. Citing H. Hill's famous study of the Sullan senate, Spann claims that Fufidius merely became quaestor, not praetor.<sup>21</sup> But Hill said no such thing: "L. Fufidius . . . gained access to the Senate by currying favour with Sulla, and later became governor of Baetica. But he was not promoted straight into the Senate, but was made to sue for office in the ordinary way before being admitted."<sup>22</sup> Unless we suppose that Hill failed to realize that a quaestor in 81 was not likely to become a provincial governor in 80, his study cannot be interpreted along the lines Spann proposes. There is no evidence that Fufidius was merely quaestor in 81.<sup>23</sup>

Pointing out that Broughton already lists nine praetors for 81, Spann goes on to argue that Sulla would not have given a praetorship to an ex-centurion when he had "in his entourage in 82 any number of *nobiles* whose praetorships had been delayed by exile."<sup>24</sup> By that reasoning the elusive M. Tullius Decula (cos. 81) would seem to outrank Q. Metellus Pius (cos. 80) in his *nobilitas*, not to mention his service in the cause of the *boni*. As for the nine praetors of 81, Broughton lists three of them simply because this is their last possible year under the *leges annales*.<sup>25</sup> Mam. Aemilius Lepidus Livianus (cos. 77), M. Aemilius Lepidus (cos. 78), and Q. Lutatius Catulus (cos. 78). The two Lepidi could easily have obtained praetorships under the Marian regime, before 81.<sup>26</sup> Certainly the C. Papirius Carbo *praetorius* who was killed at Volaterrae sometime between 81 and 79 need not be listed as praetor in 81: the brother (or cousin) of Cn. Carbo (cos. 85, 84, 82), he is likely to have reached the praetorship by 82, age permitting; otherwise, he may have been praetor as late as 80.<sup>27</sup> The praetorship of C. Claudius Nero is based solely on his being *pro consule* in Asia in 80/79; with equal probability, he may have been praetor in 80, governing his province *pro consule*, as did M. Domitius Calvinus in Hispania Citerior in that year.<sup>28</sup> That leaves us with at most three firmly attested praetors of 81: Cn. Cornelius Dolabella, M. Minucius Thermus, and Sex. Nonius Sufenas.<sup>29</sup> Q. Lutatius

21. *Ibid.*, p. 308.

22. "Sulla's New Senators in 81 B.C.," *CQ* 26 (1932): 170.

23. Fufidius' supposed quaestorship may go back to R. Syme's statement ("Caesar, the Senate, and Italy," *PBSR* 14 [1938]: 13 = *Roman Papers*, vol. 1 [Oxford, 1979], p. 100), unfortunately offered without elaboration: "One of Sulla's ex-centurions is known to have entered the Senate by standing for the quaestorship—namely, the notorious L. Fufidius." Assuredly, this is not "known."

24. "Cotta," p. 308.

25. See Broughton's comment, *MRR*, 3:84 (on M. Domitius Calvinus).

26. On M. Lepidus' political affiliation, see E. S. Gruen, "The Dolabellae and Sulla," *AJP* 87 (1966): 385–99, esp. 391–93. Mamerus passed up the curule aedileship at some point in the 80s (Cic. *Off.* 2. 58), and if he was born in or before 124 (thus Sumner, *Orators*, p. 111; cf. p. 71), he could have been praetor as early as 84.

27. Val. Max. 9. 7. *Mil. Rom.* 3; Gran. Lic. 32. 4–8 Flemisch; Strabo 5. 2. 6 = C223; cf. Cic. *Fam.* 9. 21. 3. On his relationship to Cn. Carbo, see F. Münzer, "Papirius (34)," *RE* 18.3 (1949): 1020–22 (= brother), and D. R. Shackleton Bailey, *Cicero: Epistulae ad Familiares*, vol. 2 (Cambridge, 1977), pp. 328–29 (= cousin).

28. On Nero, see *MRR*, 2:76, 80, 84. Domitius' governorship (*pro consule*) is now dated to 80 by the Vienna-fragment of Sallust's *Histories*: see B. Bischoff and H. Bloch, "Das Wiener Fragment der Historiae des Sallust (P. Vindob. L 117)," *WS* 13 (1979): 116–29. There is no compelling need to redate his praetorship from 80 to 81, as would Broughton, *MRR*, 3:84. In both years several incumbent praetors will have been needed in the provinces: the praetors of 82 and earlier were not all available, many of them being dead or proscribed. For what it is worth, Eutrop. 6. 1. 2 calls Domitius *praetor*.

29. Broughton, *MRR*, 2:76, though H. B. Mattingly (cf. *MRR*, 3:149) would make Nonius a quaestor in 81.

Catulus is very likely, unless he could claim the same *legis praemium* that allowed L. Lucullus (cos. 74) to stand for the praetorship of 78 *ex aedilitate* in 79, in which case his praetorship could be dated as late as that year.<sup>30</sup> But no such juggling is necessary: the praetorships in 81 of Carbo and the two Lepidi are rather improbable, which leaves us with six holders of the office, including L. Fufidius. That he was *praelatus in magistratibus capiundis* is charged by Lepidus in Sallust (*H.* 1. 55. 21), not at all unbelievably.<sup>31</sup>

### III. FUFIDIUS, SCAURUS, AND ARPINUM

The identification of the *primipilaris* and Roman commander in Hispania Ulterior with the addressee of Scaurus' autobiography, a *patronus causarum* (Cic. *Brut.* 112–13) and *vir praetorius* (Plin. *HN* 33. 21), may raise some eyebrows. Upon closer inspection, however, the identification sheds a little light on the man's connection with Sulla.

Scaurus was born in 162/61 B.C.;<sup>32</sup> no dates are available for his friend. A praetor in 81 would have been born no later than 121, and easily a good many years earlier if he was not of senatorial stock.<sup>33</sup> Hence there would have been an age difference of up to forty years between the *princeps senatus* and the *primipilaris*, though twenty or thirty are just as likely. This might be considered an obstacle to the proposed identification.<sup>34</sup> Yet the addressee of Scaurus' autobiography need not be sought among the latter's *aequales*;<sup>35</sup> he could as well have been a younger man who might profit from the elder statesman's insights. The dedication would be especially appropriate if Fufidius, like Scaurus, had had to work his way into society from the bottom up, starting perhaps with less even than the equestrian census; there is intriguing evidence that Scaurus himself once served in the ranks.<sup>36</sup>

The name Fufidius occurs as that of respectable families in various cities of Campania and at Arpinum.<sup>37</sup> The latter town is of particular interest since it is

30. Cic. *Acad.* 2. 1; cf. E. Badian, "Caesar's *Cursus* and the Intervals between Offices," *JRS* 49 (1959): 81 = *Studies in Greek and Roman History* (Oxford, 1964), p. 141; Sumner, *Orators*, p. 114.

31. Taking *praelatus* to mean "advanced," Spann ("Cotta," p. 209, n. 14) proposes a further promotion of Fufidius by Sulla, perhaps to the post of aedile, "in the election of 80 or 79." After his failure in Spain such advancement does not seem probable; and in any case, *praelatus* here means "preferred" and contrasts Fufidius with those—*boni et nobiles*, no doubt—who were not so favored by Sulla in their quest for office. Few of them will have had to wait for a quaestorship: the bottleneck was higher up.

32. Asc. 25. 1 St.; cf. Sumner, *Orators*, p. 69.

33. There is no reason to assume that Sulla exempted Fufidius from the *leges annales*. Ten years of military service and the minimum age of forty—the only legal requirements for the praetorship before 80 B.C.—can be safely postulated for a *primipilaris*.

34. Thus, apparently, Broughton (*MRR*, 3:93), who would prefer to see in Scaurus' friend the father of the *primipilaris*.

35. The mention of Fufidius at Cic. *Brut.* 112 is incidental and implies nothing about his age: see Sumner, *Orators*, p. 72.

36. Cf. Asc. 25. 14–19 St. and *De vir. ill.* 72. 3 (*primo in Hispania corniculum meruit*, i.e., he served as a *cornicularius*): see M. Gelzer, *Die Nobilität der römischen Republik* (Leipzig, 1912), p. 3, n. 12 = *Kleine Schriften*, vol. 1 (Wiesbaden, 1962), p. 20, n. 12. Though Scaurus was a patrician, his paternal inheritance consisted of six slaves and HS35,000 (Val. Max. 4. 4. 11)—less than one-tenth of the equestrian census; there must have been many centurions wealthier than he. It was his patrician status, presumably, that enabled him to start as a general's clerk rather than as a "grunt."

37. Evidence collected by Wiseman, *New Men*, p. 232 (no. 183); see also A. Schulten, "Italische Namen und Stämme," *Klio* 3 (1903): 244, for the name's distribution in Italy. (Wiseman's reference to

from an Arpinate that we first learn of L. Fufidius, the friend of Scaurus. Q. Fufidius Q. f., *eques Romanus*, was a military tribune under Cicero in Cilicia (*Fam.* 13. 11 and 12); a M. Fufidius M. f. is found as aedile of Arpinum in the republican period (*ILLRP* 546 = *CIL* 1<sup>2</sup> 1537 = 10. 5679).<sup>38</sup> Scaurus' friend, even as a *vir praetorius*, disdained the gold ring and continued to wear the iron one (Plin. *HN* 33. 21)—an old-fashioned attitude not atypical of Italy's landed gentry. As Nicolet points out, Scaurus maintained good connections with the local dignitaries of Arpinum.<sup>39</sup> And, it must be remembered, Sulla married Scaurus' widow (Plut. *Sull.* 6. 18, 33. 4). There would be nothing puzzling in Scaurus' friends' receiving favors from the dictator, including preferential treatment in *magistratibus capiundis*.

As Syme's masterly studies of the subject have shown, the base and disreputable elements that supposedly swamped the senates of Sulla and, later, Caesar reveal themselves, upon closer inspection, as relatively few in number, invariably men of considerable wealth and respectable origins in the towns of Italy, Spain, or Gaul—respectable, that is, in the eyes of anyone but the Roman nobility, for whom the principal requirement was "distinction in public life": senatorial rank and descent.<sup>40</sup> Of former soldiers turned senators, the three (!) who can be identified were at least centurions, and all three went on to major military and provincial commands.<sup>41</sup> As T. P. Wiseman remarks, "centurions, particularly *primipili*, were not uncouth infantry troopers but frequently men of substantial means."<sup>42</sup> It may be helpful to remember E. Gabba's attractive suggestion that in filling the ranks of the senate, Sulla applied "*con larghezza*" the principle of M. Fabius Buteo (dict. 216), who after Cannae adlected "*ex iis, qui (non) magistratus cepissent, qui spolia ex hoste fixa domi habent aut civicam coronam accipissent*."<sup>43</sup> If such was the caliber of the *gregarii milites* (Sall. *Cat.* 37. 6) in Sulla's senate, L. Fufidius was in good company.

Yet he continues to be haunted by his centurionate—witness Nicolet's denial that he was the friend of Scaurus and Spann's repeated references to his supposed lowly origins. That nasty word, *primipilaris*, occurs in Orosius (5. 21. 3)—and only there—in connection with the publication of the proscription

Cic. *Fam.* 7. 5. 2 should be deleted—the man there is a Curtius: see Shackleton Bailey, *Epistulae ad Familiares*, 1:329–30.)

38. At Teanum Sidicinum, a [M. Fu]fidiu L. f. L. n. L. pr[on.] is attested in the Augustan period (*ILS* 9389; cf. A. Degraffi, "Problemi cronologici delle colonie di Luceria, Aquileia, Teanum Sidicinum," *RFIC* 66 [1938]: 141). No republican Lucius is attested at Arpinum (cf., however, *CIL* 10. 4805 [Teanum, date unknown], 5399 [Aquinum, imperial]). Further Fufidii are found at Puteoli (a Ilvir in 105 B.C.: *ILLRP* 518 = *CIL* 1<sup>2</sup> 698 = 10. 1781) and Pompeii. Both towns are known for their Sullan connections, Puteoli as the dictator's place of retirement (Plut. *Sull.* 37. 4–5; *De vir. ill.* 72. 12), Pompeii as a Sullan colony (Cic. *Sull.* 60–62; cf. A. W. van Buren, "Pompeii," *RE* 21. 2 [1952]: 2021).

39. "Arpinum," pp. 301–4.

40. See Syme, "Caesar," pp. 12–18 = *Roman Papers*, 1:99–105; cf. id., "Who Was Decidius Saxa?" *JRS* 27 (1937): 127–37 = *Roman Papers*, 1:31–41, and *The Roman Revolution* (Oxford, 1939), pp. 78–79.

41. Besides L. Fufidius there are the Caesarian senators L. Decidius Saxa at Philippi and in Syria (see *MRR*, 2:324, 365, 376, 381, 384) and C. Fuficius Fango in Africa (*MRR*, 2:373, 382).

42. *New Men*, p. 75, where ample evidence is listed. Cf. Syme, "Decidius Saxa," pp. 128–29 = *Roman Papers*, 1:32–33.

43. Livy 23. 23. 6; see Gabba, *Appiani "Bellorum Civilium" Liber 1<sup>2</sup>* (Florence, 1967), p. 344. On the possible significance of the criterion *spolia ex hoste fixa* (i.e., won in single combat), see now S. P. Oakley, "Single Combat in the Roman Republic," *CQ* 35 (1985): 397.

lists. The resulting tacit assumption seems to be that Fufidius was a centurion under Sulla in the recent civil war, and perhaps earlier in the East—an assumption that underlies Nicolet's claim that Fufidius the friend of Scaurus must already have been praetor, or at least must have entered upon the *cursus honorum*, by the time of Scaurus' death between 90 and 88, and thus could not have been a *primipilaris* in 81.<sup>44</sup> Now *primipilaris* may as readily denote a former *primipilus* as a current one; Fufidius' centurionate, and his connection with Sulla, could easily go back to the Social War or even to the Cimbrian Wars. The career of his contemporary L. Petronius, who though born *humili loco* nonetheless gained admission to the *ordo equester*, was very rare but certainly not unique.<sup>45</sup> Fufidius the *primipilus* doubtless had the equestrian census;<sup>46</sup> the patronage of influential men such as Scaurus and Sulla (even before his first consulship) could secure his entrance into the *ordo*, most likely through an appointment as military tribune. This is, of course, not attested, and we should not expect it to be. The *boni et nobiles*, like Sallust's Lepidus, who in 81 took offense at the man's sudden rise to their ranks would conveniently overlook the equestrian stage of his career if indeed he became praetor *ex equite Romano*: what would be remembered, loudly, was his centurionate, however long ago it had been held. As Orosius might have read it in Livy: *L. Fufidius, qui bello Cimbrico primum pilum duxerat* (or better still, *fertur duxisse*).

Lastly, we should take care not to show greater social prejudice than some of the Roman nobility themselves. The L. Bellienus who killed Q. Lucretius Afella at Sulla's orders is specifically styled *centurio* by Plutarch (*Sull.* 33. 5 ἐκατοντάρχης), and yet he was the uncle of L. Sergius Catilina the patrician (*Asc.* 70. 15 St.)—a patrician, to be precise, from a family impoverished and long in eclipse, as was Scaurus, who may have served in the ranks himself.<sup>47</sup> Less than glamorous social connections need not surprise in such a case, when they can even be found with *nobiles* whose families were at the height of their influence.<sup>48</sup> The Fufidii of Arpinum were landowners and wealthy, perhaps not only in Cicero's time.<sup>49</sup> Scaurus' friendship with a *primipilaris* looks not so odd, after all. As for Sulla—did he habitually consult his centurions on matters of state? Certainly not; but he consulted Fufidius on the proscriptions. *Pace Spann*, the man does not seem out of place as a praetor.

In the end, it matters little whether L. Fufidius was born into the *ordo equester* or rose *ab infimo loco* through military service and powerful patronage,

44. See above, n. 12. On the date, see Plut. *Sull.* 6. 18–19, 33. 4; E. Klebs, "Aemilius (140)," *RE* 1.1 (1893): 587. Nicolet, after divining that Sulla married Scaurus' widow, Caecilia Metella, "entre son élection au consulat et son entrée en charge," dates Scaurus' death to 88 or 87 (*sic*).

45. Val. Max. 4. 7. 5; cf. L. Septimius, centurion in Pompey's pirate war, but *tribunus militum* in 48 (Caes. *BCiv.* 3. 104. 2–3). Madvig's attempt (*Kleine philologische Schriften* [Leipzig, 1875], p. 529, n. 1) to deny that these centurions advanced to the *ordo equester* is unconvincing. See also Caes. *BCiv.* 3. 53. 1, on the centurion Valerius Flaccus, son of Lucius (pr. 62).

46. Cf. Syme, "Decidius Saxa," p. 130 = *Roman Papers*, 1:33; and see esp. Cic. *Phil.* 1. 20.

47. See above, n. 36.

48. One may compare the odd but well-attested friendship between the great L. Licinius Crassus (cos. 95) and the *praeco* Q. Granius: Cic. *Brut.* 160, 172, *De or.* 2. 244, 253, *Planc.* 33, *Fam.* 9. 15. 2; cf. Gell. *NA* 4. 17. 2.

49. Cic. *Att.* 11. 13. 3, 15. 4, *QFr.* 3. 1. 3, *Pis.* 86. Cicero, incidentally, was among the heirs of an Arpinate Fufidius in 47 (*Att.* *ibid.*).

whether his centurionate dates to the Civil War (or before) or is nothing more than slander. Sulla the dictator could do as he pleased, and manifestly did.<sup>50</sup> It is strange to argue that the man who doomed hundreds of senators with a nod of his head, and with a shrug of his shoulders allowed a mere knight to triumph, would deeply respect the sensibilities of his fellow nobles—most of whom owed their return to power and honor to him. There was ample room for “lowly” new men in Sulla’s *res publica restituta*.

To treat as identical homonymous persons of whom, all in all, we know little is notoriously dangerous; to postulate as distinct identities three men, all equally obscure, with the same name, living at roughly the same time and moving in the same circles, is no less problematic. In this study it has been shown that the name of both the *primipilaris* who suggested the proscriptions and the Roman commander in Hispania Ulterior in 80 B.C. was *Fufidius*; that there are no obstacles to assigning a praetorship for 81 to Fufidius the *primipilaris*; that a friendship between M. Aemilius Scaurus and a man who, at some point in his career, had been a *primipilus*, while not a common event, is well within the range of attested social relations at Rome; and that the term *primipilaris*, by itself, is not damning evidence against the man’s social status and his ability to befriend Scaurus or Sulla. If one accepts the findings of Syme, Gabba, and Wiseman concerning Sulla’s (and Caesar’s) senatorial appointments, one must further allow for the possibility that the epithet in Orosius is mere slander; but that assumption is not needed to support the conclusions advanced here.

The identification of the Sullan *primipilaris* with the Sullan commander in Hispania Ulterior can be considered certain; Nicolet’s objections fall, together with his contention that the name in either case may not have been Fufidius. Spann’s attempt to make Cotta the governor and Fufidius his quaestor ought to be rejected, since it can be shown that Fufidius in 80 was qualified for a governorship and since at least two Cottae can be found who would have been qualified for a subordinate command. Some may still find it inconceivable or improbable that Aemilius Scaurus dedicated his memoirs to a one-time centurion. The matter is incapable of proof. But it seems most economical to conclude that there was only one L. Fufidius, a man some twenty to forty years younger than Scaurus, probably from Arpinum and thus known to Scaurus, connected with Sulla either independently or through Scaurus, rewarded, for whatever service, with one of the praetorships of 81, and governor *pro consule* of Hispania Ulterior in the following year.

#### “ANCILLA TURPIS”: AN AFTERTHOUGHT

*Fufidius, ancilla turpis, honorum omnium dehonestamentum*: thus Sallust in the speech of Lepidus (*H.* 1. 55. 21). *Ancilla turpis* clearly hints at some disgraceful service for Sulla. But what? One of *CP*’s referees proposes to take *ancilla* as an attack on Fufidius’ social origin and points to the “sexual ambivalence” suggested by the feminine noun and by *turpis*. Indeed—and there may be more than mere

50. Cf. C. Nicolet, *L'ordre équestre à l'époque républicaine*, vol. 1 (Paris, 1966), p. 589.

ambivalence. The only other instance of *ancilla* used with reference to a male (*SHA Claud.* 5. 4 "Gallus Antipater, ancilla honorum et historicorum dehonestamentum") is obviously derived from Sallust and does not lead us further. But a different parallel, Suetonius *Divus Iulius* 76. 3, readily comes to mind: "trium legionum, quas Alexandriae relinquebat, curam et imperium Rufioni liberti sui filio exoleto suo demandavit." The similarities are striking: the unscrupulous dictator entrusts a major military command to a man of low birth—in Suetonius, the son of a freedman, in Sallust, a former centurion—who is available, it is said, for his patron's pleasure. Is *ancilla turpis* perhaps a not-so-veiled reference to a lost passage in the *Histories* where Fufidius was described as *exoletus Sullae*?

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#### FLAVIA POLITTA AND MANILIUS FUSCUS

Flavia Politta, a *consularis femina* of the early third century of our era, is now attested in three inscriptions and, if a recent hypothesis were right, would also appear in a well-known work of Christian hagiography. Scrutiny reveals that the evidence has not been well used and, moreover, that there is an unnoticed problem in the career of her husband, Ti. Manilius Fuscus.<sup>1</sup>

The name of Flavia Politta first came to light in Rome, where in 1890 and 1891 a large number of fragments were found inscribed with the *acta* of the Secular Games of 204. In a long list of women of senatorial rank who made supplication to Juno, the first name is *Flavia Politta Manili* [: Mommsen conjectured that her husband was Manilius Fuscus, attested in the same document as *magister* of the *quindecimviri* in the year 203. Manilia Lucana, who appears further down in the same text as the first in a group of girl singers, may be presumed to be their child. Manilius Fuscus was legate of Syria Phoenice in 194, and an inscription from Palmyra shows that he was accompanied to the province by his homonymous son, whom he may also have had by Politta.<sup>2</sup>

Fuscus' long and distinguished career stretched from the reign of Commodus to that of Severus Alexander. Current works of reference ascribe to him a proconsulate of Asia about 210: thus a recent fascicle of the *Prosopographia*

1. I am very grateful to Tim Barnes and Glen Bowersock for helpful discussion, and for the comments of an anonymous reader for *CP*.

2. The standard text of these *acta* is that of J. B. Pighi, *De Ludis Saecularibus* (Milan, 1941); for Politta, see p. 157, IV line 13 (*CIL* 6.32329); for Fuscus, p. 140, I line 6 (*CIL* 6.32326); for Lucana, p. 169, Va line 87 (*AE* 1932, 70). Inscription of Palmyra: H. Seyrig, "Inscriptions grecques de l'Agora de Palmyre," *Syria* 22 (1941): 251–52, nos. 19–20 (*AE* 1947, 178; J. Starcky, *Inventaire des inscriptions de Palmyre*, vol. 10 [Damascus, 1949], pp. 21–22, nos. 27–28). See now *PIR*<sup>2</sup> F 434 (Politta), M 136 (younger Fuscus), 137 (elder Fuscus), 144 (Lucana); on Fuscus, see also W. Eck, "Manilius 25," *RE Suppl.* 14 (1974): 273–74, M. Sartre, *Trois études sur l'Arabie romaine et byzantine*, Collection Latomus vol. 178 (Brussels, 1982), pp. 59–61 (on his legateship of Syria Phoenice), and on Politta, M.-T. Raepsaet-Charlier, *Prosopographie des femmes de l'ordre sénatorial (I<sup>er</sup>–II<sup>e</sup> s.)*, vol. 1 (Louvain, 1987), pp. 326–27, no. 374.