

CATO TUSCULANUS AND THE CAPITOLINE FASTI *

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One of the most frequently attested facts concerning M. Porcius Cato, *cos.* 195 B.C., 'the Censor', is that his place of *origo* was Tusculum. Tusculum was a Latin town which had long since acquired the status of a municipium and the full privileges of Roman citizenship: Cato was a 'new man' in the political sense, but we might naturally infer that he came from a long line of Roman citizens.¹ Yet some of the most eminent of modern scholars, and in particular P. Fraccaro, have held that the inference is false.² Instead it has been argued that his family was Sabine, had received Roman citizenship only in his father's generation, and only recently had taken up residence in Tusculum. Although several writers have rejected these conclusions—some by silence rather than explicitly—the arguments for them, which are weighty and at first sight convincing, have not been subjected to the detailed examination which they merit.³ The present paper seeks to supply such an examination.

The case we are considering is derived from two principal facts. First, whereas the nomenclature of persons named in the Capitoline Fasti normally includes the *praenomina* of both father and grandfather (e.g. T. Manlius A.f.T.n. Torquatus), the *praenomen* of Cato's grandfather is lacking under his (Cato's) consulship (195 B.C.), and was erased, though first entered as M.n., under his censorship (184 B.C.). This erasure suggests that the omission under the consulship was not merely a simple oversight. Since such omissions are rare in these fasti and are found principally in the nomenclature of some of the *novi homines* of the late Republic it is commonly held that the grandfathers could not be recorded because they were not Roman citizens and therefore had no legal existence. Hence F. Münzer long ago inferred that Cato's grandfather was not a citizen, an inference which is accepted by H. H. Scullard, A. Degrassi, Fraccaro, and L. R. Taylor.⁴

Second, Cato owned an estate, inherited from his father and on which he spent much of his youth, in Sabine territory—a considerable distance from Tusculum—near a villa which had once belonged to M'. Curius Dentatus, the conqueror of the Sabines.⁵

These two items taken together suggested to Fraccaro the possibility that Cato's ancestors were Sabine, owning land in the territory conquered by Curius in 290, from which Curius distributed plots of land to numbers of Roman citizens, including himself. The family would have obtained *civitas sine suffragio* when it was given to the Sabines immediately after Curius' conquest, but full citizenship not until the grant reported to have been made to Sabines in 268.⁶ By that time Cato's grandfather could have been dead: indeed Cato's failure to mention him in a passage in which he boasted of the military exploits of his father and his great-grandfather could well be accounted for by the grandfather's early death.⁷ Thus the grandfather might not have lived to become a citizen in 268. If Cato's

* I wish to thank Dr. J. B. Salmon, who kindly read and commented upon a version of this paper.

¹ Cic., *Brut.* 294; *De Leg.* 2, 5; *Rep.* 1, 1; *Pro Planc.* 20; *Schol. Bob. pro Sulla* p. 80 Stangl; id. *pro Planc.* p. 153 Stangl; 'Victor', *De Vir. Ill.* 47, 1; Nepos, *Cato* 1, 1; Vell. 2, 128, 2; Val. Max. 3, 4, 6; Sil. Ital., *Pun.* 7, 692; Fronto, *Laudes fumi* 5; Gell., *NA* 13, 24, 2; Plut., *Cato Mai.* 1, 1; Amm. Marc. 16, 5, 2; cf. Tac., *Ann.* 11, 24, 2. Status and history of Tusculum: G. McCracken, *RE* s.v. Tusculum coll. 1463 ff., esp. 1467 ff.

² F. Münzer, *Römische Adelparteien und Adelsfamilien* 194, n. 1; A. Degrassi, *Inscriptiones Italiae* XIII, 1, *Fasti Consulares et Triumphales* 21 f.; H. H. Scullard, *Roman Politics* 111, n. 1.; P. Fraccaro, *Opuscula* 1, 169 f.; L. R. Taylor, *The Voting Districts of the Roman Republic* 248.

³ E. V. Marmorale, *Cato Maior*² (1949) 25 f.; M. Gelzer, *RE* s.v. Porcius 9, col. 108; D. Kienast, *Cato der Zensor* 141, n. 29; F. della Corte, *Catone Censore*² (1969), 11 f. Marmorale considers and rejects only the most extreme and most unlikely hypothesis, that Cato's grandfather was a freedman. Kienast takes the problem seriously but his argument is brief and

depends principally on Plut., *Cato Mai.* 1, 1. Cato is there reported to have asserted that his great-grandfather had had five horses killed under him in battle and had been recompensed from the treasury; but this would be compatible with service in an allied contingent.

⁴ Although Degrassi's publication is earlier than Fraccaro's he indicates that he is following a suggestion put to him by Fraccaro. For detailed refs. see n. 2 above.

⁵ Cic., *Rep.* 3, 40; *De Sen.* 55, cf. 24, 46; Nepos, *Cato* 1, 1; Plut., *Cato Mai.* 1, 1.

⁶ *Civitas* in 290 and 268: Vell. 1, 14, 6 f. Curius' distribution of Sabine land: Val. Max. 4, 3, 5; Colum. 1, praef. 14; 1, 3, 10; Plut., *Apophth. Man. Cur.* 1; Frontin., *Strat.* 4, 3, 12; cf. Pliny, *Hist. Nat.* 18, 18; 'Victor' *De Vir. Ill.* 33, 5. Curius is said to have refused an offer of additional land for himself. G. Forni, 'Manio Curio Dentato uomo democratico', *Athenaeum* n.s. 31 (1953), 197 f., defends the authenticity of Curius' assignments, *contra* T. Frank, 'On Rome's Conquest of Sabinum, Picenum and Etruria', *Klio* 11 (1911), 365-373.

⁷ Plut., *Cato Mai.* 1, 1.

father had then migrated to Tusculum soon after he had received citizenship he would naturally have retained ownership of the Sabine property.

The first objection to this ingenious hypothesis is the nature of the direct evidence about Cato's Tusculan origin. It is not merely that there are numerous references to this, nor yet that some of them would most naturally be understood to mean that he was of Tusculan ancestry. The significant fact is that there is never a hint that this should be qualified; and this is a case where the argument from silence is compelling. Cato had a long and stormy career, full of controversy; he was prosecuted (and acquitted) forty-four times—reputedly a record;⁸ and he left extensive writings, including speeches in his own defence. If he was a Roman citizen of only the second generation it seems incredible that we should have no echo whatsoever of abuse on this score. Instead we find Cicero, smarting under the gibe that he was the third peregrine king of Rome, asserting that none of Cato's numerous enemies ever taunted him with the term *peregrinus* on account of his municipal origin. 'Sed scire ex te pervelim quam ob rem qui ex municipiis veniant peregrini tibi esse videantur. Nemo istuc M. illi Catoni seni, cum plurimos haberet inimicos, nemo Ti. Corucanio, nemo M'. Curio, nemo huic ipsi nostro C. Mario, cum ei multi inviderent, obiecit umquam'. Patently Cicero said more than he could have known, but equally it is obvious and certain that he had no knowledge of tradition or taunt that Cato was of peregrine descent.⁹

Fraccaro's theory acquired much of its plausibility from the grant of citizenship to Sabines in 268, which provided the convenient link between the non-citizen grandfather and the citizen father with property in Sabine territory. Subsequently, however, L. R. Taylor has argued attractively that the grant of citizenship in 268 was confined to the people of Cures, in the Tiber valley, and that the Sabines conquered by Curius Dentatus in 290 were still without full citizenship in 225, and perhaps even later.¹⁰ If this is correct Fraccaro's theory can be saved only by the introduction of some further hypothesis, such as that Cato's father received an *ad hominem* grant of citizenship—which seems all the more unlikely when we recall that other Porcii, certainly not brothers of Cato, were making their way into Roman politics at the same time as Cato himself.¹¹ Taylor's case cannot be taken as proved beyond all question, but it is attractive and therefore casts further doubt on the general probability of Fraccaro's thesis.

In view of the considerations already set out Cato's supposed Sabine ancestry and peregrine grandfather are hardly to be accepted unless the evidence from which they have been inferred is otherwise virtually inexplicable. This is obviously not the case with one of the principal items: there need be no surprise that a Tusculan family should own Sabine land. It could have been acquired by purchase, or possibly even in the distributions made by Curius Dentatus in 290. It would have been a convenient acquisition, enabling livestock to be transferred to higher ground in summer. And it may well be that if a Tusculan family, with rising status and prosperity, wished to acquire additional land it had little choice but to seek it outside Tusculan territory; for that territory was very restricted, probably only about 50 square kilometres in total.¹² The Sabine farm, in short, would fall neatly into place if other evidence pointed strongly towards the peregrine status of the grandfather; but in itself it does not require any such special explanation.

There remains the crucial point that the *praenomen* of Cato's grandfather is omitted from the entries in the Capitoline Fasti, which at first sight seems decisive. In order to assess the interpretation put upon this by Münzer, Fraccaro, Degrassi, and others it will be helpful to set out all the surviving instances of such omission in these fasti. There are only a few such instances, and these have been conveniently collected by Degrassi.¹³ In the *fasti consulares*, of those persons whose filiation is sufficiently preserved for the point to be determined, seven are listed by Degrassi as being recorded without indication of the grandfather, as follows:¹⁴

⁸ Pliny, *Hist. Nat.* 7, 100; 'Victor', *De Vir. Ill.* 47, 7; Plut., *Cato Mai.* 15, 4; cf. Nepos, *Cato* 2, 4; Livy, 39, 40, 9 and 44, 9.

⁹ *Pro Sulla* 23.

¹⁰ Taylor o.c. (n. 2), 59 ff.

¹¹ L. Porcius Licinus, *aed. pl.* 210, *pr.* 207; P. Porcius Laeca, *tr. pl.* 199, *pr.* 195.

¹² McCracken, *RE* s.v. Tusculum, coll. 1482 f.

¹³ *Op. cit.* (n. 2), p. 20. Since substantial portions of the Capitoline Fasti are missing there may, of course, have been more instances than are now known.

¹⁴ Excluding the later entries regarding Augustus, which will be mentioned separately below.

- L. Tarquinius L.f. Flaccus, *mag. eq.* 458
 M. Claudius C.f. Glicia, *dict.* 249
 M'. Aimilius M'.f., in the notice of the third *ludi saeculares* (in 236 or 249)
 M. Porcius M.f. Cato, *cos.* 195, *ensor* 184 (M.n. erased from the latter entry)
 Cn. Mallius Cn.f. Maximus, *cos.* 105
 M. Agrippa L.f., *cos.* 37
 M. Fufius M.f. Strigo, in the notice of the *ludi saeculares* of 17

In the *fasti triumphales* nine persons (excluding Romulus son of Mars) appear without record of grandfather, as follows :

- L. Tarquinius Damarati f. Priscus, three triumphs, in 598-5, 588, and 585
 Ser. Tullius (with no filiation at all), 571, 567, 566-4
 Q. Pedius M.f., 45
 P. Vatinius P.f., 42
 C. Asinius Cn.f. Pollio, 39 (?)
 P. Ventidius P.f., 38
 T. Statilius T.f. Taurus, 34
 C. Norbanus C.f. Flaccus, 34
 L. Cornelius P.f. Balbus, 19

Three points will be noticed at once. First, although some of these persons are named in the fragments of both sets of *fasti*, for none of them is the filiation preserved in both. Second, in the whole group the two kings and Cato happen to be the only persons whose filiation is preserved in more than one entry. Third, the great majority of these persons were certainly *novi homines*, and a high proportion belong to the late Republic or the time of Augustus.

This last feature led Th. Mommsen to infer that it was because these men were *novi homines* that reference to their grandfathers was omitted. Degrassi rightly comments on the insufficiency of this explanation, observing that a considerable number of known *novi homines* are given the full filiation ; instead he prefers the suggestion put forward by C. Cichorius, that the grandfathers were omitted because they were not Roman citizens. The same argument was advanced confidently by Münzer, who applied it explicitly to Cato and was followed in this by Fraccaro and others.¹⁵

Detailed analysis of the individual cases in the Capitoline *Fasti* shows that Cichorius' explanation is correct in part, but only in part. The most convincing support is to be found in the case of Servius Tullius, who appears three times without any filiation at all. This omission must be related to the tradition that he was the son of a maid-servant, and it therefore corresponds exactly to Cichorius' explanation for the omission of grandfathers. Further, it is virtually certain that the grandfathers of Ventidius and Balbus were peregrine ; Claudius Glicia, according to tradition the son of a scribe and of very humble origin, could have been of servile extraction ; and several of the *novi homines* of the late Republic could have come from leading Italian families which had been enfranchised at the time of the Social War.¹⁶

On the other hand several cases probably or certainly conflict with Cichorius' interpretation. Of the five which are to be considered two have been noted by Degrassi, who advanced special explanations.

(1) C. Norbanus C.f. Flaccus (*cos.* 38), *fasti triumphales* 34. There is no proof that this man was related to C. Norbanus, *cos.* 83, or the C. Norbanus who was a *monetalis* at about that date ; but the only reason for doubting such an obvious probability is the omission of the *praenomen* of the triumphator's grandfather in these *fasti*. Although this argument was

¹⁵ Th. Mommsen, *Röm. Staatsr.* 1³, 488, n. 2 ; Degrassi, o.c. (n. 2) 21 f. ; C. Cichorius, *Untersuchungen zu Lucilius* 19 f. ; also *Römische Studien* 127 ; Münzer, *Röm. Adels.* 194, n. 1. For other references see above, n. 2.

¹⁶ Evidence collected in *RE*, s.v. Tullius no. 18, coll. 806 f. ; Ventidius no. 5, coll. 796-8 ; Cornelius

no. 70 (nephew of Caesar's friend, no 69) ; Claudius no. 166. In several articles in *RE* the absence of the grandfather's *praenomen* from the *fasti* is treated as sufficient evidence in itself, but in all the instances cited here there are other reasons for believing that the grandfathers were not citizens.

apparently accepted as valid by Cichorius, others, including Münzer, have felt uneasy about it. Unless some more compelling argument should emerge, it is patently more probable that the consul of 38 was the son of the *monetalis* and grandson of the consul of 83, and therefore that the latter's *praenomen* was omitted for some reason other than that suggested by Cichorius.¹⁷

(2) L. Tarquitiu L.f. Flaccus, *magister equitum* of Cincinnatus in 458. Livy, 3, 27, 1, says that Tarquitiu was 'patriciae gentis, sed qui [cum] stipendia pedibus propter paupertatem fecisset, bello tamen primus longe Romanae iuventutis habitus esset'. *Patriciae gentis* clearly entails citizen forebears. Degrassi's comment is that we may suspect that the author of the Capitoline Fasti followed a different tradition regarding the origin of Tarquitiu; but this is a circular argument. There is no evidence for a different tradition, and the only reason for supposing there to have been one is the presupposition that the entry in the fasti implies that Tarquitiu was the grandson of a non-citizen and therefore not *patriciae gentis*. The self-evident conclusion to be drawn from Livy's statement is that Tarquitiu was of long-standing Roman lineage and therefore that there is some explanation other than lack of citizenship for the omission of his grandfather's *praenomen* from the fasti. To avoid this conclusion by the hypothesis of an unattested alternative tradition would be justifiable only if it could be shown that lack of citizenship was the *only* plausible explanation for the omissions.¹⁸

(3) M'. Aimiliu M'.f. is recorded as a *decemvir* responsible for the third celebration of the *ludi saeculares*. The entry inscribed in the margin of the Capitoline Fasti, almost certainly in 17 B.C., is probably derived from the official records which the Augustan *quindecimviri* had just been revising; and since they had almost certainly adjusted the date in order to fit Augustus' preconceptions (or convenience), they may well have invented other details as well. Even so, the two *decemviri* who are said to have presided are likely to have been real people, whether or not they really performed this task; and indeed it seems generally accepted that Aimiliu is to be identified with M'. Aemiliu Numida, who died in 211 and was succeeded as *decemvir* by a M. Aemiliu Lepidus. He was therefore a patrician and patently not the grandson of a non-citizen. Degrassi suggests that his name may have been taken from a different source from the rest of the fasti, namely from the official records of the decemviral college, which we should not have expected to include the grandfather's *praenomen* at that date. There may be something in this (though it remains curious that the other *decemvir* is given the full filiation—M. Liviu M.f. M.n. Salinator), but in effect it is an admission that this instance *must* be explained by something other than a non-citizen grandfather.¹⁹

(4) P. Vatiniu P.f. (*cos.* 47), *fasti triumphales* 42. In *De Natura Deorum* 2, 6 Cicero tells a story to the effect that the Dioscuri miraculously announced the Roman victory at Pydna (168 B.C.), on the very day that it occurred, to P. Vatiniu, *avus huius adolescentis*. When his story was reported to the Senate Vatiniu was at first imprisoned but subsequently released and granted land and *vacatio* by the Senate. Since the dramatic date of the *De Natura Deorum* is c. 77–76, and the actual date of composition 45–44, there can be no reasonable doubt that the *adolescens* is the consul of 47. Whether or not such a decree of the Senate was to be found in the records, the story was plainly in circulation when Cicero was writing, carrying with it the necessary implication that the grandfather was known, or firmly believed, to have been a Roman citizen named P. Vatiniu.

(5) The entries in the *fasti consulares* for 24 and 23 B.C. preserve Augustus' filiation as *Divi f. C.n.*, and this is found also in the marginal entry concerning the *ludi saeculares* of 17 B.C. Thereafter until A.D. 1 there are few fragments of the *fasti* and none concerning Augustus. By A.D. 1 it had become the practice to place Augustus' name and the year of his tribunician power above the names of the consuls of the year, and from A.D. 2 to 13 his filiation is adequately preserved eleven times. In each of these instances it is simply *Divi f.*; reference to his grandfather is now regularly omitted. It is difficult to believe,

¹⁷ Cichorius, *Unters. Luc.* 19 f.; Münzer, 'Norbanus', *Hermes* 67 (1932), 223, n. 1; Groag, *RE* s.v. Norbanus 9a, col. 1270.

¹⁸ Degrassi, o.c. p. 22. Dion. Hal., 10, 24, 3, ἀνδροα

τῶν ἡμελημένων μὲν διὰ πεινίαν, τὰ δὲ πολέμια γεννασίον, is less precise but is not at variance with Livy.

¹⁹ Degrassi, p. 22; Klebs, *RE* s.v. Aemiliu nos. 17 and 103 (death of Numida: Livy, 26, 23, 7); *MRR* pp. 223 and 276 f.

therefore, that such omission was felt at that time to imply strongly that the grandfather was not a citizen.

The conclusions to be drawn from all this are simple and obvious. Cichorius' hypothesis may be the correct explanation for some of the instances under discussion, but by no means for all; and there can be no justification whatsoever for regarding the omission of a grandfather's *praenomen* from the Capitoline Fasti as sufficient evidence in itself to suggest strongly, let alone to establish, that he was not a Roman citizen. Patently there are instances produced by other factors. What these factors were we cannot know: in some cases perhaps accidental omission, in others genuine ignorance, in others derivation from official sources which as normal practice recorded only the father's *praenomen*, in the case of Augustus political considerations, and so on.²⁰ But the central point is that no single explanation suffices, and above all not the explanation suggested by Cichorius.

It was argued earlier that Cato's supposed Sabine ancestry and peregrine grandfather are hardly to be accepted unless the evidence from which they have been inferred is otherwise virtually inexplicable. The omission of his grandfather's *praenomen* from the Capitoline Fasti was the one apparently strong piece of evidence, and this has now proved delusory. *Cato Tusculanus* may be taken at its face value.

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²⁰ The entry concerning Cato's censorship is slightly different in that *M.n.* was first engraved and then erased. The simplest explanation is that the mason made a mistake (a form of dittography, following *M.f.*) and then corrected it. The Capitoline Fasti exhibit a high standard of workmanship but are

not free from errors, some of which were certainly committed by masons: Degrassi, pp. 22 and 641 f. In addition some of the instances where letters have been erased and re-engraved are presumably corrections of masons' errors: e.g. in the *fasti consulares* 'Flaccus' in 261 and 'M.n.' in 246.