

## MARIUS' VILLAS: THE TESTIMONY OF THE SLAVE AND THE KNAVE

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Plutarch tells us that the great C. Marius possessed a Campanian villa, which in 88 B.C. could be regarded as more luxuriously appointed than befitted an old soldier; though more than a century later, Seneca, in moralistic mood, could describe it as positively Spartan compared with those of his own day.<sup>1</sup> The villa (we are specifically and credibly informed) was sited in the territory of Misenum; but for rhetorical purposes both Plutarch and Seneca connect it with Baiae—a name that had more powerful associations of luxury and that, even geographically, was not far out.<sup>2</sup>

In 1933 another villa, somewhat further north, was putatively added. J. Johnson, discovering a slave of a C. Marius among the *magistri* who put up dedications at Minturnae, suggested that he was perhaps a slave of the great C. Marius: 'If so, he [Marius] must have owned a local villa, which he rarely visited.'<sup>3</sup> The suggestion was at once enthusiastically welcomed by Passerini, then just engaged on his important study of C. Marius. He regarded the stone as a document inviting us, in welcome confirmation of his theories, to reject the 'fables' of Plutarch regarding Marius' flight in 88 B.C., and he suggested that Plutarch may have invented the whole graphically told story of Marius' flight to Minturnae because he had no knowledge of the true and simple explanation—Marius' villa there. In 1934 this was still advanced as 'probable'. By 1939, in the context of a discussion of epigraphic testimony related to Marius, it had become plain fact.<sup>4</sup> The suggestion was accepted by T. F. Carney (who, however, advanced some better arguments of his own for Marius' choice of Minturnae as a temporary place of refuge) in his survey of the whole story of Marius' flight and return.<sup>5</sup> Quite recently, J. H. D'Arms—charging Carney, unjustly, with producing 'no evidence for his assertion', and ignoring Passerini (cited by Carney)—has again drawn attention to Johnson's suggestion, though without entering into the speculations that connect the villa with Marius' flight in 88.<sup>6</sup>

D'Arms himself discovered another Campanian villa owned by C. Marius—this one actually at Baiae. A villa owned by the elder C. Curio is allusively described by Cicero, in two passages, as having once been in Marius' possession; it too was situated at Baiae. Of course, it might *prima facie* be identified with the villa 'at Baiae' (i.e. in fact at Misenum) mentioned by Plutarch and Seneca. But D'Arms argued against that identification: first because Plutarch, when mentioning the villa, tells us that it was later bought by Cornelia for 75,000 drachmas and a little later still by L. Lucullus for 2½ million; next, because the Bobbio scholiast tells us that Curio had acquired Marius' villa in the Sullan proscriptions. Since Cornelia (presumably Sulla's avaricious daughter) surely bought her villa in the proscriptions, and Plutarch in any case does not suggest the interpretation that she bought it from Curio, it must be a separate villa.<sup>7</sup> In confirmation of the argument, he added that Cornelia's absurdly low price clearly

<sup>1</sup> Plut., *Mar.* 34, 2 f. (calling the luxurious amenities 'effeminate'); Sen., *ep.* 51, 11 (telling us that, like the villas of Pompey and Caesar, it was built on a hilltop and was 'a camp rather than a villa'). As J. H. D'Arms, *Romans on the Bay of Naples* (1970), 23, notes, Seneca's comment, in view of its context, 'is best taken figuratively, not literally' and does not really contradict Plutarch, whose rhetorical point (we may add) was the opposite of Seneca's.

<sup>2</sup> Plutarch, after reporting that Marius' enemies were telling him to 'go to Baiae' and attend to his rheumatism, defines the actual location of the villa as 'around Misenum'. This is confirmed by Pliny, *n.h.* xviii, 32. Seneca vaguely speaks of the *regio Baiana*. Pliny comments on the carefully planned layout, and on the balance between house and farm, which he ascribes to Marius' military experience. If, as the passage suggests, Marius applied techniques modelled on castrametation, this would provide a basis for Seneca's comment.

<sup>3</sup> J. Johnson, *Excavations at Minturnae* ii, 1 (1933), pp. 47, 63.

<sup>4</sup> A. Passerini, *Athenaeum*, n.s. xii, 1934, 372 = *Studi su Caio Mario* (1972), 185; *Athenaeum*, n.s. xvii, 1939, 68 = *Studi* (cit.) 214. Endorsement by Münzer had intervened: see his fascinating article on the aristocratic families represented among the slave-owners in these inscriptions, *MDAI (R)* 1, 1935, 321-30 (at 323).

<sup>5</sup> T. F. Carney, 'The Flight and Exile of Marius', *G & R* viii, 1961, 98 ff., at 105, citing Passerini.

<sup>6</sup> J. H. D'Arms, *op. cit.* (n. 1) 28, n. 31: 'the slave of a C. Marius, surely the consul', with a reference to Johnson.

<sup>7</sup> D'Arms, *op. cit.* 26-30 (earlier *CQ*, n.s. xviii, 1968, 185 ff.). The two villas had been treated as distinct (although only by implication) by Münzer, anticipating D'Arms: see *RE*, s.v. 'Cornelius', no. 412, and s.v. 'Scribonius', no. 10, also suggesting purchase in the time of the proscriptions.

demonstrates purchase in the proscriptions: for even in the depression of land values that followed that time a luxurious villa at Baiae cannot have been worth such a trivial sum; nor can it have appreciated more than thirty times within a few years after. We know, of course, that Sulla rewarded his friends and his family by letting them buy the property of the proscribed at nominal sums—which (we may add) he then failed to exact from them.<sup>8</sup>

The importance of all this extends beyond personal interest in the character of Marius. As we have seen, the villa at Minturnae has been used to explain his flight, and the accumulation of property in the area of Baiae can be used to bolster the hypothesis—so far not plentifully supported by actual evidence—of a supposed ‘Campanian following’ of Marius. Indeed, D’Arms rightly points out that possession of two villas there would imply unusual local influence. (Though he properly notes that the growth of that influence cannot be put before the mid-nineties.<sup>9</sup>) Perhaps, before the coastline is studded with suggested Marian properties, it is time to stop and scrutinize the evidence. We may incidentally make some profitable discoveries about the nature of the sources and their use.

Johnson’s suggestion regarding the villa was advanced purely *obiter*, without discussion, and as such was worth propounding. But it must not be passed on as certain and become the basis for far-reaching conclusions if it is indeed no more than a possibility.<sup>10</sup>

To make it even probable, we should have to know the date of his dedication no. 28, on which the name of C. Marius’ slave appears. Unfortunately we do not. The only dated inscription, among the twenty-nine we have, is no. 6, dated by the consuls of 65 B.C. Apart from that, all is vague. Johnson, in his careful discussion of possible dates, noted the more archaic lettering in no. 11 and made it the earliest by some years, though not before 100. He tried to derive a lower limit from the closing of the *collegia* by the Senate in 64; but it is by no means as certain as he thinks that this must have applied to the religious cults of Minturnae, which did not necessarily add to violence and corruption at Rome.<sup>11</sup> Münzer, more reasonably (in the state of the evidence), dates the series approximately between the Social War and the Civil War of 49.<sup>12</sup> All that we actually know, to judge by Johnson’s report, is that at some time after 65 there was a disastrous fire, and that, not long before the end of his life, Caesar apparently sent colonists to Minturnae and some rebuilding took place, though the series of dedications was not resumed. It is reasonable to think (as Münzer implies) that the fire took place not many years before Caesar’s action, i.e. at the earliest in the years before the Civil War, when political tensions might have prevented help for the city. Of course, this is by no means a decisive argument; but it is certainly better than any that can be thought of for a year in the sixties. The latest of the inscriptions may therefore be very tentatively assigned to the fifties.<sup>13</sup>

As for the earliest: few nowadays would go even as far as Johnson did in using lettering as a guide. It is obvious that some of the texts are more and some less care-

<sup>8</sup> This is carefully discussed by D’Arms, l.c., though one should add Sulla’s failure to insist on payment, which was only remedied nearly a decade later (Sall., *hist.* iv, 1 M; Cic., 2 *Verr.* iii, 81). However, in view of these circumstances, I do not see how the sale of the villa, somewhat later, at a much higher price can be said to confirm the tradition of Cornelia’s avarice (D’Arms 28, n. 33): she presumably sold at market value. If one could take a passage of the elder Pliny literally, it could be held that the elder Curio was not a profiteer of the proscriptions. Pliny contrasts his son with the younger M. Scaurus, stressing the fact that he lacked the resources of the latter: ‘unde enim illi uitricus Sulla et Metella mater proscriptionum sectrix?’ (xxxvi, 116). But since this is clearly an exercise in sarcastic rhetoric, it is perhaps better not to insist on the integrity of C. Curio.

<sup>9</sup> D’Arms 28, n. 31. On the supposed Campanian following of Marius, see my comments, *Studies in*

*Greek and Roman History* (1964) 59-62: there is no evidence for corporate *clientelae* and very little (no more than elsewhere, and no more than for other eminent Romans) for individuals. The events of Marius’ flight show that he could not expect overwhelming support, such as (after his return) he both expected and received in Etruria.

<sup>10</sup> See n. 4 above with text.

<sup>11</sup> Johnson, op. cit. 123-5. On the SC of 64, see J. Linderski, *Gesellschaft u. Recht im griech.-röm. Altertum* (Berlin, 1968), 94 ff.

<sup>12</sup> Münzer, op. cit. (n. 4), 321.

<sup>13</sup> Johnson (124 f.) thinks that the lettering of his nos. 10 and 17 is noticeably later than that of the rest and speculates as to whether they could date from a resumption of the cult after an intermission! On this kind of argument, see next note with text. I should here add that, like most scholars, I ignore the fantasies of E. Staedler, *Hermes* lxxvii, 1944, 149 ff.

fully executed; but in the present state of our knowledge of Republican epigraphy it is impossible to attempt any dating, either absolute or relative, of these stones on palaeographical criteria. The parallel series of the *magistri Campani* serves as a useful check and a warning; as might that remarkable monument set up in 2 B.C. by the *ministri* of a Roman *uicus*.<sup>14</sup> All one can say (with Johnson) is that, as appears from the repetition of owners' names across the series, the series must all fall within 'the span of one man's life', and that the year 65 B.C. falls somewhere within it.

If a slave of Marius is to appear, the inscription would have to be older than 81 B.C., probably before Sulla's occupation of the area some time in 82. It should now be clear that this cannot be either proved or disproved. Apart from no. 6, not one of these stones can really be dated. But there are some points one might bear in mind. First, recurring names of owners can be suggestive. As it happens, our no. 28 shares an owner with no. 6: C. Arrius. It is, of course, perfectly possible for a man to have been alive both in 82 (or earlier) and still in 65. But we can extend that span a little further. Münzer plausibly identified this C. Arrius with a man whom Cicero notes as a neighbour excessively attached to him in 59, when he was on his *Formianum*.<sup>15</sup> This adds another six years. On the whole, a later may be marginally more likely than an earlier date for our stone.<sup>16</sup> The other point is more interesting. On no. 24 a line has been almost completely erased. Johnson ascribes the erasure to *damnatio memoriae*; if so, it is the earliest instance we know.<sup>17</sup> (There is only one other erasure, of a single letter, in this series: no. 22. There this explanation can and need not be invoked.) Although one should not too confidently guess at reasons for erasures in lists of this type, one must at least consider the possibility of this explanation, approved (i.a.) by Degraasi.<sup>18</sup> Now, if the erasure is due to the reason suggested, it can hardly be due to anything other than the proscriptions: no other event in this period offers parallels to the digging up of C. Marius' bones. If it is accepted that erasure of the *damnati* did extend to these lists, then it is obvious that Marius' name would have been the first to be erased. On this assumption, it would have to be regarded as certain that the man here named cannot be the great C. Marius.

There is (we must repeat) no decisive evidence. But it seems to me, on the whole, more likely than not that the document has no relevance to the name and family of the great C. Marius. If this is so, alternative candidates can readily and plausibly be suggested. Straight after Sulla's victory, in fact, we find a moneyer who calls himself C. Marius C.f. Capito coining *senatus consulto*, with the interesting propaganda types

<sup>14</sup> Some of the stones of the *magistri Campani* and nearly all those of the *magistri Minturnenses* are reproduced in A. Degraasi, *Imagines*, nos. 263-8 and 269-91 respectively. Had the Campanian lists not been dated, no one could have put them in anything like the right order on palaeographic criteria. (Cf. also the corresponding urban documents 259-62—quite undatable except within wide common-sense limits.) For the document of 2 B.C. (fortunately dated), see A. E. and J. S. Gordon, *Album of Dated Latin Inscriptions* i (1958), no. 33 (contrast faces a and b): but for its date, 33 b might have been assigned to a different century!

<sup>15</sup> Cic., *Att.* ii, 14, 2; 15, 3. See Münzer, *op. cit.* (n. 4) 324 f. (not known to Shackleton Bailey, *ad locc.*).

<sup>16</sup> As Johnson points out, tracing owners' names unfortunately does not help much in dating the documents. Thus we cannot even tell whether 28 is earlier or later than 6. As a curiosity, it might be noted that the only two documents on which Saufei certainly occur are 22 and 28, and they occur twice on each—these two stones surely belong close together in time. It would help if we could discover an ex-slave as a freedman on another document. Unfortunately there is no really certain case of this, though M. Epidius Antiochus (16; cf. 1: no *praenomen* survives, but of thirteen slaves and freedmen of Epidii with *praenomina*

only one does not offer 'M.') is highly probable, and C. Novius Papia (15; cf. 25) is possible, if the ligature in 15, 11 is intended for 'M.I.' rather than 'M'.I.'. (The latter in Johnson, the former—for what it is worth—in Staedler, *op. cit.*).

<sup>17</sup> Johnson, *op. cit.* 43. For *damnatio memoriae* and its consequences (chief of them the loss of right to burial) see, e.g., Mommsen, *Röm. Strafr.* 66; 591. Cf. Vittinghoff, *Der Staatsfeind in der röm. Kaiserzeit* (1936), 43 f. (18 f. on erasure in documents). But Vittinghoff is not well informed on the Republic; cf. 24, n. 41, where he is puzzled at the 'survival' of Marius' name in his *elogium*.

<sup>18</sup> Degraasi *ad ILLRP* 741. Erasures in inscriptions of this type have not (as far as I know) been properly investigated. Complete erasure of a name does not appear at all common. There is no instance in the lists (cited n. 14) printed in *ILLRP* 717 and 721, where *all* the names were erased, are (of course) not parallel, though puzzling in themselves. (On 721, a mosaic, see A. de Franciscis, *Templum Dianae Tifatinae* (1956), 20 f.) In 107c (pointed out to me by Mr. Frederiksen) the personal name of a slave has been erased, but the rest of his name (*Orciui M.s.*) left intact, in a dedication to Fortuna Primigenia. The partial erasure can hardly be penal. Presumably the wrong name had been carved (or a mistake made in the carving) and the correction was never completed.

of Ceres and a ploughman and yoke—clearly an official coinage, proclaiming the return of peace and plenty:<sup>19</sup> ‘agricola incuruo terram dimouit aratro: / hinc anni labor, hinc patriam paruosque nepotes / sustinet . . . nec requies quin . . . exuberet annus / . . . Cerealis mergite culmi / prouentuque oneret sulcos atque horrea uincat.’<sup>20</sup> The public will have remembered a coin of the *regnum Cinnanum*, struck only five years before, as a special coinage, by two plebeian aediles.<sup>21</sup> There is no question but that this herald of the restoration of peace would be high in Sulla’s favour. The line seems to have continued: about seventy years later, a C. Marius C.f. Tro. struck coins celebrating Augustus, Agrippa and members of the imperial family.<sup>22</sup>

Nor is it too difficult to conjecture, with all due caution, the origin of this other family of C. Marii: there are not many cities that have the Tromentina tribe.<sup>23</sup> At Fabrateria Nova we find an early inscription of a C. Marius C.l. Saluius Callus [sic], which is one of the very few documents from that town.<sup>24</sup> It is also the only Republican document giving us a C. Marius in the right tribe. We may probably accept the gift. And once we do, we need not be at all surprised that this family, rising to eminence with the victory of Sulla, should have possessed property at Minturnae, perhaps thirty miles away. In view of the evidence we have considered, it seems more probable than the attribution of that property to the great C. Marius. At the very least, however, that attribution should no longer be taken for granted.

So much for the villa at Minturnae. The second villa at Baiae is inherently less plausible, and it would take solid evidence to make us believe it. First, it would be surprising if Marius actually possessed two properties in that area: he was not a man of luxury (even if his villa at Misenum was a pleasant place in which to relax), and one cannot easily see him moving from one of his Baian follies to the other.<sup>25</sup> Moreover, would the hostile source that gave Plutarch his information about the effeminate décor of his villa at Baiae, which was in fact at Misenum, not have known about a villa that was really at Baiae—or, knowing it, not have used that information instead or as well? It seems hard to believe.

There is no doubt about the basic fact that the elder Curio owned a Baian villa that had belonged to Marius. The evidence has long been known, and D’Arms has very clearly set it out and discussed its implications. Two passages (*Att.* i, 16, 10 and *Clod. et Cur.*, fr. 20) show Cicero making the plain statement (which must be one of well-known fact) in reply to a taunt by Clodius about his own visit to the place. As D’Arms recognizes (p. 27), one would naturally be inclined to take the villa to be the one at Misenum, the one all our other sources mention; the more so since (as we have seen) that villa, for rhetorical effect, was easily referred to as being at Baiae. What is the objection? The ‘decisive objection’ is said to be Plutarch’s statement that the villa was bought by Cornelia, who not long afterwards sold it to L. Lucullus; and Plutarch implies that Cornelia was the next owner after Marius, while C. Curio still

<sup>19</sup> M. H. Crawford, *NC* s.7, iv (1964), 144, takes the ploughman and team to indicate colonization. There is no way of deciding with any certainty, but the association with Ceres seems to me to favour the interpretation here given. See, however, n. 22.

<sup>20</sup> Vergil, *Georg.* ii, 513 f.

<sup>21</sup> Sydenham, *CRR*, no. 717 (dated 86 by Crawford, l.c.).

<sup>22</sup> See *RE*, s.v. ‘Marius’, no. 18; Mattingly-Sydenham, *RIC* i, p. 76. This same moneyer’s name is also found on an aureus showing a ploughing team in front of a city wall. This is clearly modelled on the coin of C. Marius Capito: Mr. Crawford points out to me that the fact that the team faces the other way strengthens the presumption that this otherwise unique type was copied by a man holding the specimen coin in front of him while he cut the die. Whether the coin is genuine appears to be in doubt. Mattingly-Sydenham,

l.c. (cf. Mattingly, *CREBM* i, p. 22), regard it as highly suspect, while Bahrfeldt, *Röm. Goldmünzenprägung* (1923) 146, no. 185, has no doubts of its genuineness. The city wall suggests colonization. But since this was imported by whoever produced this particular coin, it shows no more than that (if the coin is genuine) the old type could be used in this way.

<sup>23</sup> See L. R. Taylor, *VDRR* 275.

<sup>24</sup> *CIL* x 5614 = i<sup>2</sup> 1548; Ritschl, *tab.* lxxiv: Occam’s razor should apply to the aristocratic Marii of the first century who are not from Arpinum.

<sup>25</sup> As D’Arms correctly points out, a villa at Baiae would technically be in the *territorium* of Cumae (cf. *CIL* x 3698). He identifies Curio’s *Cumanum* with Marius’ supposed villa at Baiae (p. 195). That a *Cumanum* was in fact at Baiae is, of course, possible, but—as D’Arms’s list makes clear—it is by no means necessary.

owned the villa in 61, hence (on both grounds) we cannot assume that he bought it and almost at once sold it to her.<sup>26</sup>

As stated, the argument is far from decisive. It omits the possibility that Lucullus sold the villa to Curio. After all, Romans (like modern owners) did sell property during their lifetime, and there is no *a priori* need to believe that Lucullus necessarily kept the villa until his death and passed it on to his heirs. He may have tired of its austerity (such as it was) and decided to sell it and build himself a place more to his taste. There is no reason why Plutarch should have mentioned such a sale, if indeed it took place: his sole interest in the matter was to show (as he thought) the sudden increase in luxury and extravagance at Rome by stressing the rapid appreciation of the villa. Presumably Lucullus, if he sold it in the sixties, made no further fantastic profit on it; and Plutarch was not concerned to give a full catalogue of later owners for its own sake. There is therefore nothing in Plutarch to contradict the hypothesis that L. Lucullus sold the villa to C. Curio.

The complementary argument, leading to D'Arms's conclusion (and no doubt Münzer's, though Münzer, within his limits, could not advance supporting arguments), is in fact a very different piece of evidence, again fully and properly discussed by D'Arms, though a little later. In his note on the fragment of the speech against Clodius and Curio the Bobbio scholiast explicitly states that Curio, during the Sullan proscription, bought an estate in Campania that had been Marius'.<sup>27</sup> It is really this, in connection with the Plutarch passage, that is decisive: for if Curio bought Marius' villa in the proscriptions and Cornelia bought Marius' villa in the proscriptions (and as we have seen, the latter is an inescapable inference from Plutarch's account), then it does follow that Marius had possessed two such villas. Put in this way, there is no escape from the conclusion.

It all, in fact, hinges on the words of the scholiast, far more even than on Plutarch's, since he alone is explicit. We must ask: how reliable is the scholiast? The answer cannot be very hopeful.

This is not the place for an exhaustive analysis of the Bobbio scholia. But since their testimony has turned out to be crucial in this case (as it is in so many others), something will have to be said. It is clear that the nature and quality of that commentary is very mixed. A large number of the notes are no more than (to use the convenient French term) *explication*, and these do not concern us. Others give additional information, literary and historical. It is known that the scholia preserve some fragments of early prose (almost certainly not directly consulted), e.g. the fragment of C. Laelius' funeral speech on Scipio Aemilianus that settles the question of whether he was murdered,<sup>28</sup> or C. Gracchus' appeal for sympathy in his speech *de legibus promulgatis*.<sup>29</sup> Sallust's *Histories* were perhaps still directly used. But the principal source for historical commentary is almost certainly Cicero himself and his earlier commentators. Much of the information given is gathered from the context in Cicero's actual speech, or can easily be traced elsewhere in his works (whether or not it

<sup>26</sup> D'Arms, *op. cit.* 27. (The scholiast is discussed p. 30, after being quoted n. 29.) It is—contrary to D'Arms's statement—the scholiast's text, and acceptance of it, that is decisive: but for this, Plutarch's statement would easily allow the interpretation here indicated. Indeed, as indicated above, Plutarch's knowledge of but one Baian villa—that at Misenum—is *prima facie* an argument against there having been two.

<sup>27</sup> *Clod. et Cur.*, fr. 20 (Puccioni), with schol. p. 89 St. These must be quoted in full. Cicero: 'nec enim respexit illum ipsum patronum libidinis suae non modo apud Baias esse, uerum eas ipsas aquas habere, quae (e) gustu tamen Arpinatis fuissent.' Schol. Bob.: 'C. Curionem qui de proscriptione Syllana fundum

emerat in Campania, qui C. Marii nuper fuerat, et ipsius Arpinatis.' As the scholiast rightly suggests, the real point (as in *Att.* i, 16, 10) is not so much an attack on Curio, as the implication that he (Cicero) might be allowed to follow the precedent set by Marius. Appeals to Marius as his great predecessor are, of course, frequent in Cicero when they suit his case.

<sup>28</sup> 118 St.; see *ORF*<sup>2</sup> p. 121 and, after my discussion of this (*Studies in Greek and Roman History* 249), *ORF*<sup>3</sup> p. 121, with no real improvement; and cf. now *Pro Munere Grates* (*Studies Presented to H. L. Gonin*, 1971) 1-3, which one may hope will settle the matter.

<sup>29</sup> 81 St. = *ORF*<sup>3</sup> pp. 190 f.

had previously been used for this purpose).<sup>30</sup> In other places, Asconius is an almost unmistakable source, in style and manner; especially in the introductions to the speeches.<sup>31</sup>

It is clear that the scholiast had good sources to use and often used them well enough—hence many interesting items that should undoubtedly be accepted, such as the fragments of older writers. But unfortunately he gives us no warning when he is using his own (rather mediocre) powers of historical deduction and general fund of historical information, with the result that moderns, properly impressed with his best contributions, have often been led astray into accepting what is less good.

There are times when we should dearly like to know his source; e.g. when (94, 23 ff. St.) he calls *tribuni aerarii* and *equites Romani* 'eiusdem scilicet ordinis uiri'. On the whole, it is most likely that he is here simply giving his own conclusion (or passing on a predecessor's) based on what we also know to be Cicero's rhetorical habit of addressing both orders as *equites*; it is unlikely that he had any good constitutional authority for the explanation.<sup>32</sup> Similarly, in commenting on Cicero's statement that the jurors would not give back the money Clodius had paid them, since if they did so they would henceforth not be able to sit on juries under the *lex Aurelia*, the scholiast (91, 23 ff. St.) hesitates about the precise nature of their disqualification in that case: was it that by giving back the money they would confess they had been corrupt and would hence be disqualified for the future, or was it that they 'amissis trecenis uel quadringenis millibus quae a reo acceperant in egestatem reuoluerentur' (and would therefore lose their financial qualification for jury service—the text breaks off here, but the sense is certain)?

We can forgive him his uncertainty about Cicero's meaning: whatever it is, the point is a rhetorical joke and not intended to be thought factually possible. But why does he hesitate whether the jurors had received 300,000 or 400,000 sesterces each? We do not have Cicero's statement on this, but it is most unlikely that Cicero put his reference to the bribes in precisely these terms: they must surely be the scholiast's own. An obvious answer appeared on the scholarly scene long ago: it must be that *equites* had a minimum census of 400,000 (as, of course, otherwise amply attested) and *tribuni aerarii* one of 300,000. Support could be found for this, in a roundabout way, in a passage of Suetonius, reporting the later introduction of a fourth *decuria* with a minimum of 200,000: the *tribuni aerarii*, about whom precious little was and is known in any case, could thus find a simple and symmetrical explanation. The theory proved attractive to many, though Mommsen and other good scholars were not impressed, and it is nowadays thought preferable to follow him.<sup>33</sup> Indeed, it is no exaggeration to say

<sup>30</sup> e.g. 135, 8 f. St., giving the price of wheat under C. Gracchus' law, is (as the scholiast admits) only a recollection of *Sest.* 55, on which itself his note is nothing but a piece of obvious *explication* (132, 26 ff. St.). 96, 26 ff. St. (on the *Pisones Frugi*) is almost certainly picked up in Cicero, who frequently refers to the author of the first *lex repetundarum* and his enmity towards C. Gracchus. (Perhaps, as Stangl suggests, it comes *via* Asconius, who was more likely to do the work of collecting the evidence.) On other examples of this, not always creditable, see below.

<sup>31</sup> See Stangl, ad locc. The style is at times almost sufficient to prove it, and the kind of fact given (e.g. voting figures on juries) in a fully Asconian manner makes it certain. The value of these passages is, of course, generally high. Cf. n. 48 below.

<sup>32</sup> See the passages collected by Mommsen, *Staatsr.* iii, 393, n. 2.

<sup>33</sup> See the survey by T. Rice Holmes, *Rom. Rep.* i, 391-5, admitting the thinness of the attestation, but in the end accepting the scholiast. Cf. C. Nicolet, *L'Ordre équ.* i (1966), 598 ff., for a very thorough discussion of the evidence and of literature (mainly in French). See especially 604 ff. Nicolet finds the figure in the scholiast *troublante* (608), but is too good a scholar to end otherwise than by rejecting it and accepting Mommsen's view that the census of the *tribuni* was equal to that of the *equites*. (I hope this discussion will convince him that there is no particular need to be

disturbed by the scholiast's figure.) Suetonius in fact has nothing to say on our question: he merely reports (*Aug.* 32, 3): '*ad tres iudicum decurias quartam addidit ex inferiore censu, quae ducentiarum uocaretur.*' The purpose of these men was jurisdiction in minor cases, and Gaius later added a fifth *decuria*, presumably also of the same rank (Mommsen, *Staatsr.* iii, 534 ff.). As Mommsen has made clear (l.c.), the three higher *decuriae* under the Empire clearly consisted of *equites* only: no *tribuni aerarii* are attested, and it is difficult to see how they were ever—long after Mommsen—spirited into this passage. Augustus' intention was presumably to provide a clear break between the senior and the junior *decuriae*, appropriate to their diverse functions. In any case, a census of 300,000 HS is neither implied nor conceivable for any of these groups. Earlier, as is known, Caesar had removed the *tribuni aerarii* from jury duty, to raise the status of the juries; i.e. (since there is no question of his reducing the number of *decuriae*), he must have instituted another *decuria* of *equites* to replace them (see Mommsen, l.c.). What precisely Antony did, to meet the apparent shortage of jurors after this measure, is not clear from Cicero's invective (*Phil.* i, 19 *et al.*). In any case, by the time of Augustus' reform as reported by Suetonius, that arrangement seems no longer to have been in force. (Mommsen, l.c., ignores it.) The scholiast's guess as to the property qualification is irrelevant to the problem of the *tribuni aerarii*.

that the figure of 300,000 as a census minimum for *tribuni aerarii* (or for anyone else, for that matter) finds no support whatsoever unless one takes it from the passage here considered. This, as we have seen, is in fact the opinion nowadays generally held. Yet if one holds it, one ought to take the further step of asking how the figure ever got into the scholiast's commentary. The answer can hardly be in doubt: once we discard the spurious special minimum for *tribuni*, we must regretfully conclude that the scholiast did not know—and did not bother to verify—whether the minimum for both *equites* and *tribuni aerarii* (and we have noted that he thinks of them as a single order—hence *a priori* little likelihood that he knew of a census differential between them!) was at that time 400,000 or 300,000. The consequence ought to be faced.

We should not hold the 'Pompilius Nepos' of 176, 19 St. against him: though Stangl's decision to put 'Caecilius' in the text is deplorable and his text cannot easily be correct, there is clearly textual corruption here, and its origin can be generally explained; but we cannot have any real idea what the scholiast wrote.<sup>34</sup>

On the other hand, one gross error of his has found its way into many textbooks and even works by scholars who ought to know better. In his comment on Cic., *Sest.* 30 ('nihil acerbius socii et Latini ferre soliti sunt quam se ex urbe exire a consulibus iuberi'),<sup>35</sup> he indulges in a display of erudition that has every appearance of being authentic: 'huiusmodi leges ferri dicebantur de ciuibus redigendis. qualem tulerant L. Licinius Crassus et Q. Mucius Scaevola: ut redire socii et Latini in ciuitates suas iuberentur.'<sup>36</sup> The precise technical phrase has impressed most of those who have dealt with the subject, and the 'fact' of the *lex Licinia Mucia* as an expulsion act is only too familiar to most of us, despite occasional protests.<sup>37</sup> So much is this so that, most probably, no attempt to set the record straight will ever finally succeed. Yet the facts are fairly simple and must be set out once more, in this context.

The first point to note is that Cicero himself, in his *pro Sestio* passage on which the scholiast comments, has no reference whatever to the *lex Licinia Mucia*: this must be stressed, because the passage itself is usually cited, by those who believe the scholiast, as relevant evidence.<sup>38</sup> The law is imported by the scholiast. Nor is it at all difficult to see where he gets it from. Cicero, in his *pro Cornelio* (*ap. Asc.* 67 C), describes the law as *perniciosam rei publicae*, by general agreement (after the event); he refers to it as *legem . . . de ciuibus redigendis*. There is no need to repeat discussion of the actual effect of the law:<sup>39</sup> we are merely concerned with the scholiast's interpretation. He had seen the phrase in Cicero, and he no doubt knew the perfectly common and Classical meaning of the verb: 'to drive back'.<sup>40</sup> Finding no other explanation for the phrase, and remembering the *pro Cornelio* passage, he chose to air his knowledge for the benefit of the reader, since expulsion acts were here mentioned by Cicero. Had he looked at Asconius' comment (*l.c.*), or remembered it, he would have saved himself—and many successors—a major blunder. For Asconius quite properly defines the purpose of

<sup>34</sup> Stangl's habit of putting such guesses in the text is inexcusable. (See Greenidge-Clay-Gray 114, trying to rescue what is actually in the MSS., as far as the uninformative apparatus allows it.) The fact is that the *cos.* 98, Q. Caecilius Q.f. Q.n. Metellus Nepos, is nowhere referred to as 'Caecilius Nepos' (see Degraasi, *Inscr. It.* xiii, 1, 478-9)—a fact that will come as no surprise to anyone familiar with noble nomenclature under the Republic. There is no need to father on the scholiast an error he could not easily have made, since no source for it is readily imaginable. The 'Pompilius' may possibly hide a 'Pompeius': a tribune Q. Pompeius, later to be Sulla's colleague as consul, was active on Metellus Numidicus' behalf (*Oros.* v, 17; cf. *MRR* ii, 2 f.). If one had to suggest an emendation of what is obviously a major corruption, possibly read *cum Pomp(eio et Met)ello Nepote*. (The end seems hopeless.)

<sup>35</sup> Cicero here plays this down, by comparison with Gabinius' edict removing L. Aelius from Rome. For his real opinion of such measures see n. 42 below.

<sup>36</sup> 129 St.

<sup>37</sup> e.g. *MRR* ii, 11 ('a law to send Italians resident at Rome back to their own towns'); *CAH* ix, 175 (citing the scholiast). For a more recent work, see A. Lintott, *Violence in the Roman Republic* (1968) 137 f. (on the trial of Matrinius: '... and that he should be expelled from Rome'). Lintott still seems unable to understand argument on that law and its provisions—see *CQ* xxi, 1971, 453 (against which cf. *Historia* xviii, 1969, 490, explaining the point that the grant of citizenship did not automatically include amnesty).

<sup>38</sup> See last note. A particularly interesting example of the weight of the *communis opinio* in a case of this kind is provided by Gardner, in his (very good) Loeb edition of the *pro Sestio*. He gets the fact about the *lex Licinia Mucia* right, but still feels bound to refer to that law (not mentioned in, or relevant to, the passage in the speech) in his note ad loc.

<sup>39</sup> See my discussion in *Historia* xviii, 1969, 490 f. and *Dialoghi di Archeologia* iv-v, 1970-71, 406 f.

<sup>40</sup> See Lewis-Short, s.v. I A.

the law as 'ut in suae quisque ciuitatis ius redigeretur'. The harm that was done was not done through expulsion; it was done through the *acerrima quaestio* instituted under the law.<sup>41</sup> That Asconius is right, as against the Bobbio scholiast, should never have been in doubt even on their comparative records. As it happens, it is explicitly confirmed by Cicero, who actually tells us—in a passage obviously not familiar to the scholiast—that the *lex Licinia Mucia* was in itself justified, unlike expulsion acts: hence, *a fortiori*, that it was not itself such an act.<sup>42</sup> That a law explicitly contrasted by Cicero with an expulsion act should end up by figuring in many standard works as itself such an act is surely an undeserved triumph for our humble scholar whose recollection of Cicero happened to be limited to some of the speeches.

The scholiast's greatest triumph, of course, has been the *lex Plautia Papiria*. Again, the correct answer has long been known, but it has proved much harder to eradicate the traditional falsehood than even in the case of the *lex Licinia Mucia*. It has become an article of faith in modern tradition that this law gave the citizenship to all individual Italians (subject to certain formalities) after the Social War.<sup>43</sup> Again the truth has been powerless to prevail, and it must be hoped that analysis in this context will be more successful in aiding it.

This time we have an explicit and lengthy statement by the scholiast in his introduction to his commentary on the *pro Archia*. After a loss of several lines in our manuscripts he says (175 St.): 'Heracleam uenit, quae tunc erat ciuitas foederata, et adscriptus est in ordinem Heracliensium ciuis. tunc Silvanus et Carbo cos. legem tulerunt ut omnes qui essent ex foederatis populis ciuitatem Romanam consequerentur, si modo illo tempore quo lex lata esset domicilium in Italia haberent et intra diem sexagensimum professi apud praetorem fuissent.' (He goes on to tell us about the fire that destroyed the archives at Heraclea.) There is no question what the source of this is: it is Cicero's speech. The first sentence will be found, in expanded form, in *Arch.* 6, the next sentence is (on the whole) merely a rewriting of *ibid.* 7. The burning down of the archives comes in Cicero's next section, and (after documentation of his *professio*, which the scholiast omits) Cicero goes on (s. 11) to admit and explain the absence of Archias' name from the censorial records. This point is briefly picked up by the scholiast ('neque bona sua in censum detulerat'). Next the scholiast goes on to mention Archias' prosecution *lege Papia*, 'quae lata fuerat ad eos coercendos qui temere et inlicita ciuitatem Romanam usurpassent.' This looks like really solid information, since Cicero merely mentions the *lex Papia* in passing, without reference to its contents. However, the information in fact amounts to no more than that the law imposed penalties on those who fraudulently passed themselves off as citizens—and that can be gathered from Cicero's reference by any moderately attentive reader. The scholiast contributes nothing to the clarification of that law.<sup>44</sup>

Nor does he distinguish himself in what follows: it is clear that there is no Asconius to be presumed as the basis of this introduction. After defining the issue in this *causa coniecturalis* in terms of his earlier statements, he tells us that Cicero relied 'testimonio

<sup>41</sup> See II. cc. (note 39).

<sup>42</sup> Cic., *off.* iii, 47: 'male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. nam esse pro ciue qui ciuis non sit rectum est non licere; quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu uero urbis prohibere peregrinos sane inhumanum est.' Those who still interpret the *lex Licinia Mucia* as an expulsion act should frankly expound the grounds on which they prefer the statement of a late scholiast to that of Cicero himself.

<sup>43</sup> Some examples from standard works: *RE* xii, 2402; *MRR* ii, 34; *CAH* ix, 195; Mommsen, *RG* ii<sup>14</sup> (1933), 239 (= *History of Rome*, tr. Dickson, iii (1895), 517); Bloch-Carcopino, *Hist. rom.* ii, 386; Cary, *Hist. of Rome*<sup>2</sup> (1954), 322; Heuss, *RG*<sup>2</sup> (1964), 167; Maschkin, *RG* (1953), 282 (with further distortion); Pareti, *Storia di Roma* iii (1953), 551 f. More recent, and more specialized, works are not

exempt, e.g. Lintott, *CQ* xxi, 1971, 453; Frassinetti, *Athenaeum* n. s. lii, 1972, 98, n. 117, and 112, n. 195. Sherwin-White (*RC* 132 f.) drew attention to the true meaning of *adscriptus* in 1939, though his argument concerning the contents of the law was weakened by a misinterpretation. He thought that the *professio* had to be made before 'the praetor' at Rome, which is clearly not so: Cicero's discussion of the subject shows that all praetorian records were in principle admissible as evidence. I accepted his interpretation of the nature of the law *PACA* i, 1958, 3 (= *Stud. in Gr. and Rom. Hist.* 75 f); cf. also *Historia* xi, 1962, 227 f.; also Brunt, *JRS* lv, 1965, 95. Cf. n. 45 below.

<sup>44</sup> There are indeed problems concerning the *lex Papia*, on which our evidence appears to conflict, especially regarding both its *crimen* and its *poena*. These cannot be discussed here. But the evidence of the scholiast, at any rate, is couched in terms so vague that it would play no real part in such a discussion.



tamen Heracliensium et uel maxime . . . poeticae facultatis et doctrinae iucundissimae gratia'. There can be no doubt about the latter item. But it was surely remiss of the commentator to miss the appearance of M. Lucullus, 'uir summa auctoritate et religione et fide', who is very properly mentioned *before* the embassy from Heraclea, to swear to it that he himself supervised the formalities of the bestowal of Heracleian citizenship on Archias (s. 8); and the fact that the really decisive evidence, on which Cicero duly spreads himself with obvious enjoyment, of Q. Metellus' praetorian registers provided documentary attestation. For once there can be no doubt that the prosecution was a piece of mere chicanery, and that Cicero's client was as innocent as his counsel claimed. Of all this, the scholiast seems to know nothing. On his view, as we have it, the first of the two questions of fact ('an adscriptus sit in ordinem Heracliensium') depended on the mere word of the embassy from Heraclea, while the second ('an fecerit omnia quae is facere debuerit . . .') was not established by any testimony, but evaded by Cicero's stress on the delights of culture. The quality of this introduction has had to be brought out by detailed analysis. It can now be left to speak for itself.

So far we have seen no evidence compelling us to conclude that the scholiast drew on any source other than the speech itself, rather hastily read. There remain two items added—the only two, apart from the mere expansion of Cicero's reference to the *lex Papia*, in the whole of the introduction as we have it—to the account of the *lex Plautia Papiria*. It must be granted that the fact that no other additions from outside sources can be demonstrated does not make it *impossible* for these items to be genuine new information. But we must at least scrutinize them with some *prima facie* suspicion. These are the two items: first, that Silvanus and Carbo were consuls; secondly, that their law applied to *omnes qui essent ex foederatis populis* where Cicero says: 'si qui foederatis ciuitatibus adscripti fuissent'.

The first of the two items has had no success whatsoever. The reading is not in doubt and the statement is plain: the two men are called consuls. We note that they are called by the very names (the *cognomen* in each case) used by Cicero in the speech—a very unusual style of nomenclature, in fact. We are fortunate in having it used by Cicero in this case, since it demonstrates beyond reasonable doubt the fact that the scholiast had no information about the authors of the law beyond what he took from Cicero: Asconius would never have been satisfied with this. Where, then, did he get his information on their office? There can again be no doubt that he made it up—like the unscrupulous undergraduate not too well supplied with real information. We have already seen the verbose expansion of the *lex Papia*: there he was playing fairly safe, since he added nothing that could not be guessed. It might arouse suspicion, but (being vacuous) it did no harm. In the case of the *lex Licinia Mucia*, however, we noted that he is not above taking risks at times—parading his little learning, no doubt for the benefit of an audience that knew even less, and at times ending up in demonstrable absurdity. That is what happened on this occasion as well. It can never have occurred to him that anyone other than consuls would pass such major legislation—and this alone shows the standard of his knowledge concerning the period on which he was commenting. He clearly did not *intend* to be found out: he expected to be believed. This time, however, the error is so gross that no modern thesis-writer has as yet argued that we should believe it.

Once the technique has been understood, one would think there was no risk of being taken in again; yet it is general experience that the unmasked confidence trickster still succeeds, and so it has been in this case. In fact, his statement on the *lex Plautia Papiria* (which, as we have noted, he would not even have recognized by this name!) has been successful beyond all expectation, surpassing even his invention concerning the *lex Licinia Mucia*. Never, except perhaps in the field of the Augustan History (of which this scholiast here inevitably reminds us), has ancient fiction been so enthusiastically accepted and defended, gaining a firm place in modern tradition. It appears as fact in practically all modern works, popular or specialist; and even those who have expressed doubts (rare as this has been) have usually lacked the full courage of their convictions. It is such a depressing spectacle of gullibility that there is perhaps no longer any hope

of having the truth accepted.<sup>45</sup> Yet the facts, both on the *lex Plautia Papiria* and on the scholiast who could not understand Cicero's Latin, are on record: just as in the case of the *lex Licinia Mucia* he made up his fiction round a misunderstanding of a technical use of *redigere*, so in this case he made it up round a misunderstanding of the technical term *adscribere*. And just as Cicero himself convicts his commentator of ignorance (and those who follow him of gullibility) in the case of the *lex Licinia Mucia*, so he does in this case: he speaks of *Iulia, qua lege ciuitas est sociis et Latinis data*,<sup>46</sup> and we have ample evidence to confirm it. The *lex Plautia Papiria* was no more than a supplementary law on one (or more) of the innumerable points of detail that inevitably remained to be tidied up after the great enfranchising act had been passed—hastily, as dictated by the military emergency—late in 90 B.C.<sup>47</sup>

We now know rather more about the scholiast's technique. He would often take excellent information from genuine scholarly sources. On the other hand, he had his job to do, and when he ran out of genuine scholarly sources, he would annotate from his own background of knowledge about the Republic—and his assignment of consular rank to Silvanus and Carbo shows us the nature of that background. He clearly prided himself, in particular, on his understanding of Cicero's language. Many of his comments do not go beyond paraphrase, clarifying by expansion what he expected his audience to find difficult. Yet his understanding of Cicero's language (as we have demonstrated) also left something to be desired, especially in the case of technical usages. But the commentator, quite unaware of his limitations, expanded and 'explained' on the basis of what he understood. Fortunately, his aim is clear in the case of notes such as the one on the *lex Papia*—merely to bring out what he saw in the text. What he saw, however, was at times not what was there, and his expansions turned into plain fiction. To make matters worse: we have no assured way of telling when this is so, and when (on the other hand) he is giving real information from a good source like Asconius, except in cases where the style and content of the comment give some indication.

Let us now return to the passage we are investigating. In the case of the *In Clodium et Curionem* we are handicapped by not having the actual speech: we cannot tell how much of the information that we are getting from the scholiast is merely taken from the speech itself. The Introduction is undoubtedly good, with touches that strongly suggest Asconius.<sup>48</sup> As for the comments, there is one (on *calautica*: 89, 17 ff. St.) that has all the hallmarks of excellence: a quotation from Afranius; and the political events told accurately (as far as we can tell) and with each man properly identified at least by *praenomen* and *cognomen*. This last feature recurs in one or two other comments, inspiring confidence. Yet there is also a great deal of mere verbiage, clearly contributed by this commentator himself, e.g. (88, 24 ff.) the long explanation of what Cicero's arguments about his visit to Baiae may be taken as implying, ending with the fine point (nowhere visible in Cicero) that good health is as necessary to senators for the sake of the state as for their own, 'ut fortius possint obire omnia quae gerenda sunt'; or the strange comment on *furiosis contionibus* (86, 15 f.): 'opportune et acriter furiosum P. Clodium dicit, ut in eum suspicio conueniat incesti cuius ingenium furore iactetur.' The presence even of a *praenomen* is evidently no guarantee that the commentator has not been trying to be original.

It is a pity that no clear-cut decision on our passage is handed to us. The issue cannot be decided with real certainty, like those of the two laws we were discussing earlier. In the note we are investigating, the second half (explaining that Cicero is actually defending himself by means of Marius' example) is certainly the commentator's own contribution—and quite a good one, this time. What about the fact that the villa

<sup>45</sup>For the general position, see n. 43: there is dishearteningly little evidence of progress since 1939. Even where the truth is known, there can be reluctance to embrace it; e.g. Scullard, *From the Gracchi to Nero*<sup>3</sup> (1970), 69 f.

<sup>46</sup>Cic., *Balb.* 21.

<sup>47</sup>For the circumstances, see App. *b.c.* i, 49, 211 f. The *lex Calpurnia* (Sisenna, fr. 17 P; 120 P) is another

such law; and there were others of which we do not even know the names (cf. Sisenna fr. 119 P).

<sup>48</sup>Note the disquisition on the Curiones: 'nam tres illis temporibus Curiones inlustri nomine extiterunt.' (Cf. such passages in Asc. as 'duo fuerunt eo tempore Cn. Dolabellae' (74 C).) Also the precise figures on the numbers of jurors voting for conviction and acquittal.

was bought by Curio *de proscriptione Syllana*? As a guess it would be a very obvious one, in connection with property that had belonged to Marius, and the scholiast would certainly know enough to be able to make it. The fact that he calls the property *fundum in Campania* arouses some suspicion through vagueness: he did not know where it was. Except for the phrase *de proscriptione Syllana*, there is, in fact, nothing in the whole of the note that does not seem to come straight out of the speech, with the scholiast's obvious interpretation (as in the case of the *lex Papia*). Is that one phrase from a good external source, or is it part (as so often) of his own contribution—in fact, a confidence trick? We must recall that the comment involving the *lex Licinia Mucia*, demonstrably false, also presents an appearance of trustworthiness: both the consuls have their full names (not in the speech, which, as we saw, in fact does not mention the law); the introduction to the *Sestiana* is detailed and well-informed; and there is much of value in the commentary.

It is regrettable that we cannot be sure. But we have seen that it is at least perfectly *possible* that the reference to the Sullan proscriptions has no more authority than the scholiast's imagination, and that it fits in well enough with a number of similar comments, in similar contexts, which are demonstrably fictitious. We must therefore agree, at least, that the scholiast's authority cannot be regarded as sufficient to support an otherwise implausible hypothesis. Yet, as I pointed out at the beginning of this enquiry, the hypothesis of Marius' second Baian villa is highly implausible in itself—not only on the subjective ground of Marius' character, but because no unimpeachable source knows of it, even though both in Seneca and (even more strikingly) in Plutarch a reference to a second Baian villa would be almost inevitable in the context, had there been any knowledge of it.

At this stage it is also worth noting that the famous villa of Lucullus is in fact reported to have been *built* by him. This alone would again not be decisive, as Roman aristocrats were, of course, constantly rebuilding and remodelling their properties. But in this case the testimony is explicit: the villa, which in due course belonged to Tiberius, was 'monte summo imposita Luculli manu',<sup>49</sup> and we know that he was willing to spend his whole fortune on it while having it built.<sup>50</sup> In neither of these statements—the only ones which D'Arms's exhaustive search found regarding Lucullus' 'Baian' villa<sup>51</sup>—is there any reference to Marius' previous ownership. Nor does Plutarch refer to the fact that the villa *he* mentions later belonged to Tiberius—a point that would surely have been of some interest to his readers and that might be expected to rate a mention in an anecdotal source. Again, it cannot be claimed that this is decisive. It is open to anyone to believe that Marius in fact owned two Baian villas—one *near* Baiae, in fact at Misenum, which his enemies called Baian when they wished to attack him; and one actually *at* Baiae, which those enemies chose not to mention. And it can be held that each of our sources on the villa has concentrated on what was of immediate interest to it, and that this is why we do not ever hear of a whole chain of ownership that stretches from Marius via Cornelia and Lucullus to the Emperor Tiberius.

This, unhappily, is where we must leave the matter. I have merely been concerned to point out that, if anyone chooses to argue in this way, he is in fact relying for his positive information solely on the words of the Bobbio scholiast and backing the scholiast's reliability against the variously implausible conclusions to which his argument leads; that, but for those words, no one, looking at the rest of the evidence, would ever have dreamt of suggesting that tissue of improbabilities as fact; and that, in the light of what can be demonstrated about the scholiast's knowledge and his manner of working, his unsupported statement perhaps cannot bear the weight. I still think it preferable to believe that Marius owned only one 'Baian' villa—the one at Misenum, which passed from him to Cornelia and Lucullus after the proscriptions: Lucullus, we are told, bought it 'not much later', and it may be that Cornelia merely acquired it as an investment and was ready to sell as soon as the market had improved and a buyer

<sup>49</sup> Phaedr. ii, 5, 20.

<sup>50</sup> Varro, *r.r.* iii, 17, 9. Tacitus (*ann.* vi, 50, 2) also mentions Lucullus' ownership, with no word of Marius.

<sup>51</sup> *op. cit.* 184. D'Arms adds Plut., *Mar.* 34, 2; but from the point of view of this question, that is a *petitio principii*.

was found. That, presumably, was before Lucullus' consulship (74). On his return from the East, determined to devote himself henceforth to refined luxury and provided with the resources that made it possible, he probably found Marius' villa too simple and austere to be worth keeping. He could have torn it down (as D'Arms suggests). But more probably, he had enough practical sense to sell it at a good price (there is no reason to think he would lose on it) to C. Curio and build his own 'dream house' nearby.<sup>52</sup>

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<sup>52</sup>I am happy to dedicate this essay to Sir Ronald Syme who, long ago, taught me to suspect fraudulent sources, and has since done much to expose them.