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THE MISSING MAGISTER EQUITUM

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Fate can sometimes be most unkind, enough to try historians' patience. That one historical source should be careless of a matter is taxing; that another should be damaged precisely where it mentioned the same matter would seem malicious.

Livy tells in 362 BC of the declaration of war against the Hernici. The first plebeian consul, so Livy believes, to be entrusted with military command under his own auspices was ambushed. The patrician champion Appius Claudius was appointed dictator. He defeated the enemy, albeit at enormous cost. The only problem is that Livy has, apparently through carelessness, since it is the only case in his preserved books, omitted to name the *magister equitum* (7.6.12).

Recourse might be had to the fragments of the *Fasti Capitolini*, the remains of the lists from Augustus' arch in the Forum saved from destruction in the sixteenth century by Cardinal Farnese. The very piece we seek has survived, naming (Claudius) Crassus Inregillensis the dictator, but the magister's cognomen is almost entirely obliterated by damage to the stone!

Many historians have simply followed suit, naming in their narratives only Claudius.¹ Mommsen may have regarded this dictatorship as invented; for he does not mention it in his history, but refers only to the ill-fated plebeian consul. This seems not to have been the case, however; for he includes this year in his discussion of the social class of the dictators and the political qualifications of the *magister equitum*: this magister in 362 was non-consular.² Beloch, notoriously sceptical of the early dictators, declared Claudius false, which, of course, equally invalidates his subordinate. In his fasti, at the end of the volume, however, Beloch restored the damaged name as P. Cornelius Scapula with a note that he is not to be identified with the consul of 328, Scipio Barbatus.³ Here, incidentally, the situation is even worse than in 362: the consul Cornelius may be in fact Scapula or Scipio Barbatus.⁴

Turning to more specialist works on the dictatorship and magistership, Bandel's remains the standard discussion. He read the name as [P. Cornelius...f...n] Scapula, admitting that he relied on Münzer.⁵ Various articles in reference works earlier and later have followed suit. Cagnat in Daremberg–Saglio gave 'P. Cornelius Scapula', without even Bandel's indication that the name might be less than totally certain and complete. Westermayer in *RE* has exactly the same. Most recently, however, Malevolta in the *Dizionario epigrafico* shows: [--]SCA [-]V[-]LA.⁶

Prosopographical works may next be consulted. In his article on the Cornelii in *RE*, Münzer suggested that one might think of the consul of 328, but the magister in question was probably unhistorical. The Scapulae by Cicero's time were Quintii. Consulting the entry on the consul 328, one finds that Münzer demonstrated that the tradition was uncertain about the name of either consul of that year! The one in question could be Cornelius Scapula (mag. eq. 362) or Cornelius Scipio Barbatus (dict.

¹ Barthold Niebuhr, *History of Rome*, London 1828, III p. 81; Wilhelm Drumann, *Geschichte Roms*, Berlin 1899–1929, II p. 145; Gaetano de Sanctis, *Storia dei Romani*, Torino 1907–1964, II p. 254; Ettore Pais, *Storia di Roma*, Rome 1926–1928, II p. 64; Leon Homo in *CAH* VII 1928, p. 576; Luigi Pareti, *Storia di Roma*, Torino 1952, I p. 558.

Others mention neither dictator nor *magister equitum*; Wilhelm Ihne, *History of Rome*, London 1871, I p. 296; Roberto Paribeni, *Storia di Roma*, Bologna 1954, I p. 195; Andreas Alföldi, *Early Rome and the Latins*, Ann Arbor 1965, p. 406; Timothy Cornell in *CAH* 2nd ed. VII 1989, p. 320.

² Theodor Mommsen, *Roman History*, London 1895, I p. 448; *Römisches Staatsrecht*, Leipzig 1887 II p. 146 n. 1, p. 174 n. 1.

³ Karl Beloch, *Römische Geschichte*, Leipzig 1926, pp. 68, 631.

⁴ T. R. S. Broughton, *Magistrates of the Roman Republic*, New York and Atlanta 1951–1986, I p. 145.

⁵ Fritz Bandel, *Die römischen Diktatoren*, Breslau 1910, p. 536.

⁶ Daremberg–Saglio, *Dictionnaire des antiquités grecques et romaines*, Paris 1904, III p. 1524; *RE* Supplement V 1931, col. 635; de Ruggiero, *Dizionario epigrafico*, Rome V 1993 p. 260.

306). The reader has the impression that the former has acquired increased historicity within the space of a few lines. Münzer concluded that since Scipionic invention was notorious, it was Scapula who was more likely to have held the office in 328.⁷

Broughton's indispensable *Magistrates* offers only '----f. -n.Sca.u.la'. How did the editor in fact read the name in its original form? He suggested that this person was not in *RE*, despite the above, but that Degrassi's 'fresh scrutiny of the stone' ruled out P. Cornelius Scapula consul of 328. It is only in the supplementary third volume that Broughton refers to the sarcophagus of a Cornelius Scapula, pontifex maximus, recently found and discussed by Degrassi. This should show, he decided, that the Scapula known as the magister in 362 may be a Cornelius.⁸

Before the commentators on the magisterial lists, one might turn to those on Livy. Weissenborn-Müller note that Livy overlooked the magister and suggest tersely that one should consult the *Fasti Capitolini* (CIL I² 127)!⁹

How, then, have the editors of the fasti supplemented the damage to the stone? The first commentary of all was by Carlo Sigonio in 1556, immediately after the fragment's discovery. Under AUC 391, he noted that although Livy did not name the magister, there was one, as the fasti show (a good logical first question to raise and answer). Sigonio thought that the *last* part of the name was preserved: SCUS. Reading this as Priscus, he took him to be a Servilius.¹⁰ In the next century, Stephan Pigghe read the name as Scapula, in contrast, as he noted, to Sigonio's Servilius Priscus, Panvinio's Scipio and Marliani's Scaevola. Pigghe made a further very interesting observation: he believed that Sigonio had not personally examined the stone. He asserted that he himself had done so often and carefully (saepius et diligenter), but invited scholars in Rome to do so further, obviously in the hope of confirming his reading or suggesting a better.¹¹ In the eighteenth century, Giambattista Piranesi in his *Lapides Capitolini* gave the reading as 'P. Cornelius...f...n Scapula', leaving a space between the filiation and the cognomen, but without the slightest indication that only the cognomen was preserved, and that half illegibly.¹² Unlike his careful engraving of the fragments of the marble plan, albeit simply jumbled together and without any attempt to fit them together, there is no engraving of the original fragments, but only a reconstructed list.

The fasti appear in the first volume of *CIL*, edited by Wilhelm Henzen and Christian Huelsen. Their reproduction of the original shows the broken stone, where they supplemented 'P. Cornelius...f...n Scapula', again without any indication of damage or uncertainty. The commentary is entirely devoted to the cognomen of the dictator Clodius!¹³

The standard commentary is, of course, that of Attilio Degrassi in his *Inscriptiones Italiae*, volume 13. He begins by pointing out that Piranesi and Henzen thought that the cognomen was Scapula, and that the magister in question was consul in 328 (i.e. thirty-four years later). Livy calls that consul Scapula, but the Chronographer of 354 gives his cognomen as Barbatus and Hydatius and the Chronicon Pascale as Scipio; there is room for neither of the last two to precede Scapula in the Fasti. Degrassi concluded that Cornelii Scapulae were 'not certain'. Even more important grounds against Piranesi and Henzen was the fact that to read Scapula here would mean leaving a gap between SCAPU and LA. Such a gap is known elsewhere in the Fasti only in the case of the cognomen Aventinensis (365, 363, 362), which is in close proximity to the missing name. The stone itself now revealed clearly only SCA and the final LA; it was better to propose another cognomen. Marrianus had suggested Scaevola, but Degrassi

⁷ *RE* IV 1900, col.1425f, on the Cornelii Scapulae.

⁸ Broughton (n. 4) I p. 118; III p. 70.

⁹ Livius ed. Weissenborn-Müller, Berlin III 1924 ad loc.

¹⁰ Carlo Sigonio, *Commentarius in fastos consulares ac triumphos romanos* Venice 1556, under AUC 391.

¹¹ Stephan Pigghe, *Annales romanorum*, Antwerp 1615, p. 275.

¹² Giambattista Piranesi, *Lapides Capitolini*, Rome 1782, p. 13.

¹³ *CIL* 2nd ed. Berlin 1893, I pp. 20, 32.

countered that the space between the V and L, although ample for an I or L, was too small for a V (Marliani spelled the name SCAEVVLA).¹⁴

XI s LXXII)	M·BVSTVS·LE·VRI / SP·F·L·NEPOS·MEDVII·INVS·L·F·XX AHALA · ILLIGENVCIVS M·FCNN·AVENTIN ENSII SSVS IN REBILIENS DICT SCAPULA MAG·EQ·REIGERVND·CAVSSA C·SVLPICIVS · M·F·Q·N·PETICVS II IN SCAPITO IN VS CRISPINVS DICT MIN·MALVGINENSIS MAG·EQ·REIGERVND·CAVSSA AMBVSTVS C·POETELIVS·CF·Q·N·LIBO · VISOLVS AHALA DICT·REIGERVND·CAVSSA CAPITOLI·CRISPINVS MAG·EQ· LAFNAS CN·MANLIUS LF·AN·CAPITOLI IMPERIOSS · 359 VSVS C·PLAVTIVS · PFPN · PROCVIVS · 358	362 361 360 359 358
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Degrassi's Drawing of the Fragment

Then, twenty years later, in 1967, at the fifth international congress of Greek and Latin epigraphy, Degrassi drew attention to a most important inscription, found c. 1947 (to which Broughton had referred, as we have seen). This was the sarcophagus of P. Cornelius Scapula. Degrassi announced that he had changed his mind. The cognomen of the magister of 362 was now sure. He was thus presumably also cos. 368.¹⁵ The inscription was then included in the addenda to Degrassi's *Inscriptiones Latinae liberae rei publicae*, second edition 1972, no. 1274a.

What Degrassi did not seem to realise was that his major objection to the name Scapula, that it was one letter too short for the space, still held good, and that confirmation that there was a family Cornelii Scapulae had not changed that.

What, then, are the possible readings? If the name begins with SCA as everyone agrees, and there is space for seven or eight letters, there are only a few candidates, and they may easily be found by consulting Iiro Kajanto, *Latin cognomina*, 1965. There are, in reality, only two which fit: Scaevola or Scapula. The former belonged to the Mucii and Septimii, the latter to the Annii, Cornelii and Quintii. If, as seems clear, the space is eight letters, then only Scaevola will fit.

The history of this family requires a note. Münzer in *RE* lists eleven members (nos. 13–23). In chronological order, they run from the trib. pl. 486 to pr. 215, coss. 175, 174, 133, 117, 95 and trib. pl. 54. They thus seem to be plebeian, but the context of events in 362 requires a patrician magister. Münzer's introductory discussion of the family history shows, however, that they were an old patrician family (the *prata Mucia*); there follows a gap of two and a half centuries, until the praetor of 215 introduced them to the leading nobility, in which they were famous as priests and lawyers. Münzer therefore suggested that there was something to the famous legend of Scaevola at the beginning of the Republic.¹⁶

The qualifications for the office of *magister equitum* and the later careers of its holders should also be considered. Without raising the vexed question of the historicity of the dictators from the Gallic sack to the end of the fourth century – which is here irrelevant – the majority of the magistri were ex-consuls or ex-military tribunes with consular power (some 24). Most of the others (some twelve of them) went

¹⁴ Attilio Degrassi, *Inscriptiones Italiae* XIII part 1, Rome 1947, p. 104.

¹⁵ *Acta of the fifth international congress of Greek and Latin epigraphy*, Cambridge 1967, Oxford 1971, p. 155.

¹⁶ *RE* XVI 1900, col. 433f.

on to the consulship. One was consul in the same year (331). Some never held the consulship, but later held the praetorship (363), censorship (350), or dictatorship (344). Many are not known in any other office: Servilius Ahala (389), Sempronius Atratinus (380), Claudius Hortator (337), Antonius (334) Valerius Flaccus (331, 321), Aulus Cerratinus (315), and Titinius (302). There is nothing here, then, which excludes an otherwise unknown Scaevola.

The evidence of the stone is, however, the final arbiter. The illustrations show both ‘positive’ (Pl. VIII,1) and ‘negative’ (Pl. VIII,2) views of the entire section of the cognomen with the line above and two below, as well as details of the crucial section, the last five letters of the cognomen with the last three letters of the cognomen below, (St) olo, again in ‘positive’ (Pl. VIII,3) and ‘negative’ (Pl. VIII,4).

The two vital matters are:

1. Whether there is a P as Degrassi’s Scapula would require before the very clear V, or an E as Scaevola necessitates.
2. Whether there is a space without a letter between the V and the L, as Degrassi believed, or some letter, as Scaevola requires.

On the first matter, both readings require a strong left hand vertical stroke (whether P or E), of which there is now no trace. What can happen to the stone in such matters is demonstrated by the remains of the cognomen Stolo underneath. The reading of this is uncontested, but no one would claim to be able to see now the ST. This demonstrates how utterly letters may be obliterated.

On the second matter, the case of the cognomen Aventinensis must be considered. Three times in close proximity to the missing magister’s name, this cognomen has been split by the engraver. The break occurs always in the same place: Aventin ensis, as if it were not understood, as if the engraver took the last word to mean ‘sword’. Alternatively, one might be tempted to think that keeping the names in columns of the same length was important to the stonemason, and for the most part this can be seen to have been his desire: the name was therefore lengthened by the device of a space. It is enough to dispose of that explanation to notice that above Aventinensis in 363 are two names, Ahala (365) and Calvus (364), which do not come to the edge of the column, but which might very easily have been made to do so. The splitting of the cognomen Aventinensis in three places cannot therefore be explained by considerations of ‘layout’; it is more probably a misunderstanding. There is no such motive in the case of Scapula.

In conclusion, it is suggested that, on balance, given the illegibility of the stone, the cognomen of the *magister equitum* of 362 should be restored as Scaevola rather than Scapula.

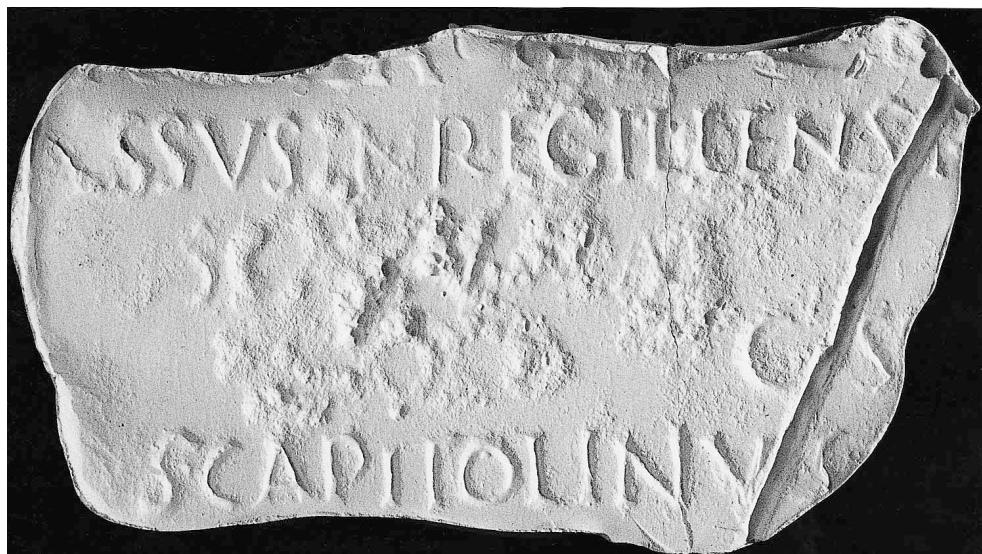
1. This fills the space, which the alternative Scapula does not.
2. It restores a missing generation in the famous family of the Scaevolae.
3. It returns to the reading proposed by the first editor of the fasti, Bartolomeo Marliani, who saw the fragment immediately after its discovery, when presumably as much as possible of the damaged letters could be discerned.¹⁷

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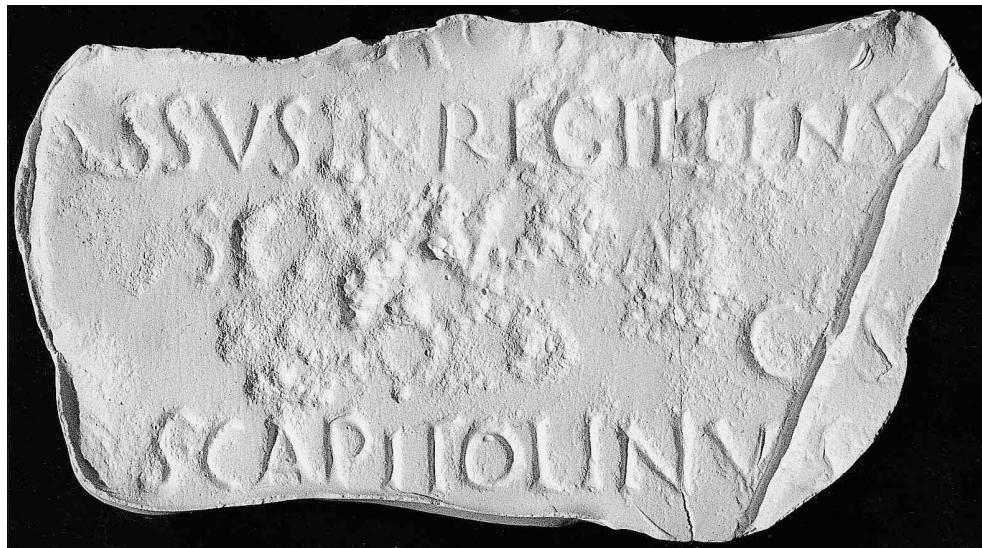
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¹⁷ It is with the greatest pleasure that I acknowledge the indispensable assistance of Professor Lucio Cozza, a legendary name in Roman studies, who was able to obtain for me the plaster cast of the fasti which is illustrated here. May he accept this note as a record of our friendship.

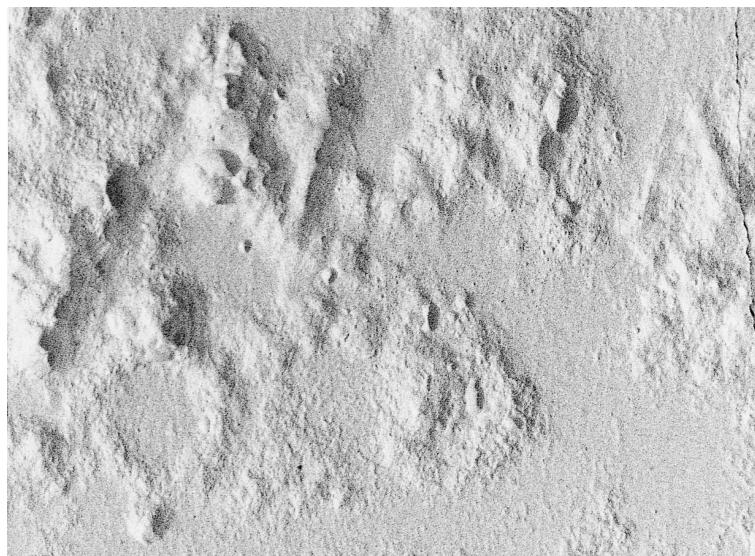
TAFEL VIII



1)



2)



3)



4)

Fragment of the *Fasti Capitolini*