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TWO SENATORS IN 73 B.C.

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The consilium *de Oropiis* (SIG³ 747 = FIRA I² 36 = RDGE 23), called by the consuls of 73 B.C., is well known to Romanists because the fifteen senators composing it are all listed with their tribes. About two of these senators something further can be said.

C. ANNAEUS C. f. Clu. His rank is quite uncertain. Though considered a likely *aedilicius*,¹ he might as easily be a *praetorius* or a *tribunicus*. Annaeus is listed seventh in the consilium; the man listed fourth was praetor in 75, and the man listed eighth was quaestor in 75. As we happen to know that the eighth man, M. Tullius M. f. Corn. Cicero, was not elected quaestor at the head of the poll (Cic. Pis. 2: *me ... quaestorem in primis*), it is possible that Annaeus was quaestor as late as 75. For his rank, then, all that can be said with certainty is that he was quaestor by 75.

Whatever his rank, he is not the man he has long been considered to be – to the extent that he has been considered at all. As a man attested only in an inscription discovered in July 1884, C. Annaeus has in fact received little scholarly attention: he surfaced a few years too late to be included in the senate of 55 reconstructed by Willems, and he managed to escape inclusion in the *Realencyclopädie*. Dittenberger followed Mommsen in identifying C. Annaeus with a senator mentioned by Cicero, C. Annaeus Brocchus (Verr. 2.3.93); Broughton, who relied on Dittenberger's text, recorded the member of the consilium as "C. Annaeus C. f. Clu. (Brocchus?)"². In her comment on the senator named in the consilium, Taylor agreed that he was "probably identical with the senator C. Annaeus Brocchus"³. But a little earlier, in a discussion based on her study of all the extant senate decrees which record tribes, Taylor had maintained: "Beginning with the S. C. of 73, *cognomina* are regularly included for *gentes* and *familiae* which used *cognomina*."⁴ The sudden appearance of *cognomina* in senate decrees in the late Republic is hard to explain on any principle other than Taylor's.⁵ We therefore must deny that C. Annaeus C. f. Clu. bore the cognomen

¹ T. R. S. Broughton entered Annaeus (and the two preceding men) *sub anno* under the heading "*Aedilicii?*" (MRR 2.115), and indexed Annaeus as "Aed.? before 73" (MRR 2.529); L. R. Taylor, *The Voting Districts of the Roman Republic: the Thirty-five Urban and Rural Tribes*, Roma 1960, 190, identified Annaeus as "*Aedilicius?*"

² MRR 2.115. C. Annaeus Brocchus does appear in the *Realencyclopädie*: E. Klebs, *Annaeus* 3, RE 1, 1894, 2225.

³ Taylor (n. 1) 190.

⁴ Taylor (n. 1) 169. E. Badian, *Notes on Roman Senators of the Republic*, *Historia* 12, 1963, 134 and n. 7, noticed this discrepancy, but believed that C. Annaeus was the "one possible exception" to the inclusion of the *cognomina* of the men in the inscription.

⁵ Just as it is hard to believe that there was another M. Tullius M. f. Corn. in the senate in 73, so that Cicero's cognomen had to be included for the purpose of clarity (though the filiation of the consul of 81, M. Tullius Decula, was in fact the same).

“Broccus”, and we must reject the amalgamation of the two individuals.⁶ The bifurcation yields a net increase of one in the number of known republican senators: C. Annaeus C. f. Clu., quaestor by 75; C. Annaeus Broccus, senator by 71.⁷

Q. MINUCIUS Q. f. Ter. THERMUS. Listed twelfth in the consilium, four places after Cicero, he was quaestor in 75 or 74.⁸ The Thermus of the inscription has always been identified with the Q. Minucius Thermus who served with Cato in the plebeian tribunate in 62.⁹ The tribune of 62 has frequently been assigned a praetorship by 58,¹⁰ but I believe that I have established that he was praetor in 49.¹¹ The interval between quaestorship and praetorship, already long at approximately fifteen years, becomes almost incredibly long at a minimum of twenty-four years. In his sketch of the Thermus who was tribune in 62, Münzer opined that “es in Ciceronischer Zeit nur diesen einen bekannten Träger des Namens gab”¹². If that were true, we would have to admit that Thermus hurried slowly to the praetorship over a quarter of a century. But we hear of a Thermus who was a consular candidate in 65 (Cic. Att. 1.1.2). Shackleton Bailey is the most recent to maintain that the consular candidate Thermus was in fact C. Marcius Figulus, one of the consuls of 64: he pointed to the entry in the Chronographer of 354, *Caesare et Turmo*, and noted “the double improbability that Thermus should vanish from sight and a candidate not mentioned by C(icero) carry the election”¹³. The question whether C. Marcius Figulus was by birth a Minucius Thermus antedates Drumann; the realization that the tribune of 62 was not praetor until 49 allows us to finally resolve this dispute. Since there is independent evidence that the

⁶ J. M. Cody, *The Tribe of the Cassii*, CPh 64, 1969, 177–178, relying on an Augustan gem with the legend “M. Cas. M. f. Longini”, showed that the praenomen “Marcus” was in use among the Longini. But she was surely wrong to argue that the third man named in the consilium of 73, M. Casius (Κάσιος) M. f. Pom., was a Longinus, and that the tribe of the Cassii Longini was therefore the Pomptina. The fact that the third man in the consilium could not have borne a cognomen supports the emendation Καίσιος, suggested by Badian ([n. 4], 135–136) on the ground that M. Caesius was a colleague of C. Licinius Sacerdos (no. 4 in the consilium) in the praetorship of 75.

⁷ Annaeus Broccus was deemed “sénateur en 70” by P. Willems, *Le sénat de la République romaine*, Louvain 1878–85, 1.508, and later by Broughton, MRR 2.487. But the text of Cicero reveals that Annaeus Broccus was a senator when Verres was governor of Sicily (te praetore), and the last year of that notorious governorship was 71 (MRR 2.124).

⁸ Broughton listed him under the heading “*Quaestorii*” under the year 73 (MRR 2.115), but added a query in his index: “Q.? bef. 73” (MRR 2.592). As three men follow him in the consilium, it is not too likely that he was a Sullan appointee who had never advanced to the quaestorship. As long as we identify him with a man who reached higher office, it is necessary to place him in the quaestorship at some point, and the best time is before 73.

⁹ According to the note of Dittenberger, the identification was first made by S. Bases, who published the editio princeps (Ἐφ. ἀρχ. 1884, 97ff.).

¹⁰ F. Münzer, *Minucius* 67, RE 15, 1932, 1972, believed that Thermus was “wahrscheinlich” praetor “in einem der Jahre 694 = 60 bis 696 = 58”; Broughton, MRR 2.592, deemed him “Pr. by 58?, or 53?”; E. S. Gruen, *The Last Generation of the Roman Republic*, Berkeley 1974, 510, 515, identifies him as “pr. ca. 58”.

¹¹ *The Praetorship of Favonius*, AJP 115, 1994 (forthcoming).

¹² Münzer (n. 10) 1972.

¹³ D. R. Shackleton Bailey, *Cicero’s Letters to Atticus*, Cambridge 1965–70, 1.292. Cassiodorus made the consul of 64 “Q. Marcius”: this has always been considered a mistake, but it now appears possible that it was not so great a mistake after all.

consul of 64 was a Thermus, we must identify the *quaestorius* of 73 with him rather than with the praetor of 49. Shackleton Bailey noted that “after adoption he may have called himself ‘C. Marcius Figulus Thermus’”¹⁴, and pointed out that “the adoption need not therefore have taken place subsequent to Cicero’s letter” of July 65.¹⁵ We are now in a position to assert that the terminus non ante quem of the adoption is 73. He began his *cursus* as Q. Minucius Thermus, so it is hardly surprising that his former cognomen continued in use.

The consular candidate in 65 is attested as being in that year *curator ... viae Flaminiae* (Att. 1.1.2): a forgotten curator, as it turns out.¹⁶ Münzer’s sketch of the consul of 64 was quite short because “die näheren Umstände seines Aufstiegs nicht bekannt sind”.¹⁷ Two stages in the Aufstieg of C. Marcius Figulus are at last provided: quaestor 75/74, curator viae Flaminiae 65.

The quaestorship of the tribune of 62 (as well as his filiation and tribe) is now strictly unattested, but he must have been quaestor by 64. Scholarship has been accurate in picturing the tribune of 62 as a late bloomer: though the dates for his quaestorship and praetorship were too high, the old interval of approximately fifteen years (Q. by 74, Pr. by 58) differs little from the new minimum interval of fourteen years (Q. by 64, Pr. 49). With some probability we can make good the loss of his filiation and tribe. As long as the tribune of 62 was considered a *quaestorius* in 73, he had to be born by 105, and was “wohl kaum” a son of the Q. Minucius M. f. Ter. in the consilium of 89,¹⁸ who perhaps was quaestor in that year.¹⁹ As quaestor by 64, he was born by 95, and can now be that man’s son. It then seems acceptable to name the tribune of 62: Q. Minucius (Q. f. M. n. Ter.) Thermus.

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¹⁴ Shackleton Bailey, *Two Studies in Roman Nomenclature*², Atlanta 1991, 78.

¹⁵ Shackleton Bailey, *Onomasticon to Cicero’s Speeches*, Norman (Okla.) 1988, 66.

¹⁶ The curatorship is missed by Broughton in his entries on the consular candidate Thermus (RE Minucius 60), MRR 2.592, 3.144, and in his entries on C. Marcius Figulus, MRR 2.588, 3.138, but the consular candidate Thermus is identified as a curator in a note on the year 68: MRR 2.141 n. 8. Münzer recorded the curatorship under (Minucius) 60: RE 15, 1932, 1965–66.

¹⁷ Münzer, Marcius 63, RE 14, 1930, 1559.

¹⁸ Münzer (n. 10) 1972.

¹⁹ That this man was a Thermus is indicated by his praenomen and his tribe (so Taylor [n. 1] 236), even if we do not identify him with the monetalis Q. THERM. M. f. (MRR 3.144–45).