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## Tacitean *Nobilitas*

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In 1912, Matthias Gelzer, in his fundamental *Die Nobilität der römischen Republik*, demonstrated that Cicero, following the accepted usage of his time, employed the words *nobilis* and *nobilitas* in socio-political contexts with a restricted and specific meaning to designate the hereditary status of descendants of men who had held the consulship. This brilliant demonstration is now almost universally accepted and without significant dissent.

In 1915, in a comparatively short article in *Hermes*, Gelzer extended the scope of his definition and argued that during the Principate, and particularly in Tacitus, the words in socio-political contexts designated only the descendants of men who had held the consulship during the Republic, so that the *nobiles* formed a closed caste, to which it was no longer possible for *novi homines* to gain admission.<sup>1</sup> This view has been accepted as authoritative in standard works of reference,<sup>2</sup> despite vehement opposition that has continued to the present time and has perhaps become

<sup>1</sup> *Hermes*, L (1915), 395-415, reprinted in Gelzer's *Kleine Schriften*, Wiesbaden, 1962, Band I, 136-153. This article was combined with Gelzer's earlier book in Robin Seager's excellent translation, *The Roman Nobility*, Oxford, 1969. Since Seager's notes report Gelzer's latest opinions, presumably expressed when he reviewed the translation, I refer below to the translation except at the two points at which the wording of the German may be important for its implications.

<sup>2</sup> Gelzer's thesis that the *nobiles* formed a closed caste is accepted, for example, in such recent reference works as the *Oxford Classical Dictionary*, 2d ed. (1970), s.v. "nobilitas," and *Der kleine Pauly* (IV, 1972), s.v. "nobiles," where Volkmann condenses and reaffirms the conclusions of H. Strassburger in his article in *Pauly-Wissowa-Kroll* (Halbband XXXIII, 1936), s.v. "nobiles" (p. 790). Given the great and deserved prestige of Ronald Syme, his *Tacitus*, Oxford, 1958 (= 1963), 654, is virtually a work of reference on all matters pertaining to the early Empire. One would suppose that the definition in the new *Oxford Latin Dictionary*, s.v. "nobilis," ¶5a, was intended to apply only to the Republic, but the citation of Tacitus extends it to the Principate, and the citation of Curtius Rufus destroys our confidence in the editors' judgement.

even sharper in recent years.<sup>3</sup> A reexamination of the problem is therefore in order.

Gelzer's article had two glaring defects, to which we shall return later, but these have only incidentally entered into the debate, which has been centered on his major thesis that under the Principate the *nobiles* formed a closed caste to which the only admission was by birth. That thesis has been attacked, sometimes passionately, by scholars who hold that the *nobilitas* of the Principate must have been analogous to the nobility of modern Europe, which has never been a closed caste, since noble rank could be conferred by a reigning monarch, not only for services to the state, but even for personal services of the kind that made Barbara Villiers the Duchess of Cleveland and elevated Louise de K roualle to the rank of Duchess of Portsmouth.<sup>4</sup> It is contended that the successors of Augustus must have had, and did in fact use, the power to make any favorite a *nobilis* by having him hold a consulship and perhaps in other ways.

## I

Before we undertake a reconsideration of the problem, we must clarify and delimit it by stating explicitly certain considerations which should be obvious, but have been neglected or obfuscated in the heat of debate.

1. We are dealing with a highly specialized and quasi-technical use of the words in a specific context. The adjective *nobilis* simply means "noteworthy, distinguished, eminent," and it never lost that primary meaning. Obviously, when Cicero calls Xenocrates a *nobilis philosophus* and Nico a *nobilissimus pirata*, he does not imply that the ancestors of either ever held office at Rome or elsewhere. Even when he speaks of non-Romans who were probably politically prominent among their own people, Cicero

<sup>3</sup> I see no reason for devoting a dozen pages to a history of the debate. The major challengers will be identified below. The most complete attempt to refute Gelzer was made by H. Hill, *Historia*, XVIII (1969), 230-250. The latest, at the time I write, is by T. D. Barnes in *Phoenix*, XXVIII (1974), 444-449.

<sup>4</sup> The creation of nobility by the reigning monarch was a practice common to all the nations of Western Europe, although there were very considerable differences in the details of the procedure, especially in connection with the possession or purchase of landed estates, which need not concern us here, but we should note that the willingness of the older aristocracy to accept new creations naturally varied with the circumstances and the character of the individuals ennobled, and also with the extent to which that aristocracy had been demoralized by the social preponderance of mere wealth. The most instructive modern analogy to Rome in the period in which we are interested, involving very significant contrasts, is the Republic of Venice, on which see James C. Davis, *The Decline of the Venetian Nobility as a Ruling Class*, Baltimore, 1962.

intends no analogy: the *nobiles Poeni* who were held captive in Rome during the First Punic War had not all been *sufetes*, and a *nobilis Ferentinus* or a *nobilis Aeduus* is merely a man who comes from a leading family among his own people. It is only when he is speaking of Romans that Cicero uses the adjective in its specialized and restricted sense, and we can be confident that he intends that specific meaning only when the word occurs in passages in which we can assume that so careful a stylist would have avoided possible ambiguity. When he called T. Roscius a *nobilis gladiator*, he could be certain that no member of his audience would suppose that he was attributing consular ancestry to that man, but he called Oppianicus an *equus Romanus in municipio suo nobilis*,<sup>5</sup> adding a qualifying phrase that was necessary because it was possible for a Roman to be, like Ser. Sulpicius Rufus,<sup>6</sup> both a *nobilis* in the restricted sense as a descendant of consuls and legally an *equus*, since his branch of the family abstained from the *annua certamina venalis Campi*. Such prudent abstention from politics and corruption in the late Republic may have been less uncommon than we suppose, since in the nature of things we are unlikely to find it commemorated in our extant sources, and the example should suffice to remind us that, as I fear some prosopographers do not always keep steadily in mind, *nobilitas* in the restricted sense was, in Cicero's time, regarded as hereditary and inherent in the blood, like patrician status, and therefore not extinguished by abstention from senatorial careers through many generations.<sup>7</sup>

The possibility of ambiguity depends on the context, and Romans did not have the typographical devices that we use to distinguish between a nobleman and a noble man or between a republican government and a Republican administration. At the limit, therefore, the avoidance of ambiguity becomes a stylistic matter. Cicero, depreciating the achievements of Bibulus, says that he, in a mismanaged expedition, "cohortem primam totam perdidit centurionemque primi pili, nobilem sui generis, Asinium Dentonem," etc.<sup>8</sup> Here *nobilis* stands in the relationship that we describe in our normal grammatical terminology as that of a noun in apposition, so it could have been understood as *nobilis homo* in the restricted sense, and Cicero adds a qualifying phrase, probably indicating high distinction as the Roman equivalent of a non-commissioned officer,<sup>9</sup> which

<sup>5</sup> *Pro Sex. Roscio*, 6.17; *Pro Cluentio*, 39.109.

<sup>6</sup> *Pro Murena*, 7.16, a passage crucial for Republican standards.

<sup>7</sup> Not even by a lapse of approximately 320 years in the case of the younger Sulpicius, to whom Cicero specifically concedes *nobilitas*.

<sup>8</sup> *Ad Atticum*, V.20.4.

<sup>9</sup> This is the probable meaning. An ethnic application is most unlikely, since the cognomen is placed in the "sicher lateinische Gruppe" by Wilhelm Schulze, *Zur Geschichte*

he might have omitted, had he simply written *nobilemque centurionem, Asinium Dentonem*, making the adjectival force of the word and therefore its general sense more obvious. When Cicero draws a contrast between a furtive and nocturnal return to Rome and the pomp and brilliance of a *nobilis imperator's* triumphal procession,<sup>10</sup> he is almost certainly using the adjective in its unrestricted sense and means "a distinguished general," although it so happens that the man in question was also the scion of a great consular family. Although I cannot point to a clear example, I think that Cicero would have seen nothing improper in describing a successful commander as a *nobilis imperator humili loco natus* or even as simply *nobilis imperator* if the immediately preceding context had precluded interpretation of the adjective as a reference to ancestry.

In short, as we should expect from what we know of linguistic development in other languages, the use of *nobilis* in a highly specialized sense with reference to a segment of Roman society never impaired or restricted use of the adjective with its normal meaning, and when we appeal to passages in which it is used with reference to Romans, we should first assure ourselves that the author—especially if he is a poet—is not indulging in a rhetorical amphibology, writing with unintended ambiguity, or simply making a statement that contemporaries would not have misunderstood, although it puzzles us.<sup>11</sup>

2. We are concerned only with the meaning of *nobilis* in the era of Roman history that runs from Augustus to Trajan, and particularly, of course, with the meaning in the histories of Tacitus. On purely *a priori* grounds we would think it likely that some change took place after the reign of Hadrian, which was, in so many aspects of Roman life, a great watershed in history; and since we know that the great families of the Republic became practically extinct in the second century, we could

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*lateinischer Eigennamen*, Göttingen, 1904 (= Berlin, 1966), 315. The family cannot have been distinguished in any way. I note, by the way, that the *Oxford Latin Dictionary*, s.v. "nobilis," explicitly interprets Cicero's reference as to character ("one of nature's gentlemen"), with an assurance unseemly in lexicography.

<sup>10</sup> *In Pisonem*, 22.53.

<sup>11</sup> I therefore refuse to debate with Hill (*op. cit.*, 247) such questions as the ancestry of the Barea mentioned by Juvenal, 7.91. I think Syme is probably right in his identification and there is no way of *proving* that he is not, but granting Hill's claim that this man was a *novus homo*, how can we be certain that Juvenal did not intend a piquant contrast between the ancient nobility of the Camerini and men who had only recently attained great prominence, thus showing that neither class possessed the political influence of actors and dancers? And anyway, "faciunt imperite, qui . . . non ut a poeta sed ut a teste veritatem exigant."

predict with absolute certainty that in the society of the later Empire, *nobilis* either lost the specialized sense it had in earlier times and was used only with its primary and general meaning or that it acquired some new and different meaning when used of that society. Thus when Barnes thinks that he is producing a conclusive refutation by remarking that "the sociological implications of Gelzer's definition are also impossible; it becomes necessary to believe that by A.D. 200 there existed no senatorial nobility of any sort,"<sup>12</sup> he is merely calling attention to the obvious fact that when the hereditary *nobiles* died out, the adjective could be used without risk of ambiguity of distinguished contemporaries until it acquired a new specialized meaning in the later Empire, which, I am sure, Barnes has quite accurately defined, but which is of no interest to us in the present inquiry, to which it is entirely irrelevant.<sup>13</sup>

3. The *nobiles*, in the restricted sense of Gelzer's definition, must have formed a social class that was delimited by its own standards and by the recognition of those standards by a dominant part of the variegated group of wealthy and socially or politically prominent persons that we may call the upper class of the early Empire. The prestige of the *nobiles*, and hence such power as they had, undoubtedly depended in large part on their claim to be an aristocracy within the ever diminishing number of Romans in Rome,<sup>14</sup> and thus to have, so to speak, the rights of the founder and

<sup>12</sup> *Op. cit.*, 444.

<sup>13</sup> For all practical purposes, the great Roman families became extinct in the Second Century, and it would be a mere quibble to refer to Aelii who survived to the Fourth Century and may have owed their distinction to the ingenuity of genealogists. As is well known, the Romans of the Republic (even the late Republic) became practically extinct in the same period, and their Empire passed entirely into the hands of a conglomerate population of different ethnic and even racial origins and different mentality. But the odd notion that there was some kind of uniformity in the society of the Empire, from Augustus to Romulus Augustulus, still persists, partly as a latent premise in the thinking of writers who would not dare to affirm it explicitly.

<sup>14</sup> It is impossible to say precisely who were the Romans at the end of the Republic, when *Romani* obviously included not only descendants of the presumably more or less homogeneous population of ancient Latium, but also descendants of most, if not all, of the peoples of Italy south of the Po, who, despite great tribal and territorial animosities, were evidently of ethnic stocks that differed only slightly, if at all, from that found in Latium. I am extremely sceptical about the possibility of eliciting useful information about Roman times from the statistics of anthropometrical examination of the present populations of the various regions, as is attempted by Mario Cappieri, *Mankind Quarterly*, XV (1974-1975), 43-66, 100-116, 193-210. Even people less obtuse to ethnic differences than the Romans confuse anthropological fact with geographic, linguistic, and social accidentals, but it may be worth noting that in the time of Claudius the "conservatives" whose protests are

creator of an institution that is passing into the hands of outsiders. The *nobiles*, by virtue of their status as the heirs of the men who created the Roman Empire, claimed certain prescriptive rights to senatorial offices that were at times recognized by some principes and arrogantly flouted by others. We may be quite sure, from our knowledge of human societies, that the *nobiles'* claims to social precedence were resented by wealthy *parvenus* and other immigrants, whether or not they thought it expedient openly to behave with insolence or contempt, and they doubtless applauded Juvenal's "nobilitas sola est atque unica virtus," even though many or most of them would have fared worse by that new standard than by the old.

Since there was no legal definition of *nobilitas*, the social meaning of the word must have been determined by the *nobiles* themselves through some reasonable approximation to a consensus within their own ranks. It is more than likely that there was inconsistency in the application of their standards and dissent over many marginal cases, but for our purposes the *nobiles* must be those individuals whom the *nobiles* recognized as such, and we should not appeal from their verdict to either sociological theory<sup>15</sup> or historical truth. In particular, it does not matter to us whether a given individual, a Silius, for example, was a descendant of a Republican family; what matters is whether his contemporaries believed that he was or, at least, were willing to show him the courtesies that in recent times overlooked the prudent silences in the *Almanach de Gotha*.

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recorded by Tacitus, *Ann.* XI.23.2, recognized most of the peoples of Italy (except the Veneti and the Insubres) as *consanguinei populi* who were in accord with, or even possessed, the *Romana indoles*, thus presumably including the Etruscans, whom the elder Tib. Sempronius Gracchus had denounced as aliens and *barbari* in 162 B.C., but excluding the Celtic Insubres and the "Illyrian" Veneti as well as the Celts of Gallia Comata. All these peoples were Aryans (including the Etruscans, to judge from their monuments rather than their language), and the ethnic differences are unlikely to have been greater than those that separate the Irish from the Anglo-Saxons; we are thus entitled to suspect that social manners and the recollection of wars in the recent past had much to do with deciding what populations were *consanguinei* at that time.

<sup>15</sup> The statement, not infrequently found in British writers of the second half of the Nineteenth Century, that their countrymen are "mistaken" in identifying the nobility with the peerage, since the landed gentry "really belong" to the nobility, sprang from consideration of the social and economic position of leading families and their political influence, but was nonetheless absurd, since the landed gentry, though manifesting an aristocratic pride in lineage, did not think of themselves as noblemen and always recognized a generic difference of rank between themselves and the peers. I suspect that some reluctance to accept Gelzer's definition springs from a comparable tendency to impose on Roman society what it, in the writer's opinion, *ought* to have done.

4. We must frankly face and accept the fact, which has doubtless influenced the opinions of scholars who make no explicit use of it,<sup>16</sup> that at the end of the Republic the Roman attitude toward heredity became bivalent and even paradoxical. Whatever the origin of the patrician caste,<sup>17</sup> nothing is more certain than that in historical times a man could become a patrician only by being the son of a patrician father, yet, as we all know, Caesar by the Lex Cassia, Augustus by the Lex Saenia, and later Claudius by mere usurpation of a right that he pretended was censorial presumed to create patricians. We do not know what pretexts were officially used,<sup>18</sup> but whatever they were, and however acute may have been the need to provide for certain priesthoods and similar offices, the audacity of these measures is simply breath-taking and without modern analogy. The monarchs of Great Britain always had the power to convert the most scabrous scoundrel into a baron or a marquis or even a duke, but no monarch ever tried to bestow on a hero or favorite Norman ancestors—not, at least, by fiat. The Romans' genealogical miracle is made even more remarkable by the fact that the need for patricians was almost entirely religious, since the gods would not do business with *flamines*, *Salii*, and similar officers who were not of the divinely approved bloodline, and one would have supposed that superstitious persons would

<sup>16</sup> Gelzer, *Roman Nobility*, 153 f., frankly admits the paradox that while Domitian, for example, could convert Trajan's father into a Patrician, he could not make him a *nobilis*.

<sup>17</sup> Heaven forbid that we enter the interminable dispute, but I will confess that the balance of probability seems to me to incline sharply toward theories which regard the Patricians as a caste of conquerors (whether Sabine or other) roughly resembling the Normans in England, and explain the multiplicity of Plebeian families bearing Patrician *nomina* as the result of concubinage or marriage by a rite other than *confarreatio* between male Patricians and females of the indigenous population.

<sup>18</sup> It seems unlikely that even Caesar would have manufactured Patricians with the freedom with which British monarchs in recent decades have made the peerage ridiculous by adding to it beer barons, newspaper nabobs, and even less presentable individuals. So far as I know, the only specific grounds for a Caesarian creation are reported by Suetonius, *Aug.* 2.1, who says of the Octavii, "Ea gens a Tarquinio Prisco rege inter minores gentes adlecta in senatum, mox a Servio Tullio in patricias traducta, procedente tempore ad plebem se contulit." If all adlections into the Patriciate were given such fictitious justifications, the procedure becomes much less startling from the standpoint of a people eager to be credulous. The ancestry manufactured for Vitellius (Suet., *Vitel.* 1.2-3) suggests that Rome had expert genealogists, who, for a fee, could provide pedigrees with the assurance with which some Victorian practitioners were able to prove, step by step, the descent of Queen Victoria from a Jewish chieftain, from whom the noble line was easily traced back to the handiwork of Yahveh himself. It would be hazardous to infer from Tacitus, *Ann.* XI.25.2, anything concerning the provisions of the Leges Cassia and Saenia, but some concern for the real or supposed antiquity of a family is certainly implied.

have thought it dangerous to try to impose on the gods with spurious patricians, even though those divinities had been long accustomed not to notice or to overlook such minor frauds as a *bos cretatus*. Caesar may have acted with his wonted cynicism, but Augustus, who believed in the utility and perhaps the necessity of a national religion, must have had some assurance that the concept of hereditary differences had become so weakened that the pious would not be alarmed by possible consequences of the substitution.

If Iuppiter Optimus Maximus was not offended when he was saluted by a flamen who was a plebeian legally masquerading as a patrician, we must concede to Gelzer's opponents that it is intrinsically improbable that all the youths who participated in the ceremonial *ludus Troiae* had to produce pedigrees to prove their descent from Republican consuls.<sup>19</sup> And we must furthermore concede frankly that the prevalent *Weltanschauung* at Rome under the Principate was democratic in the sense that it rejected the concept of hereditary differences of quality between members of the same race.<sup>20</sup> A closed caste of *nobiles* under the Principate must have been an anomaly existing in opposition to the contemporary modes of thought and sentiment as well as to the actual organization of government, and it can be explained only on the supposition that there was some residual *pietas* toward the memory of the men who had created a Roman Empire

<sup>19</sup> Improbable, though not impossible; the few participants whose names we know were descendants of Republican consuls, and we may infer from Vergil, *Aen.* V.560 f., that only thirty-six young equestrians were needed for a *ludus* or twice that number, if we suppose a duplication to produce the two classes of *pueri minores* and *pueri maiores* implied by Suetonius, *Tib.* 6.4. My point is that if the youths who exhibited their horsemanship were traditionally from consular families, the addition of other youths to the group by the time of Nero would not prevent a poet (Seneca, *Troades*, 779) from calling the grandson of the last King of Troy a *puer nobilis* and supposing that, had he lived, he would have been the leader in the performance of a *ludus Troiae*. In fact, even if we accept Hill's unwarranted assumption (*op. cit.*, 243 f.) that when the poet thinks of the *ludus* as a ceremony brought to Italy from Troy by Aeneas, he has in mind the performances of his own day rather than the one described by Vergil, all that Seneca says, strictly speaking, is that the youth who leads the companies (*agit turmas*) is *nobilis*, which, of course, is not a statement about the ranks of the other horsemen. Hill's other argument about the *ludus Troiae* (*op. cit.*, 231 f.), depends on the assumption that there can have been no "Republican" consuls after the assassination of Caesar.

<sup>20</sup> The causes, both biological and social, of the decadence of aristocracies, as of nations and races, are multiple, complex, and obscure, but among them must be numbered a loss of belief in their own superiority. An intensive study of the Roman conceptions of heredity, from families to races, is needed, if we are to understand the social (and perhaps the military) history of Rome, but it will have to be made at a time when objectivity in both research and publication has become possible.

that was recognized as a benefaction by the majority of its inhabitants, at least in the West.<sup>21</sup>

5. That there was such a closed caste is certain. Its members were the *posterii libertatis* of whom the younger Pliny spoke to Trajan,<sup>22</sup> and the *residui nobilium* mentioned by those who complained of Claudius's adlection of Gauls to the Senate,<sup>23</sup> since in this passage "what is left of the nobility" obviously presupposes a group to which there could be no further recruitment. What is legitimately in dispute is whether the words *nobiles* and *nobilitas*, when used of prominent Romans by Tacitus and presumably other writers of the early Principate, always refer to (a) that closed caste, excluding the descendants of persons who first attained senatorial (or consular) office after the end of the Republic, and (b) only descendants of Republican consuls, excluding the descendants of families whose members held lesser curule offices but never attained the consulship.

## II

Gelzer's article, which may have been written in haste or affected by understandable perturbation after September, 1914, displays a really gross *bévue* on its very first page. He begins by quoting a passage from the younger Pliny with a widely accepted but implausible emendation, and then proceeds to twist that emendation—blandly and without argument—into a novel meaning which must have aroused misgivings in every reader who had a feeling for Latin style.

Since *Panegyricus*, 69.4–6, is not found in the exiguous fragments of the palimpsest, the text depends entirely on the lost Moguntinus, the source

<sup>21</sup> There is every indication, I believe, that the recognition of a caste of *nobiles* under the Principate was a part of Augustus's establishment of his own camouflaged monarchy. As Syme has concisely stated the situation (*The Roman Revolution*, Oxford, 1939 (= 1971), 510), "After a social revolution the primacy of the *nobiles* was a fraud as well as an anachronism—it rested upon support and subsidy by a military leader, the enemy of their class, acquired in return for the cession of their power and ambition. . . . Rome owed them a debt for their ancestors. It was paid by the Principate, under pretext of public service and distinction in oratory or law, but more and more for the sole reason of birth."

<sup>22</sup> In the passage quoted below.

<sup>23</sup> Tac., *Ann.*, XI.23.3–4. If I understand Hill correctly (*op. cit.*, 242 f.), he, in keeping with his Procrustean method of exegesis, would interpret the two words to mean "what would be left of the present-day Senate after it has been filled with Gauls." Cf. *Ann.*, XIII.18.2, where it is Agrippina's policy "*nomina et virtutes nobilium, qui etiam tum supererant, in honore habere*," where the reference must be to the *nobiles* who had survived to that time, but Hill (*loc. cit.*) thinks that it means "the senators whom Nero had not yet murdered." If that is what Tacitus meant, he is an author who should be classed with Symphosius.

of all extant copies, in which it appeared (except for orthographic minutiae, which I ignore) as follows:<sup>24</sup>

An aliud a te quam senatus reverentia obtinuit ut iuvenibus clarissimae gentis debitum generi honorem, sed ante quam deberetur, offerres? Tandem ergo nobilitas non obscuratur sed illustratur a principe; tandem illos ingentium virorum nepotes, illos posteros libertatis, nec terret Caesar nec pavet: quin immo festinatis honoribus amplificat atque auget et maioribus suis reddit{us}. Si quid usquam stirpis antiquae, si quid residuae claritatis, hoc amplexatur ac refovet et in usum rei publicae promit. Sunt in honore hominum et in {hon}ore famae magna nomina <excitata> ex tenebris oblivionis indulgentia Caesaris, cuius haec intentio est, ut nobiles et conservet et †afficiat†.

In the last sentence there obviously were in the Moguntinus a dittography, an haplography, and a corruption at the end. The last word was emended, probably by Iohannes Aurispa,<sup>25</sup> to *efficiat*—and since he changed but one letter, the emendation should endear him to the hearts of the “conservative” critics of our time. The emendation was undoubtedly intended to mean that Trajan both preserved the existing *nobiles* and manufactured new ones, just as the monarchs of Western Europe were doing in the Fifteenth Century. The emendation was generally accepted, particularly since it was found in the text of the manuscripts generally consulted and was not recognized as an emendation, and it won the approbation of most or all of the early editors, including the most influential of all, Lipsius, who glossed it thus: “*efficiat*: iure annulorum dato, ingenuos facit; cumulatis honoribus, nobiles.” This reading and interpretation appear to have been universally accepted until 1910.<sup>26</sup> What is even more astonishing, *efficiat*

<sup>24</sup> On the manuscript tradition see especially the younger Baehrens’ dissertation, *Panegyricorum Latinorum editionis novae praefatio maior; accedit Plinii Panegyricus, exemplar editionis*, Groningae, s.a. [1910], and the prefaces by Schuster, Durry, and Mynors to their respective editions. I use the editions of Pliny’s *Panegyricus* by Guilielmus Baehrens that I have cited and the one by Enrica Malcovati (1949); the editions of the *Panegyrici Latini* by the elder Baehrens (1874), his son (1911), and Mynors (1964); and the editions of Pliny by Müller (1903), Kukula (1908), Schuster (1933), Durry (1947), and Schuster (1952). There can be no doubt about the meaning of the passage I quote until we reach the word that I have obelized, and I have printed the emendations accepted by Mynors. For emendations that have been suggested as alternatives to *in {hon}ore famae and nomina <excitata>*, but yield precisely the same meaning, see the editions I have listed above.

<sup>25</sup> It appears, so far as I can tell from the apparatus of the editions I have used, in all the manuscripts that are copied from his transcription of the Moguntinus. It is possible that Aurispa deleted the words *haec intentio*, which are missing in most or all of those copies, understanding *cuius est* to mean “it is the duty of a Caesar to preserve and create noblemen.”

<sup>26</sup> Lipsius’s gloss appears among the *notae variorum* of the Delphin edition by De la Baune, but no dissent or varying interpretation is recorded. As Lipsius’s note shows, he thought of Trajan as forming *nobiles* from raw material, much as a sculptor might form a statue, or as training them by advancing them through the various steps of a senatorial career, but the metaphor is too much to load on a single verb in prose.

appears in the texts of Aemilius Baehrens, Müller, Kukula, Schuster (both editions), and Malcovati, all of whom were good Latinists.

Assuming that the meaning given by Lipsius is correct, viz. that Trajan's policy is to create new *nobiles*, the reading *efficiat* cannot stand. To convince yourself that Pliny would never have used the word in that sense, you have only to run your eyes over the columns in the new Oxford Dictionary in which the meanings of the word are nicely discriminated. Or, better yet, go to the Thesaurus, s.v. "efficio," 169.25, where the quotation from Pliny stands lonely in such embarrassing company as the Pseudo-Apuleian *Asclepius*, 22.2, which provides the closest parallel, "deus pater et dominus, cum post deos homines efficeret ex parte corruptiore mundi . . ." Pliny, who was a competent stylist, cannot have intended to say that Trajan constructed, completed, raised, or trained *nobiles*.

The younger Baehrens, I am sure, saw that something was stylistically wrong, although he speaks only of the requirements of a good *clausula*,<sup>27</sup> and emended the text to *faciat*. That does give the intended meaning, and the emendation was accepted by Durry and Mynors, who properly preferred it to Otto's *adiciat*. Their editions, however, raise a curious question of editorial procedure: is it proper to print and credit an emendation without informing the reader that its author later withdrew it? Baehrens revoked his *faciat* in 1918.<sup>28</sup>

Now, oddly enough, Gelzer quoted Pliny with the reading *efficiat*, which, in its accepted meaning, would negate the very thesis he is going to propound, and then glossed the passage as "Der Kaiser schafft keine neuen *nobiles*, dagegen erhält er ihren Bestand und läßt sie zur Geltung kommen."<sup>29</sup> He evidently understood Pliny to mean something like *ut eos non nomine tantum sed re vera nobiles efficiat qui summis in re publica honoribus perfungantur*. That, unfortunately, is not what the Latin says, and for the meaning that he reads into it Gelzer offers no support other than the observation that Pliny's style is pleonastic and that *et/ac* joins complementary verbs. That is quite true, but is inadequate in the absence of some instance of the use of the verb with the desired meaning. As Walter Otto promptly observed,<sup>30</sup> it will not do to impute to the verb a meaning unprecedented in Pliny and in good Latinity.

<sup>27</sup> In his *praefatio maior*, p. 43.

<sup>28</sup> *Berliner philologische Wochenschrift*, XXXVIII (1918), 502 f.

<sup>29</sup> *Hermes*, 395 = *Kleine Schriften*, 136; Seager translates, "The emperor does not create new *nobiles*; he does on the other hand ensure their continued existence and secure them recognition."

<sup>30</sup> *Hermes*, LI (1916), 77 ff.

Gelzer's remark about pleonasm is valid, however, and he could further have urged that throughout the passage, starting with *nobilitas* that was *obscurata* by earlier Principes (and therefore obviously was not the persons whom they raised to the consulship), and going down to *magna nomina excitata ex tenebris*, Pliny is talking about the *posterii libertatis*, whom Trajan is determined to honor and preserve. It would be an ineptitude inconceivable in Pliny to introduce an entirely different subject with his concluding verb. If, after praising Trajan for restoring the ancient nobility to prominence, Pliny had intended to praise him for founding a new nobility, that subject would have called for at least a paragraph of elaboration. Instead, as Gelzer did not fail to remark,<sup>31</sup> Pliny goes on to praise Trajan for encouraging the talents of men (such as himself, we understand) who deserve to be (but are not) *nobiles* and permitting them to attain in the state the same high offices that he bestows on the *nobiles*.<sup>32</sup>

It is really remarkable that the solution to the textual difficulty was not seen until Stein proposed a solution<sup>33</sup> which has oddly escaped modern editors: keep Pliny's habitual pleonasm, keep the manuscript reading *afficiat*, and assume a haplography similar to the one that obviously occurred in the earlier part of the same sentence: read *ut nobiles et conservet et <honore> afficiat*. Another supplement of the same basic meaning is, of course, possible,<sup>34</sup> but this treatment of the text is certainly superior, for both palaeographic probability and meaning, to Baehren's later emendation, *et conservet et stabiliat*.<sup>35</sup> Stein's solution has now been accepted by Gelzer.<sup>36</sup>

### III

The gross defect of Gelzer's article and the one that has principally exercised his critics is his failure to define "Republican" as that concept was understood during the Principate. He nowhere states explicitly when

<sup>31</sup> *Nobility*, 141.

<sup>32</sup> 70.2: "Cur enim te principe, qui generis tui claritatem virtute superasti, deterior esset condicio eorum qui posteros habere nobiles mererentur, quam eorum qui parentes habuissent?"

<sup>33</sup> *Hermes*, LII (1917), 566, n. 1.

<sup>34</sup> I suppose that the logical *<honoribus> afficiat* is excluded by the clausula, and *afficiat <honoribus>*, rhetorically weaker, is little better. One hesitates to suggest a lacuna of two words.

<sup>35</sup> See note 28 *supra*.

<sup>36</sup> According to Seager's note, *Nobility*, 142. One can only wonder why Gelzer did not find time, in more than fifty years, to revise a seriously defective article on a subject so important in all estimates of Roman society under the Principate.

the "Republic" was believed to have ended, although he does remark *ob iter* that "die *nobilitas* des Plancina, wohl zurückgehend auf den Vater oder Großvater L. Munatius Plancus, den Consul von 42 v. Chr., freilich schon 44 von Caesar bestimmt" justifies Tacitus's reference to her,<sup>37</sup> and that remark, taken in conjunction with his later statement that the consulship of Munatius Plancus "kann der Republik zugerechnet werden,"<sup>38</sup> certainly suggests that he not only thought that the Republic ended in 44 B.C., but also assumed that the *nobiles* of the Principate thought so, too. One is reluctant to attribute so thoughtless an opinion to a scholar of Gelzer's standing, but if he did not hold it, he at least laid himself open to the suspicion that he did.

The date, Idibus Martiis 710/-44, is a convenient terminal date for the inclusion of inscriptions in the first volume of the *Corpus inscriptionum Latinarum*, and doubtless serves as well as any other arbitrary date that might have been chosen, and when its editors speak of a *Libera Res Publica*, we understand what they mean. We all know, of course, that the assassination of Caesar marked, not the end of the Roman Republic, but the beginning of an attempt to restore it.

If we, looking back, try to decide when the Republic ended, we know that it was doomed when a Roman general invaded Roman territory with a Roman army, but we should have to conclude that the Republic was not destroyed until Pharsalus (706/-48) or even Munda (709/-45). Even then, however, as events proved, the Republic still had courageous and formidable advocates, so it would be best to lower the date to Philippi (712/-42). To speak of a republic as actually existing thereafter would be historically absurd, but, as Syme has demonstrated in *The Roman Revolution*, many men, who regretted the Republic and may have hoped for its eventual restoration, persisted in opposition to Octavian, embracing such courses of action as were feasible, and they were defeated only at Actium (723/-31). After the death of Antony, the world undoubtedly belonged to the cunning master of thirty legions, but his was a *de facto* and theoretically provisional rule until he regularized his position constitutionally in 27 B.C., so one could argue for that date as a theoretical terminus.

In the last age of what we call the Republic, Roman opinion naturally varied with men's conception of the unwritten and never systematically explained constitution of the state, and that, in turn, depended on their conception of historical events since the expulsion of the Kings and (since

<sup>37</sup> *Hermes*, 398 = *Kleine Schriften*, 139. Gelzer also suggests *nobilitas per matrem* for Plancina, noting the fact that her husband considered himself far superior to the sons of Tiberius.

<sup>38</sup> *Hermes*, 405 = *Kleine Schriften*, 145.

they were human) on what they wanted the state to become. The greatest Roman whose opinions on the subject we know assured his contemporaries in 703/-51 that the Republic no longer existed: "Nostris enim vitiiis, non casu aliquo, rem publicam verbo retinemus, re ipsa vero iam pridem amisimus."<sup>39</sup> If we had the whole of his work, we might be able to say when, in his opinion, the Republic was finally lost; as it is, the dramatic date and the tenor of the extant dialogues permit us to say only that he probably placed in the time of Tib. Sempronius Gracchus, 621/-133, not the end, but the beginning of the end. This would agree roughly with the view of Sallust and many others, who saw in the final destruction of Carthage the beginning of the decay of Roman character and Roman institutions. It is likely that Cicero would have agreed in general with the brilliantly concise exposition of R. E. Smith in his *Failure of the Roman Republic*,<sup>40</sup> and have agreed in particular that the dissolution of the Republic was a gradual and protracted process that would make any specific date that might be fixed as its final end more or less arbitrary. But on any computation, Cicero was right in saying "iam pridem."

In the time of the Principate there was great and venerated authority for determining the end of the Republic, but it had to be disregarded for many reasons, one of which was the spiritual need to reckon Cicero, Cato, and even Pompey among the heroes of that Republic. As historians we may agree with Cicero and may even be able to prove conclusively that he was right, but Roman society in the First Century did not and, for obvious reasons, could not accept our criteria, and we are here interested only in what that society believed or was willing not to dispute.

A populace invariably accepts the most superficial indications of continuity in its government, especially the continued use of familiar words, however drastically their meaning may have changed. The original constitution of the United States, unlike the confused and often debatable traditions of Rome, can be precisely ascertained from written documents, although few take the trouble to do so. One has only to read the thirteen constitutions of the several states in 1789 and then read the treaty or covenant by which they formed a federation. It can be fairly argued that the constitution thus established lasted until 1861, when some of the states invaded, conquered, and subjugated the others and, as victors, imposed a

<sup>39</sup> *De rep.*, V.1.2. The text, to be sure, depends on Augustine, but there is no reason to suspect his quotation from a work that was evidently well known in his time, particularly since it is a long quotation and perfectly Ciceronian in diction throughout.

<sup>40</sup> Cambridge, 1955. He agrees with Cicero in identifying the beginning of the end, e.g., (165), "This was the final consequence of what the Gracchi did—the death of the Republic."

radically new conception of the constitution on the occupied states at gun-point and on themselves through their need to find a moral justification for their ruthless treatment of the vanquished. It is to the point, however, that it is now said and generally believed that the original constitution is still in force, even though several dates could be set for the end of the *second* republic that was established and enforced in 1865, and historians of the future may well decide that *that* republic did not last as long as the first, and came to an effective end in 1912 or 1918 or 1932. Indeed, according to one of the most prominent professors of what is called political science, Andrew Hacker, the question is no longer about the end of a republic, but about the end of a nation, and he is unwilling to date precisely the point at which a nation became a congeries of disparate and reciprocally antagonistic peoples inhabiting a geographical area to which they are confined by economic interests and the threat of force.<sup>41</sup> It is undeniable, however, that our population believes, with virtual unanimity, that the republic of 1789 still exists, and we may be certain that they will continue staunchly so to believe.

It is unlikely that the level of intelligence at Rome in 27 B.C. was very much higher than the level here, and while Octavian did not have modern technological equipment for herding the population, we must remember that when he pretended to have "restored the Republic," he made it very much to the interest of everyone, including the survivors of the great families of the past, to pretend to believe him. He certainly encouraged, for purposes of his own, continuation of the Republican concept of *nobilitas*, and we know that he tried to make the consulship appear to be an important, as well as a dignified, magistracy. We may assume that it was his intent that the attainment of that office in the "restored Republic" should confer *nobilitas* on the consul's posterity, as it had done in the past. And it would appear that he even permitted some semblance of the old elections, for men still canvassed for office and practiced bribery, evidently on the lavish scale that is normal in free elections, for when the Lex Iulia de ambitu proved no more effective than its many predecessors, Augustus, as late as 746/-8, had to impose new regulations and ignore the guilt of the consuls then in office to avoid marring the celebration of his return to Rome.<sup>42</sup> As Scullard observes, "men do not spend money when an issue is a foregone conclusion."<sup>43</sup> He could have added that men do not purchase offices that do not seem to them worth more, in graft, power, or prestige,

<sup>41</sup> Andrew Hacker, *The End of the American Era*, London, 1970. The author is Professor of Political Science in Cornell University.

<sup>42</sup> Cassius Dio, LV.5.2-3.

<sup>43</sup> H. H. Scullard, *From the Gracchi to Nero*, London, 1970, 233.

than the cost. Such competition for magistracies, in Augustus's time as in our own, encouraged the belief that the state was still a republic, since the people seemed to choose their own rulers in the usual way. It has often been observed that at least until 757/4, the majority of consuls came from the old Republican families, and even after that date those families seem to have enjoyed a large share of the eponymous consulships, while the suffect appointments went to men without ancestry to recommend them.<sup>44</sup> Augustus, who long observed the old formalities of candidacy when he chose to occupy a consulship himself, seems to have limited his covert and open control to making certain that only men acceptable to him became candidates for an office that was still theoretically one of political power, and to have encouraged strenuous competition between candidates, any one or two of whom would serve his purposes as well as any other. That policy, which not only masked quite effectively the reality of government but also provided the populace with the excitement and entertainment of hard-fought contests between Tweedledum and Tweedledee, was precisely what political sagacity, in which he was certainly not deficient, dictated in his situation. It was precisely what was needed to encourage among the masses and even among the less perspicacious candidates the illusion that the Republic had indeed been restored; and even the few who perceived what was hidden by the façade found it expedient to pretend that they did not. Even to the end of Augustus's disguised reign, perhaps, it is likely that in the *comitia*, as Tacitus says, "etsi potissima arbitrio principis, quaedam tamen studiis tribuum fiebant."<sup>45</sup> In other words, the popularity-contests that are the hallmark of popular government continued and must have been taken seriously by contemporaries.

<sup>44</sup> P. A. Brunt, *Journal of Roman Studies*, LI (1961), 71–83. What is not clear is whether the increase in the number of *novi homines* in the later years of Augustus's reign may not to some extent reflect a progressive disillusion on the part of the *nobiles* and hence a decrease in the number of men willing to deplete their fortunes by purchasing success in the *comitia*.

<sup>45</sup> *Ann.*, I.15.1. Tiberius must have had some good reason for abolishing the *annua certamina*, e.g., he may have felt that his adoptive father's acting in a solemn farce by pretending to solicit votes was personally degrading, or beyond his histrionic abilities. Or (more probably) he may have thought the late Augustan reforms inadequate to preclude a recurrence of the "crisis" at the end of 759/6, when, doubtless in the absence of Augustus, the political machinery slipped its cogs so badly that a potent clique (enemies of Tiberius, according to a plausible reconstruction by Barbara Levick, *Latomus*, XXXV [1976], 301–339) excited in some part of the populace political passions so strong that riots at the polls prevented the holding of elections. It is entirely possible, however, that there may have been a real lack of men of merit willing to spend lavishly for an increasingly unremunerative honor. When offices are elective, economic necessity normally obliges a successful candidate and his supporters not only to recover their investment but also to obtain a surplus at least sufficient to cover past and probable future losses.

To us, in our retrospective wisdom, it seems obvious that the rule of Augustus was a camouflaged dictatorship (in the modern sense of that word), and we may wonder that men strove for election to offices that, so far as we know, offered little opportunity for extortion, speculation, and the other perquisites of success at the polls, to say nothing of the kind of power that might be desired for its own sake, but the evidence indicates that they did. And so long as they did, superficial observers would believe that they were living in a republic that had only been improved by a minor amendment of the constitution.<sup>46</sup>

In other words, when we ask ourselves, not when the Roman Republic ended in fact, but when contemporaries knew that it had, we must set a date late in the reign of Augustus or, more probably, at the accession of Tiberius.

On strictly historical grounds, therefore, we reach the conclusion that, in the estimation of the survivors of the prepotent families of the Republic, who necessarily regarded a consulship won by victory in a political contest as a very high honor, and who may even have retained some belief in the mystic efficacy of elections as expressions of the "will of the people," the Republic ended in 767/14, when the *annua certamina* were abolished.<sup>47</sup> And, as we all know, when we try to explain human behavior, men's illusions and pretenses are far more important than the reality that they do not perceive or choose to ignore.

We have answered the question that Gelzer should have propounded, for he was led to it by the prosopographical evidence that he collected to support his thesis, as Stein saw at once in an article in which he reaches our answer by a different route.<sup>48</sup> To examine Gelzer's thesis fairly, we must do so with Stein's modification of it, which is, of course, accepted by Syme and others, but which is disregarded in the recent attacks on Gelzer rather than the problem that Gelzer posed.<sup>49</sup>

<sup>46</sup> Which, as has often been observed, seemed to fill Cicero's prescription for a *rector* who would restore the republic that "iam pridem amisimus," or at least arrest the processes of corruption and dissolution.

<sup>47</sup> Possibly earlier, if the process of *destinatio* and the innovations implied in the Tabula Hebana were thought of as destroying "free" elections, but Tacitus implies (*loc. cit.*) that at the death of Augustus the people still had a *ius* they should have wanted to retain. The official propaganda about a "restored republic" probably was accepted by the majority of Romans during Augustus's lifetime. Intelligent men, of course, knew better, as did Tacitus (*Ann.* I.3.7): "iuniores post Actiacam victoriam, etiam senes plerique inter bella civium nati: quotus quisque reliquus qui rem publicam vidisset?"

<sup>48</sup> *Hermes*, LII (1917), 564-571.

<sup>49</sup> And, what is worse, Stein's amendment is rejected by Gelzer's translator, *Nobility*, p. xiv, not necessarily with Gelzer's approval, which may not have extended to Seager's preface. Cf. note 36 *supra*.

## IV

Since we are dealing, not with a legally defined political status, but with an essentially social standard that must have been set in large measure by the *nobiles* themselves, we should not suppose that they lacked either the ability or the will to exercise some discrimination. Surely no one will believe that they regarded the descendants of C. Caninius Rebilus as ennobled by his few hours in the consulship and thus made the peers of the Cornelii Scipiones. If they had or professed a regard for electoral procedure, they can scarcely have been satisfied by the charismatic quality of consulships actually or virtually bestowed by appointment at the will of a *tyrannus*. And since they were human, we may be certain that they applied their criteria leniently when old Roman families of acceptable politics were concerned, and stringently against alien intruders, upstarts, and the lackeys of the *tyranni*.

Furthermore, they evidently made at some time an innovation in the reckoning of *nobilitas*, perhaps because so many male members of the consular aristocracy perished in the series of civil wars. The Etruscans, as their inscriptions show, considered maternal lineage as important as paternal, but while the Romans are unlikely to have regarded the mother as a mere incubator and genetically irrelevant, since females formed the bond of alliances between families, we hear nothing of claims to status based on maternal ancestry until late in the Republic.<sup>50</sup> Under the Principate, however, descent through women did bestow *nobilitas*.

Such acquisition of *nobilitas* is crucial to Gelzer's theory, and unfortunately for his opponents—perhaps I should say unfortunately for all of us who yearn for neat and precise solutions to such problems—denial of such acquisition is tantamount to a claim that Tacitus did not know what he was talking about.<sup>51</sup> When he says that a Calpurnius Piso was *nobilis utrimque*,<sup>52</sup> the only possible implication is that the man could have derived

<sup>50</sup> Antony boasted of his descent from the Iulii through his mother, which may not have been quite equivalent to claiming *nobilitas* through her, but Cicero's invective (*Phil.* III.6.17) shows that ancestry on the distaff side was already accepted as partly determining a man's claim to status.

<sup>51</sup> A possible argument, which I leave to those who may wish to exercise prosopographic ingenuity on it, would be a claim that *nobilitas materna* was transmitted only by an heiress who was the last of her family, so that she presumably transmitted its *sacra* to her husband or son, by a custom that may have been maintained in traditional families. This would take us to the question how it was *legally* possible for a M. Licinius Crassus to have a son named Cn. Pompeius Magnus—assuming that this was the legal *tria nomina* and not merely the most distinctive part of a name that anticipated the horrendous polyonymy of later times.

<sup>52</sup> *Hist.*, I.14.2; cf. 15.1.

that distinction from either his father's or his mother's ancestry as well as from both. If Rubellius Plautus had *nobilitas per matrem*,<sup>53</sup> he obviously acquired it from his mother. If another Calpurnius Piso is characterized as *multas insignesque familias paterna nobilitate complexus*,<sup>54</sup> the use of the adjective attests the existence of a *materna nobilitas* (whether or not this man had it), and furthermore, if the *multae familiae* contribute to the paternal nobility, the generally accepted reconstruction of his *stemma* shows that they did so through the maternal ancestry of some of his father's progenitors.<sup>55</sup>

The one great objection to *nobilitas materna* has been the ignobility that Tacitus ascribes to the infamous Sejanus, who, on the strength of a statement by Velleius Paterculus and an inscription that was connected with Sejanus by a conjectural restoration, was supposed to have had a mother who was *nobilis*, but that obstacle has been effectively removed by G. V. Sumner, who has provided, with as much certainty as can usually be attained in prosopography in the absence of documentary proof, a *stemma* that accounts for the man's origins.<sup>56</sup>

With this new fall of Sejanus, the case against *nobilitas materna* collapses. And we must frankly admit that we have thus opened another Pandora's box, to the endless woe of seekers for certainty. It will never be possible categorically to disprove Gelzer's thesis, and the corollary, of course, is that it cannot be proved either. After almost a century of diligent research, the *Prosopographia Imperii Romani* sets forth the ancestry of many prominent Romans in the male line with varying degrees of probability, the greatest single source of uncertainty being the possibility that there were brothers or sons of whom we have no record within the space of the few generations for which some evidence is available. But the maternal ancestry is seldom clear, wives are often unknown, and the possibility of daughters of whom no record has survived is almost always present. If X, a Roman without consular ancestors, marries Y, a woman descended from Republican

<sup>53</sup> *Ann.*, XIV.22.1; cf. XIII.19.3. Gelzer's critics are, of course, right when they remark that a *nobilitas per matrem ex Iulia familia* does not prove the absence of a *nobilitas paterna*. Gelzer yielded more than once to the ever-present temptation to press evidence so far that it bends.

<sup>54</sup> *Ann.*, XV.48.2.

<sup>55</sup> See the family line set forth in the new edition of the *Prosopographia*, II, §C-284.

<sup>56</sup> *Phoenix*, XIX (1965), 134-145. Now we shall have to ink out in all the reference books the elaborate conclusions that have been based on someone's guess about the identity of the *praefectus Aegypti* whose name was on the missing part of *C.I.L.*, XI.7283, and we shall have to cancel such remarks as Freeman Adams' conclusion (*American Journal of Philology*, LXXXVI (1955), 76 and n. 20) that "Tacitus' account of Sejanus' family . . . is deliberately misleading. He might have written, *cui nobilitas per matrem*." He might have, had he not known better!

consuls, their sons—and presumably their daughters also!—will be *nobiles*, and will transmit their now ichorous blood to their children, male and (presumably) female. To these genealogical ramifications there is no limit—except the practical one that the descendants must remain wealthy and able to assert a dignity that had otherwise best be forgotten. And if under the Republic the lapse of three centuries did not annul the nobility created when one man attained an office of consular dignity,<sup>57</sup> the dignity infused into the family by lady Y will presumably become extinct only with the death of the last of her descendants, male or female. One thinks of an analogy with the inheritance of titles in continental countries that have no rule of primogeniture, and one marvels that the *nobiles* of Republican consular descent could ever have become extinct. The answer, of course, must be, in addition to the practical consideration mentioned above and social refusal to recognize *mésalliances*, the limitation of offspring by numerous causes, ranging from parsimony and self-indulgence to lead poisoning<sup>58</sup> and biological exhaustion.

One need not extend the theory to its theoretical limit to see the consequences of the admission of *nobilitas materna*. Outside the Julio-Claudian line and a few generations of a few families of almost equal prominence, no genealogy is known with sufficient precision and detail to exclude the *possibility* of a female ancestor who brought nobility into a family that did not have it in the direct male line. That renders attempts conclusively to refute Gelzer simply hopeless.<sup>59</sup>

## V

We need not rely on our inconclusive conclusion to deal with the references in Tacitus that have been used to impugn Gelzer's definition. Three of these can be disposed of quite summarily.

<sup>57</sup> Note 7 *supra*.

<sup>58</sup> S. C. Gilfillan, *Mankind Quarterly*, V (1965), 131–148; *Supplement to the Sociology of Invention*, San Francisco, [1971], 166 ff.; 217.

<sup>59</sup> And, of course, also prevents proof of the theory, since in a few cases it is necessary to assume a *nobilitas materna* for persons, such as Volusius Saturninus, whose *stemmata* are not sufficiently established to permit positive identification of the lady from whom the rank was derived. Since Republic consular ancestors cannot be certainly or probably identified for every *nobilis*, we cannot exclude, for example, the possibility that descent from certain ancient families that did not rise above a praetorship (especially, say, a praetor who triumphed) might have been accounted sources of *nobilitas*. For that matter, we cannot *prove* that in those cases Tacitus was not using the adjective in its general sense, committing a regrettable ambiguity, so that we should have to say of him, too, *quandoque dormitat*.

*Hist.*, I.78.2: Otho "creditus est etiam de celebranda Neronis memoria agitavisse spe volgum alliciendi: et fuere qui imagines Neronis proponerent; atque etiam Othoni quibusdam diebus populus et miles, tamquam nobilitatem ac decus adstruerent, Neroni Othoni adclamavit." Hill would have *adstruere* mean "to give more of the same thing,"<sup>60</sup> but what the words obviously mean is that the acclamations implied (as though it were a great honor!) that Nero had formally adopted Otho<sup>61</sup> and thus given him, as a member of the Julio-Claudian line, the ancestry that would entitle him to the Principate, an office which, thus far, had never been held by a man who was not *nobilis* in the restricted sense of that word.

*Hist.*, II.48.2: Otho, discoursing shortly before his suicide, says, "satis sibi nominis, satis posteris suis nobilitatis quaesitum: post Iulios, Claudios, Servios, se primum in familiam novam imperium intulisse." This does not in the least suggest that "Tacitus thought it possible, in the year A.D. 69, for a family to be ennobled."<sup>62</sup> What it does show is that *Otho* believed that, as Pliny had suggested,<sup>63</sup> men of great achievement deserved to be the founders of a new nobility, and that *his* spectacular and memorable achievement as the first man who was not *nobilis* to attain the Principate and make himself the equal of the Julio-Claudians would bestow on *his* descendants a lustre fully as great as that enjoyed by descendants of Republican consuls.

*Hist.*, II.76.3: Mucianus tells Vespasian, "confugiendum est ad imperium. An excidit trucidatus Corbulo? splendidior origine quam nos sumus, fateor, sed et Nero nobilitate natalium Vitellium anteibat . . . et posse ab exercitu principem fieri sibi ipse Vitellius documento." Hill would take this to mean that Nero had more *nobilitas* than Vitellius, so that "Tacitus not only does not deny *nobilitas* to Vitellius, but implies that he

<sup>60</sup> Hill, *op. cit.*, 233 f., relying on Plin., *Paneg.*, 46.8, "omnibusque quos bonos facis hanc adstruis laudem . . .," because, he says, there "is clearly no implication that the men concerned possessed no *laus* before." True, but what they did not possess was *hanc laudem*, the particular distinction which (according to Pliny) was conferred on them by Trajan, namely that their honesty was shown to be voluntary.—One could suppose that the *imagines Neronis* were to be added to Otho's *atrium*, but for the statement of Plutarch (*Otho*, 3.1) that these were statues set up in public.

<sup>61</sup> Plutarch, *Otho*, 3.2: Κλούβιος δὲ Ῥοῦφος εἰς Ἰβηρίαν φησὶ κομισθῆναι διπλώματα, οἷς ἐκπέμπουσι τοὺς γραμματεφόρους, τὸ τοῦ Νέρωνος θετὸν ὄνομα προσγεγραμμένον ἔχοντα τῷ τοῦ Ὀθωνος. Οὐ μὴν ἀλλὰ τοὺς πρώτους καὶ κρατίστους αἰσθόμενος ἐπὶ τούτῳ δυσχεραίνοντας, ἐπαύσατο. In the terminology of modern demagoguery, Otho, by instigating his claque to salute him as Nero, was sending up a trial balloon, and decided that a fake adoption was more than the upper classes would stomach.

<sup>62</sup> Hill, *op. cit.*, 234 f. The quotation from Eutropius is irrelevant; if that writer had used *nobilis* in the special sense that the word had in the early Principate, he would have had to explain it to his contemporaries.

<sup>63</sup> Note 32 *supra*.

possessed it.”<sup>64</sup> If that were the meaning, what Tacitus would imply is that Mucianus was dithering and gabbling. He is encouraging Vespasian, who, as the son of a low-grade usurer, was *humili loco natus* (and some would have said *infimo*), to revolt and claim the Principate, and his argument is that (a) failure to revolt did not save another great general, Corbulo, from being murdered by Nero, and that was not because Corbulo had a more distinguished ancestry than you have, and (b) Vitellius, thanks to his army, attained the Principate, despite Nero’s *nobilitas*. If, as Hill would have it, Vitellius was 50% as noble as Nero, his example proves that one has to have some *nobilitas* to claim the imperial office, and should therefore discourage Vespasian, whose nobility is 0 (if not -50%!).

The remaining instance, which has been offered to us as a “single passage” that alone “provides conclusive refutation” of Gelzer’s thesis,<sup>65</sup> requires somewhat more extensive consideration.

*Ann.*, XI.28.1: The *domus principis*, which means, for all practical purposes, the four powerful freedmen who manipulate Claudius, fear loss of their power, if Messalina’s new husband, C. Silius, takes control: “nunc iuvenem nobilem dignitate forma<sup>66</sup> vi mentis ac propinquo consulatu maiorem ad spem accingi.” Here there is an ambiguity, and we cannot be certain whether the four scoundrels are using the adjective in its specialized and quasi-technical sense (Silius is a *nobilis* whose ambitions are encouraged by his rank in Rome, his handsome bearing, his intellectual powers, and the fact that he will soon take office as consul) or in the common and general sense (Silius is a young man who, already eminent because of his rank, bearing, intellect, and coming consulship, is encouraged to cast his eyes much higher, now that he has married Claudius’s wife).<sup>67</sup> If the latter is the meaning—and we must always remember that the word may always be used with its normal meaning by Tacitus or anyone else—then the passage is not relevant to our problem, although it may show that

<sup>64</sup> Hill, *op. cit.*, 235. We are also told (244) that Suetonius “supports the view” that Vitellius “did possess *nobilitas*.” Suetonius says that some persons regarded Vitellius as *nobilis*, and he quotes a charming genealogy that traces the family to miscegenation between a goddess and a king, whose progeny were patricians in the Roman kingdom. I am prepared to believe that the offspring of goddesses were considered to be *nobiles*.

<sup>65</sup> T. D. Barnes, *Phoenix*, XXVIII (1974), 444 f.

<sup>66</sup> Lipsius’s emendation, *forma<e>*, is generally accepted and may be right, but I retain the manuscript reading here because it favors the interpretation that I regard as the less probable.

<sup>67</sup> Since Silius was not an imbecile, we must assume that he had some hope that he, having become the stepfather of Claudius’s son and heir, could supplant the old dolt (who is characterized in this passage as *hebes*), acting, perhaps, as protector of the boy during a regency, doubtless in conjunction with the mother. As the great-granddaughter of Mark Antony and Octavia, the sister of Augustus, she had certain hereditary claims to the Principate, and she was undoubtedly a very liberated woman.

Tacitus was guilty of a stylistic infelicity in failing to avoid a possible ambiguity.<sup>68</sup>

Was Silius a *nobilis* in the specialized sense? It is admitted that the ill-fated young man was the son of the P. Silius<sup>69</sup> who was consul in 766/13, and therefore the grandson of P. Silius Nerva, who was *ordinarius* in 734/-20 and the first of the Siliii to hold the consulship. If, in the estimation of the Roman aristocracy of the First Century, the Republic ended in 767/14, Messalina's paramour was a *nobilis* by virtue of his father's office, and certainly *nobilis* by virtue of his grandfather's honor.<sup>70</sup>

Equally important for our purposes, perhaps, is the fact that the young man's mother was Sosia Gallia, and that she was probably<sup>71</sup> descended from the C. Sosius who triumphed *ex Iudaea* in 720/-34 and was, with Cn. Domitius Ahenobarbus, the legally elected consul in 722/-32, although he and his colleague, supporters of Antony, were driven from Rome by Octavian soon after they took office.<sup>72</sup> If *nobilitas* could be derived from an ancestor who held the consulship after Pharsalus, that social rank appertained to the posterity of C. Sosius, who had not only held the consulship but had attained the rarer and even more distinctively Republican honor of a triumph.<sup>73</sup> Thus we can say, with as much assurance as can commonly

<sup>68</sup> Strictly speaking, the word is used by the four freedmen, but we cannot suppose a blunder on their part. They owed their power to their adroitness in intrigue in the imperial court, and must certainly have been thoroughly acquainted with the social standards of their time.

<sup>69</sup> Who is commonly given the cognomina Caecina Largus as the result of an error in the chronological summary prefixed to Book LVI of Cassius Dio; the correction was made by Arthur E. and Joyce S. Gordon, *A.J.P.*, LXXIV (1953), 421 f., and has now reached *Der kleine Pauly* (s.v. "A. Caecina Largus"), whence, it is to be hoped, it will eventually pass to other reference works.

<sup>70</sup> These suffice; further claims to rank could be excogitated by a not unprecedented boldness in prosopographical speculation.

<sup>71</sup> Barnes (*loc. cit.*) concedes the probability, but errs in making Sosius a *suffectus*.

<sup>72</sup> He was legally elected, if anyone was during the Triumvirate. Naturally, Octavian, Antony, and Sex. Pompeius had agreed three years in advance that Sosius and his colleague would take office in 722/-32, as we know from Appian, *Bell. civ.*, V.73: Ἀπέφηναν δὲ τῆς ἐπιούσης ὑπάτου ἐς τετραετές, κ.τ.λ. Sosius and Ahenobarbus took office, and it is to the point that, according to Cassius Dio, L.2.2, when Sosius attacked Octavian in the senate, he commanded such support that he would have obtained a decree against Octavian, had not a tribune interceded, and that when Sosius and his colleague had to flee Octavian's armed retainers, a very large part of the senate accompanied or followed them. Sosius was therefore clearly on the "Republican" side.

<sup>73</sup> That descent from a daughter or granddaughter of Sosius was a great distinction, presumably conferring *nobilitas*, is obvious from *C.I.L.*, IX.4855: L·NONIVS·QVINTILIANVS·L·F·SEX·N·C·SOSI·COS·TRIVMPHAL·PRONEP. — Sex. Nonius Quintilianus was consul 761/8.

be attained in prosopography, that Claudius's rival was *nobilis utrimque*.<sup>74</sup>

It follows, therefore, that there is no evidence to show that Tacitus did not consistently use, when referring to prominent Romans of the Principate, the words *nobilis* and *nobilitas* in a highly specialized sense to indicate that they were members of a closed caste formed by the descendants of men who had held the consulship during the Republic, which was understood as meaning men who had been elected to that office by the people voting in ostensibly free elections. The available evidence very strongly suggests that he did, but it falls short of irrefragable proof because we do not possess complete genealogical records covering all the persons to whom he applies those words,<sup>75</sup> so that, as is so often our dolorous fate in scholarship, we must content ourselves with a fairly high degree of probability.

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<sup>74</sup> If we take literally Juvenal's statement (10.332) that C. Silius was "gentis patriciae," it would follow that either (a) a successfully forged genealogy, similar to one produced for Vitellius (note 64 *supra*), had been approved by Claudius when exercising his presumed censorial power, or that P. Silius Nerva, who was one of Augustus's boon companions (Augustus *ap. Suet., Aug., 71.2*), was transformed into a Patrician under the provisions of the Lex Saenia of 724/-30. But Juvenal was a poet.

<sup>75</sup> Note 59 *supra*.