

## PATRICIANS AND PLEBEIANS: THE CASE OF THE VETURII<sup>1</sup>

FIFTEEN magistrates of the *gens* Veturia are recorded during the Republican period in our sources; the earliest is C. (or P.) Veturius Geminus Cicurinus, the consul of 499; the latest is Ti. Veturius B(arrus?), a *monetalis* of c. 110–108 B.C.<sup>2</sup> Mommsen thought that the Veturii Calvini were plebeian, as were Veturius the curule aedile of 210, Ti. Veturius Gracchus Sempronianus who became augur in 174, and the *monetalis*. He considered the other Veturii patrician, and apparently assumed that the *gens* had two branches, one plebeian and one patrician.<sup>3</sup> Münzer, however, held that the Veturii were patrician, and that it was only T. Veturius Calvinus, *cos.* 334 and 321, who had become plebeian. He sought to show that all the other supposedly plebeian Veturii were in fact patrician.<sup>4</sup> Münzer's view seems to have been generally accepted,<sup>5</sup> but a recent book by R. E. A. Palmer raises objections to this view and tries to prove that the Veturii were all plebeian. The social status of the Veturii is related to and instructive for other conjectures and points made by Palmer with regard to the patriciate. It is related to such questions as the bearing of the names of the old rural tribes on patrician status, the time of the occurrence of the earliest *transitio ad plebem*, and the social status of the Flamen Martialis.<sup>6</sup> I believe that Palmer's view of the Veturii as nothing else but plebeian is wrong; it seems to me that the importance of the questions involved justifies a full new examination of the evidence.

I shall begin with some general remarks. Palmer offers several criteria, negative and positive, for judging the patrician or plebeian status of a *gens*. In his opinion, a consulship held before 366 B.C. cannot be taken as conclusive evidence of patrician status. Scholars who accept as authentic the 'plebeian' names in the *fasti consulares* of the early Republic may well arrive at such a conclusion, and Palmer is only logical in applying, in an extreme way, this conclusion to his investigation of the social status of the *gentes*. This question will

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<sup>2</sup> See T. R. S. Broughton, *The Magistrates of the Roman Republic* (New York, 1951–2) ii. 633–4 (= *MRR*). Broughton lists sixteen Veturii; the extra one is due to the confused identity of the Decemvir. Cf. K. J. Beloch, *Römische Geschichte* (Berlin, 1926), 238–9 (= *RG*); *MRR* i. 46 n. 3. For the latest full treatment of the Veturii see R. Gundel, *RE* 8A (1958), 1880–98. All details without references in this article can be checked easily in Broughton.

<sup>3</sup> Th. Mommsen, *Römische Forschungen* (Berlin, 1864–79) i. 120; ii. 150 (= *RF*). For the *monetalis* see *Römische Münzwesen*

(Berlin, 1860), 555.

<sup>4</sup> F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart, 1920), 123–32 (= *RA*).

<sup>5</sup> See R. M. Geer, *A.J.P.* lx (1939), 466–7; *MRR* i. 284 n. 2; 407 n. 5; Gundel, *RE* 8A, 1880–2. Fraccaro tried to show that the Veturii were a patrician *gens* and of Sabine origin: *Opuscula* (Pavia, 1957) ii. 1–3; cf. L. R. Taylor, *The Voting Districts of the Roman Republic* (Roma, 1960), 42, 282–3. The view of M. Torelli, based on the inscription *Vetusia* of the silver cup from the Bernardini Tomb, that the Veturii were of Etruscan origin and came to Rome from Praeneste seems more valid. See *Dialoghi di Archeologia* i (1967), 38–45.

<sup>6</sup> R. E. Palmer, *The Archaic Community of the Romans* (Cambridge, 1970), 290 ff. (hereafter cited as 'Palmer').

be discussed later; meanwhile, a consulship before 366 B.C. will not be taken as indicative of patrician status.<sup>1</sup> A useful clue is the commonly accepted rule that, after 342 B.C., only one consul was patrician.<sup>2</sup> Obviously plebeian tribunes, plebeian aediles, or curule aediles of even years, and their descendants were plebeian.<sup>3</sup> Yet, and here I differ from Palmer, this is not a convincing proof for the status of the clan in earlier generations, and even less so for its other branches. Palmer regards the transfer of some Servilii Gemini to the Plebs in the second half of the third century as the earliest reliable *transitio ad plebem*, and consequently does not take heed of the possibility that some phenomena in the Fasti can be explained by postulating that certain members of patrician clans resorted to this expedient earlier for one reason or another.<sup>4</sup> His dating is arbitrary; what Cicero and Livy relate concerning falsified transfers does not entitle us to fix a date,<sup>5</sup> and we may therefore consider such a possibility in certain cases after 366.<sup>6</sup>

Nine members of the Veturian *gens* are recorded up to 366, and they bear the names Veturius, Veturius Cicurinus, Veturius Crassus Cicurinus, and Veturius Geminus Cicurinus. If consulship in this period is insufficiently instructive, and if Palmer is right in saying that mere notices in our sources as to the social status of magistrates are not to be relied upon,<sup>7</sup> we cannot then ascertain the status of these Veturii. We shall return to this question later. Next in chronological order comes T. Veturius Calvinus, who was consul in 334 B.C. and 321 B.C. His colleague in both consulships was the patrician Sp. Postumius Albinus. Evidently Calvinus must have been plebeian.<sup>8</sup> We do not know his filiation, nor in what way he was related to the earlier Veturii. For almost a hundred years after the second consulate of Calvinus, no Veturius is recorded as magistrate. Münzer infers that the downfall of the family of Calvinus, caused by his responsibility for the ignominious Caudine treaty,<sup>9</sup> involved all the Veturii, and hence that the consul did not represent a separate branch; there was only one patrician family, and Calvinus alone had transferred himself to the Plebs.<sup>10</sup> This may have been the case but, unlike Münzer, we do not for the present

<sup>1</sup> However, in contrast to Palmer, I see no cogent reason for the outright rejection of Cicero's testimony on the patrician status of M. Tullius, *cos.* 500 (*Brut.* 62); surely it is wrong to argue that 'Tullii cannot be reckoned patrician'. See Palmer, 132 n. 2, 290 f.; cf. J. Heurgon, *Rome et la méditerranée occidentale* (Paris, 1969), 273 (= *Rome*). For my reasons see *infra*, p. 77.

<sup>2</sup> See e.g. Mommsen, *RF* i. 94. Beloch objected to this view and held that it was only after 321 B.C. that the rule was observed (*RG* 344-5). True, there are seven years with two patrician consuls after 367 (355, 354, 353, 351, 349, 345, 343), despite the tribunician law of that year that *consulum utique alter ex plebe crearetur* (Liv. 6. 35. 5). Yet, if this law be antedated in our sources, there is nothing to commend 321 as the year in which it was passed. It is best to consider the Genucian legislation of 342 as responsible for the completion, or enforcement, of the law of 367 (Beloch is surely wrong on the years 328

and 323; see *MRR s.aa.*). See K. Von Fritz, 'The Reorganization of the Roman Government in 366 B.C. and the so-called Licinio-Sextian Laws', *Historia* i (1950), 3-44 (esp. 8, 25 with n. 49, 27-8, 32-3). It is curious to note that J. Heurgon holds both these contradictory opinions (*Rome*, 274 and 306).

<sup>3</sup> Mommsen, *RF* i. 97 ff.

<sup>4</sup> Palmer, 293.

<sup>5</sup> Cic. *Brut.* 62; Liv. 4. 16. 1-4. See Mommsen, *RF* i. 124.

<sup>6</sup> It is inconceivable that a patrician would transfer himself to the Plebs, and thus become disqualified for the consulship.

<sup>7</sup> Palmer, 290.

<sup>8</sup> Unless one follows Beloch (*RG* 345) and sees in the very case of Veturius Calvinus proof that it was only after 321 that one consul must have been plebeian. But see n. 2, and cf. Gundel, *RE* 8A, 1886-7.

<sup>9</sup> Cf. Val. Max. 6. 1. 9.

<sup>10</sup> Münzer, *RA* 123.

consider the earlier Veturii as definitely patrician, and therefore his interpretation cannot be accepted at this stage. The only certain conclusion is that T. Veturius Calvinus was plebeian.

We proceed to L. Veturius L. f. Post. n. Philo, who is reported to have held the consulship with C. Lutatius Catulus in 220 B.C. Two other consuls are recorded as the consular college of that year: M. Valerius Laevinus and Q. Mucius Scaevola. Yet it has been persuasively argued that the last-named were faultily elected and that they abdicated.<sup>1</sup> Whatever be the explanation, it is evident that our sources in this case agree on one point: they conform to the rule that of two consuls one must be plebeian and the other patrician. Since Lutatius Catulus was plebeian, L. Veturius Philo must have been patrician.<sup>2</sup> Nor is this the only evidence bearing on Philo's status. In 210 he was elected censor. As is well known, the first time a college of plebeian censors was elected was in 131 B.C.: Q. Pompeius and Q. Caecilius Metellus Macedonicus.<sup>3</sup> As the other censor in 210 was P. Licinius Crassus Dives, a plebeian, our conclusion that Philo was patrician is corroborated.

L. Veturius L. f. L. n. Philo was praetor in 209 and consul 206. His filiation shows him to be a son of the consul of 220, hence a patrician.<sup>4</sup> This conclusion shatters both Palmer's plea that the first plebeian college in the consulate is that of 206 and his explanation of the unusual procedure of the election of the consuls of 206.<sup>5</sup> The evidence of the *Fasti Capitolini* on the consuls of 172 remains valid.

Two curule aediles are recorded by Livy under the year 210: P. Licinius Varus and one Veturius (27. 6. 19). Curule aediles in even years were plebeian. For those scholars who hold that this Veturius must be identical with the praetor of 209 and consul of 206, this evidence presents a real difficulty. Thus Willems, who accepts the identification and the patrician status of all the Veturii in this period, concludes that Livy must be wrong on the year and that Veturius was aedile in 211.<sup>6</sup> Münzer follows him, and argues that the *Fasti* of the curule aediles of the years 213-210 are incomplete and confused. He explains the wrong insertion of the name of Veturius in this passage as having been caused by the mention of the death of the censor L. Veturius Philo in the preceding paragraph.<sup>7</sup> Palmer, however, accepts both the date given by Livy and the identification with the praetor of 209 on the grounds that 'it was then customary for recent curule aediles to reach the praetorship usually after one or two years. Therefore, the praetor of 209, L. Veturius Philo, ought to be identical with L. Veturius, plebeian curule aedile of 210.'<sup>8</sup>

<sup>1</sup> See A. Degrassi, *Inscriptiones Italiae* (Rome, 1947) xiii. 1, pp. 118, 442; cf. Münzer, *RE* 13, 2071; 16, 429 f.; *MRR* i. 235; H. Volkmann, *RE* 8A, 45-6; Gundel, *RE* 8A, 1894-5.

<sup>2</sup> Palmer tries to avoid this conclusion by saying that 'two consular colleges are recorded for 220 and no reliable historical account survives' (p. 294), but this will not do.

<sup>3</sup> Liv. *Per.* 59: Q. Pompeius Q. Metellus, tunc primum uterque ex plebe facti censores. Cf. Degrassi, *Ins. It.* xiii. 1, 52 f., 470 f. Palmer refuses to admit the evidence of the *Fasti Capitolini* that the consuls of 172 were

the first plebeian college, but accepts the Livian evidence that the first departure from the law of 339 occurred in 131 (p. 293 and n. 4).

<sup>4</sup> It is lacking in the passages where his praetorship is recorded (Liv. 27. 6. 12; 7. 8; 10. 12; 22. 5), but it is given by the *Fasti Capitolini* (Degrassi, *Ins. It.* xiii. 1, 46 f., 450 f.; Gundel, *RE* 8A, 1895).

<sup>5</sup> Palmer, 294-5.

<sup>6</sup> P. Willems, *Le Sénat de la république romaine* (Louvain, 1878), i. 376-7 (= *Sénat*).

<sup>7</sup> Münzer, *RA* 127.

<sup>8</sup> Palmer, 294.

The support Palmer seeks to give to his interpretation is in fact proof to the contrary. If an interval of one or two years was the rule, then a man who had been aedile in 210 would not have served in the praetorship earlier than 208, as did Veturius' colleague, P. Licinius Varus. There were three exceptions to the rule: Q. Fabius Maximus, patrician curule aedile in 215 and praetor in 214, Cn. Fulvius Centumalus, and P. Sempronius Tuditanus, plebeian curule aediles in 214 and praetors in 213. In 215 it was Fabius' father who presided over the election of his son, and who brought about his own re-election as consul for 214 (Liv. 24. 7. 11-9. 4). As censor in 209, P. Sempronius Tuditanus nominated Fabius Cunctator as *princeps senatus* despite the opposition of his colleague; this may suggest some collaboration between them (Liv. 27. 11. 7-12). Fabius also held the election when Tuditanus was elected praetor for 213.<sup>1</sup> Thus we have a definite explanation for the exceptional election of Fabius and a likely one for that of Tuditanus. We cannot account for the case of Cn. Fulvius Centumalus, but, in view of the otherwise inviolate practice of this period that curule aediles advanced to the praetorship after a minimum interval of one year,<sup>2</sup> the Veturius who was curule aedile of 210 should not be identified with the praetor of 209.

There remains the question of whether we should follow Willems and Münzer, or Mommsen, who hold that the Veturius recorded as aedile in 210 was plebeian and different from the praetor.<sup>3</sup> In all the MSS the cognomen Philo is omitted in Liv. 27. 6. 19, the only passage which mentions the aedile, while it appears in three out of the four passages in which Livy mentions the praetor.<sup>4</sup> The praenomen L. is missing in the codex Puteanus, our oldest MS. (fifth century); it was only a corrector of the codex Agennensis (thirteenth century) and the editors Aldus and Gelenius who supplied it.<sup>5</sup> Thus it is very doubtful that the aedile bears the same name as the praetor. A more certain conclusion follows when Livy tells us that L. Veturius Philo, a legate of Ap. Claudius Pulcher (the consul of 212 and proconsul in 211), was present at the debate held by the senate on the fate of Capua in 211 (26. 33. 5). As this legate is obviously identical with the praetor of 209, it is inconceivable that he served as aedile in the same year. Münzer indeed was aware of the difficulty, and sought to explain it away by suggesting that L. Veturius Philo had been legate

<sup>1</sup> Liv. 24. 43. 5-6. Scullard considers the Sempronii as linked with the Claudian group, which undermined Fabius' predominance after Cannae (*Roman Politics* [Oxford, 1952], 37-8, 60 ff.), but he does not mention P. Sempronius Tuditanus in this context. His reconstruction of family-grouping in this respect is not generally accepted. See A. Lippold, *Consules: Untersuchungen zur römischen Konsulats* (Bonn, 1963), 173 ff.; F. Cassola, *I gruppi politici romani nel III secolo a.c.* (Trieste, 1962), 405 f.

<sup>2</sup> For the advancement of aediles in this period see Willems, *Sénat* i. 372-80.

<sup>3</sup> Mommsen, *RF* i. 99, 120. Seidel offered a combined solution: the praetor might have held the office in 211, and yet there was another, plebeian, Veturius in the office in

210. See *Fasti Aedilicii* (Breslau, Diss. 1908), 26 n. 1. Although this view is judged to be the best by Broughton (*MRR* i. 284 n. 2), it really involves an altogether different question. We can always say that, if a certain man were praetor in a given year and there were a vacancy in the list of the aediles of the previous years, he might have been aedile. However, this is not our problem here. We have to decide whether the Veturius reported by Livy was plebeian curule aedile in 210 or, though curule aedile of 211, was mistakenly mentioned in this passage.

<sup>4</sup> Liv. 27. 6. 12; 7. 8, and 22. 5 as against 27. 10. 12.

<sup>5</sup> See the apparatus criticus ad loc. in O.C.T.

in 212 and was elected aedile in the elections presided over by his superior.<sup>1</sup> Philo may have been legate in 212 as well,<sup>2</sup> but the relevant passage of Livy leaves no doubt that all the four legates mentioned there, including Veturius, were legates in 211.<sup>3</sup> It follows that the curule aedile Veturius of 210 was plebeian and someone other than the patrician L. Veturius Philo.

Ti. Veturius Philo succeeded M. Aemilius Regillus as Flamen Martialis in 204 (Liv. 29. 38. 6). Since there were in that period a plebeian Rex Sacrorum and a plebeian Curio Maximus, and since the successor of Philo was probably P. Quinctilius Varus, Palmer concludes that both Veturius and Quinctilius were plebeians in a priesthood ordinarily held by patricians.<sup>4</sup> The argument is unsound and, in view of our discussion so far, untenable. Ti. Veturius Philo is clearly a relative of L. Veturius Philo, *cos.* 220, and of his son, the consul of 206, perhaps being the latter's brother or son (as Münzer surmised); hence, he is patrician.<sup>5</sup> Furthermore, it is methodologically incorrect to claim a plebeian status for a family like that of the Quinctilii, who had held a consulate as early as 453 but had produced no plebeian tribunes, simply because there is no certain evidence of their being patrician. The fact that the rules concerning the Rex Sacrorum and the Curio Maximus were broken shows no more than the existence of such a possibility with regard to the Flamen Martialis.<sup>6</sup> One must prove that a particular Flamen Martialis was in fact plebeian. I give the list of the known Flamines Martiales to the end of the Republic, starting with Veturius.<sup>7</sup>

- Ti. Veturius Philo 204 B.C.
- P. Quinctilius Varus (*pr.* 203) 169 B.C.
- L. Postumius Albinus (*cos.* 154) 168 B.C.
- L. Valerius Flaccus (*cos.* 131) 154 B.C.
- L. Valerius Flaccus (*cos.* 100) 100 B.C.
- L. Cornelius Lentulus Niger (*pr.* ca. 61) 69 B.C.
- ? L. Cornelius Lentulus 56 B.C.

We have, evidently, an unbroken chain of patrician incumbents which shows the patrician status of P. Quinctilius Varus and his family; this list was not necessary to establish the patrician status of Ti. Veturius Philo.

As censor in 184, Cato expelled the knight L. Veturius from equestrian service. Palmer cites the following passage from Nonius Marcellus (217 L) as proof of the plebeian status of the Veturii: 'plebitatem, ignobilitatem. Cato pro<sup>8</sup> Veturio: "propter tenuitatem et plebitatem". Hemina in Ann.: "quicumque propter plebitatem agro publico eiecti sunt".' As Hemina refers to the expulsion of plebeians from public land, Palmer avers, Cato must have been talking about the *plebitas* of the Veturii.<sup>9</sup> Nothing of the sort. Nonius collected

<sup>1</sup> Münzer, *RA* 127-8, followed by Gundel, *RE* 8A, 1896. For the elections see Liv. 25. 41. 10-12.

<sup>2</sup> See T. R. S. Broughton, *Supplement to the Magistrates of the Roman Republic* (New York, 1960), 69.

<sup>3</sup> *MRR* 1, 275-6.

<sup>4</sup> Palmer, 295. Mommsen's suggestion that he is identical with Veturius the plebeian curule aedile is pure guesswork (*StR* i. 525 n. 3).

<sup>5</sup> Münzer, *RA* 129.

<sup>6</sup> On patricians as incumbents of these priesthoods see Cic. *Dom.* 38; Liv. 6. 41. 9; Tac. *Ann.* 4. 16; Festus 137L. Cf. J. Marquardt, *Römische Staatsverwaltung* (Leipzig, 1885), iii. 327; Mommsen, *RF* i. 78; G. Wissowa, *Religion und Kultus der Römer*<sup>2</sup> (München, 1912), 491-2.

<sup>7</sup> See *MRR* s.a.a. 204, 169, 168, 154, 100, 69, 56.

<sup>8</sup> Read *de*. See Malcovati, *ORF*<sup>3</sup> p. 36 ad loc.

<sup>9</sup> Palmer, 295.

under one heading passages from several authors which included the terms he was discussing; the term discussed is the sole link among the passages. Therefore Hemina's sentence is totally irrelevant to the attack of Cato on Veturius. Editors do not regard it as bearing on the speech of Cato.<sup>1</sup> Secondly, the phrase cited is taken out of its context, and we are completely in the dark as to whom or to what it refers. If anything at all may be inferred, it is that it probably does not allude to L. Veturius: he was expelled from cavalry service because of his obesity. Thus, we may say, Veturius was neither *tenuis* nor *plebeius*. The point, however, must not be strained; one must admit that the status of this Veturius cannot be ascertained on the basis of positive direct evidence.<sup>2</sup>

Ti. Veturius Gracchus Sempronianus succeeded Ti. Sempronius Longus as augur in 174.<sup>3</sup> As his predecessor was plebeian, this Veturius must have been plebeian too; the analogy of Caesar who, almost one hundred years later, replaced his plebeian uncle does not seem to undermine this conclusion.<sup>4</sup> Furthermore, all the four patrician augurs were alive at that time—it was impossible for another patrician to enter the college. Yet the form of his name presents a difficulty. As we have it, it means that a Sempronius Gracchus was adopted by a Veturius, but it was not usual then to keep the original cognomen in such cases. Therefore, Geer may well be right in suggesting that the correct name should be Ti. Sempronius Gracchus Veturianus.<sup>5</sup> If so, we cannot say whether he had been plebeian or patrician before his adoption.

Finally there is the moneyer Ti. Veturius B(arrus?); the sacrifice of a pig on his denarius has been interpreted as portraying the signing of a treaty. It is maintained that the scene alludes to a treaty concluded by Ti. Veturius Calvinus, either the one of 334 with the Samnites and Campanians, or the Caudine treaty of 321.<sup>6</sup> I find it difficult to believe that a Veturius would commemorate the consul whose disgraceful defeat had apparently brought about the political decline of the *gens* for one hundred years. At any rate, even if it does allude to Calvinus, it need not follow that the moneyer came from Calvinus' branch of the Veturii.<sup>7</sup> Thus, in this case too, it is impossible to determine the status of a Veturius.<sup>8</sup> We may also mention Ti. Veturius T. f.,

<sup>1</sup> *ORF*<sup>3</sup> p. 36 fr. 82. See also Scullard, *Roman Politics*, 261; D. Kienast, *Cato der Zensor* (Heidelberg, 1954), 169.

<sup>2</sup> Of course, if one commits oneself to the view that all the Veturii were patrician, as did Münzer, one must consider Veturius patrician. Even Mommsen, who admitted the existence of plebeian Veturii, assumed that positive evidence was needed for showing the plebeian status of any of the known Veturii; otherwise, he considered him patrician (*RF* i. 120). However, this is not my method here. That this Veturius was the son of the consul of 206 cannot be proven either (thus P. Fraccaro, *St. Stor. per l'Ant. Class.* 4 [1911], 41 f.).

<sup>3</sup> On his name, see *MRR* i. 406 n. 4.

<sup>4</sup> Vell. Pat. 2. 43. 1. But see Münzer, *RA* 130.

<sup>5</sup> R. M. Geer, *A.J.P.* lx (1939), 466–7; cf. *MRR* i. 394.

<sup>6</sup> See Mommsen, *Römische Münzwesen*,

555–6 no. 169. The date of the moneyer is disputed, and varies from 154 to 92 (*MRR* ii. 455). Accepting Grüber's view that it dates from 93–2, Münzer identifies him with Ti. Veturius T. f., a member of the *consilium* of Cn. Pompeius Strabo at Tusculum (Degrassi, *ILLRP* 515). But the identification is excluded in view of the place of Veturius in the inscription, as has been shown by C. Cichorius, *Römische Studien* (Berlin, 1922), 177; also, it is improbable that the moneyer stemmed from the Flamen Martialis, who has a different cognomen (*contra* Cichorius).

<sup>7</sup> *Contra* Mommsen, *Römische Münzwesen*, 555 f.; *RF* i. 120. See Gundel, *RE* 8A, 1884–5 nos. 6–7.

<sup>8</sup> Münzer (*RA* 132) and Cichorius (op. cit. 177) accept the allusion to T. Veturius Calvinus, and yet assert that the moneyer was patrician. See also Taylor, *Voting Districts*, 265.

a young member of the *consilium* of Cn. Pompeius Strabo at Asculum, who is the only Veturius whose tribe is known: Velina.<sup>1</sup>

We can now summarize the results of our investigation so far. Three patrician Veturii have been identified with certainty: L. Veturius Philo, *cos.* 220, *dict.* 217, *cens.* 210; L. Veturius Philo, *leg.* 212–211, *pr.* 209, *cos.* 206; Ti. Veturius Philo, the Flamen Martialis of 204. There are two plebeian Veturii: T. Veturius Calvinus, *cos.* 334, II 321; L. (?) Veturius, *aed. cur.* 210. We have not seen positive evidence to determine with certainty the status of the other Veturii. Let us return to the Veturii recorded before 366 B.C.

The names of the sixteen oldest rural tribes have been taken, generally, as indicating gentilicia of patrician clans. These names are of two types, one of prominent consular families of the fifth century and the other of names that do not appear at all in the *Fasti*.<sup>2</sup> The second group includes the following tribes: Camilia, Galeria, Lemonia, Pollia, Popinia, and Votinia. According to one view, these tribes bear the names of families that were extinct even before the foundation of the Republic.<sup>3</sup> Recently E. Meyer and Alföldi put forward strong reasons for considering them place names.<sup>4</sup> Even if the first view be correct no conclusion can be drawn from it, for in no way can we decide whether they are patrician or plebeian. It is the first group that interests us; it includes Aemilia, Claudia, Cornelia, Fabia, Horatia, Menenia, Papiria, Romilia, Sergia, and Voturia. Despite the general view that these tribes received their names from patrician *gentes*, Palmer writes: 'There is no certain evidence that the Sergii and Romilii were patrician. We shall show that the Veturii were plebeian at least after 366' (p. 292). I think the list may prove to be one of patrician clans. Palmer does not explain why he doubts the patrician status of the Sergii. Negatively, we may note that no Sergius is recorded as tribune of the Plebs, as plebeian aedile or as curule aedile in an even year. Catilina was patrician, and his patriciate was not based, in my opinion, on the grounds that a Sergius had been consul in the fifth century; rather, it had been handed down from generation to generation in the family.<sup>5</sup> There were patrician Veturii in the third century, as we have shown, which means that there must have been patrician Veturii in the early Republic. Although there are recorded three Menenii as tribunes of the Plebs (410, 384, 357), significantly none of them is accorded any cognomen. All the consular Menenii have

<sup>1</sup> Degrassi, *ILLRP* 515; Taylor, loc. cit.; Gundel, *RE* 8A, 1885 no. 7. The fact that C. Veturius did not make way for a tribune may suggest that he was patrician (Plut. *C.G.* 3. 3). See Münzer, *RA* 124; Gundel, *RE* 8A, 1882. For L. Veturius P. f., active in Delos, see Dittenberger, *SIG*<sup>3</sup> 585, 16–17. Their relations with the senatorial families are unknown (Münzer, *RA* 131; Gundel, *RE* 8A, 1882 nos. 2–3). Freedmen of D. Veturius of Rome are also known (*ILLRP* 809), as well as a freedwoman of C. Veturius in Minturnae (*ILLRP* 724).

<sup>2</sup> See Mommsen, *Römische Geschichte*<sup>7</sup> i. 35; *RF* i. 106; Taylor, *Voting Districts*, 282–3; E. Meyer, *Römischer Staat und Staatsgedanke*<sup>3</sup> (Zürich, 1964), 57–8; A. Alföldi, *Early Rome and the Latins* (Ann Arbor, 1965), 307 ff., esp. 315–16. The seventeenth old rural tribe,

Clustumina, derived its name from the *ager Crustuminus*. I do not discuss the date of these tribes, which Beloch fixed in the second half of the fifth century (*RG* 270–3; cf. De Sanctis, *Storia dei romani*<sup>2</sup> ii. 18–9; E. Meyer, *Röm. Staat*, 57–8). However, others accept the evidence of Livy (2. 21. 7) that by 495 the seventeen rural tribes had already been established. See A. Bernardi, *Athenaeum* xxx (1952), 20 n. 2; Taylor, *Voting Districts*, 6, 36; R. M. Ogilvie, *A Commentary on Livy Books 1–5* (Oxford, 1965), 284, 292.

<sup>3</sup> Mommsen, *RF* i. 106 and n. 80; Taylor, *Voting Districts*, 6 f. and n. 13.

<sup>4</sup> Meyer, op. cit., 57; *Gnomon* xxxiii (1961), 603; Alföldi, *Early Rome*, 307 ff.

<sup>5</sup> Sall. *Cat.* 31. 7; Ascon. 66; 82; cf. Liv. 8. 18. 8. The doubts of Palmer are unjustified.

the cognomen Lanatus.<sup>1</sup> Thus, by analogy with the Claudii and the Papirii (Cic. *Fam.* 9. 21. 2-3), the Menenii Lanati may have been patrician. The shadowy Romilii elude us, the consul of 455 being the sole member of his clan to be recorded as a magistrate. Thus eight are certainly patrician and two (Menenia, Romilia) might be patrician. It seems then very likely that patrician families gave their names to these tribes.

There is another type of evidence of patrician status which Palmer refuses to accept. He states that the *sole* criterion of the ancients for determining patrician status was consulship held before 366,<sup>2</sup> but in this he seems to be mistaken. Let us consider the case of M. Folius Flaccinator, the consular tribune of 433. Livy reports that all the consular tribunes of this year were patrician. No Folius had been consul before 366. The first and only consul Folius was M. Folius C.f. M. n. Flaccinator, in 318. We know of course that the consul must have been patrician because his colleague was plebeian. His case is proof that Livy's comment on the consular tribune is correct, and that it is based either on the evidence of the consular college of 318 or on a different kind of information, but not on any specific consulate held before 366 B.C.<sup>3</sup>

The evidence on which the ancients relied is not necessarily or invariably correct. Livy is surely mistaken in writing that P. Licinius Calvus Esquilinus was the first plebeian consular tribune (400 B.C.), and is certainly wrong in stating that all his colleagues were patrician.<sup>4</sup> In this case at least his mistake can be accounted for. He seems to have followed Licinius Macer,<sup>5</sup> who had reasons of his own to ascribe the first case of plebeian consular tribuneship to a member of his *gens*; a writer who followed his account may well have concluded that the others, including a Titinius, a Maelius and a Publilius, were patrician.

If plebeians and patricians fought over the right of the former to function as magistrates, which I believe was the case, and which Palmer accepts in a modified way, the memory of this struggle was naturally preserved, even if in a distorted and incomplete manner. Surely patrician families were proud of their status and kept alive the tradition of their houses, as did successful plebeian families. In this way the names of the opposed families could have evaded obliteration, thanks to the efforts of descendants or even those of descendants of other families. We can thus envisage one sort of knowledge of social status which was distinct from the enquiries of historians, who may or may not have relied upon the 'consulship criterion'. Therefore the total rejection of positive references to social status is arbitrary and unjustified; it is worth while to present the little express evidence preserved by Livy and Dionysius of Halicarnassus on patrician and plebeian consular tribunes.

Year	Name	Status	Reference
444	A. Sempronius Atratinus	Pat.	Dion. Hal. 11. 61. 3 Liv. 4. 6. 11 (but not in 4. 7. 1)
	L. Atilius Luscus	Pat.	

<sup>1</sup> Livy says that Menenius Agrippa, *cos.* 503, was sent to conciliate the Plebs in 494, 'quod inde oriundus erat plebi carum' (2. 32. 8). But it is evident that Menenius is considered patrician; he might have descended from the Plebs on the maternal side, if, as is not impossible, intermarriage was not banned before the Decemvirate. Alternatively, his family might have been

raised to the patriciate at some time.

<sup>2</sup> Palmer, 290.

<sup>3</sup> The consul of 318 may qualify as patrician according to Palmer's definition (p. 248), but did the ancients know of such a definition?

<sup>4</sup> Liv. 5. 12. 9-11; cf. 6. 37. 8.

<sup>5</sup> See Mommsen, *RF* i. 95; *StR* ii. 188 n. 2; Münzer, *RA* 10; cf., however, Ogilvie, *Livy* 652 f.



<i>Year</i>	<i>Name</i>	<i>Status</i>	<i>Reference</i>
444	T. Cloelius Siculus	Pat.	
438	Mam. Aemilius	Pat.	Liv. 4. 16. 6-7
	L. Quinctius Cincinnatus	Pat.	
	L. (or C.) Iulius Iullus	Pat.	
433	M. Fabius Vibulanus	Pat.	Liv. 4. 25. 1
	M. Folius Flaccinator	Pat.	
	L. Sergius Fidenas	Pat.	
432	L. Pinarius Mamercinus	Pat.	Liv. 4. 25. 5
	L. Furius Medullinus	Pat.	
	Sp. Postumius Albus	Pat.	
420	L. (or Q.) Quinctius Cincinnatus	Pat.	Liv. 4. 44. 1
	L. Furius Medullinus	Pat.	
	M. Manlius Vulso	Pat.	
	A. Sempronius Atratinus	Pat.	
408	C. Iulius Iullus	Pat.	Liv. 4. 56. 2
	P. Cornelius Cossus	Pat.	
	C. Servilius Ahala	Pat.	
407	L. Furius Medullinus	Pat.	Liv. 4. 57. 9-12
	C. Valerius Potitus Volusus	Pat.	
	N. (or Cn.) Fabius Vibulanus	Pat.	
	C. Servilius Ahala	Pat.	
400	P. Licinius Calvus Esquilinus	Pl.	Liv. 5. 12. 9-11; cf. 6.
	P. Manlius Vulso	Pat.	37. 8
	P. Titinius Pansa Saccus	Pat.	
	P. Maelius Capitolinus	Pat.	
	Sp. Furius Medullinus	Pat.	
	L. Publius Philo Vulscus	Pat.	
399	Cn. Genucius Augurinus	Pl.	Liv. 5. 13. 3
	L. Atilius Priscus	Pl.	
	M. Pomponius Rufus	Pl.	
	C. Duillius Longus	Pl.	
	M. Veturius Crassus Cicurinus	Pat.	
	Voler. Publius Philo	Pl.	
398	L. Valerius Potitus	Pat.	Liv. 5. 14. 5
	M. Valerius Lactucinus Maximus	Pat.	
	M. Furius Camillus	Pat.	
	L. Furius Medullinus	Pat.	
	Q. Servilius Fidenas	Pat.	
	Q. Servilius Camerinus	Pat.	
379	P. Manlius Capitolinus	Pat.	Liv. 6. 30. 2
	C. Manlius	Pat.	
	L. Iulius	Pat.	
	C. Sextilius	Pl.	
	M. Albinus	Pl.	
	L. Antistius	Pl.	
	P. Trebonius	Pl.	
	C. Erenucius <sup>1</sup>	Pl.	
377	L. Aemilius Mamercinus	Pat.	Liv. 6. 32. 2
	P. Valerius Potitus Poplicola	Pat.	
	C. Veturius	Pat.	
	Ser. Sulpicius Rufus (or Praetextatus)	Pat.	
	L. Quinctius Cincinnatus	Pat.	
	C. Quinctius Cincinnatus	Pat.	

Livy does not note, as a rule, the social status of the consular tribunes; it appears only for eight years before 399 B.C., and for four years between 399 and 367. There are recorded consular tribunes for 25 years before 399, and for 26

<sup>1</sup> This is probably a corrupt form of either Minucius or Genucius.

years afterwards, and there is no apparent reason why Livy inserted these observations in only one-fifth of the cases. It is noteworthy that Dionysius' mistake in regarding L. Atilius as patrician in 444 is (by implication) not made by Livy, who states that L. Atilius Priscus of 399 was plebeian. He is wrong only in what he says of the consular tribunes of 400 B.C., but we have already accounted for his mistake. Two names in the above list need further comment. The Sempronii of later times (Blaesi, Gracchi, Longi, Rufi, Rutuli, Sophi, and Tuditani), beginning with P. Sempronius Sophus, *tr. pl.* 310, were all plebeian, yet this need not have been the status of the Sempronii Atratinii of the fifth century. Indeed, Dionysius of Halicarnassus relates that A. Sempronius Atratinus was the first interrex (8. 90. 4-5), which shows that his family was then patrician.<sup>1</sup> Since Q. Publilius Philo was the first plebeian praetor (Liv. 8. 15. 9), L. Pinarius, the praetor of 349 (Liv. 7. 25. 12-13), must have been patrician; this vindicates Livy's remark about L. Pinarius Mamercinus, the consular tribune of 342.<sup>2</sup> It appears therefore that, excepting the obvious mistake concerning the magistrates of 400, Livy's statements may be trusted.

The patrician status of the Veturii can be shown through another kind of evidence. Livy reports that in 453 B.C. C. Veturius (Cicirinus) succeeded C. Horatius as augur (Liv. 3. 32. 3). If this information be authentic, C. Veturius must have been patrician, for plebeians first became augurs after the passing of the *lex Ogulnia* in 300. Similarly we may infer that T. Verginius (Tricostus) Rutilius, *cos.* 479, was patrician, as he was an augur (Liv. 3. 7. 6). If one wishes to consider these families plebeian, one might argue that the evidence is unreliable. This is not Palmer's method. He argues that this is proof of plebeians' eligibility and admissibility to the above office.<sup>3</sup> Here we come to the core of our problem: is it methodologically right to use the criterion of offices to establish social status in certain cases, and yet deny the validity of the evidence of offices in other cases and offer a different kind of interpretation of them? Of course, the criterion of offices does not solve all the difficulties presented by the literary tradition on the nature of and distinction between the Plebs and the patriciate. At times we have to look for other clues. But one should be cautious and produce good reasons for doing so. In this instance, a better excuse should have been found to justify disregarding, in fact inverting, the tradition on the

<sup>1</sup> Note also that Dionysius expressly says that the two suffect consuls of 444 were patricians: C. Papirius Mugillanus and L. Sempronius Atratinus (11. 62. 2-3). See also Mommsen, *RF* 1, 109.

<sup>2</sup> Palmer questions the patrician status of the Pinarii (298-9) and refers to his article in *Historia* xiv (1965), 307, where, however, I do not find any cogent evidence or argument for this. On the Pinarii see Münzer, *RA* 155; *RE* s.v.; E. Gabba in *Les origines de la république romaine* (Fondation Hardt, Vandœuvres-Genève, 1966), 159 f. Beloch, on the other hand, thought plebeians did not attain the office of consular tribune because, in his opinion, there was no difference between this office and the consulship. Hence he argued that the plebeian consular tribunes were interpolated on the basis of

a list of plebeian tribunes (*RG* 247-53). Yet he failed to refute the explicit evidence of plebeian consular tribunes. For defence of the traditional view see K. Von Fritz, *Historia* i (1950), 36-7; E. S. Staveley, *J.R.S.* xliii (1953), 30-6.

<sup>3</sup> Palmer, 246-7. Livy expressly testifies to the patrician status of the Verginii in his account of how the patrician Verginia established the shrine of Pudicitia Plebeia after her marriage to the plebeian Volumnius (10. 22. 9-23; Festus 270L). Palmer rejects this evidence on the grounds that Verginia's ancestors were plebeian tribunes (p. 296). How can we know that she was a descendant of the tribunes rather than of the augur? See also E. J. Bickerman, *R.F.I.C.* xcvi (1969), 401-2, and next note.

struggle of the Plebs for priesthood. As it is, Veturius is patrician, and so is Verginius.<sup>1</sup>

Although we came across plebeian Veturii in the course of the fourth and third centuries, the presence of patrician members of the *gens* in the Hannibalic War shows that there must have been patrician Veturii in the early Republic; this agrees with the tribal evidence, with Veturius being augur before 300 B.C., and with the explicit references of Livy.<sup>2</sup> What we have said on the Menenii Lanati and the Sempronii Atradini, and our conclusions regarding the Veturii, make it necessary to consider the question of 'plebeian names' in the consular Fasti of the fifth century. Three possible explanations can be offered. If one accepts the tradition that plebeians did not attain the consulship before 366 B.C., one may maintain that these names are not authentic and should be rejected. Indeed these very names have been taken as one proof that the Fasti are later reconstructions, often based on falsifications; hence it was concluded that no faith could be put in the consular Fasti before the Gallic conquest or even before the third century.<sup>3</sup> That there are falsifications which may be detected and then eliminated is admitted even by those who do not totally reject the authenticity of the Fasti.<sup>4</sup> In recent times a new approach has been taken by several scholars who maintain that the 'plebeian names' are authentic and hence that the tradition that the first plebeian consul held office in 366 is incorrect. Thus, according to one view, the orders made some sort of a union after the fall of the monarchy and each had a share in the government of the state; it was only in the course of the fifth century that the patricians asserted their exclusive right to the consulate.<sup>5</sup> The third possible way is to defend the tradition on both sides. Since our sources say that no plebeian became consul before 366 B.C., consuls before that date were necessarily patricians, and what seem to be plebeian names are actually names of patrician families.<sup>6</sup>

The following gentilician names have been said to be plebeian: Aquillia, Aternia, Cassia, Cominia, Genucia, Iunia, Minucia, Sicinia (or Siccia), Tullia, and Volumnia. The explanation that these might be patrician families that had died out or had become plebeian by *transitio ad plebem* is brushed aside on the grounds that it is implausible that so great a number of families had been extinguished, and that, while there are certainly plebeian bearers of these names,

<sup>1</sup> It should be noted that all the consular Verginii are given *cognomina* (Esquilinus, Tricostus, Caelimontanus), while the three Verginii who served as plebeian tribunes have no *cognomen*. Further, a Verginius is recorded to have been consul in 435 (and, by some sources, also in 434; see *MRR s.a.*), that is, at a time when plebeians were surely excluded from the consulate.

<sup>2</sup> Liv. 5. 13. 3; 6. 32. 2.

<sup>3</sup> See e.g. B. Niese, *Grundriss der römischen Geschichte*<sup>5</sup> (München, 1923), 13; Beloch, *RG passim*, esp. 1-62, 232 ff.; H. Stuart Jones, *CAH* vii. 327 ff.; E. Kornemann, *H.Z.* cxlv (1932), 284 ff.; A. Piganiol, *Histoire de Rome*<sup>3</sup> (Paris, 1949), 44 ff.

<sup>4</sup> See e.g. De Sanctis, *Storia dei romani*, 1-13; A. Rosenberg, *Einleitung und Quellenkunde zur römischen Geschichte* (Berlin, 1921),

113 ff., 120; Meyer, *Röm. Staat*, 70 ff.; Alföldi, *Early Rome*, 80 f.

<sup>5</sup> See e.g. A. Bernardi, *R.I.L.* lxxix (1945/6), 3-26; A. Momigliano in *Les origines de la république romaine*, 199-221; E. J. Bickerman, *R.F.I.C.* xcvi (1969), 400-8. Palmer's view is akin to that of this line of scholars, though his definition of patricians is obviously new.

<sup>6</sup> Mommsen admitted some falsifications in our sources but accepted the *fasti consulares* and counted 55 patrician *gentes* (*RFI* i. 71-126, esp. 107 ff.). See also Willems, *Sénat* i. 49-88; G. Bloch, *Les origines du sénat romain* (Paris, 1888), 113-89. Cf. L. R. Taylor, *C.P.* xli (1946), 1-11; xlv (1950), 84-95; Taylor and T. R. S. Broughton, *M.A.A.R.* xix (1949), 3-14.

there is no indication that any patrician ever bore the names.<sup>1</sup> Is the criticism sound? Here is a table of *gentes* with patrician and plebeian members who attained magistracies. The table is arranged by centuries, and the first year of plebeian magistracy, if known, is noted.<sup>2</sup>

<i>Gens</i>	5th cent.		4th cent.		3rd cent.		2nd cent.		1st cent.	
	<i>Pat.</i>	<i>Pl.</i>	<i>Pat.</i>	<i>Pl.</i>	<i>Pat.</i>	<i>Pl.</i>	<i>Pat.</i>	<i>Pl.</i>	<i>Pat.</i>	<i>Pl.</i>
Claudia	+	—	+	331	+	+	+	+	+	+
Cornelia	+	—	+	—	+	—	+	—	+	+
Furia	+	—	+	308	+	—	+	+	+	+
Manilia	+	—	+	—	+	—	+	107	+	+
Papiria	+	—	+	—	+	—	+	177	+	+
Quinctia	+	—	+	—	+	—	+	—	+	74
Sempronia	+	—	+	312	—	+	—	+	—	+
Servilia	+	—	+	—	+	212	+	+	+	+
Sulpicia	+	—	+	—	+	—	+	—	+	88
Valeria	+	—	+	—	+	—	+	195	+	+
Verginia	+	+	+	+	—	—	—	—	—	—
Veturia	+	—	+	334	+	+	?+	?+	—	—

Thus one of these *gentes* had members of both orders in the fifth century, four more in the second half of the fourth century, one more at the end of the third century, three more in the course of the second century, and three more in the first century. Whence did these plebeians come? They could have been clients who shared the *nomen gentilicium* of their patrons,<sup>3</sup> or they could have become plebeians by *transitio ad plebem*. There is another possibility. It is very likely that L. Quinctius, *tr. pl.* 74, had no connection at all with the patrician Quinctii,<sup>4</sup> from which we may infer that the criterion of names for judging social status may be misleading.

A few more examples will serve to clarify this matter. The *gens* Aebutia, which had three consuls with the cognomen Helva in the fifth century, is suspected of being plebeian because an Aebutius was a plebeian tribune in the late second century.<sup>5</sup> Of the eleven recorded Aebutii, only one is known to be plebeian. In addition, there is a gap of about 250 years between the Aebutii of the fifth century and those of the second century. In such circumstances it is incorrect to deduce the status of the earlier Aebutii on the basis of the later evidence. Four Cominii are known: they include the consul of 501 and 493, a military tribune of 325, a plebeian tribune of the third century, and a *praef. eq.* in 179. Here, too, the late tribune is no proof of the status of the early consul.<sup>6</sup> No Lucretius is reported between Lucius, the consular tribune of 381, and Marcus, the plebeian tribune of 210. Similarly we have T. Numicius Priscus, *cos.* 469, and Ti. Numicius, *tr. pl.* 320, the only two members of the *gens* recorded

<sup>1</sup> Beloch, *RG* 10 ff.; Bernardi, *R.I.L.* lxxix (1945/6), 8 ff.; Heurgon, *Rome*, 273 ff.

<sup>2</sup> The table can be checked easily with the index of *MRR*. A consulship before 366 B.C. has not been taken by itself as proof of patrician status, and only those cases in which both the magistracy and the social status of the magistrate are certain have been counted. Thus the *gens* Fabia is excluded because we do not know with certainty that plebeian Fabii ever attained magistracies (for possibilities see Mommsen, *RF* i. 114;

*MRR* ii. 164 n. 4, and also G. Rotondi, *Leges Publicae Populi Romani* [Milano, 1922], 259, 379). Similarly, I do not see in the consulate of Cinna in 86 proof of his plebeian status (*contra* Mommsen, *RF* i. 114).

<sup>3</sup> Willems, *Sénat*, i. 16. But see the correction of Bloch, *Les origines du sénat romain*, 255–65. Cf. H. Stuart Jones, *CAH* vii. 418.

<sup>4</sup> See Gundel, *RE* 24, 1006 (no. 16).

<sup>5</sup> Palmer, 297.

<sup>6</sup> *Contra* Beloch, *RG* 10 f.; Bernardi, *R.I.L.* lxxix (1945/6), 9 n. 1; Heurgon, *Rome*, 273.

as magistrates. In both cases the connection between the earlier bearers of the names and the later, if any, is completely unknown. There are patrician names which disappeared altogether from the Fasti: there is no Horatius after 378, no Geganius after 367, no Folius after 318, no Nautius after 287.

The name Tullius deserves comment. Cicero says that M'. Tullius, the consul of 500, was patrician (*Brut.* 62). His testimony has often been rejected because, it is said, Tullius is a plebeian name.<sup>1</sup> But on what evidence? With the exception of the consul, no Tullius is known to have been a magistrate before the last century of the Republic. The Tullii Cicerones are irrelevant since they originated from a *municipium* that received full enfranchisement as late as 188.<sup>2</sup> M. Tullius Decula, the consul of 81, was plebeian; nothing else is known of him.<sup>3</sup> Thus though Cicero may, or may not, be wrong in his belief that the consul of 500 was patrician, the method used to refute him is wrong.

We have ample evidence proving that certain patrician families disappeared in the course of the five centuries of the Republic. There are examples to show that patrician and plebeian families bore the same *nomen gentilicium* at the same period; the patricians are not met with again. Therefore, there might have been patrician magistrates and plebeian officials with the same names before 366, or even before 444, for which period the sources contain unreliable and contradictory evidence. Yet my aim here has not been to defend the sources, but to show that the criterion of 'plebeian names', instead of offices, for judging social status is insecure and might be misleading, and hence should be used with the utmost care.

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<sup>1</sup> See p. 76 n. 6 and add Palmer, 290. *Contra* Mommsen, *RF* 1, 110; Bloch, *op. cit.* 114; Münzer, *RE* 7A, 1314.

<sup>2</sup> On Cicero's ancestors see W. Drumann,

*Geschichte Roms*<sup>2</sup> (Leipzig, 1919) 5, 218-19, and, on the enfranchisement of Arpinum, Liv. 38. 36. 7-9.

<sup>3</sup> Münzer, *RE* 7A, 1312.