

## The leges Scipionis of Cic.Verr.II.ii.123-4—Whose are they?

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Buried within the text of the second Verrine oration in the midst of a discussion of other civic reorganizations in Sicily is a curious passage that discusses the interaction between a Roman and the city of Agrigentum. It describes how, at some point, someone called Scipio gave laws to the Agrigentines regulating the elections to their senate which took into account the two different classes of citizen there, the old and the new. The necessity for such a change to their civic constitution was occasioned by one of the several periods of settlement or resettlement which occurred in the course of the city's interaction with Rome.<sup>1</sup> The text of the passage reads:

*Agrigentini de senatu cooptando Scipionis leges antiquas habent, in quibus et illa eadem sancta sunt et hoc amplius: cum Agrigentinorum duo genera sint, unum veterum, alterum colonorum quos T. Manlius praetor ex senatus consulto de oppidis Sicularum deduxit Agrigentum...*

Agrigentum has ancient laws, made by Scipio, controlling elections to its senate; these contain the same provisions as those mentioned [for Halaesa] and the following one besides. There are two classes of Agrigentines; one comprises the old population, the other settlers from Sicilian towns whom, by order of our Senate, the praetor T. Manlius established in Agrigentum.<sup>2</sup>

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<sup>1</sup> On the city's interaction with the Romans during the First Punic War, for example, see Diod. Sic. 29.9.1; Polyb. 1.18.7; 1.19.14; after the Second Punic War Liv. 26.40.13-14. The relationship continued to be tumultuous, as Verres' time in Sicily demonstrates. On Verres and Agrigentum, see Havas (1969) 66.

<sup>2</sup> Cic. *Verr.* II.ii.123. The text and translation are from the Loeb edition of L.H.G. Greenwood, vol. I, Cambridge, Mass., 1989.

The identity of the author of these laws, based solely on the text of the *Verrines* which informs us of their very existence, is not immediately apparent to us, though it most probably was to Cicero's ancient audience.<sup>3</sup>

The Scipio in question is not identified clearly enough for modern readers without the aid of a footnote or the help of a (non-existent) commentary; there are contextual clues within the passage itself, however, as well as other tools which may serve to unlock his identity. Using them, this paper seeks to determine which Scipio it was who granted the laws to Agrigentum and when. This will be undertaken not solely as an attempt to resolve a question that few scholars have ever bothered to address, but, rather, to demonstrate by means of a case study how similar issues with problematic identifications which arise in the text of Cicero's speeches of those men whom Axtell nearly one hundred years ago termed 'historical characters' might also be resolved.<sup>4</sup>

There are only a few pieces of information provided by Cicero in the passage itself which can be thrown at the question.<sup>5</sup> Regarding named individuals in the text, Cicero has only identified a Scipio and qualified it with the addition of the name of a presumably earlier praetor, T. Manlius. Manlius' identification is nearly as difficult to determine as Scipio's, though Cicero was in that case kind enough to supply a

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<sup>3</sup> See Nisbet (1992) 3-7 on how certain terms and phrases deployed by Cicero are designed to activate reflexes and memory within his audience.

<sup>4</sup> Axtell (1915) 391. Those scholars who have previously tackled the question will be discussed below; the most recent work on the subject, that of Prag (2007) *passim*, reports the alternatives but does not offer resolution.

<sup>5</sup> The two parallel examples of Verres' interferences, those of Halaesa and Heraclea, are more easily datable. In the case of Halaesa, described at Cic. *Verr.*, II.ii.122, the names of the consuls in office at the time of the reorganization are given. In the case of Heraclea, described at Cic. *Verr.* II.ii.125, the name of the magistrate who provided them with the solution to their difficulty, P. Rupilius, is indisputably datable and recognizable.

*praenomen*.<sup>6</sup> There is also Cicero's deployment of the temporal qualifier to consider, as he describes the laws as being '*leges antiquas*'. This is of less use than it might first appear, as Brennan has noted that Cicero's *Verrines* account for nearly 60% of all occurrences of the permutations of the word *antiquus* in his speeches and, as such, it somewhat loses its value as a meaningful descriptor of how much time has passed.<sup>7</sup>

Despite such a paucity of information, or more likely as a result of it, several theories as to the identity of the Scipio and the Manlius in question have arisen. The first two of these theories select a Scipio who was known to have served in Sicily as a magistrate to be the Scipio in question. The first of these considers P. Cornelius Scipio (Africanus), the consul of 205, who was, indeed, serving in Sicily prior to his crossing over to Africa. For this option to be in accord with the generally accepted text of Cicero, Münzer, amongst others, believed that Manlius' name must be amended, as there is no known praetor Manlius in Sicily prior to 205; as such, C. Mamilius Atellus, the praetor of 207, was proposed, first with skepticism, though it was later generally accepted.<sup>8</sup> The second widely accepted option is that the Manlius in question is L. Manlius Vulso, the praetor in Sicily in 197.<sup>9</sup> If this were the case, then the Scipio in question must be L. Cornelius Scipio (Asiagenes/Asiaticus), the praetor of Sicily in 193 and later consul of 190.<sup>10</sup> Both of these theories take as a starting point the fact that Agrigentum would have

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<sup>6</sup> See the notes of caution in the recent list of Sicilian magistrates compiled in Prag (2007): 'C. Mamilius (Atellus)' on 292, 'L. Manlius Vulso' on 296, and 'Manlius' on 299.

<sup>7</sup> Brennan (1993) 181-2.

<sup>8</sup> On this theory, see Münzer in *RE*, XIV.1216, 1223; Scramuzza (1959) 234; Rizzo (1968-1969) 375-376, n. 27; Broughton (1951) 334 n. 2; Shackleton-Bailey (1992) 65; Prag (2007) 292. I am skeptical, though, concerning Shackleton-Bailey's suggestion that '[E]ven a copyist might have known that Titus, not Gaius, is the right *praenomen* for a presumably patrician Manlius.'

<sup>9</sup> The name 'L.' Manlius is suggested by two of the manuscripts. See Brennan (1993) 179; Prag (2007) 296.

<sup>10</sup> On this theory, see Gabba (1959) 310, n. 9; Goldsberry (1973) 241 and 274 n. 100; and Serrati (2001) 221 n. 10. Serrati indicates that the 'T. Manlius' in this view could also be Cn. Manlius Vulso, who served as praetor in Sicily in 195 which is a novel suggestion.

required resettlement following the city's treatment during the Second Punic War; however, this may be a flawed assumption as a resettlement may have occurred at another time. A third theory, stemming from a posited resettlement effort following the First Servile War of the 130s has been brought forward by Brennan, in which the Manlius is taken to be the Manlius of *Flor.* 2.7.7 and the Scipio as P. Cornelius Scipio Aemilianus, the consul of 147 and 134 who had well-established links with the city. Unlike the other two competing theories, however, Brennan's posits that Aemilianus granted the city the laws during the period 135-129, specifically during 131-129, a time period during which Aemilianus was not a serving magistrate in the province.<sup>11</sup>

It remains to be seen which of these three options is the most likely. To do this, first the possibility of an unknown Scipio/Manlius pairing must be discounted as well as pairings between one unknown and one known figure. As Nisbet suggests and as what follows will demonstrate still further, Cicero's audience would have known immediately of whom he was speaking, ergo, it is very highly likely that if either were sufficiently obscure, he would have taken steps in order to achieve clarity for his audience.<sup>12</sup> With this in mind, it is my belief that Brennan's choice of Scipio is most probably the correct choice; however, his proof is not as solid as it might be. The text of the *Verrines* reads that the Agrigentines received '*leges Scipionis*' and it is this which I will argue may provide the identity of the Scipio in question as Aemilianus. Cicero's text, coupled with his desire for clarity and his naming and referencing conventions, backed up with

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<sup>11</sup> Brennan (1993) 178-83. For Scipio Aemilianus' links to the city, see Cic. *Verr.* II.iv.73; Diod. Sic. 13.90.5; 32.25.1 concerning the Bull of Phalaris which he returned to the city as well as *Verr.* II.iv.93 on the statue of Apollo by Myron which he gifted to their temple of Aesculapius. Also see Zetzel (1995) 133. Unusually, this possibility does not figure into Prag (2007) 298 s.v. P. Cornelius Scipio Aemilianus Africanus.

<sup>12</sup> Again, recall Nisbet (1992) 3.

Brennan's use of the evidence of Florus for a praetor Manlius during the First Servile War is sufficient to establish Scipio Aemilianus as the man most likely responsible for the laws concerning Agrigentum's senate's composition.

Cicero, in his speeches, according to Shackleton-Bailey, refers to over sixty individual *nomina* when describing laws.<sup>13</sup> A brief look at Cicero's style of referencing laws passed by individual Romans ought to suffice to introduce the case of Aemilianus as the most plausible author of the *leges Scipionis* in question. There are some instances where the author can be identified easily enough by means of his *nomen* alone, given a proper context. This is most likely the case for these *leges Scipionis*. For an example of this, when discussing Sicily an audience immediately would have known or been able to otherwise work out just who the author of the so-called *lex Rupilia* was. It would hardly ever have been likely to have been anyone other than P. Rupilius the consul of 132 and the orator could expect his audience to pick up on such matters.<sup>14</sup> When speaking of other laws, Cicero generally makes it quite explicit as to which one he is specifically referring. For example, when speaking of the *lex Acilia (de pecuniis repetundis)* earlier in the *Verrines*, Cicero does so while pointing out to the man whom he is addressing, Man. Acilius Glabrio, that it is his own father's law.<sup>15</sup>

Cicero also utilized temporal qualifiers so as to distinguish laws from each other. Regarding the same Acilian law, in the course of the second action, Cicero refers to it using the modifier *veterem* – 'the old Acilian law' – and connects it with the law of

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<sup>13</sup> Shackleton-Bailey (1992) 135-8.

<sup>14</sup> The only other magistrate to bear the *nomen* Rupilius was the consul's brother, L. Rupilius, who himself stood for the consulship between 132 and 129. He is not known to have served in Sicily. On him, see Fannius, fr. 6 Peter; Cic. *Lael.* 73; Plin. *HN* 7.122 and Broughton, (1951) 493.

<sup>15</sup> Cic. *Verr.* I.51. There are, of course, exceptions, such as the *lex Fabia (de plagiariis)* of Cic. *Rabir.* 8, where the author is otherwise unknown. See Broughton (1952) 469.

Glaucia and thus gives the law its proper context.<sup>16</sup> Elsewhere, in the *Pro Balbo*, the *lex Appuleia (de coloniis deducendis)* is similarly given a temporal qualifier by Cicero's statement that it was passed for Marius.<sup>17</sup> Laws such as those passed by two Licinii, the *lex Licinia et Iunia (de legibus ad aerarium deferendis)* and the *lex Licinia et Mucia (de civibus redigundis)*, are consistently referred to using the names of the two consuls in office at the time responsible for the laws' passage, thus eliminating any possible confusion.<sup>18</sup> Cicero, in the *de lege agraria*, speaks of the *lex Aebutia (de legibus ad populum ferendis)* as being the second of the Aebutian laws, and in this way gives it its place in a sequence of legislation promoted by holders of the same *nomen*.<sup>19</sup> These types of description leave the reader in no doubt as to which law is under discussion.

The *leges Scipionis* under scrutiny in this case, however, do not possess any such obvious identifying qualifiers barring the inclusion of the name of T. Manlius, for whom three equally acceptable identity-options exist. The laws, quite obviously, must have been authored by one of the Cornelii, as they bore the *cognomen* Scipio.<sup>20</sup> As such it is prudent to see the manner in which Cicero handles other laws passed by the Cornelii so as to determine if there is any trend which might be utilized in the identification of this Scipio. Though the specific piece of legislation is not mentioned by name at *leg. agr.* III.8 and 12, Cicero is at pains to indicate that the law in question was one of those put forward by the dictator, L. Cornelius Sulla. This is demonstrable by the fact that Cicero states at 8 '*At hoc Valeria lex non dicit, Corneliae leges non sanciant, Sulla ipse non postulat.*' – '*The*

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<sup>16</sup> Cic. *Verr.* II.i.26.

<sup>17</sup> Cic. *Balb.* 48.

<sup>18</sup> On the *lex Licinia et Iunia*, see Cic. *Sest.* 135; *Vatin.* 33; *Phil.* V.8; on the *lex Licinia et Mucia*, see Cic. *Balb.* 48; 54.

<sup>19</sup> Cic. *leg. agr.* II.21; on this, see Mommsen (1887) I.501 n. 1, 2.

<sup>20</sup> Scipio as a *cognomen* was, of course, also used by Q. Caecilius Metellus Pius Scipio after his adoption. Otherwise, it is known to have only been used by those born Cornelii. See Shackleton-Bailey (1992) 105.

*Valerian law doesn't say it, the Cornelian laws don't sanction it - Sulla himself doesn't ask for it!*' In other places, Cicero utilizes the same manner of temporal qualifier that was mentioned above concerning the *lex Acilia*; when referring to the *lex Cornelia (de sicariis et veneficiis)* in the *Pro Cluentio*, Cicero, when referring to secret voting, states that he means the Cornelian law which was then in force at the time, clearly meaning the law of Sulla which had been recently repealed before the trial of Cluentius.<sup>21</sup> Concerning the same law in the speech, he also utilized the tool of placing the law in its proper sequence so as to avoid confusing his audience; the law prior to the Cornelian was the Sempronian, he indicates.<sup>22</sup> It is clear from these examples that Cicero recognized the potentiality of confusion when dealing with laws passed by different members of a *gens* as large as that of the Cornelii, and that he at all times made a deliberate effort to be specific in identifying precisely to which law he was referring when speaking before an audience.

A final Cornelian law deserves attention in this context, the *lex Cornelia (de restituendo Cicerone)*, as the manner in which Cicero refers to its author is particularly relevant to the case of the *leges Scipionis*. In his speech *Post Reditum in Senatu* (27-28), Cicero does not, in fact, refer to the law as a *lex Cornelia* at all; instead, he directly names the bill's author, and refers to him using both his *praenomen* and his *cognomen*, P. Lentulus, omitting the *nomen* Cornelius entirely. This is especially relevant to the *leges Scipionis* as it indicates the primary circumlocution which an orator could employ so as to avoid potential confusion over which member of a *gens* or plebeian family was responsible for a law bearing its *nomen*. In this case, Cicero chose to address the author as 'Lentulus' and to do so directly so as to avoid confusion.

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<sup>21</sup> Cic. *Cluent.* 55.

<sup>22</sup> Cic. *Cluent.* 154.

In the last example, Cicero had the opportunity to address the author of the law directly; in the case of the Cornelius Scipio responsible for the *leges Scipionis*, however, he could not have been as lucky. Despite Brennan's cautionary notice concerning the use of *antiquus* in the *Verrines*, it is nevertheless clear that very few, if any, men from the time that these laws were passed regardless of which of the three Scipionic options passed them could have been expected to have been in Cicero's audience – and they certainly could not have made up the majority thereof. However, this instance is similar to others in which Cicero had to describe laws authored by the long or even the recently deceased. Cicero, for example, certainly could not have addressed the Q. Papirius directly who was responsible for the *lex Papiria (de locorum consecratione)* when he delivered the *de Domo*.<sup>23</sup> In order to establish which Papirius was responsible for the law in that case, several *leges* of the Papirii being generally well-known,<sup>24</sup> Cicero introduces it by identifying the author, Q. Papirius, before calling it the *lex Papiria* twice in subsequent referral.<sup>25</sup> Similarly, when referring in the *de lege agraria* to Cn. Domitius Ahenobarbus and the law which in 104 he as tribune passed regarding a change in the appointment method of the highest priestly colleges, Cicero refers to its author by name despite the fact that he had died in around 89.<sup>26</sup>

In the case of the *leges Scipionis*, however, Cicero does not address the Scipio in question prior to referring to the law by his *cognomen* alone. It can therefore be surmised that Cicero expected his audience to know precisely to which Scipio he was referring, in

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<sup>23</sup> On the identification of this Papirius and the theory that the law was passed sometime between 174 and 154, see Shackleton-Bailey (1992) 136.

<sup>24</sup> See, for example, the *lex Papiria* of C. Papirius Carbo *de civitate sociis tribuenda* passed in 89 to which Cicero refers at *Arch.* 7. So as to avoid confusion in that case, it was referred to as the law of Silvanus and Carbo.

<sup>25</sup> *Cic. Dom.* 127, 128, and 130.

<sup>26</sup> *Cic. leg. agr.* II.18; on the *lex Domitia (de sacerdotiis)*, see *Cic. Corn.* 2 in *Ascon.* 79-80 C; *ad Brut.* 1.5.3; *Vell.* 2.12.3; *Suet. Nero* 2.1; and *Dio Cass.* 37.37.

this case, I am arguing, Aemilianus.<sup>27</sup> I shall now demonstrate that with regard to Aemilianus, there is a definitive trend of usage which tends towards addressing him solely by his *cognomen* which is here applicable.

Cicero's intended audience must have been expected by Cicero to know which Scipio he meant – not because they knew Agrigentine civic constitutions off of the top of their heads, of course, but, rather, on the basis of the fact that the references to him, and indeed to all 'historical characters' were of a consistent type.<sup>28</sup> Recently, there have been studies in forms of address generally,<sup>29</sup> Roman means of politely addressing other Romans via letters,<sup>30</sup> trends in onomastic practice from the Republic through the Empire<sup>31</sup> and even how Cicero names individuals<sup>32</sup> in addition to the *onomastica*.<sup>33</sup> Few, however, have gone beyond Professor Axtell's remarks last-century as to the common means of styling the dead at Rome. What is called for, then, to prove Brennan's theory that the Scipio in question is Scipio Aemilianus and not either of the two other options, is a study of how Cicero refers to these 'historical characters' or, more aptly, how he treats the dead Scipiones in a manner so as not to confuse his audience as to their respective identities. Then it must be demonstrated that the name Scipio in this speech, used on its own, is sufficient enough of a flag so as to alert a Roman audience that it is Scipio Aemilianus who is being discussed.

In order to show that Brennan's theory is the best option, in this instance, it is necessary to not only remove the two other main contenders for the laws' authorship, but

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<sup>27</sup> See, yet again, Nisbet (1992) 3-5.

<sup>28</sup> Axtell (1915) 391 coined the term 'historical characters' to describe such men in his work on men's names in the writings of Cicero.

<sup>29</sup> Dickey (2002) *passim*.

<sup>30</sup> Swarney (1993) *passim*; Hall (1996) *passim* and (2009) *passim*.

<sup>31</sup> Salway (1994) *passim*.

<sup>32</sup> Axtell (1915) *passim*, followed by Adams (1978) *passim*.

<sup>33</sup> Shackleton-Bailey (1992) *passim*; id. (1995) *passim* and (1996) *passim*.

to remove as well any other possible contender. Several Scipiones are easily dismissed. The author of the Scipionic laws cannot possibly be, for example, the fictional Cn. Scipio referred to in the *Pro Plancio* (60). Fictional men do not give laws to Agrigentum or anywhere else for that matter. Neither of the two brothers Cn. and P. Scipio, the consuls of 222 and 218 respectively, can be considered as candidates; given their relationship and similarity of age, the inclusion of their *praenomina* in order to distinguish them from each other is imperative, as Cicero demonstrates elsewhere on two occasions.<sup>34</sup> P. Scipio Nasica, the consul of 191, similarly requires a *praenomen* for ease of reference;<sup>35</sup> he is additionally not known to have served in Sicily or even to have been there, having been praetor in Farther Spain in 194.<sup>36</sup> Also known to have only served in Spain and never to have been in Sicily is P. Scipio Nasica, the praetor of 93.<sup>37</sup> L. Scipio Asiaticus, the consul of 83, is also not known to have served in Sicily, having done his provincial service in Macedonia.<sup>38</sup> He cannot in any case be the Scipio in question, as he is referred to almost exclusively as L. Scipio.<sup>39</sup>

Three other Scipiones Nasicae could be considered candidates but must be eliminated. P. Cornelius Scipio Nasica Serapio, the consul of 138, when called a Scipio by Cicero is always done so with the addition of his *praenomen*.<sup>40</sup> It must be pointed out,

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<sup>34</sup> Cic. *Balb.* 34; *Planc.* 60.

<sup>35</sup> Cic. *Har. Resp.* 27.

<sup>36</sup> See Broughton (1952) 556 on his career.

<sup>37</sup> See Broughton (1952) 556 on his career. See Cic. *Rosc.* 77, for a single reference to him. He is additionally taken to be among the unnamed Scipiones of *Red. in Sen.* 37 and *Red. ad Quir.* 6.

<sup>38</sup> See Broughton (1952) 555-6 on his career.

<sup>39</sup> For references to him by Cicero, see *Verr.* II.i.37; *Rabir.* 21; *Sest.* 7. At *Quinct.* 23, he is called by his *cognomen* Scipio alone; however this is purely a function of formal dating – ‘*Scipione et Norbano coss.*’. Similarly, too, in the *Phillipics*, he is twice called Scipio alone; however, the context there clearly links him with Sulla and, as such, he cannot be mistaken for any other member of the family.

<sup>40</sup> Cic. *Cat.* I.3; *Flacc.* 75; *Dom.* 91.

however, that he is more often referenced using his *agnomen*, Nasica;<sup>41</sup> similarly, P. Cornelius Scipio Nasica Serapio, the consul of 111.<sup>42</sup> The last of the possible Scipiones Nasicae to consider is one of the defenders of Verres himself, P. Scipio Nasica, the man who later became Q. Caecilius Metellus Pius Scipio, and the later consul of 52. He can be safely ruled out, of course, as any law which he might have passed could hardly have been considered to be ‘*antiqua*’ despite the fact that he is once addressed solely by his Scipionic *cognomen* in the text of the speeches.<sup>43</sup> In any case, he would have been, at the time of the trial, too young to have put forward any legislation which could bear his name. Thus, with the elimination of all of the other possible Scipiones, only the three candidates outlined above remain, P. Cornelius Scipio Africanus, L. Cornelius Scipio Asiagenes/Asiaticus, and P. Cornelius Scipio Aemilianus.

L. Cornelius Scipio Asiagenes/Asiaticus, the praetor of 193, is by far the easiest of the three to remove as a serious contender. He has one thing which recommends him which must be examined first. At Cic. *Verr.* II.i.55, Cicero ties his list of formerly victorious Romans, which includes L. Asiagenes/Asiaticus to the adjective ‘*antiqua*’ which is also used to describe the *leges Scipionis*. Despite this apparent similarity, there is no linkage between the two. In all of the other surviving Ciceronian speeches, L. Asiagenes/Asiaticus is mentioned just six times (not including Cic. *Verr.* II.ii.123). Chronologically speaking, the first reference to him comes in the first speech of the second *actio* of the Verres trial at II.i.55 when Cicero describes the overthrow of Antiochus in Asia. There, Cicero refers to him using the *praenomen* + *cognomen*

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<sup>41</sup> Cic. *Har. Resp.* 22; *Planc.* 51; 88; *Mil.* 8; 83; *Phil.* VIII.13(f).

<sup>42</sup> Cic. *Planc.* 33.

<sup>43</sup> Cic. *Verr.* II.iv.80; it must be noted that when he is addressed as Scipio it falls hard on the heels of references to him as P. Scipio at 79 and 80. This abbreviative trend was noted by Axtell (1915) 404 and was his 6<sup>th</sup> rule: ‘*Subsequent reference to one previously more fully named: Manlius; Rufus.*’

combination, hence ‘L. Scipio’. It is apparent that this is the accepted manner by which Scipio Asiagenes/Asiaticus was referenced, as Cicero does so consistently throughout the rest of his career without fail.<sup>44</sup> Had he intended his audience to think of Scipio Asiagenes/Asiaticus as the author of the laws for Agrigentum, Cicero would have had to have employed a circumlocution enabling him to refer to the laws of L. Scipio; the inclusion of his *praenomen* is clearly requisite when referring to him and to his acts. This leaves but two candidates, Scipio Africanus and Scipio Aemilianus.

Scipio Africanus is the final candidate to eliminate in order to support Brennan’s theory that Cicero was referring to Aemilianus. Unlike the previous L. Scipio, Scipio Africanus is not consistently referred to in any one specific way by Cicero when he is speaking of him. The one other time which he is referenced in the *Verrines*, Cicero distinguishes him from his progeny by referring to him as the Elder Africanus.<sup>45</sup> In fact, Cicero when referring to him always adds one of two means of identifying him: he either refers to him using two of his name’s elements, or assigns him a qualifying adjective. Most commonly, Cicero refers to him as P. Africanus.<sup>46</sup> At other times, he names him by referencing his familial relationship to another Scipio, calling him Grandfather-Africanus, Elder-Africanus, or Brother-Africanus at various times.<sup>47</sup>

As a final piece of evidence that the Scipio to which Cicero refers was not Africanus, it is important to note at this stage that Cicero hardly ever mentions Scipio Africanus in comparison with Scipio Aemilianus, whom he mentions five times to every

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<sup>44</sup> See Cic. *Mur.* 31; *Prov.* 18; *Rab. Post.* 27; *Deiot.* 36; and *Phil.* XI.17.

<sup>45</sup> Cic. *Verr.* II.v.25.

<sup>46</sup> Cic. *Mur.* 31; 32; Fr. *Phil.* VII.26; *Ascon.* 69.14; *Har. Resp.* 24; *Phil.* XI.17.

<sup>47</sup> For Grandfather-Africanus, see Cic. *Har. Resp.* 24.41; Elder-Africanus, see *Verr.* II.v.25; *Arch.* 22; *Phil.* V.48; XIII.9; Brother-Africanus, see *Prov.* 18; *Mur.* 31; *Phil.* XI.17.

one of Africanus' mentions.<sup>48</sup> Scipio Aemilianus is the Scipio of whom Cicero is speaking nearly every time he uses the *cognomen* on its own, something which occurs more often than not within the text of the *Verrines* themselves.<sup>49</sup> Thus, then, it is more likely that Scipio Aemilianus is the man we must view as the author of the *leges Scipionis* for Agrigentum, as Brennan suggests, having settled the dispute between 131 and 129. This coincides with the evidence from Florus concerning a praetor Manlius; we must then view the T. Manlius mentioned as being a praetor *c.* 134, with his settlement of *coloni* at Agrigentum taking place at some stage following the city's destruction during the First Sicilian Servile War.

I hope to have shown, then, one possible means by which we might seek to better identify problematic individuals within Cicero's speeches and beyond.<sup>50</sup> By figuring out the naming conventions regarding individuals from the other *gentes* and noble houses, further mysteries, which are admittedly mysterious to only a very few, might also find some manner of better resolution.

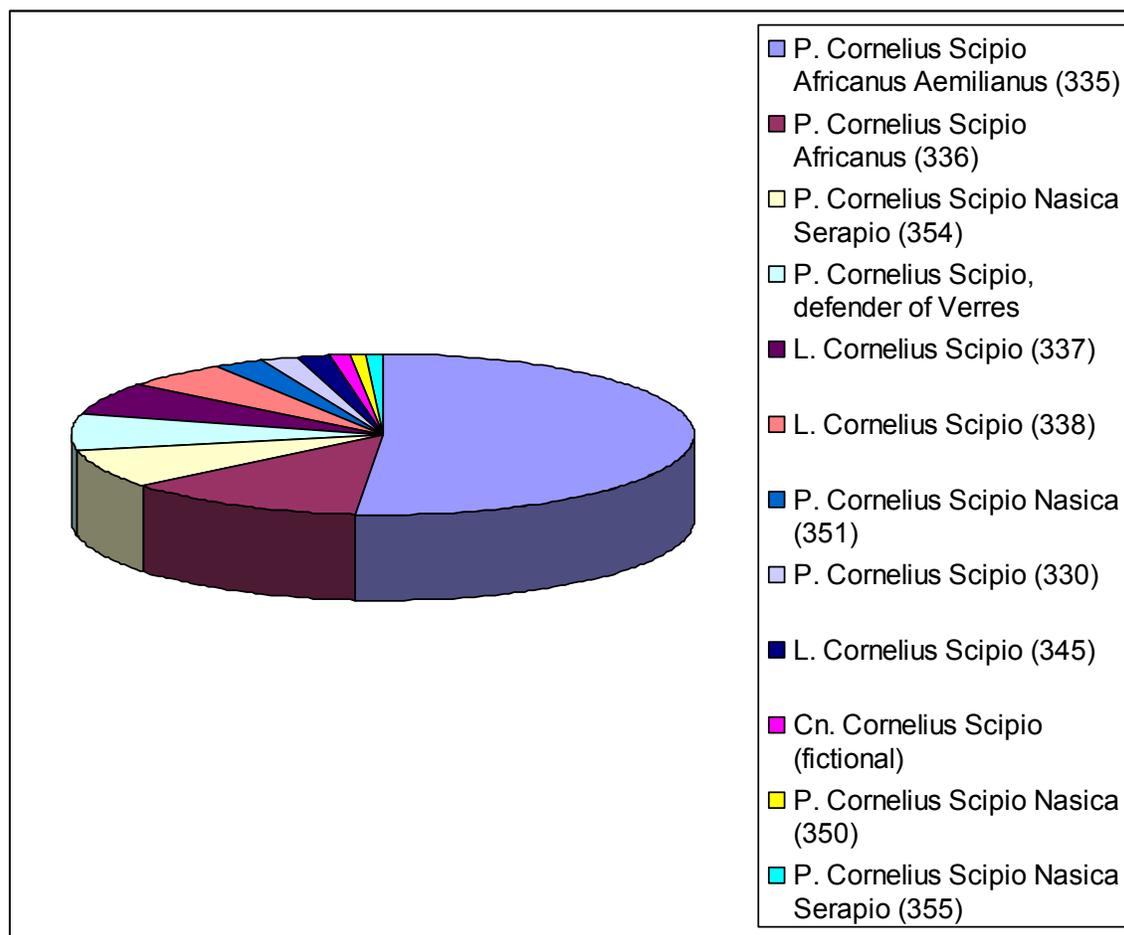
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<sup>48</sup> For a graphical depiction of this, see Table 1 below.

<sup>49</sup> On this, see Table 2 below.

<sup>50</sup> For example: can we ever know the identity of the '*Metellus*' that was said to have been poisoned at Cic. *Nat. D.* III.33?

Table 1: Frequency of Reference to Individual Scipiones in Cicero's Speeches



## Data

## P. Cornelius Scipio Africanus Aemilianus (335)

Number of References: 57

References: Cic. *Rosc.* 103; *Div. in Caec.* 69; *Verr.* I.11; II.ii.28-29; II.ii.85-87; II.ii.123-124; II.iii.209; II.iv.22; II.iv.73-84; II.iv.93; II.iv.97-98; II.v.14; II.v.25; II.v.124-125; II.v.185-186; *leg. Man.* 47; 60; *Cluent.* 134; *leg. agr.* I.5; II.51; II.58; *Mur.* 58; 66; 75-76; *Cat.* IV.21; *Arch.* 16; *Har. Resp.* 6; *Balb.* 47; *Rab. Post.* 2; *Scaur.* 32; *Mil.* 8; 16; 20; *Deiot.* 19; *Phil.* VI.10; XI.18; XIII.9.

P. Cornelius Scipio Africanus (336)

Number of References: 14

References: Cic. *Verr.* II.v.25; *Mur.* 31-32; *Cat.* IV.21; *Arch.* 22; *Har. Resp.* 24; 41; *Prov.* 18; *Pis.* 14; 58; *Planc.* 60; *Phil.* V.48; XI.17; XIII.9.

P. Cornelius Scipio Nasica Serapio (354)

Number of References: 9

References: Cic. *Cat.* I.3; *Flacc.* 75; *Dom.* 91; *Planc.* 51; 88; *Mil.* 8; 83; *Phil.* VIII.13-14.

P. Cornelius Scipio, defender of Verres

Number of References: 8

References: Cic. *Rosc.* 77; *Verr.* II.iv.79-80; *Dom.* 123; *Sest.* 124; *Phil.* II.109; V.19; XIII.29.<sup>51</sup>

L. Cornelius Scipio (337)

Number of References: 7

References: Cic. *Verr.* II.i.55; *Mur.* 31-32; *Prov.* 18; *Rab. Post.* 27; *Deiot.* 36; *Phil.* XI.17.

L. Cornelius Scipio (338)

Number of References: 6

References: Cic. *Quinct.* 24; *Verr.* II.i.37; *Rabir.* 21; *Sest.* 7; *Phil.* XII.27; XIII.2.

P. Cornelius Scipio Nasica (351)

Number of References: 3

References: Cic. *Rosc.* 77; *Red. in Sen.* 37; *Red. ad Quir.* 6.

P. Cornelius Scipio (330)

Number of References: 2

References: Cic. *Balb.* 34; *Planc.* 60.

L. Cornelius Scipio (345)

Number of References: 2

References: Cic. *Balb.* 34; *Planc.* 60.

Cn. Cornelius Scipio (fictional)

Number of References: 1

Reference: Cic. *Planc.* 60.

P. Cornelius Scipio Nasica (350)

Number of References: 1

Reference: Cic. *Har. Resp.* 27.

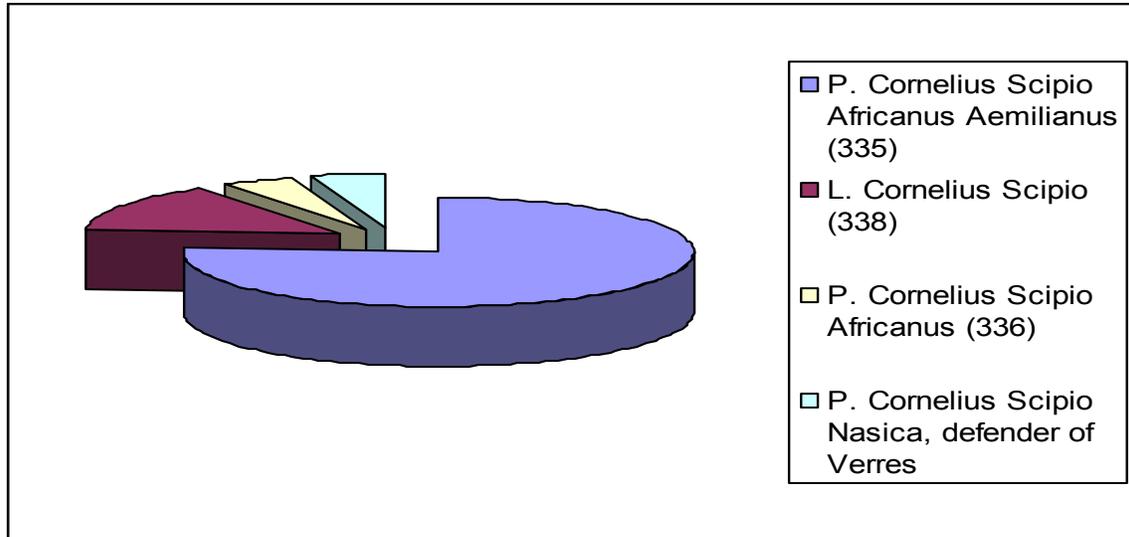
P. Cornelius Scipio Nasica Serapio (355)

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<sup>51</sup> At Cic. *Har. Resp.* 12 he is referred to on a list of pontifices as 'Q. Metellus Scipio' and, as such, this reference has not been included.

Number of References: 1  
Reference: Cic. *Planc.* 33.

Table 2: Number of Instances of ‘Scipio’ appearing alone in Cicero’s Speeches



#### Data

P. Cornelius Scipio Africanus Aemilianus (335)

Number of Instances ‘Scipio’ appears alone referring to him: 16

References: Cic. *Verr.* II.ii.86; II.ii.87 (3x); II.ii.123 (2x); II.iv.73; II.iv.84; II.iv.97; II.iv.98; II.v.14; II.v.125; *leg. Man.* 47; 60; *Mur.* 66; *Rab. Post.* 2.

L. Cornelius Scipio (338)

Number of Instances ‘Scipio’ appears alone referring to him: 3

References: Cic. *Quinct.* 23; *Phil.* XII.27; XII.2.

P. Cornelius Scipio Africanus (336)

Number of Instances ‘Scipio’ appears alone referring to him: 1

Reference: Cic. *Cat.* IV.21.

P. Cornelius Scipio Nasica, defender of Verres

Number of Instances ‘Scipio’ appears alone referring to him: 1

Reference: Cic. *Verr.* II.iv.80.

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