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**Victoria nobilitatis
politics, civil war, and the Roman nobility in the age of Marius and Sulla**

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Victoria nobilitatis: politics, civil war, and the Roman nobility in the
age of Marius and Sulla

by
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Submitted for Doctor of Philosophy at King's College London

Abstract

Rome's First Civil War (88–82 BCE), culminating in the dictatorship of Sulla (81 BCE), is an acknowledged turning point in the collapse of the Republic. Some scholars try to explain the conflict in 'ideological' terms as a clash between progressives (*populares*) and conservatives (*optimates*). But the earliest evidence we have on the Civil War, Cicero's speech *pro Roscio Amerino*, points in another direction. Cicero presents Sulla's victory as the victory of the nobility (*nobilitas*) and the Civil War in social terms as a conflict between nobles (*nobiles*) and non-nobles. This matches how Sallust depicts Roman politics two decades earlier at the time of the Jugurthine War, and suggests that we should be viewing this period holistically with the *nobilitas* at the centre of our analysis. This study aims to pursue this suggestion. It argues that towards the end of the 2nd century BCE, important sections of the Roman elite became disillusioned with the *nobilitas*. This disillusionment reached a climax in the mid-80s, and it was in reaction to this that Sulla formulated his invasion of Italy as a restoration for the *nobilitas*. To a large extent, therefore, the Civil War can be understood as an intra-elite conflict between *nobiles* and non-*nobiles*, with important implications for our understanding of the Late Republic.

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Abbreviations

- C = A.C. Clark (ed.) (1907), *Q. Asconii Pediani orationum Ciceronis quinque enerratio*. Oxford.
- CIL = (1863–), *Corpus Inscriptionum Latinarum*. 17 vols. Berlin.
- Cr = N. Criniti (ed.) (1981), *Granius Licinianus. Reliquiae*. Leipzig.
- FRH = T. Cornell (ed.) (2013), *The Fragments of the Roman Historians*. 3 vols. Oxford.
- ILS = H. Dessau (ed.) (1892–1916), *Inscriptiones Latinae Selectae*. 5 vols. Berlin.
- LCL = (1912–), Loeb Classical Library. Cambridge, MA.
- MRR = T.R.S. Broughton (1951–86), *Magistrates of the Roman Republic*. 3 vols. New York–Atlanta.
- R = J.T. Ramsey (ed.) (2015), *Sallust. Fragments of the Histories. Letters to Caesar*. LCL 522. Cambridge, MA.
- RDGE = R.J. Sherk (1969), *Roman Documents from the Greek East. Senatus Consulta and Epistulae to the Age of Augustus*. London.
- RE = A. Pauly, G. Wissowa, and W. Kroll (eds.) (1893–1980), *Paulys Realencyclopädie der classischen Altertumswissenschaft*. Stuttgart–Munich.
- RRC = M.H. Crawford (1974), *Roman Republican Coinage*. 2 vols. Cambridge.
- St = T. Stangl (ed.) (1912), *Ciceronis Oratorum Scholiastae*. 2 vols. Vienna.

Introduction

The First Civil War (88–81) is widely acknowledged as a turning-point in the collapse of the Roman Republic.¹ Much continues to be written about the conflict and its immediate aftermath. In particular, its protagonist, L. Cornelius Sulla, has been the source of much debate. In the last decade alone, several conferences and volumes have been dedicated to ‘Sullan studies’.² These join a number of other important works from the last two decades about Sulla’s life, legislation, influence, propaganda, and reception in the later source tradition.³

However, when it comes to explaining the First Civil War, to understanding the socio-political dynamics behind the conflict and the reasons why this war broke out when it did, there has been considerably less engagement. This might be a result of the disjointed chronology of the events. The first bout of armed conflict occurred in 88, when Sulla as consul marched on Rome to prevent C. Marius and the tribune P. Sulpicius⁴ from replacing him as commander for the upcoming campaign against Mithridates VI of Pontus. This was followed in 87 by the violent dispute between the consuls L. Cornelius Cinna and Cn. Octavius (the *Bellum Octavianum*), culminating in Cinna’s march on the capital, the return of Marius, and the murder of their political opponents. For the next three years while Sulla was away fighting Mithridates in Greece and Asia, there was peace at Rome with Cinna and his supporters in charge; scholars conventionally refer to this period as the *Cinnanum tempus*.⁵ But Sulla returned to Italy at the start of 83, prompting two years of all-out warfare against the ‘Marians’, now led by Cn. Papirius Carbo. This fighting culminated with Sulla’s decisive victory at the Battle of the Colline Gate on 1st November 82. But the bloodshed continued under Sulla’s dictatorship when he instituted a novel method of state-sanctioned murder: the proscriptions. Arguably, it is only with the end of the proscriptions on 1st June 81 that ‘the First Civil War’ finally ended. Even then, two important epilogues must be mentioned in the 70s which followed directly from what

¹ All dates are BCE unless otherwise indicated.

² Ślapek and Łuc 2013; Schettino and Zecchini 2018; 2019; Eckert and Thein 2019b; Pittia et al. 2021. Another conference, entitled ‘*Sullanum tempus*: the age of Sulla’, was scheduled for November 2020 in Barcelona but was cancelled due to Covid-19.

³ e.g. Christ 2002; Santangelo 2007; Hinard 2008; Fündling 2010; Noble 2014; Assenmaker 2014; Steel 2014a; 2014b; Eckert 2016b; Rosenblitt 2019; plus several important articles by Thein; also Keaveney 2005c, an updated edition of his influential 1982 biography of Sulla.

⁴ Following Mattingly 1975, most scholars now agree that Sulpicius did not have the *cognomen* ‘Rufus’ (found only at Val. Max. 6.5.7); i.e. he was not a member of the patrician Sulpicii Rufi, but presumably belonged to a minor plebeian family.

⁵ Cf. Cic. *Har. resp.* 18 (*Sullani Cinnanique temporis*); Suet. *Cal.* 60.3 (*Cinnanis temporibus*).

Sulla had done: the revolt of M. Aemilius Lepidus (*cos.* 78), who tried to overturn Sulla's enactments after the latter's death in 78, and the wars in Spain, where Q. Sertorius (*pr. c.* 85) continued to champion the anti-Sullan cause until his assassination in 73.

In other words, there was no single 'First Civil War', but several bouts of internecine violence over a period of eight years—or more, if we include Lepidus and Sertorius. The temptation is to treat these episodes as disparate events, and to an extent this is not incorrect. Sulla's first march on Rome was very different in scale and proximate causes to the full-scale warfare of 83–82. And sometimes, Cicero portrays this decade as a sequence of 'big men' fighting one another: Sulla versus Sulpicius/Marius, Cinna versus Octavius, Sulla versus Carbo. On one occasion, he treats each bout of fighting as a distinct *bellum civile*.⁶ But equally, these bouts were obviously connected, and the challenge facing the historian is how to form a cohesive explanation of the underlying processes that drove the political players from one event to another. The task is made all the more difficult because the middle years of the decade, the *Cinnanum tempus* (86–84), are among the worst documented years in the history of the Late Republic. This leaves a gaping hole in our evidence and stifles any attempt to analyse the decade as a holistic whole (cf. sections 4.i., 10.iii.).

These difficulties are extenuated by a lack of context. Civil wars do not emerge from nothing.⁷ The list of prerequisites often includes: (i.) an escalation of rhetoric in the preceding years, often with citizens accusing one another of being 'dangerous to society' or 'enemies of the State'; (ii.) an increasing willingness for individuals to ignore the rules of the political process, which often leads to (iii.) the normalisation of violence within the society in question; and finally (iv.) the introduction of armed forces into the political sphere, which, in Rome's case, meant the levied armies of the *res publica*. Some of these preconditions, and especially conditions (iii.) and (iv.), were fulfilled by the Social War: a massive rebellion by Rome's Italian allies which broke out at the end of 91, and which was still in progress when Sulla entered his consulship in 88. The Social War facilitated the return of standing armies to peninsular Italy; this had not occurred since the Hannibalic War over a century earlier and was the *sine non qua* for Sulla's march on Rome in 88. Psychologically, the Social War also

⁶ Cic. *Phil.* 8.7–8; cf. 11.1, 13.1–2, 14.23, *Cat.* 3.24–5, *Har. resp.* 54. For the phrase *bellum civile* in the Republican evidence: Brown 2003: 102–20; van der Blom 2019; Lange and Vervaeke 2019.

⁷ Cf. Börm 2016; Armitage 2017.

(re)normalised the idea that the cities of central and southern Italy were fair game for sieges, battles, and acts of mass slaughter.⁸

However, while it is undeniably true that the Civil War was not possible without the Social War, the latter cannot fully explain the former. To do this, we need to look further back into the 90s and beyond, in order to investigate how Roman political discourse degenerated to such a point that conditions (i.) to (iv.) even became conceivable. Scholars have rightly pointed to the murders of Ti. Sempronius Gracchus (133), his brother Gaius (121), and L. Appuleius Saturninus (100) as important antecedents. Each was murdered by other members of the elite on the pretext that their actions were posing a threat to the stability of the *res publica*—exactly like Sulla did to Sulpicius in the year 88. But this observation can only take us so far. Civil violence was still the exception rather than the norm before 88, and clearly it is reductive to draw a simple line of causation from the Gracchi to Sulpicius. Something more must have happened in the intervening years. Unfortunately, the political events of these decades are poorly attested, as they fall just outside the period covered by our best source, Cicero (born 106). This is especially true of the years just before the Social War, which are second only to the *Cinnanum tempus* in terms of how little we know about them (section 9.i.). This makes it very difficult to contextualise the Civil War properly.

At the root of these problems is the inadequacy of the surviving sources. In the case of the Second Civil War (49–45), we have the contemporary evidence of Cicero and Caesar to guide us, i.e. primary sources in the true sense of the term. These are complemented by historical narratives from writers of the Imperial era, i.e. primary sources of the second degree. But with the First Civil War, the contemporary histories are lost. In antiquity, the most important accounts of the First Civil War were the autobiography of Sulla (died 78), typically referred to in English as the *Memoirs*,⁹ and the *Histories* of L. Cornelius Sisenna (died 67). Together, they provided the bones for all subsequent accounts. This included the famous *Histories* of Sallust (born c. 85), which contained a substantial prologue dedicated to the First Civil War, and, in the following generation, the monumental history of Rome by Livy (born 59), which became the standard account of the Republic's rise and fall for the remainder of the Imperial era. However, none of these works survives in its entirety. Only fragments remain of

⁸ Cf. Gruen 2017: 563–5; Mouritsen 2017: 171–2.

⁹ The Latin title of Sulla's work is uncertain, but *Commentarii rerum gestarum* is often suggested; cf. Noble 2014: 24–30.

Sulla and Sisenna. Significantly more survives of Sallust's *Histories*, but not the prologue. And although the early books of Livy are extant, the sections on the First Civil War are not. Therefore, what we are left with—the so-called ‘primary evidence’ underpinning modern scholarship—is really a mish-mash of secondary sources which were mostly written hundreds of years after the event.¹⁰

In particular, this means the first book of Appian's *Civil Wars* and Plutarch's biographies of Marius and Sulla. Between these and a few others, such as Velleius Paterculus, Florus, or the short book-by-book summaries of Livy's history known as the *Periochae*, we usually have enough information to establish the ‘data’ of the Civil War: names, battles, deaths, etc. But even then, inconsistencies emerge over seemingly straightforward ‘facts’,¹¹ while some episodes are passed over in near-silence, such as the *Cinnanum tempus*. Above all, after reading enough of these Imperial-era sources, it becomes clear that most of them—and this includes Appian and Plutarch—have only a superficial understanding of how politics in the Roman Republic actually worked. Often, they are happy to reduce events to a clichéd dichotomy of People/*demos* versus Senate/*boule*.¹² As a result, when they try to interpret or explain the Civil War—who supported whom? why did X do this? what was the significance of Y?—the results are typically misinformed, moralising, or highly rhetorical.

In some cases, we can still use this evidence to resurrect the views of the original primary sources. This is especially the case with Sulla's *Memoirs*, which exercise an unmistakeable influence on the Imperial tradition (3.ii–iii.). But this practice of identifying original sources, *Quellenforschung*, must be treated with caution, as the chain of transmission is not always so clear. We must also account for the fact that ancient writers did not share our modern standards of historiography. For them, ‘truthfulness’, although an ideal to aim for, was not necessarily as important as telling your narrative in a plausible and stylistically engaging manner. As a result, there was ample scope for embellishment, selective treatment, or even falsification, if it suited the writer's literary purposes. In short, there is a fundamental gulf between ancient and modern historiography,¹³ and we must remember this whenever we read

¹⁰ Cf. in general Hinard 2008, who repeatedly emphasises the inadequacy of our sources on the 80s.

¹¹ e.g. the death-toll of the proscriptions (4.iii.d.) or the events of M. Drusus' tribunate (9.ii.).

¹² Pelling 2002: 207–36; M. Beck 2022: 160–2; Rich 2022: 180–1. As will become clear in Chapters 9 and 10, I remain unconvinced by recent attempts to reappraise Appian's standing as a historian, e.g. Welch 2015.

¹³ Woodman 1988 remains fundamental; also Wiseman 1993. But Woodman's conclusions have proven controversial; recent discussions include Marincola 2007; 2011; Laird 2009; Feldherr 2021: 59–69; E. Shaw 2022: 51–65.

Appian or Plutarch on the First Civil War—let alone some of the later Imperial sources, whose accuracy tends to decrease in proportion to their distance from these events.

This leaves Cicero and Sallust, by far the most important sources on the Late Republic. At the time of the First Civil War, Cicero was a young man studying oratory at Rome, and he refers to the conflict numerous times in his surviving speeches, letters, and treatises. Many of these references are brief and decontextualised. And usually, Cicero only mentions the First Civil War if he has a reason for doing so—often, because he wants to illustrate a point by drawing a parallel to the well-known events of the 80s. But even Cicero’s passing references are important for revealing which facts or interpretations about the conflict were common-knowledge in the generation after the Civil War.

This brings us to the *pro Roscio Amerino*: a court speech delivered by Cicero early in the year 80 and published soon afterwards.¹⁴ Throughout this speech, Cicero identifies the Sullans with the nobility (*nobilitas* or *nobiles*; sg. *nobilis*), the established core of the Roman political elite. He also paraphrases the defeated Marians as the humble (*humilitas*) or the *equites*, i.e. wider sections of the Roman elite. These characterisations reappear in Cicero’s later works. They also occur throughout the Imperial authors; this indicates that the tradition probably goes back to one or two common sources—in other words, Sulla and Sisenna. What the *pro Roscio* appears to offer, therefore, is an interpretation of the First Civil War that was contemporaneous to the conflict: Sullan nobles versus Marian non-nobles.

As for Sallust, frustratingly his main discussion of the Civil War in the *Histories* does not survive. Nevertheless, it is significant that Cicero’s vision of the conflict as a struggle between *nobiles* and non-*nobiles* matches how Sallust depicts Roman politics at the time of the Jugurthine War, two decades before Sulla’s march on Rome. This suggests that we should be viewing this period holistically in terms of *nobiles* versus non-*nobiles*. Indeed, Sallust seems to acknowledge this in the preface to the *Iugurtha* (5.1-2):¹⁵

¹⁴ For the publication of the speech: Coates 2022: 605–6; *contra* Berry 2004 (and others), arguing that Cicero delayed publication until 77.

¹⁵ Latin and Greek translations follow the Loeb editions, with modifications of Latin where appropriate.

I am going to write an account of the war which the Roman People waged with Iugurtha, king of the Numidians: first, because it was a great and terrible conflict of varying fortune; second, because it was the first time that the arrogance of the nobility [*superbia nobilitatis*] was confronted. That struggle threw everything divine and human into confusion and progressed to such insanity that finally war and the desolation of Italy put an end to civil contentions [*studia civilia*].

With these remarks, Sallust appears to draw a causal connection between the noble-centric struggle (*contentio*)—which, in his opinion, began with the Iugurthine War—and the outbreak of the First Civil War.¹⁶ Therefore, he views the period as a unitary whole: the eruption of hostility against the *nobilitas* in the late 2nd century led to the civil turmoil of the 80s.

This study has three aims. First, we will give due attention to the *victoria nobilitatis*. Cicero was an eyewitness to the events of 88–81, and the characterisation of Sulla’s victory which he offers in the *pro Roscio* is the only contemporary evidence we have on the dynamics of the First Civil War. It deserves to be taken seriously.¹⁷ Second, we will try to locate the Civil War in its proper context by linking it to the events of the previous decades, especially the time around the Iugurthine War. Third, and most ambitiously, we will offer an interpretation of Roman politics which places the *nobiles* squarely at the centre of our analysis. Year after year for centuries, the wealthier elements in Roman society chose to elect a small circle of families, the *nobilitas*, to the highest magistracies in the *res publica*. Yet this consent seems to have been withdrawn towards the end of the 2nd century; and this, we will argue, is crucial to understanding the dynamics of the First Civil War and the collapse of the oligarchic Republic more broadly.

The first chapters lay the foundations. Chapter 1 introduces us to the Roman elite and its principal parts: senators, *equites*, and *boni*. Chapter 2 grapples with the nature and scale of Roman politics. Often, it seems that scholars overlook the *victoria nobilitatis* because they approach the Civil War with preconceived models about how Roman politics worked. Two of

¹⁶ Some scholars assume that Sallust means the Second Civil War. But in the context of the *Iugurtha*, where Marius and Sulla are protagonists, I think it obvious that he means the First Civil War. ‘The desolation of Italy’ (*vastitas Italiae*) might signify the Social War, but Sulla’s invasion of 83–82 is equally likely.

¹⁷ Cicero’s earlier speech *pro Quinctio*, delivered in 81, does mention the Civil War. But it never goes into much detail; e.g. Sulla’s dictatorship is mentioned only once, in a matter-of-fact statement about the proscriptions (*Quinct.* 76). The *Rhetorica ad Herennium*, written mid-80s, only mentions Sulpicius’ death in 88 (1.25, 4.31).

these models are therefore scrutinised: factions and ‘*populares* versus *optimates*’. This allows us to establish some essential rules about the workings of Roman politics that will inform our approach in later chapters.

Chapter 3 lays out the evidence for a noble-centric approach to the Civil War, showing how commonly Cicero and the later sources identify the Sullans with *nobiles/nobilitas*. Chapter 4 attempts the same for the ‘humble Marians’—a harder task, but still possible. The main takeaway is that these labels were contemporaneous to the Civil War: Sulla portrayed his invasion of Italy as ‘restoration’ or ‘revenge’ for the *nobilitas*, while the Marians were, it seems, associated with non-nobility. This invites the question of why this situation came about; this is what the following chapters will seek to answer. Chapter 4 also includes the results of a prosopographical survey of the known consuls and praetors in the years 123–70. It suggests that these labels, ‘humble Marians’ and ‘noble Sullans’, were not merely propaganda but were grounded in some degree of social reality: for the percentage of non-*nobiles* reaching higher office increases in the two periods of ‘Marian’ dominance (107–100 and 86–82). The full evidence for this survey is provided in an Appendix.

Chapter 5 takes a lateral step to investigate the *nobiles*’ position in Roman society. It outlines the development of the *nobilitas* as a semi-hereditary ruling class, and in particular its ethos of public service and martial valour. These values made the *nobilitas* successful, but they also opened up the possibility of criticism if the current *nobiles* were seen to be falling short of the high standards set by their predecessors. Chapter 6 continues this theme by examining anti-*nobilis* discourse in the Ciceronian era. This segues onto Cicero’s younger contemporary, Sallust, whose monograph on the Iugurthine War focuses heavily on the failures and unpopularity of the *nobilitas* in the late 2nd century. What we have, therefore, is a plausible background to the content explored in Chapters 3 and 4: the *nobilitas*’ failures in the late 2nd century ushered in a period of scrutiny and anti-noble discourse, and the tensions this created came to define the politics of the Civil War—and beyond.

The final chapters explore this fully. Adopting a broadly chronological approach, they take the story from the Iugurthine War down to Sulla’s dictatorship. The main hypothesis is that important sections of the wider elite gradually became disillusioned with the *nobilitas*. Therefore, they shifted their support to other politicians such as Marius, who trumpeted his own virtues and attacked the *nobilitas*’ failures. This disillusionment reached a climax in the

80s, when these disillusioned (or ‘politicised’) elites lent prominent support to Marius, Cinna, and Carbo and helped to elect non-nobles into office. This gave Sulla a cause to fight for, the *causa nobilitatis*; and by depicting his invasion of Italy as a restoration for the *nobilitas*, Sulla attracted numerous *nobiles* to his cause and legitimised his position as a renegade proconsul. To a significant extent, therefore, the Civil War, and especially the warfare of 83–82, can be understood as an intra-elite conflict between *nobiles* and non-*nobiles*.

Several elements of this narrative have been highlighted before. To give only a few noteworthy examples: Münzer drew attention to Sulla’s alliance with noble families; Gabba and Meier stressed equestrian support for the Marians; and recently, Hölkeskamp and Mouritsen have demonstrated the central importance of the *nobilitas* to Rome’s political culture.¹⁸

But these discussions have been largely in isolation; no one has synthesised the strands together. And the *victoria nobilitatis* has been curiously neglected. For example, there is no mention of it in Ramage’s classic article on Sulla’s propaganda, nor in Assenmaker’s recent book on the same topic. Similarly, in an otherwise excellent article on Sulla’s self-image, Sumi emphasises how Sulla claimed to be a ‘restorer’ or ‘saviour’ of the *res publica* and even quotes the relevant passages of the *pro Roscio*, but still omits to mention the *nobiles*.¹⁹

Other scholars do notice the *victoria nobilitatis*, but tend to lose sight of it amid the mass of other propaganda elements pushed by Sulla—for example Behr in his monograph on Sulla’s self-image. Other scholars substitute different terms for *nobilitas*, most commonly ‘the Senate’ or ‘the *optimates*’ (see Chapter 2). And some choose to dismiss it outright. For example, Meier sees the *victoria nobilitatis* as mere propaganda and instead portrays Sulla as an autocrat who stood apart from the established nobility. Yet propaganda works best if it plays upon existing thoughts and stereotypes; Cicero’s characterisations in the *pro Roscio* were not invented *ex nihilo*.²⁰ An even stronger example is Flower, who rejects any notion of Sulla’s victory as a ‘restoration’. Instead, she argues that Sulla created a literal ‘New Republic’ based on courts and the rule of law rather than the traditional system of custom, consensus, and

¹⁸ Münzer 1999; Gabba 1976; Meier 1980; Hölkeskamp 2010; Mouritsen 2023.

¹⁹ Ramage 1991; Assenmaker 2014; Sumi 2002.

²⁰ Behr 1993; Meier 1980: 246–52, cf. 182–3, 260–2. For implicit refutation of Meier’s view, see section 3.iv. below. For an overview of ‘propaganda’ in the Roman setting, see Evans 1992: chapter 1; also Noble 2014: 20–1, on Sulla specifically.

power-sharing.²¹ Flower's attack on orthodox periodisation is welcome. But the concrete division offered between pre- and post-Sullan 'Republics' is somewhat schematic. And her hypothesis also relies on the unproven assumption that the *Cinnanum tempus* was a despotic regime under which the 'Republican system' ceased to exist; ergo, there was nothing for Sulla to 'restore'. As we shall see, this characterisation of the *Cinnanum tempus* owes much to Sullan propaganda and must be challenged (Chapters 4 and 10). But above all, by approaching Sulla's victory on the level of abstract theorising about 'constitutions' or 'Republican systems', we risk overlooking the evidence of contemporary observers, who clearly believed that Sulla somehow restored the 'old order' of a noble-dominated *res publica*. As this study will try to show, these contemporary observations on the *victoria nobilitatis* are a more promising starting-point if we want to understand where the First Civil War fits into the history of the Late Republic.

²¹ Flower 2010b: 22–3, 28–30, and esp. chapters 5 and 7.

Chapter 1: The Roman elite: key terms and characteristics

Since this work is largely concerned with social conflict within the elite, it is first important to clarify what we mean by ‘the Roman elite’ and its constituent parts. On the simplest level, wealth distinguished elites from non-elites in Rome; not merely socially, but also politically and militarily, as every male citizen was placed in a descending hierarchy of classes according to how much property they owned, which then determined their role in the army and their voting position in Rome’s main elective assembly, the *comitia centuriata*.

However, wealth by itself was insufficient for elite status. A freedman might become very rich, but they could never be counted among the elite because of their restricted political rights and the stigma surrounding their former life in servitude.¹ On the flip-side, even a *bona fide* member of the elite, male or female, might at times slip into relative poverty as a result of misfortune or excessive expenditure; in the case of senators in the Late Republic, this often meant trying to keep up with the enormous capital required to maintain a successful political career.²

It is also difficult to know where to draw the line for elite versus non-elite income. By probably the mid-to-late 2nd century, it seems the property qualification for the first class of the *comitia centuriata* (the *prima classis*) was 100,000 sesterces and 75,000 for the second class;³ some scholars put these figures much lower,⁴ but this seems untenable on account of our sources’ insistence that the *comitia centuriata* was dominated by the wealthy.⁵ A fortune of HS 100,000 made a man (or woman) wealthy compared to the vast majority of the population. Yet it was considerably lower than the HS 400,000 required to qualify as an *eques* (and thus a senator),⁶ and it paled in comparison to the attested fortunes of some senators, which could run into the tens or hundreds of millions of sesterces. For instance, the estates owned by man of Cicero’s rank could produce more income in a single year than the total fortune needed to

¹ Mouritsen 2011b: 17–36, 66–79, 109–18, 228–47.

² Jehne 2016; Rosillo-López 2016; Mouritsen 2023: 182–97; Webb 2023; Rollinger 2023.

³ Rathbone 1993; Cornell 2022: 225–6. A different view: Lo Cascio 2016.

⁴ Yakobson 1999: 43–8; Rafferty 2021: 136–7.

⁵ e.g. Dion. Hal. 4.20.5; Liv. 1.43; cf. section 2.iii.b.

⁶ Nicolet 1976; Gauthier 2019.

qualify for the *prima classis* or equestrian status, while in the pre-Sullan period we hear that one senator owned property worth at least HS 100 million.⁷

1.i. Senators, *equites*, *boni*

1.i.a.) Senators.

What we have, then, is a freeborn elite with the basic criterion of wealth, but with significant internal stratification. At the topic of the hierarchy, the senatorial order (*ordo senatorius*) needs little explanation.

Senators were very wealthy men who had opted to stand for the public magistracies of the *res publica*; having reached a minimum office, which, in the pre-Sullan era, often meant the quaestorship or tribunate, they were enrolled by the censors into the Senate. In our period, it seems there were around 300 senators at any one time; the Civil War depleted this number severely, so Sulla added 300 new members in 81, bringing the total to *c.* 450. He also made the quaestorship an automatic qualification for entry, so that numbers soon settled at *c.* 600. Unless ejected by later censors, senators remained members for life.⁸

Additionally, there was an internal hierarchy within the Senate, and a number of informal terms could be used to describe these sub-groups. Ex-consuls tended to be called *clarissimi* (most illustrious); the leading men in the Senate, *principes*;⁹ and the most distinguished office-holding families were known as the *nobiles* or *nobilitas*, which also carried a specific nuance of ‘descended from a consul’ (cf. 1.ii.).

1.i.b.) *Equites*.

Eques/equites requires more explanation. The orthodox theory posits two categories of *equites*: official and unofficial.

⁷ Cic. *Parad.* 49 (hypothetical estates yielding HS 100,000 and HS 600,000 annually), *Rep.* 3.17. On senatorial wealth, cf. Shatzman 1975; Kay 2014: esp. 288–97; and the papers in Beck et al. 2016, especially Pina Polo on Cicero’s income.

⁸ Tribunate: Feig-Vishnia 1989. Quaestorship: Pina Polo and Díaz Fernández 2019: chapter 3. Sulla’s changes: Develin 1987; Santangelo 2006: 8–11; Steel 2014b: 664–6.

⁹ Gelzer 1969: 44–9; Whitehead 2005.

According to this view, the official *equites* were a group of 1800 or 2400 wealthy men who, having met a property requirement of HS 400,000 (i.e. the equestrian census), were enrolled by the censors into one of the 18 equestrian centuries of the *comitia centuriata*. These men were supposedly granted a horse paid for by the State (*equus publicus*) and were expected to serve as cavalry (*equites*) in the army, at least in Rome's early days; hence modern scholars often call them *equites equo publico*. Originally (the theory continues) all senators were *equites equo publico*: i.e. they remained members of the 18 equestrian centuries after joining the Senate. If correct, this was no longer the case by the Ciceronian era. The decisive change is often placed in the year 129 or soon after, when a law was supposedly passed ruling that all senators must forfeit their *equus publicus* and, with it, their membership of the equestrian centuries: the so-called *lex reddendorum equorum*.

In addition, the orthodox theory maintains that *equites/equester ordo* could also be used in the Late Republic to describe anyone rich enough to meet the equestrian census, regardless of whether they had received a public horse. This point is surely correct. Our sources speak of thousands of *equites* dying in the massacres of the 80s and 40s (cf. 4.iii.d.), and we also know that from the time of C. Gracchus onwards, several hundred *equites* were required each year to serve as jurors in the criminal courts (cf. 8.i.); these considerations, although not quite making it numerically impossible, still mean it is highly unlikely that only 1800 or 2400 *equites* existed at any one time.

Such is the orthodox view.¹⁰ It should be stressed, however, that this canonical 'two-tier system' is a modern construct. The date, implications, and very existence of the *lex reddendorum equorum* are uncertain, since they rest on one allusion in a fragment of Cicero's *De re publica* (4.2), set in 129.¹¹ More importantly, nowhere do Cicero or Sallust suggest that possession of a public horse was a meaningful distinction between two 'types' of *eques*. And focusing too much on the distinction between 'official' and 'unofficial' *equites* can lead us down unsolvable rabbit-holes—for example, debating which 'type' is meant when Sulla chose 300 men *ex equestri ordine* to replenish the Senate in 81 (Liv. *Per.* 89; App. *BC.* 1.100).

¹⁰ e.g. Gelzer 1969: 4–18; Hill 1952; Henderson 1963; Wiseman 1970; etc. The major exception was Nicolet 1966, on whom see Wiseman's paper.

¹¹ Giovannini 2010: esp. 357–61.

In other words, it is best to view wealth, and specifically HS 400,000, as the decisive criterion for equestrian status. Perhaps possession of a public horse granted additional prestige for a small number of them. But by the time of Sulla or Cicero, it seems this had become an archaic and largely ceremonial honour.¹²

As for the development of the *equester ordo*, Davenport has covered this extensively in his recent book. But two points are worth stressing. First, it seems that the wealthiest non-senators only began to think of themselves as *equites*, i.e. a distinct tier within the elite, over the course of the 2nd century.¹³ C. Gracchus' reforms of the criminal courts are important here. By banning senators, minor magistrates, and relatives of these groups from serving on juries for the extortion court, Gaius granted the wealthiest non-senators a group identity and shared responsibility which brought them into the realm of politics and, at times, put them at loggerheads with the Senate (cf. 8.i.).¹⁴ As a result, by probably the last decade of the 2nd century,¹⁵ but certainly by the First Civil War,¹⁶ the *equites* could be spoken of as a distinct *ordo* in the *res publica*, standing apart from the Senate and the wider *populus*.

Second, despite these undeniable developments, it would be wrong to imagine that a monolithic, united *equester ordo* suddenly emerged out of the 120s. Some *equites* served as jurors in the criminal courts. Others continued to join the army as cavalry officers.¹⁷ And some pooled their resources into companies (*societates*) to complete lucrative contracts on behalf of the State; these men, known as *publicani*, became particularly influential in the *equester ordo* (cf. 8.ii.). But most *equites* seem to have shunned these 'public' matters, concentrating instead on landownership, business, and the life of leisure (*otium*) referred to frequently in the works of Cicero. Indeed, as Mouritsen's recent survey has stressed, *otium*—which he defines as 'a desire to be left in peace and allowed to get on with one's business undisturbed'—was the characteristic feature of the non-political elite and an important buzzword in Republican discourse. At several points, Cicero even presents *otium* as the sole distinction between senators and *equites*: a senator was simply an *eques* who had forfeited a life of *otium* for a life of politics (e.g. *Att.* 1.17.5, *Cluent.* 150–4, *Rab. perd.* 16–17).¹⁸

¹² See further Giovannini 2010; Davenport 2019: esp. 35–8, 66–7; Mouritsen 2023: 58–63.

¹³ Davenport 2019: 42–69.

¹⁴ Davenport 2019: 14–15, 60–6, 68–9, 75–7, etc.

¹⁵ Plin. *NH.* 33.36, quoting the jurist Iunius Gracchanus (fl. late 2nd century).

¹⁶ *Rhet. ad Her.* 4.47 (mid-80s); Cic. *Rosc. Am.* 140.

¹⁷ Cf. Suolahti 1955; Sherwin-White 1982: 19; Davenport 2019: 57.

¹⁸ Mouritsen 2023: chapters 9–10 (quotation at 131); also Davenport 2019: 96–102.

In other words, we can think of senators and *equites* as one ‘status group’ under the Weberian meaning of the term, with senators, the ‘political arm’ of this group, simply being *equites* who had been enrolled in the Senate.¹⁹ Senators and *equites* befriended one another, dined with one another, and married into one another’s families. They were raised on the same standards of high education and shared the same literary, artistic, and philosophical interests. And at the lower ranks of the Senate, there was considerable turnover between the two *ordines*. Sometimes *equites* engaged in politics on an active basis, usually as pressure groups influencing senators behind the scenes (cf. Chapter 8). But typically, these interventions only involved small groups at a time. Almost by definition, most *equites* were fundamentally ‘apolitical’ in outlook.²⁰

1.i.c.) *Boni*.

Beneath the *equites*, but still a part of the elite, lay a third stratum: the *boni*. This term is ubiquitous in the Late Republic, appearing hundreds of times in the Ciceronian *corpus*. Yet most scholars have overlooked its significance, either seeing it as a generic label (‘the good men’) or in strictly political terms (‘supporters of the Senate’).

However, Mouritsen has recently undertaken a re-examination of the source material. He shows that although *boni* has a variety of usages, including as a label for the entire elite, most commonly Cicero uses it with a precise social meaning: the lower stratum of the Roman elite.²¹ *Boni* were landowners, traders, and businessmen who were rich, but not rich enough to meet the equestrian census. In practical terms, this probably equates to property between c. HS 100,000 and 400,000; in other words, the *prima classis*, although this certainly does not exclude members of the second class (and possibly lower) being counted as *boni*; like the English term ‘elite’, *boni* had no rigid boundaries.

As Mouritsen stresses, what made these men *bonus*, i.e. ‘good’ or ‘trustworthy’, was financial autonomy. The Roman elite tended to view manual labour as dirty (*sordidus*). They also tended to associate it with moral inferiority: for the simple fact that a man needed to work

¹⁹ Morley 2006b: 304–7; H. Beck 2022: 356–7; Mouritsen 2023: 50–1.

²⁰ On the basic similarity between senators and *equites*, see further Nicolet 1966: 253–69; Shatzman 1975: 185–90; Hopkins and Burton 1983; Brunt 1988: 146–8, 162–3, 193.

²¹ Mouritsen 2023: esp. chapters 1–6 for lexicography.

to survive meant that, in the elite's eyes, he was liable to be desperate, untrustworthy, and corruptible.²² Certainly, there were scope for nuance here. Not every poor man was bad, not every rich man was good, and always the elite clung onto the romanticised ideal of a pious farmer-soldier living a life of frugality.²³ But on the whole, the prejudice holds true: wealth enabled a man to be trustworthy, *bonus*, and only wealth gave him the time to pursue a respectable life of *otium*, culture, socialising, and other 'gentlemanly' pursuits.²⁴

In their outlook and values, therefore, the *boni* were very similar to *equites*, but with a lifestyle that was more modest in scale. Importantly, we can expect most *equites* and *boni* to have followed the senators/*nobiles* on most political issues. This was especially the case when it came to law, order, and the protection of property rights. In a society without an official police force and where the poor vastly outnumbered the rich, all members of the propertied elite shared an acute awareness of how vulnerable they were to violence and social upheaval.²⁵ This translated into an instinctive, almost neurotic aversion towards anything that was perceived to threaten the *status quo*; indeed, 'new things' (*res novae*) was a simple synonym for 'revolutionary activity'.²⁶

This is why we find *equites/boni* standing side-by-side with senators at moments of internal crisis, such as the upheavals of the Gracchi,²⁷ Saturninus,²⁸ or L. Sergius Catilina (63).²⁹ But in times of normality as well, this fundamental similarity in worldview led many *equites* and *boni* to a default position of support for the Senate/*nobiles*. The Republican *fasti* bear witness to this. Generation after generation, the wealthier citizens who dominated the timocratic *comitia centuriata* chose to elect the same noble families to the highest magistracies. This roll-call of names reflects the fundamental traditionalism, or 'social conservatism', of the *equites* and *boni*. As long as the political branch of the elite, the *nobilitas*, continued to ensure stability, *otium*, and the flourishing of the *res publica*, then it seems the majority of the elite remained content or 'apolitical' (cf. Chapter 5).

²² e.g. Sall. *Iug.* 86.3; Cic. *Off.* 1.150.

²³ Mouritsen 2023: 33–4, 87–94. On Roman frugality, see the papers in Gildenhard and Viglietti 2020.

²⁴ For *boni* as the 'gentlemen' of Rome: Mouritsen 2023: 69–84, 95–104.

²⁵ Cf. Nippel 1995; Mouritsen 2023: chapter 10.

²⁶ e.g. Cic. *Cat.* 1.3, *leg. agr.* 2.91; Sall. *Cat.* 28.4, 37.1; Vell. 2.19.1.

²⁷ Sall. *Iug.* 42.1 (*equites Romani*); Cic. *Sest.* 103 (*locupletes/boni*); App. *BC.* 1.10–15 (οἱ πλούσιοι); Plut. *Ti. Gracch.* 10–12, 18–20 (οἱ κτηματικοὶ/οἱ πλούσιοι), *C. Gracch.* 14 (οἱ ἱππεῖς).

²⁸ Cic. *Rab. perd.* 20, 22 (*equester ordo/equites Romani*); Plut. *Mar.* 30 (οἱ ἱππεῖς); Oros. 5.17.3 (*equites Romani*); Val. Max. 3.2.18 (*equester ordo*).

²⁹ Cic. *Cat.* 1.21, 32, etc.

Or at least, this was the normal state of affairs in the Republic. One reason why the decades before the First Civil War are so remarkable is that, for the first (and only?) time, it seems a significant number of *equites/boni* became disillusioned with the rule of the *nobilitas* and, moreover, were willing to translate this disillusionment into political action. This process is largely the subject of Chapters 6 to 10.

1.ii. *Nobilis/nobilitas*

Mention of the *nobilitas* brings us onto this important, yet surprisingly controversial term. Since the *nobiles* are central to this study, a detailed discussion is necessary.

First, the basics. Etymologically related to the verb *noscere*, meaning ‘to know’ or ‘recognise’ someone, in earliest Latin the adjective *nobilis* was probably used as a straightforward indicator that something was ‘well known’ or ‘distinguished’.³⁰ The first certain cases of it having a socio-economic connotation, i.e. to mean ‘aristocrat’ or ‘nobleman’, are in the comedies of Plautus around the year 200 (e.g. *Capt.* 299, *Cist.* 125). However, it is likely that this usage goes back much earlier. For example, in the mid-3rd century Ser. Fulvius Paetinus (*cos.* 255) adopted the *cognomen* ‘Nobilior’ for himself and his descendants, presumably because he wanted to declare that his line was ‘more noble’ than others.³¹ And there are reasons to believe that an event of the year 304 was described in the earliest historiographical tradition as involving ‘the *nobilitas*’ or ‘the *nobiles*’ as a recognisable subgroup in the Senate.³²

1.ii.a.) The Ciceronian era.

By the Ciceronian era, *nobilis* had bifurcated as a term. It could still be used of places, animals, objects, or non-Romans with a generic meaning of ‘well known’ or ‘worthy’. But it could only be applied to a Roman citizen with the narrower meaning of ‘nobleman’. If you had more than

³⁰ Strasburger, *RE* 17.1.785 (= Strasburger 1936).

³¹ Afzelius 1945: 184.

³² According to Pliny (*NH.* 33.18), the *annales antiquissimi* recorded that the election of Cn. Flavius in 304 was resisted *a nobilitate ... non a senatu universo*. In addition, both Livy (9.46) and Gellius (*NA.* 7.9.5) identify Flavius’ opponents as *adulescentes nobiles*; Gellius cites the 2nd century historian L. Calpurnius Piso Frugi (*cos.* 133). So this ‘noble’ characterisation of the Flavius episode goes back to the 2nd century at a minimum; and if Pliny’s *annales antiquissimi* refers to the pontifical annals, then it follows that Romans were able to distinguish between the Senate and its exclusive core, the *nobiles*, already by the year 304. Cf. Strasburger 1936: 788–9; Humm 2005: 119–21, 124–7.

one, you had *nobiles*; collectively, the entire group was known as the *nobilitas*. And *nobilitas* could also be used to indicate the state of being noble-born, i.e. nobility as a social status. Finally, the term was also subject to gradations, as in the phrase *summa nobilitas* or the superlative *nobilissimus*.

So when used of Romans in the 1st century, *nobilis* meant ‘nobleman’ or ‘aristocrat’ while *nobilitas* meant ‘the nobility’ or ‘noble birth’. The trickier question is: who was included in this nobility? Scholars have rightly stressed that *nobilitas* was not a technical status. It implied no official titles, it was not enshrined in law, it required no membership of a college or society, and as far as we know, no one ever clarified how to ‘join’ it. In other words, it was self-evident: everyone knew who and what it meant. From this premise, some scholars have believed that *nobilis/nobilitas* had no ‘meaning’ at all, arguing that it was just a generic title used to describe someone who was politically prominent.³³

However, it is clear from the works of Cicero and Sallust that not everyone could be described as *nobilis*. Evidently, some unspoken criteria were at play. Until the early 20th century, the answer was found in the *imagines maiorum*: wax portrait-masks of ancestors who had held high office. These masks were displayed in the *atria* of family homes and were brought out and worn by actors whenever the family held a funeral.³⁴ Several sources draw a close connection between *nobilitas* and *imagines*;³⁵ on two occasions, Cicero also implies that the right (*ius*) to pass down an *imago* to one’s descendants was granted only to men who had held curule office, i.e. the aedileship, praetorship, or consulship (*Verr.* 2.5.36, *Rab. post.* 16–17). Therefore, some scholars have concluded that the so-called ‘right to display portraits’ (*ius imaginis*) was the decisive criterion for *nobilitas*. The most famous proponent was Mommsen, but the theory was also revived by Brunt in an influential paper which continues to attract supporters.³⁶ Mommsen also assumed that every patrician automatically ‘qualified’ for *nobilitas*; this is probably correct, but impossible to verify on our limited evidence.³⁷

If true, the *ius imaginis* thesis would require us to see the descendants of consuls, praetors, and aediles as *nobiles*. However, it struggles with the argument *ex silentio*: Cicero

³³ Most notably Bleicken 1981b: 237–40. Similar at Hellegouarc’h 1963: 224–33; Levi 1998.

³⁴ Flower 1996: esp. 91–127 (funeral processions), 185–222 (*atria*).

³⁵ Listed at Flower 1996: 62.

³⁶ Mommsen 1887: 3.462–7; Brunt 1982. Recent support: e.g. Bradley 2020: 336.

³⁷ Cf. Badel 2005: 21–4; Humm 2005: 122–3.

never ascribes *nobilitas* to families that had reached the praetorship but no higher. This is especially true in the speeches on behalf of M. Fonteius and L. Licinius Murena: both came from families with long-standing praetorian pedigree, yet Cicero never insinuates that either man was a *nobilis*—in fact, he explicitly contrasts Murena with the *nobilis* Ser. Sulpicius Rufus (*Font.* 41, *Mur.* 15–16).³⁸

Furthermore, several passages would make no sense if the praetorship was an ‘ennobling’ office in the 1st century. For example, in the *Third Philippic* we learn that Antony levelled the charge of non-nobility (*ignobilitas*) at Octavian, whose natural father, a praetor in 61, had never reached the consulship. This gibe is only intelligible if Antony, Cicero, and their contemporaries all took it for granted that the praetorship was insufficient for *nobilitas* (*Phil.* 3.15).

Instead, it was Gelzer who, in 1912, realised that Cicero and Sallust only apply *nobilitas* to the descendants of a *summus magistratus*, i.e. consuls, dictators, or consular tribunes. This hypothesis was subsequently tested by Afzelius in 1938, who concluded that Gelzer’s consular definition fits around 282 out of 294 instances (96%) where an individual, family, or *gens* is ascribed *nobilitas* in the Late Republic or Early Empire. What’s more, of the 12 instances that do not fit, Afzelius showed that all but one can be easily explained. This percentage is more than enough to meet the minimum standards for statistical ‘proof’; therefore, we can state with confidence that by the 1st century, *nobilitas* was fundamentally contingent on the consulship, not the praetorship or aedileship.³⁹

However, we must avoid thinking of this as a rigid ‘definition’.⁴⁰ *Nobilitas* was a social status, not a legal category. As a result, there was a lack of clarity in its everyday usage, especially at the fringes of the concept. In practical terms, this means we cannot assume that every descendant of a consul (or dictator/consular tribune) was viewed as a *nobilis* by their contemporaries.

For example, after his consulship Cicero repeatedly talks of the glory and fame his son Marcus will inherit now that he belongs to a consular family (*Fam.* 2.16.4, *Planc.* 59, *Off.* 1.78,

³⁸ Gelzer 1969: 33–4; Shackleton Bailey 1986: 257.

³⁹ Gelzer 1969: 27–40; Afzelius 1938: 88–94; cf. Burckhardt 1990: 80–1.

⁴⁰ Cf. Badel 2005: 18–20; van der Blom 2010: 35–7; Mouritsen 2023: 218–224.

2.44). Yet Cicero stops short of ascribing *nobilitas* to his son, probably because he knows this would be ridiculed by the established *nobiles*. A Metellus or Scipio was evidently a *nobilis*, but it seems the son of an Arpinate new man was evidently not. On the flip-side, a man like Sulpicius Rufus, Cicero's opponent in the *pro Murena*, could successfully claim *nobilitas* for himself because he fulfilled the basic requirement of descent from a highest magistrate. But equally, Cicero was able to brush this aside because Sulpicius' family had not achieved anything in generations: his *nobilitas* was, in Cicero's opinion, redundant (*Mur.* 15–16; cf. 5.iii–iv. below).

Thus a considerable grey area existed at the fringes of *nobilitas*, in which recognition or lack of recognition depended on a complex interplay of overlapping factors: when was the family's first consulship? How recent was their last consulship? And what was the speaker's/writer's opinions of them: if they were a friend, then their *nobilitas* might be acknowledged, perhaps even upgraded to *summa nobilitas/nobilissimus*; but if an enemy, it might be mocked or simply left unmentioned. And these factors could work on a self-reflective level too: nothing forced the descendant of a consul to call himself *nobilis*. This is probably why our sources never ascribe *nobilitas* to Cinna or the younger Marius (*cos.* 82), even though their fathers had been consuls; most likely, both men purposefully avoided the label for political reasons.⁴¹ (Indeed, the same might apply to Cicero and his son). Yet as Gelzer recognised, underneath this flexibility was the premise, tacit yet universal, that the only men who could enter the conversation were the descendants of a *summus magistratus*.

1.ii.b.) Before the Ciceronian era.

Since this study stretches back at times to the mid-2nd century and earlier, it is worth discussing the 'definition' of *nobilitas* before Cicero's adulthood.

As noted already, we encounter *nobilis/nobilitas* several times in the source material from the 3rd and 2nd centuries. But this evidence is too sparse to know for certain whether the Gelzerian 'definition' was in place yet. Therefore, Afzelius, who had already corroborated Gelzer's work for the Ciceronian era, argued in a second paper (1945) that the meaning of

⁴¹ Sall. *Iug.* 85.25 makes the elder Marius say that he has created *nova nobilitas*. But this is not the same as the younger Marius being viewed as a *nobilis* by his contemporaries.

nobilitas changed in the 2nd century: it was originally tied to the *ius imaginis* but, by the 120s or 110s, had narrowed to Gelzer's consular criteria at the expense of praetors and aediles.

This change-over-time thesis has always attracted followers. It was also revived and expanded by Goldmann in a forceful paper from 2002.⁴² However, it cannot be accepted, at least not in the form espoused by Afzelius/Goldmann. First, it assumes a model of *nobilitas* that is too schematic and legalistic. The argument seems to be: (i.) there was a fixed 'definition' of *nobilis* (the *ius imaginis*), but the consular families disliked how wide this was; (ii.) therefore, they started to change it to a narrower definition in the early-to-mid-2nd century; (iii.) they finally achieved this change after the tribunate of Ti. Gracchus, which Afzelius, following the dominant paradigm at the time, interpreted as a victory for the 'oligarchs' over the 'democratic party'. This reconstruction does little justice to the nuances of semantic shifts. Nor does it match the impression of our sources, where *nobilitas* appears as a concept that is undefined, flexible, yet also universally understood—and *not* something that could be manually changed from one 'definition' to another. It also invites the question of how the consular families managed to force this change: did they sit around a table and come to an agreement? Did the praetorian and aedilician families not try to resist them?

Second, it places too much importance on the *imagines*. Clearly, there was a common association between *imagines* and *nobilitas*, and it is not wrong to describe *imagines* as 'the supreme status symbols' or 'the outstanding signs' of *nobilitas*.⁴³ But it does not follow that this relationship was ever causal. All it reflects is that *nobiles* tended to have more *imagines*, precisely because they had more curule ancestors. Or to put it differently: every *nobilis* was able to display *imagines*, but not everyone who could display *imagines* was a *nobilis*.⁴⁴

Third, the argument *ex silentio* is again decisive. Three generations of Licinii Murenæ had reached the praetorship before Lucius, Cicero's client in the *pro Murena*, was elected consul for 62. The Fonteii had earned 'continuous praetorships' (*Font. 41: continuæ præturae*) going back to the early 2nd century before the *pro Fonteio* was delivered in c. 69.⁴⁵ And one of the interlocutors in Varro's *De re rustica* is Cn. Tremellius Scrofa (*pr. c. 70s*) who

⁴² Afzelius 1945: esp. 184–200; Goldmann 2002: esp. 62–6. Other current supporters: Flower 1996: 61–3, 271; 2010b: 155–7; Badel 2005: 31–5; Feig-Vishnia 2012: 45–6.

⁴³ Flower 1996: 121; Goldmann 2002: 65.

⁴⁴ Ironically, a point emphasised by Afzelius in his first paper, 1938: 41.

⁴⁵ Brennan 2000: 2.733–6, 740, 745, 747.

explains that he was the seventh member of his family in a row to become praetor (2.4.3). This takes the Tremellii's praetorian rank back to the late 3rd or early 2nd centuries.⁴⁶ In other words, the Murenæ, Fonteii, and Tremellii were all obtaining praetorships in the period when it was an 'ennobling' office, if Afzelius/Goldmann are correct. Yet no insinuation of *nobilitas*, past or present, is found for them anywhere. It is not credible that these long-established families, who were able to count their praetorian forebearers with such pride, simply 'forgot' that they were *nobiles* in the time between 133 and the 70s. Thus the Afzelius/Goldmann thesis cannot be correct, at least not for the late 2nd century.

However, this does not mean that a semantic shift never occurred. As seen already, *nobilis/nobilitas* certainly changed at some point from 'famous' to 'nobleman', probably in the late 4th to early 3rd centuries. The development of the praetorship is also relevant here. Recent scholarship has stressed that the praetorship was originally much closer to the consulship.⁴⁷ Between the creation of the office (366) and the First Punic War (264–241), there was only one praetor per year, his duties often overlapped with the consuls', and the office was frequently held after the consulship, sometimes on multiple occasions.

In these circumstances, it is unlikely that *nobilitas* was limited to any specific office at first, as distinct cadres of ex-consuls (*consulares*) and ex-praetors (*praetorii*) did not exist yet in the Senate. This changed in the second half of the 3rd century. The number of praetors was increased to two in c. 244, to four in c. 227, and to six in 197. At the same time, the practice of ex-consuls holding the praetorship was ended during the Hannibalic War (218–201).⁴⁸

With these changes, a distinct cadre of praetorian families emerged in the Senate. This is where we should place the 'consularisation' of *nobilitas*. As the consulship was accepted as the definitive supreme magistracy in the course of the 3rd century, and as more families started to reach the praetorship for the first time after the First Punic War, the prestige and exclusivity of the existing consular families must have increased dramatically. As a result, *nobilis/nobilitas* organically came to be associated with these families and, therefore, with the consulship (or a comparable highest office). This semantic shift was probably complete by the late 3rd century.⁴⁹

⁴⁶ Tremellius' great-grandfather was likely Cn. Tremellius, *pr.* 154; his great-great-grandfather, probably Cn. Tremellius Flaccus, *pr.* 202.

⁴⁷ e.g. Stewart 1998; Beck 2005: esp. 63–70; 2011; Bergk 2011; Drogula 2015.

⁴⁸ Full data: Beck 2005: 66–9.

⁴⁹ Cf. Gelzer 1962: 1.186–95; Strasburger 1936: 789; Bleckmann 2002: 11–12.

Then, with the final expansion of praetors to six in 197, it became even harder to break into the ranks of the *nobiles*, now that three times as many ex-praetors were competing for the same number of consulships. The effects have been underscored by Badian, who found that between 179–108 the percentage of consuls with consular ancestors never drops below 70%.⁵⁰

Thus the 2nd century is presumably when the idea of ‘the *nobilitas*’ started to emerge: an undefined, yet instantly recognisable social group that encompassed the core circle of consular families, e.g. Aemilii Lepidi, Cornelii Scipiones, Claudii Pulchri, Caecilii Metelli, etc. This is the usage we observe throughout Sallust’s *Iugurtha*. It is also how Cicero uses the term in the *pro Roscio* (*victoria nobilitatis* = victory of the nobility).

⁵⁰ Badian 1990; cf. Landrea 2023.

Chapter 2: Roman politics and the First Civil War: models and approaches

In the Introduction, we noted that scholars tend to overlook Cicero's evidence on the *victoria nobilitatis*. In many cases, it seems this is because they approach the Civil War with pre-conceived models about how Roman politics worked, models which leave little room for Cicero's portrayal of the conflict as an intra-elite struggle between *nobiles* and non-*nobiles*.

In this chapter, we will examine two of these models and their inapplicability to the First Civil War. This also provides an opportunity to establish some fundamental points about Roman 'politics': what it meant, where it happened, and, most importantly, who took part on a regular basis. This will be essential when we try to 'fill in the gaps' for the First Civil War in Chapters 7 to 10, i.e. reconstruct what might have been happening behind and inbetween the major events we know about.

2.i. Factions

The dominant model in the mid-20th century saw Roman politics in terms of 'parties' or 'factions'. Few (if any) scholars would try to defend this model nowadays.¹ But it is worth outlining nonetheless, because several of the classic works on the Republic were written under it, and because explaining its shortcomings helps to elucidate some key characteristics of Roman politics.

In brief, the model maintained that Roman politics was defined by a conflict between parties or factions (*factiones*; sg. *factio*): semi-permanent political groupings which existed for years at a time, sometimes over numerous generations, and which coalesced around important families or prominent figures. When applied to the early 1st century, this typically yielded two groups in the Senate, often dubbed the 'Marian' and 'Metellan' *factiones*, who came to blows over the legislation of Sulpicius in 88. The fault-lines this created supposedly defined the Civil War that followed.

¹ The last serious attempt was Briscoe 1992. Surveys at Jehne 2006b; Hölkeskamp 2020: 13–18, 22–42 (= updated version of Hölkeskamp 2001); Yakobson 2022; cf. Gruen 2017, for some reflections from a former adherent.

As critics pointed out, this was a reductive way of approaching Roman politics. It tended to simplify all political, material, and personal considerations into a catch-all determinant: allegiance to the *factio*, a term which does not even have the same meaning in the ancient sources as its modern proponents wanted to believe: for in the works of Cicero and Sallust, *factio* is usually pejorative, i.e. ‘cabal’ or ‘coterie’.² The model also relied on the presumption that patronage—that is, reciprocal ties between clients and patrons—was the *arcana imperii* of Roman politics: for the only way to explain a *factio*’s repeat success at election-time was to assume that its members ‘pooled’ their clients on an annual basis, an assumption which goes far beyond the ancient evidence. Patronage certainly existed as a socio-political phenomenon in the Roman world, but not to the rigid, all-encompassing degree imagined by the factional model.

Most importantly, as the likes of Meier and Brunt convincingly argued, the existence of permanent groupings lasting for years (or even generations) finds little support in the source material. Looking at Cicero’s evidence in particular, what we observe is not long-lasting coalitions, but a volatile, fluid situation in which most senators have numerous relations of dependence at any one time, and where they are constantly shifting their positions according to the issues at hand—what Meier called ‘Gegenstandsabhängigkeit’. In times of normal politics, about the closest we get to ‘factions’ are the temporary alliances or cliques which formed in response to specific events, such as happened, for instance, during the tribunate of M. Livius Drusus (cf. 9.ii.a.). But normally, these cliques fizzled out or were swiftly supplanted in response to newer developments.³

Put bluntly, ‘factions’ did not exist. This has implications for the First Civil War. First, although there were obviously two sides in the conflict, especially during the all-out warfare of 83–82, these were not pre-existing groups inherited from before the Civil War. Second, although we can use ‘Sullan’ and ‘Marian’ (or ‘Cinnan’) as shorthand terms to describe these sides, just like the ancients did,⁴ these labels do not imply permanent membership. A ‘Sullan’ was anyone who joined Sulla’s side before, during, or immediately after his return from the

² Cf. Seager 1972.

³ Meier 1980: xxxiii–xliii (Gegenstandsabhängigkeit at xxxviii, xlii), 7–63, 163–90; Brunt 1988: chapters 7–9 (esp. 458–63 on Drusus to Sulla). On patronage, cf. Mouritsen 2001: 67–79; Deniaux 2006.

⁴ Full sources: Santangelo 2012a; Schettino 2021: 31–5.

East; a ‘Marian’, either someone who joined Marius and Cinna in the fighting of 87, or who helped to defend the *res publica* against Sulla’s invasion in 83–82.

Since the Civil War was highly divisive, these fault-lines continued to some extent into the 70s. Thus we can say that some ‘Marians’ fought on under the leadership of Sertorius in Spain, while in Rome a hard-line group of ‘Sullans’ continued to stay loyal to the dictator’s memory and defend his legislation. But these groups have little retroactive relevance to the events of 88–87, nor were they permanent entities with a defined membership. Indeed, it is telling that when one of Sulla’s most controversial measures, the curtailment of the tribunate, was eventually overturned, this came at the hands of ‘Sullans’ such as C. Aurelius Cotta (*cos.* 75), M. Licinius Crassus (*cos.* 70), and Cn. Pompeius (Pompey; *cos.* 70). What this reflects is that fluidity was the main characteristic of Roman politicians, not factional loyalties.

2.ii. *Populares* versus *optimates* (I)

A common objection against the factional model is that it offered a cynical, ‘elitist’ view of Roman politics. In reaction to this, many scholars have adopted a ‘bottom-up’ approach to the Republic that emphasises the role of ‘the Roman People’ (*populus Romanus*); most take this to mean ordinary, common, or poor Romans—in other words, the non-elite. In practical terms, this means viewing Roman politics as a struggle between two categories of politician: on one side, the self-proclaimed populists (*populares*; sg. *popularis*) who championed the rights of the People; and on the other side, their conservative opponents (*optimates*) who upheld the *status quo* and the authority of the Senate. The main support for this model is Cicero’s speech *pro Sestio* (56 BCE), where he asserts that Roman politics has always been split between men known as *populares*, who try to please the many (*multitudo*), and *optimates*, who try to uphold *otium* and prestige (*Sest.* 96).

Variants of this model have always existed. Indeed, the standard treatment of *populares* was written in 1965 by Meier, who argued that ‘being *popularis*’ was simply a character-type or method which politicians could adopt and then discard at will; he dubbed this the ‘*popularis ratio*’.⁵ But in recent decades, the popularity of the model has increased in tandem with the wider historiographical shift towards the non-elites in Rome.

⁵ Meier, *RE* Suppl. 10.549–615 (= Meier 1965).

As is well known, the main impetus for this turn—at least in English-speaking scholarship—came from the late Sir Fergus Millar, who pushed for scholars to see the Roman Republic as a ‘democratic’ society. Few scholars have agreed that ‘democracy’ is a helpful term for the Republic.⁶ But two points at the core of Millar’s thesis remain undeniable. First, that most politics in the Republic was undertaken outdoors, in full view of the *populus Romanus*. Second, that this *populus* was ‘sovereign’: it elected all magistrates, it passed all laws, and its greatness (*maiestas*) and freedom (*libertas*) were central to Roman political discourse.⁷

This historiographical turn was undoubtedly for the better. But equally, there is a risk of going too far in the opposite direction. There are numerous, really quite significant objections against the ‘*populares* versus *optimates*’ model. And the assumption that non-elite Romans were regular participants in politics, which underpins the existence of ‘populists/*populares*’ as a distinct category of politician, is also open to doubt. What’s more, it is also difficult to map any of this onto the First Civil War. The proponents of the model tend to characterise Sulpicius, Marius, Cinna, and the Marian *pars* as *populares*, and Sulla as the leader of the conservative *optimates*. In broad-strokes, therefore, the conflict becomes a conflict between ‘the People’ and ‘the Senate’.⁸ But as we shall see, these characterisations are problematic and find little support in the source material.

The bibliography on this topic is very large. It stretches back to the first responses to Millar’s articles in the 1980s and 90s, and since the turn of the millennium it has morphed into a wider debate over the Republic’s ‘political culture’; i.e. the traditions, values, institutions, and subconscious mentalities that shaped Roman politics.⁹ Therefore, only the most important points can be outlined here, although we will touch upon several more in our later overview of the *nobilitas*’ power and success (5.ii–iii.).¹⁰

⁶ See e.g. North 1990; 2002; Jehne 1995; Mouritsen 2001; Hölkeskamp 2000; 2010.

⁷ Millar 1984; 1986; 1995; 1998. Millar rejected the term ‘democracy’ at first (1984: 2), but his arguments hardened over time; cf. Hurler 2012 for a historiographical overview.

⁸ A representative example: Sandberg 2018: 168, describing the Marians as ‘the *popularis* regime’ and Sulla as ‘the leader of the *optimates*’ who ‘[aimed] at strengthening the role of the Senate in the state machinery’.

⁹ On ‘political culture’, see now the papers in Arena and Prag 2022, especially Hölkeskamp 2022.

¹⁰ In particular, there is no room to discuss Millar’s starting-point, Polybius. I agree with Seager 2013; Mouritsen 2017: 7–13 that Polybius’ digression on the Roman constitution is an intellectual exercise which should not be taken too literally. Polybius himself seems to acknowledge this (6.11.3–8) and he clearly knows that the ‘aristocratic’ element at Rome is dominant (e.g. 6.51, 23.14.1). Furthermore, when Polybius says *demos*, he means the *equites/publicani*, not ‘common’ Romans; cf. Carsana 2022: 116–17; section 8.ii. below.

2.ii.a.) *Popularis ratio*?

To start with Meier's 'functional' variant, methodologically it is problematic. Very few men are called *populares* in the ancient sources. As a result, in most cases the identification of individual '*populares*' rests on criteria supplied by the modern scholar: if a politician spoke in favour of 'the People' and defended its *libertas*, if he proposed one of a checklist of laws (e.g. agrarian, grain, enfranchisement), or if he did something in the face of senatorial opposition, then these scholars label him '*popularis*'.

Yet this approach is inherently arbitrary. It results in the inclusion of many men on dubious grounds, such as Cinna (cf. 2.iv.b.); indeed, over half of Meier's '*populares*' are never called so in the source material.¹¹ It also struggles to deal with instances when the so-called '*optimates*' passed laws which would normally qualify them as '*populares*'; for example, M. Livius Drusus (*tr. pl.* 122) and his homonymous son (*tr. pl.* 91), who both proposed agrarian laws, or the younger M. Porcius Cato, who passed a grain law to benefit the poor, or indeed Sulla, who facilitated the largest redistribution of land to ordinary Romans, i.e. his veterans, that the Republic had ever seen—120,000 soldiers in total, according to Appian (*BC.* 1.100, 104).¹² These cases are often dismissed as 'insincere' or as *optimates* 'appropriating' the methods of the *populares*.¹³ Yet as other scholars have objected, this argument is entirely circular: the behaviour of so-called '*optimates*' cannot be explained by reference to so-called '*populares*' if the existence of the latter is itself in doubt.¹⁴

2.ii.b.) Ideology?

In recent decades, many scholars, taking their cue from Millar, have turned away from Meier's 'functional' model in favour of an 'ideological' one. They argue that 'being *popularis*' was not about cynical power-politics but genuine attachment to a 'popular' or 'progressive' agenda.

¹¹ Pointed out by Robb 2010: 149 n. 8.

¹² Sulla's veteran settlements: Santangelo 2007: 134–91; Thein 2010.

¹³ e.g. Hackl 1987; Garnsey 1988: 209–11; Duplá 2011: 281–2; Pina Polo 2021b: 150–5; also Burckhardt 1988, who spoke at length of 'populare Politik im Dienste der Optimaten'.

¹⁴ Mouritsen 2017: 120, cf. 130–1 on Sulla.

What is immediately striking is how similar this approach is to the factional model. Instead of binary conflict between Metellan and Marian factions, we find binary conflict between well-defined groups of ‘conservatives’ and ‘populists’; instead of loyalty to a *factio*, we have adherence to a distinct ‘ideology’, ‘tradition’, or ‘value-system’. Probably the clearest examples of this tendency are Arena’s monograph on *libertas* and the recent work of Wiseman, who has become a flag-bearer for ‘ideological’ interpretations in the last decades.¹⁵

However, there is little evidence that distinct intellectual ‘traditions’ emerged from the time of the Gracchi onwards, one ‘popular’ and the other ‘senatorial’. Instead, this seems to be an anachronism projected onto the ancient evidence from the experience of modern democratic politics: for nowadays, we do have political ‘traditions’ that have developed over the course of generations (e.g. Conservative, Liberal, Socialist), and these traditions do determine the behaviour of politicians across a wide range of issues. To give one example: Wiseman assumes that the catalogue of men at *Rhet. ad Her.* 4.31—Ti. Gracchus, C. Gracchus, Saturninus, M. Drusus, Sulpicius—is a list of ‘Gracchan martyrs’ and proof that a firm ‘*popularis* tradition’ existed already in the mid-80s.¹⁶ But it is simply a list of tribunes killed in office, as is clear from the inclusion of Drusus, widely recognised by his contemporaries as the champion of the Senate and *nobilitas* (see 9.ii.c.).¹⁷

As stressed already (2.i.), in most years most politicians approached most issues on a flexible, case-by-case basis; Meier’s ‘Gegenstandsabhängigkeit’. It is precisely this flexibility that should preclude us seeing politics in terms of a binary rift between ‘popular’ and ‘senatorial’ ideologies.

This does not mean that Roman politicians were devoid of principles or personal beliefs, nor that there was no social discontent in the Republic. Sallust’s works in particular evince strong dissatisfaction about the direction of the *res publica*, especially in the speeches he gives to C. Memmius (*tr. pl.* 111) and Marius in the *Iugurtha*, and to M. Lepidus and C. Licinius Macer (*tr. pl.* 73) in the *Histories*.¹⁸ But equally, Sallust never describes Roman

¹⁵ Arena 2012: esp. chapters 3 and 4; Wiseman 2009; 2017. Their followers: e.g. Straumann 2016; Rosenblitt 2016; 2019; Clemente 2018; Tiersch 2018; Morstein-Marx 2021; 2022; Pina Polo 2021b.

¹⁶ Wiseman 2009: 10.

¹⁷ On similar lists elsewhere: Robb 2010: 87–9, 99–103.

¹⁸ For Sallust’s *Histories*, I follow Ramsey’s arrangement of the fragments in the recent Loeb (= *LCL* 522). On Macer’s identity: Cornell 2018. As he shows, the tribune C. Licinius Macer is probably not identical to the

politics in terms of ‘*populares* and *optimates*’ (cf. 2.iv.a.). And as far as we can tell, this dissatisfaction never led politicians to question the pillars of Roman politics and society: *senatus populusque Romanus*.¹⁹ Instead, the evidence suggests that every politician praised the *populus*, upheld *libertas populi Romani*, and claimed that they, not their opponents, were acting in the interests of the *populus* and/or the *boni*.²⁰ And despite what some scholars assert, there are no contemporary examples of a politician denying the authority of the Senate as an institution (with emphasis on *contemporary*; the clichéd ‘*demos* versus *boule*’ dichotomy used by the likes of Plutarch and Appian is not the same). Instead, it seems Roman politicians tended to attack small cliques at the top of the Senate—in Sallust’s language, the *nobilitas* or *pauci*, ‘the few’. Indeed, Sallust makes Memmius present himself as a defender of the Senate against the *pauci*, which belies the reductive label of ‘radical *popularis*’ which many scholars force onto him (*Iug.* 31.25; cf. Chapter 6).

Within the general framework of ‘Gegenstandsabhängigkeit’, some politicians may have placed more emphasis on the rights of ‘the *populus*’, typically in the earlier stages of their careers. But this was emphatically not the same as divergent ‘ideologies’ about how society should be run—merely different politicians tapping into a common-value system to different degrees. Indeed, that it tended to happen earlier in a career indicates that we are dealing with an acceptable way of ‘making a splash’ which, in most cases, was soon abandoned (cf. 7.iii.c. for the example of Cn. Domitius Ahenobarbus, *tr. pl.* 104, *cos.* 96, *cens.* 92). It was therefore similar to how young orators would undertake high-profile prosecutions to gain publicity before segueing onto the more ‘respectable’ practice of advocacy as their careers developed.²¹

2.iii. ‘The People’—what people?

There is another, even more significant problem with the ‘*popularis* versus *optimates*’ model: what ‘*populus*’ do we suppose the ‘*populares*’ were championing?

historian Licinius Macer. This is important because several scholars have used this identification to prop up their ‘ideological’ interpretations of the 70s, e.g. Wiseman 2009; Rosenblitt 2019: esp. chapters 9–10.

¹⁹ On what follows: Morstein-Marx 2004: 230–40; Meier 2015: sections VI–VII; Mouritsen 2017: 96–8, 159–64; cf. section 5.ii. below.

²⁰ For the *boni* as a ‘standard reference point’ in politics, including by so-called ‘*populares*’ like Clodius: Mouritsen 2023: 73–84, 113–15.

²¹ On young prosecutors: Powell and Paterson 2004: 39–40; Steel 2016. On the need to ‘make a splash’ in politics: Russell 2013: esp. 108–9; 2022: 268–71.

In ancient Rome, any group of citizens gathered for an occasion—no matter the size, diversity, or representativeness—was seen to represent the *populus Romanus* in its entirety.²² The crowd listening to one of Cicero’s speeches was the *populus*, but so was the crowd listening to one of his enemies. Therefore, it is problematic to talk of ‘the People’ playing a role in politics or having a ‘will’ without specifying who we think we mean: the down-and-out *plebs*? Or a small gathering of the elite?

Similar problems apply to related terms such as ‘the Roman public’ or ‘public opinion’; the latter in particular has been championed as an analytical concept for the Republic in recent years.²³ But despite scholars’ assurances, it seems questionable whether we can speak of ‘public opinion(s)’ in a society without mass media or other means of large-scale political communication. The rather miscellaneous evidence scholars have collected—e.g. rumours, informal conversations, graffiti, pamphlets—does not amount to the same thing.²⁴ Instead, given the size and amorphous nature of the *populus Romanus*, it seems likely that the only groups capable of forming anything close to a homogenous ‘will’ or ‘opinion’ were the *equites* and *boni*—or more accurately, small subsets of these groups, such as the *publicani* (cf. 8.ii.); but their ‘opinions’ would, in any case, often be guided and shaped by the senatorial elite.²⁵

This is very relevant to our assessment of the ‘*populares* versus *optimates*’ model. If we decide that ordinary, non-elite Romans were regular participants in politics, with a homogeneous ‘opinion’ or ‘will’ that could be tested and implemented, then it makes sense for a distinct category of ‘popular’ politician to exist, the *populares*, who tried to champion this ‘will’. But if we decide the opposite, that politics was mainly the preserve of a small section of the elite, then it seems illogical that a distinct ‘popular’, ‘progressive’, or ‘radical’ ideology can have existed.

It is necessary, therefore, to take a detour to investigate the modalities of political participation: who took part in politics on a regular basis? Unfortunately, ascertaining the social composition of crowds in the Republic is often impossible. Our sources tend to refer to the attendees at political events as *populus*, *plebs*, or *multitudo*.²⁶ But all three are inherently vague:

²² Russell 2019 stresses this well. Cornell 2022 has an excellent overview covering much that follows.

²³ Rosillo-López 2017; 2019a.

²⁴ Cf. Piacentin 2018.

²⁵ Cf. Mouritsen 2017: 64–5, 81.

²⁶ Evidence: Yavetz 1965; Jehne 2006a: 225.

for example, although *plebs* is sometimes used to indicate ‘common’ Romans, other times it retains its original meaning of non-patricians/non-senators,²⁷ which can include *equites* and *boni*.²⁸ And even if we encounter terms that seem to be uncomplicated indicators of low social status, such as *vulgus* (common), *humilis* (humble), or *infimus* (lowest), these terms do not necessarily correspond to social reality. For in ancient Rome, social standing was typically judged on a relative basis, i.e. in comparison to someone else. Therefore, if your initial point of comparison was a member of the political elite (as Cicero’s usually was), then nearly anyone in society could be called ‘humble’ or ‘lowly’, including other members of the elite.²⁹

In other words, when an orator addressed ‘the People’, and when a source implies that ‘the *plebs*’ or ‘*multitudo*’ had an opinion, and when we find politicians claiming to act in the interests of ‘the *populus*’, we cannot assume that this means ‘common’ or ‘ordinary’ Romans, as Millar did and as many scholars continue to do.³⁰ Instead, it comes down to a matter of probability: do we suppose that non-elites were accustomed to participating in politics on a regular basis? Did they have both the *opportunity* and the *willingness* to do this?

2.iii.a.) Bottom-up approaches.

But first, a word about bottom-up approaches in general. In recent decades, much work has been carried out on the non-elites in ancient Rome. These studies have greatly enhanced our understanding of Roman society. They also underline the important point that the ‘non-elite’ was not a homogeneous entity but was diverse and internally stratified, ranging from the subsistence poor (who probably comprised over half the population)³¹ to wage labourers,

²⁷ Cf. the definition at Justin. *Inst.* 1.2.4: ‘*populus* signifies all the citizens [*universi cives*], including even patricians and senators; but *plebs* signifies only those citizens who are not patricians or senators’.

²⁸ e.g. Cic. *Cluent.* 150–7, where Cicero alternates between referring to equestrian jurors as *equites*, *iudices*, and *plebs*. Sallust also uses *plebs* to refer to *equites/boni* throughout the *Iugurtha*, cf. Mouritsen 2023: 203.

²⁹ Gelzer 1969: 16–17; Mouritsen 2023: 294–7.

³⁰ Apart from Millar, Wiseman, and Arena, this is a significant problem with (*inter alia*): Rosillo-López 2017; Morstein-Marx 2021; 2022; several works by Jakobson, e.g. 2010; 2014; 2017b; and especially Courrier 2014. Courrier’s main hypothesis—that everyday Romans were keen participants in politics—is built on the catalogue of ‘expressions of plebeian will’ that he provides in his Appendix (745–916). However, this is mainly a collection of passages that happen to refer to ‘the *plebs*’ or ‘*populus*’. To give three examples: (i.) Courrier includes the lynching of the praetor Asellio in 89 as an example of spontaneous resistance by the *plebs* (762), yet this murder was carried out by wealthy creditors (cf. 10.i.a. below); (ii.) he includes the riots in support of Sulpicius in 88 as an example of active engagement by the *plebs* (762–3), but Sulpicius’ supporters were mainly a mixture of hired muscle and *equites* (cf. 10.i.b.); (iii.) he includes Cinna’s election as consul as an example of the *plebs* resisting Sulla (763), yet Cinna was elected in the *comitia centuriata*, which was dominated by the rich. See further 2.iii.d. below.

³¹ Cf. Cic. *Rep.* 2.40; Dion. Hal. 4.18.2, 7.59.6; Liu 2017: 26–7.

farmers, craftsmen, artisans, employees in the ‘service industries’, owners of shops, taverns, and inns, as well as small-scale businessman or traders, some of whom might be reasonably well-off—not to mention freedmen and the army, which were special categories apart.³²

It is right to stress that non-elites had interests, agency, and ‘cultures’ of their own. But it does not follow that they were automatically interested in politics. Indeed, there is a danger that in the quest to restore ‘voice’ or ‘agency’ to the common man, we risk losing sight of a basic point: most residents of the squalid and disease-filled city of Rome lived difficult, unhealthy lives; in fact, most were dead by the age of twenty-five or thirty. In the circumstances, it seems unlikely that they would have much time for the myopic, narrow-minded politics of the senatorial elite (cf. 2.iii.f–g.), especially given that this elite looked down on them with contempt: for as noted already, the self-proclaimed ‘best men’ (*optimates*), ‘good men’ (*boni*), or ‘better sorts’ (*honestiores*) tended to view the working classes as dirty and morally corruptible (cf. 1.i.c.).³³ Indeed, where these bottom-up approaches are best is emphasising the sheer gulf—social, economic, cultural, and often topographical—that existed between the haves and have-nots in ancient Rome. In short, while it is undoubtedly worthwhile to study popular culture in its own right, we must remember that this culture was largely distinct from, and ran at a parallel trajectory to, the culture of the elite.³⁴ As we shall see, ‘politics’ falls firmly in the latter category.

2.iii.b.) Political participation: the assemblies.

There were two types of formal assembly that a Roman citizen could attend in the Republic: the centuriate assembly (*comitia centuriata*) and the tribal assemblies (*concilium plebis* or *comitia tributa*). Immediately, we must note that only a magistrate could summon these assemblies, and all magistrates were drawn from the ranks of the wealthy elite. So ‘the People’ had no formal initiative of its own: it could only meet, and therefore ‘exist’, when summoned by the elite, and it could only act on what the elite proposed to it. This is one of the many reasons why ‘democracy’ is a misnomer for the Roman Republic.

³² Scheidel 2006a; Morley 2006a; also Mayer 2012, although his identification of a stable ‘middle class’ is problematic, cf. Mouritsen 2012; 2023: 53–6.

³³ Low life expectancy: Scheidel 2001; 2007; Hin 2013: 101–71. Squalor and disease (especially malaria) in Rome: Scobie 1986; Sallares 2002; Scheidel 2003; 2013; Morley 2005. All *contra* Courier 2014, who has an unconvincing (or naïve?) vision of a clean, well-fed city of Rome giving rise to a healthy, semi-stable *plebs urbana*. On elite snobbery: Yavetz 1965; Carlà-Uhink 2023.

³⁴ A point repeatedly made by Toner 2009. Cf. Mouritsen 2017: 70–2, 78–9.

Starting with the centuriate assembly, it elected higher magistrates, passed some laws, conducted capital trials, and voted on declarations of war and peace. But its structure was unapologetically timocratic:³⁵ a small number of wealthy citizens were distributed among a large number of centuries in order to concentrate power in the hands of the rich (88 out of 193 centuries for the *equites* and *prima classis*); voting began with the wealthiest centuries and proceeded down the social hierarchy; and crucially, proceedings came to an end once a simple majority of centuries was reached. In other words, the vast majority of citizens outside the elite never got the chance to vote in the *comitia centuriata*. Therefore, their attendance cannot be taken for granted.³⁶

As for the tribal assemblies, which passed most legislation, elected lower magistrates, and conducted non-capital trials, on paper they look more ‘democratic’ than the *comitia centuriata*. The thirty-five tribes were arranged by geography, not wealth, and in legislative votes the voting-order was randomised, not hierarchical. But in practice, the structure of the tribal assemblies still led to unequal distribution in favour of the few. The city poor (*plebs urbana*) were enrolled into just four urban tribes, as were all freedmen, of whom there were many. As a result, their votes were ‘worth’ very little compared to voters enrolled in the thirty-one rural tribes. And since many rural *plebs* were unable—or unwilling—to come to the capital regularly (see immediately below), this means that in most votes, the decisive influence lay with the *equites* and *boni* enrolled in rural tribes: either those who travelled to Rome for the occasion, or those who (like Cicero) owned property in the capital while still enrolled in their original tribe.³⁷

2.iii.c.) Limits on participation.

All politics was limited to the capital. Therefore, the only citizens who could participate on a regular basis were those who lived in Rome or nearby.

Of the citizens who lived further away, it is probable that the wealthiest ones were able to travel to Rome several times a year to take part in important votes. But the vast majority of

³⁵ For the unapologetic stance: Cic. *Rep.* 2.39–40 (also 1.53, 69); Dion. Hal. 4.20–1; Liv. 1.43.10–11.

³⁶ Mouritsen 2001: 94–5; Cornell 2022: 223–6. *Contra* Yakobson 1999: 48–54; Rafferty 2021, arguing that voting often reached the lower centuries. But this could only happen if the elite’s vote was completely ‘split’, which, our evidence suggests, was very rare; cf. Dion. Hal. 4.20.5; Liv. 1.43.11.

³⁷ Feig-Vishnia 2012: 128; Jehne 2014: 126; Cornell 2022: 227–8.

rural citizens, i.e. the *plebs rustica* who lived in the fields and countryside towns of Italy, had neither the time nor the money—nor probably the interest—to make these journeys to the capital, except on the rarest of occasions. One example was the tribunate of Ti. Gracchus, who specifically mobilised rural voters to come to Rome and support his agrarian law. But this was the exception which proves the norm; indeed, when Gracchus tried to repeat the trick later in the year, the *plebs rustica* rejected his summons because they were unwilling to leave their farms unattended a second time.³⁸

The scale of participation was limited even more inside the capital.³⁹ For example, most laws were passed through the tribal assembly, which convened for this purpose in the Forum during the Late Republic. This space could theoretically hold around 10,000 people. But since voting took place on narrow bridges in front of the Temple of Castor, it would have taken an impossibly long time (i.e. more than seventeen hours) for a crowd of this size to vote on a bill. Therefore, the maximum attendance was likely in the region of just 3000 citizens (= between 5½ and 6½ hours for voting). And if this was the maximum, then the average attendance was probably even lower. Cicero mentions that if no one turned up from a tribe, then five voters from another tribe could be transferred to represent it (*Sest.* 109). This indicates very low turnouts for some bills, i.e. in the hundreds rather than thousands; most likely, these were ‘routine’ bills that had attracted little attention or controversy.⁴⁰

We can expect larger attendance at elections, which took place in the Saepta on the Field of Mars. Maximum estimations of this space have varied; but again, once we factor in voting procedure as a rate-determining step, we are likely looking at a maximum of 20,000–30,000 voters in one day. This figure was probably reached during consular elections, the highlight of the political calendar. But our limited evidence suggests a much smaller turnout at elections for the lower magistracies, such as the quaestorship, aedileship, or tribunate.⁴¹

³⁸ App. BC. 1.13–14; Diod. 34/5.6; Meier 1980: 95–100; Mouritsen 2001: 81–2; Hiebel 2009: 60–1; Flower 2013: 90–4; *contra* Rafferty 2021.

³⁹ This section follows Mouritsen 2001: chapters 2–3; Jehne 2006a; 2013a; their figures supplant earlier discussions by e.g. MacMullen 1980. These figures are dismissed by Courier 2014: 434–40; Rafferty 2021, but see 2.iii.d. on their arguments.

⁴⁰ Mouritsen 2017: 56. Some scholars think Cicero is describing a hypothetical situation (e.g. Tatum 2018b: 17 n. 68), but Cicero’s wording presupposes that his audience is aware of the procedure.

⁴¹ Mouritsen 2001: 26–32; Jehne 2006a: 224.

A third type of participation existed at Rome: informal meetings between magistrates and *populus*, known as *contiones*. Again, attendance at *contiones* was limited by venue size. But more significant were acoustic factors. Outdoors, in a pre-microphone era, without raised seating, it is unlikely that more than c. 1,000 people could actually hear what a politician was saying at a *contio*—and this only if the crowd was completely silent, only if the audience was bunched together, and only if the orator was sufficiently trained (or indeed willing) to project his voice. In a bustling, noisy environment like the Forum, the upper limit was probably much lower. And since political *contiones*⁴² were often called at short-notice, the vast majority of urban citizens will have had no idea when one was happening, nor where. This strongly suggests that the crowds at these *contiones* were mostly comprised of the speakers' friends, supporters, and clients who had prior knowledge of the meeting, rather than a diverse sample of everyday Romans.

2.iii.d.) Roman indifference to mass participation.

So the '*populus*' which took part in politics was very small: by the late 2nd century, probably no more than 5% of the eligible population at consular elections, and likely in the mere hundreds for many events.⁴³ Significantly, the Romans had no qualms about this sorry state of affairs.

In contrast to modern democracies, where steps are usually taken to ensure that the largest number of citizens can take part, there were no attempts to 'widen' political participation in Rome.⁴⁴ No quorum was necessary at assemblies or *contiones*. No doubts were raised whether enough citizens were taking part. And unlike in Classical Athens, no remuneration was offered to incentivise citizens to turn up. On the contrary, it seems that steps were actively taken to *limit* the numbers who could attend. By law, magistrates could not convene assemblies on market days (*nundinae*) or festival days (*feriae*), i.e. the two occasions when Rome would be at its busiest. And as outlined (2.iii.b.), the main elective assembly, the *comitia centuriata*, was purposefully designed to minimise involvement from the non-elites.

⁴² As opposed to e.g. *contiones* held before a vote. Cf. Pina Polo 1995; Hiebel 2009, for the different types of *contio*.

⁴³ Cf. Jehne 2006a: 224; 2014: 125; Scheidel 2006b: 215–20.

⁴⁴ On what follows: Jehne 2013a: 134–7; 2014: 124–6, 132–5; also Mouritsen 2001: 32–7; 2017: 25–9, 57–8; Feig-Vishnia 2012: 123–9.

This fundamental indifference to the scale of participation is often overlooked by scholars who argue (or assume) that large numbers of non-elites wanted to take part; as a result, their approaches have a modernising overtone which fails to appreciate just how different Roman politics was to the politics of today.⁴⁵ As for explaining the Romans' indifference, we can point to two factors. First, as noted already, any group of citizens convened under the correct rules 'became' the *populus Romanus* in its entirety. Therefore, 'scale' or 'representativeness' never entered the equation. Second, the Roman system of block-voting meant that voter turnout was always 100%. As long as a century or tribe had at least a handful of people to represent it, then it was considered 'present' and able to cast its block-vote. The number or diversity of voters were therefore irrelevant. These principles were taken to the extreme in the curiate assembly (*comitia curiata*) where only a single citizen was present from each of Rome's thirty *curiae*—a special case, certainly, but still indicative of the Roman mindset about 'representation'.

2.iii.e.) Ritualised participation.

What we have, therefore, is a political system where only a small group of citizens took part in politics regularly, and where there was no concern for 'representation' or 'mass participation'. In a society as hierarchical as Rome, already it seems *prima facie* likely that this small group was comprised primarily of senators, *equites*, and *boni*. This conclusion can be reinforced by looking at the passivity of 'the *populus*' in the participatory setting:

(i.) Legislation. By analogy to modern referenda, we might assume that legislation was an important way for Roman citizens to exercise their 'sovereignty'.⁴⁶ However, out of hundreds of attested laws in the Mid-to-Late Republic, we know of only a handful of cases where an assembly voted 'no' to a proposal. Some scholars believe this is an accident of source survival and conclude that rejections must have been common.⁴⁷ But the complete absence of examples from Cicero's time—by far the best-attested period in the Republic's history—strongly speaks against this conclusion.

⁴⁵ e.g. Yakobson 1999; Courrier 2014; Rafferty 2021.

⁴⁶ On this section: Flaig 2003: 175–6, 192; 2017: 518–22, 526; Mouritsen 2017: 58–61.

⁴⁷ e.g. Tatum 2009: 222.

If the *comitia* almost always voted ‘yes’ to legislative bills, then this suggests one (or both) of two things. Either the majority of citizens who turned up to the vote were the presiding magistrate’s friends, supporters, and clients, who naturally voted ‘yes’ to the proposal; or it was universally accepted that if a bill reached the voting-stage, then it ought to pass. Either option precludes seeing ‘the *populus*’ as a decision-making body in the legislative context.

(ii.) Elections. Again, by analogy to modern times, we might assume that elections were an important way for voters to pick candidates who would enhance their livelihoods or pursue certain socio-political ‘issues’. However, Roman candidates did not stand for election on manifestos or platforms. In fact, the most detailed guide to Roman electioneering we possess, Quintus Cicero’s *Commentariolum petitionis*,⁴⁸ openly warns against adopting a viewpoint on any ‘issue’ before an election (*Comm. pet.* 53). A few exceptions are known—for instance Marius, who campaigned for the consulship of 107 by proclaiming that he was a better fit to end the war against Iugurtha than the *nobilis* Q. Metellus (*Sall. Iug.* 65, 73). But overall, the evidence suggests that most candidates stuck to Quintus’ advice.⁴⁹

Instead, candidates were judged on a personal level: their character, family name, and past accomplishments, especially military ones. As one scholar sums up: ‘candidates were to be successful not for what they did during the campaign but on the basis of the identity they had already created for themselves and which was often in existence, to a certain extent, before they were even born’.⁵⁰

Furthermore, elections in the *comitia centuriata* were defined by a striking bandwagon effect.⁵¹ The first century to vote, the *centuria praerogativa*, was chosen at random from the *prima classis*; its results were proclaimed before voting could continue. Our sources insist this had a profound effect over the subsequent election.⁵² This implies that many voters were happy to jump on the bandwagon and follow whatever the *centuria praerogativa* had decided.

⁴⁸ I accept Quintus’ authorship of the *Commentariolum*; see further Sillett 2016; Tatum 2018b: 51–76; and especially Prost 2017: 44–7, 52–68, refuting the thesis of Alexander 2009, who argues that Quintus cannot be the author because it is a ‘satirical’ or ‘ironic’ work designed to mock Republican elections. In my view, this ‘satire’ is not evident. Alexander’s reply (= 2021) re-treads old ground.

⁴⁹ Tatum 2013: esp. 137–8 on Marius; 2018b: 42–5; Hiebel 2019: 164–8. *Contra* Yakobson 1999: chapter 6; Courrier 2014: 457–63.

⁵⁰ Steel 2011: 45. On military victories: Waller 2011.

⁵¹ On what follows: Mouritsen 2011a; 2017: 45–50; Jehne 2013a: 126–30.

⁵² *Cic. Div.* 1.103, *Mur.* 38, *Planc.* 49; *Fest.* 290 Lindsay; *Liv.* 24.7, 9.3, 26.22, 27.6.3.

This does not mean that Roman elections were ‘fixed’ or ‘static’; scholars have rightly stressed that contemporaries viewed them as wildly unpredictable.⁵³ In fact, the bandwagon effect added to the unpredictable nature of the occasion. We can imagine that many voters arrived with a preference for only a single candidate, presumably the one who convinced them to attend. Therefore, they gave their secondary vote(s) by default to whomever the *centuria praerogativa* had chosen. And others were probably entirely ‘undecided’. They had no opinions on the candidates and were simply happy to take part; therefore, they followed the *centuria praerogativa* out of an instinctive desire to be on the winning side. This made it hard to predict the winner beforehand. It also incentivised candidates to bribe the *prima classis*, which had apparently become a serious problem by the mid-1st century.⁵⁴

(iii.) *Contiones*. So the involvement of ‘the *populus*’ in the assemblies turns out to be highly ritualised. Our attention turns, therefore, to the more regular phenomenon of the *contio*. Again, we might assume that these meetings were a way for common Romans to exercise meaningful influence: to air grievances or anxieties in direct ‘dialogue’ with senators, and to push agendas that benefitted them societally or materially. However, it seems that most *contiones* were very one-sided affairs. The presiding magistrate decided the topic(s) he would discuss; he decided the speaker(s) who would speak; and the role of the crowd was to stand and listen, attentively and dutifully, to what these speakers had to say.

Of course, it was possible to subvert this asymmetrical dynamic. Cicero’s evidence provides examples of crowds booing or jeering a speaker; on one occasion, a magistrate was even abandoned by his audience.⁵⁵ Yet Cicero also presents this behaviour as unexpected and a departure from the norm. Evidently, ‘the *populus*’ was supposed to listen in silence at *contiones* (unless prompted by the speaker to respond or applause); and evidently, this is how the majority of *contiones* must have played out, otherwise the whole process was logically and logistically unworkable: for why bother to address ‘the People’, if ‘the People’ could not hear you speak?⁵⁶

⁵³ e.g. Rosillo-López 2019b.

⁵⁴ Cic. *Q.Fr.* 2.15.4, *Verr.* 1.26; Mouritsen 2017: 51–3.

⁵⁵ i.e. C. Scribonius Curio, *tr. pl.* 90; Cic. *Brut.* 192, 305.

⁵⁶ Mouritsen 2001: 46–62, esp. 50–2; Morstein-Marx 2004: 131–6 (with 136–43 on invitations to applause). For the asymmetrical dynamics of *contiones*, see further Hölkeskamp 2010: 71–4, 101–3; 2013a; 2017: 175–88 (= updated version of Hölkeskamp 2013b); 2020: 89–95; Jehne 2000; 2013b; 2014; Mouritsen 2017: 72–94; and section 5.ii. below. The rarity of contional ‘rejections’ is overlooked by (*inter alia*): Hiebel 2009; Courrier 2014; Yakobson 2018, who focus on the exceptions rather than the norm.

For the same reasons, it is unhelpful to think of *contiones* as ‘focus groups’. This analogy is sometimes made;⁵⁷ however, if we accept that the crowds at these events were normally quiet, respectful, and probably comprised of men friendly to the speaker, then it follows that their reactions cannot have been the primary factor in influencing whether a politician would continue or abandon a measure—as opposed to, for example, the reaction of his peers in the Senate, of *equites/boni* in private settings, or the threat of a tribunician veto.⁵⁸ Indeed, in the 1st century the publication of the written version(s) of a speech was arguably more important than the *contio* itself, as publication is when the orator’s message could be disseminated to a wide audience of those who really mattered (i.e. the elite, both in Rome and elsewhere).⁵⁹

(iv.) Summary. As should be clear, political participation in Rome was ritualised and passive; it was not comparable to modern democracies. In legislation, the role of ‘the *populus*’ was to ratify whatever was put before it. The crucial debates had already occurred, in the Senate and behind the scenes. Elections were not about voters exercising a free, informed choice. They were about establishing consensus within the elite: for by ‘out-sourcing’ the decision to an abstract *populus*, and by partly-randomising the procedure through the *centuria praerogativa*, a neutral or ‘objective’ outcome was achieved that was acceptable to all members of the political class (cf. 5.ii.d.). And *contiones* were not an effective forum for ‘negotiation’ or ‘dialogue’. Instead, they were significant for what they represented symbolically: for nothing was legitimate in Roman politics unless it was done in tandem with ‘the *populus Romanus*’, even if this ‘*populus*’ was often little more than an unrepresentative gathering of the speaker’s supporters.

With this in mind, we must ask whether many (or any?) members of the non-elite would be interested in turning up to elections, legislative votes, or *contiones*, if their attendance had little effect on proceedings—especially elections in the *comitia centuriata*, where the non-elites probably never got the chance to vote at all (2.iii.b.). If the poor disliked something about society, ultimately these formal venues offered little help to them. And if they were truly desperate, their only recourse was to protest or riot; but these acts of collective resistance did

⁵⁷ e.g. Flaig 2003: 195–9, 208–10; Morstein-Marx 2004: 120–8.

⁵⁸ Mouritsen 2017: 61–7.

⁵⁹ Cf. Manuwald 2012; Mouritsen 2013.

not translate into a wider habit of political engagement, as they were typically spontaneous, reactive, and limited in aims.⁶⁰

Some scholars try to deflect these concerns by stressing the intangible benefits of participation. By turning up to a *contio* or assembly, any citizen, high or low, could feel pride at being part of the sovereign *populus Romanus* and derive pleasure from watching senators bend the figurative knee to them.⁶¹ Perhaps this was true in some circumstances; for instance, it is easy to believe that ordinary citizens might take a chauvinistic, patriotic interest in hearing about Rome's victories overseas and would attend *contiones* on this topic.⁶² But the point is, there is little reason to suppose that this translated into a habit of *regular* participation. And even if an ordinary Roman decided to attend a specific *contio*, there was no guarantee that he would fit into the space available or hear what was being said.

2.iii.f.) The scope of politics.

This brings us to a crucial question: was the average Roman interested in most political topics? Nowadays, 'politics' touches on all manner of societal and economic issues: taxation, healthcare, inequality, immigration, foreign policy, the redistribution of wealth—in short, how society should be run. But 'politics' in the Republic was very different.

There was no benefits system, public healthcare, state education, civil service, police force, taxation (after 167), nor 'economy' in the modern sense of the word. The 'State' was extremely small, and the few responsibilities it did have tended to enter the political agenda only when something went wrong. (These responsibilities included: conscription, religious festivals, supplying water and grain to the capital, maintaining public roads and monuments, and providing a venue for civil or criminal prosecutions).⁶³

In other words, 'politics' in Rome was very narrow in focus. It did not offer voters a choice on how society should be run; indeed, it was very rare for a politician to put forward

⁶⁰ As stressed by Toner 2009: 169–70; 2022: 428–9.

⁶¹ e.g. Jehne 2000; 2013b; 2014.

⁶² Cf. Blösel 2019, on the 'popular' interest in Pompey's extraordinary commands.

⁶³ Meier 2015: 665–9 is good on this.

any kind of proposal that challenged the *status quo*.⁶⁴ Instead, in most years politics covered only a small range of ‘issues’: elections, military commands, provincial allocations, triumphs, personal disputes between senators, diplomatic relations with foreign powers, and sometimes the allocation of state funds or contracts. These topics, which Meier dubbed ‘regular’ or ‘routine politics’ (Regelmäßige Politik),⁶⁵ dominated the agenda on a day-by-day basis. And crucially, they were all elite-centric: the ambitions, careers, and squabbles of the *nobilitas*, branching out to affect the material interests of the *equites* and *boni*. Therefore, the majority of Roman ‘politics’ had little relevance to the majority of Roman citizens. Put bluntly, it was boring.

2.iii.g.) Time.

Participation was a time-consuming hobby. A *contio* might take one to three hours, more if you attended several in a day; the *comitia tributa*, roughly five or six hours; and the *comitia centuriata*, probably a full day. Senators, *equites*, and *boni* could afford to do this. Since they gained most of their income passively from commercial investments and property, they had the spare time to take an interest in politics. And a politician’s close associates—friends, clients, freedmen—were also compelled to attend by ties of loyalty (*fides*) and friendship (*amicitia*).⁶⁶

But neither point applies to the majority of non-elite Romans. Few ordinary Romans had a patron in the elite; most earned a living with the labour of their hands. So every hour spent standing in a crowd (and it was always standing: unlike in Classical Athens, the *populus Romanus* did not sit) meant one less hour earning the income they need to feed themselves and their families, or to pay the hefty rents charged by landlords to live in one of Rome’s squalid, overcrowded apartment-blocks.⁶⁷ Some non-elites may have made this sacrifice on occasion.

⁶⁴ Pace Morstein-Marx 2013. For the period 139 to 50, he counts 36 laws passed against the will of the senatorial majority which, he believes, qualify as ‘successful assertions of popular sovereignty’ (SAPS). He sees this as proof that ‘the power of the people, as expressed by its votes, [was] much more than a constitutional formality’ (38); this conclusion underpins his more recent work where he sides strongly with the ideological school (e.g. 2021: 3–14; 2022, largely recanting the conclusions of his 2004 book). Besides the fact that ‘popular sovereignty’ and ‘the People’ are hazy, problematic concepts, the point to emphasise is that 36 laws is insignificant compared to the hundreds of ‘routine’ or non-controversial bills known from the same period (cf. Williamson 2005: 35, 452–69), especially since SAPS are much more likely to enter the historical record.

⁶⁵ Meier 1980: *passim*, esp. 163–9.

⁶⁶ Gelzer 1969: 54–69, 101–10 remains very useful on the importance of *fides* and *amicitia* in political mobilisation.

⁶⁷ For non-elite housing in Rome: Yavetz 1958; Scobie 1986; Van den Bergh 2003.

But it stretches belief that they would be willing to endanger their livelihoods on a regular, let alone daily basis, when the majority of routine politics had so little relevance to them.

2.iii.h.) The *plebs contionalis*?

Finally, some scholars try to sidestep these issues by imagining a core demographic of semi-stable, politically-engaged commoners: the so-called *plebs contionalis*. These scholars believe that there was a small class of shopkeepers, artisans, and craftsmen working in or around the Forum, who routinely downed their tools and closed their shops to attend *contiones* (i.e. daily) or vote in the tribal assemblies (i.e. several times a year). Thus the ‘common’ or ‘popular’ element in Roman politics is retained, but on a drastically smaller scale.

The theory goes back to Meier and has been revived recently by Jehne.⁶⁸ However, there is little positive evidence to support the existence of this group; indeed, the term ‘*plebs contionalis*’ is a modern invention.⁶⁹ Furthermore, even if we accept that some members of the artisanal and/or working classes may have suspended their labour on a one-off basis to attend high-profile votes or *contiones*, this is not the same as regular or daily participation; this demanded a high sacrifice that they could likely not afford.

Most significantly, a glance at how ‘the *populus*’ responded from *contio* to *contio* and vote to vote disproves any notion of a continuous demographic. One moment ‘the *populus*’ was listening in respectful silence to Cicero; the next, it was doing the same to his nemesis, P. Clodius Pulcher. One moment it passed a certain bill; the next, it passed one with the opposite effect. And sometimes, it approved laws that went directly against the interests of the common man—for example, the grain law of M. Octavius (*tr. pl.* 90s?), which reduced the Gracchan corn dole.⁷⁰ Therefore, unless we suppose that this *plebs contionalis* was comprised of pliable dullards who changed their minds on a whim, we must conclude that the audiences were different each time. The *plebs contionalis* is, quite simply, a myth.

⁶⁸ Meier 1965: 613–14 (cf. 2015: 621–4); Jehne 2006a; 2013a; 2014. Other proponents: e.g. Vanderbroeck 1987: 86–8; Hiebel 2009: 61–7; Pina Polo 2018: 211–13; Hillard 2019: 228–9.

⁶⁹ On what follows: Mouritsen 2001: 39–43; 2017: 75–9; Tröster 2013; Cornell 2022: 229.

⁷⁰ Cic. *Brut.* 222, *Off.* 2.72. On the phenomenon of the ‘schizophrenic’ *populus*: Morstein-Marx 2004: 143–50.

2.iii.i.) Summary.

Taking these points together—the tiny scale of politics; the passive, ritualised role of ‘the *populus*’; the time-consuming demands of participation; the structural imbalance towards the rich; the narrow, elite-centric range of topics—we arrive at the inevitable conclusion: politics was the preserve of the elite. The Forum and *comitia* were elite spaces for elite men, dominated by senators, *equites*, and *boni*. Most ordinary Romans were unused to, and largely uninterested in attending these events just so they could play the part of an abstract ‘*populus*’. And since participation from non-elites was neither required nor expected, little was done to change this situation.

If we want confirmation for the pre-Sullan period, Sallust’s *Iugurtha* provides it. Sallust describes how a rising tide of hostility against the *nobilitas* led to the election of Marius as consul for 107 (cf. 6.ii.). At various points, he puts ‘the *plebs*’ at the centre of this process. As should be clear, this is unlikely to mean ‘poor’ or ‘everyday’ Romans. It was the elite who dominated the timocratic *comitia centuriata* and voted Marius his consulships. It was also *equites* who manned the juries in the infamous Mamilian trials, which condemned several *nobiles* to exile in 109 (7.iii.b). And as Sallust explicitly says, Marius’ candidature first gained momentum when *equites* and businessmen (*negotiatores*) wrote home from North Africa recommending that their friends elect him consul (*Iug.* 64.6, 65.4).

Sallust also describes how seditious magistrates stirred up the commons (*volgi*) in support of Marius. But significantly, he presents this as a very unusual step (§73.6):

At length the *plebs* were so incensed that all the labourers [*opifices*] and country folk [*agrestes*], whose livelihoods and credit depended on their own hands, left their work, flocked to Marius, and considered their own needs to be less important than his candidacy.

Although many scholars have overlooked it,⁷¹ the crucial point here is that Sallust—and, by implication, his elite readership—found it extraordinary that common Romans would sacrifice

⁷¹ e.g. Yakobson 1999: 13–19; 2014, who uses Marius’ election as a springboard for his ‘ideological’ model without realising, it seems, the exceptionality of this episode; likewise Tatum 2009: 219; Courrier 2014: 461; etc.

their time, and thus their livelihoods, in order to engage in politics. In normal circumstances, they were simply not involved.

Instead, if we want to imagine the crowds at most *comitia* or *contiones*, we must picture members of the elite and their entourages. Every politician mobilised supporters to attend his votes or *contiones*. This meant freedmen and clients, but it also meant his friends and acquaintances among the elite; in turn, the latter probably brought their own freedmen and clients as well. On top of this, we can postulate several hundred—or in major events, several thousand—senators, *equites*, and *boni* who took an interest in what was happening and turned up autonomously. Only then can we factor in members of the non-elite; but their attendance cannot be taken for granted, their numbers were probably small, and in most cases, their participation had little effect on the end result (which, for legislative votes, was typically ‘yes’).

Indeed, these conclusions go a long way towards explaining the striking passivity displayed by ‘the People’. The wealthy elite was united by common material, personal, and societal interests: the maintenance of law and order, the protection of property rights, and a general respect for hierarchy and the *status quo*. This is why ‘the *populus*’ never passed laws that might have fundamentally changed how society was run, and hence the striking docility—or even obsequiousness—which it often displayed vis-à-vis its political leaders. For in most cases, this politically-active ‘People’ was comprised entirely (or almost entirely) of fellow members of the elite.

2.iv. *Populares* versus *optimates* (II)

This digression has been necessary, as it highlights the modernising overtones of the ‘*populares* versus *optimates*’ model. Roman politics was not similar to modern politics. The number of regular participants was small, the role of these participants was very ritualised, and most ‘politics’ was concerned with a narrow, myopic selection of routine issues.

Therefore, it makes little sense to believe that a distinct ‘popular’ or ‘populist’ tradition emerged over the decades, prioritising the rights of ‘ordinary Romans’. On rare occasions, a member of the elite targeted the non-elites with a proposal that affected their material interests: Ti. Gracchus and the *plebs rustica* in 133; L. Saturninus and Marius’ veterans in 100 (cf. 9.i.a.);

and most obviously, several proposals for the provision of subsidised grain. But the rarity of these initiatives is the crucial point; for instance, there were only about eight grain bills from the 120s to 50s, some of which came to nothing.⁷² Indeed, the rarity of these examples reflects how difficult it was to mobilise the non-elites. It took a great deal of organisation and/or bribery to overcome the *plebs*' habitual disinterest. Most politicians did not bother, precisely because 'doing politics' required the mobilisation of only a few hundred friends, clients, and other elites, who then played the role of an abstract *populus Romanus* in the *comitia* and *contiones*.

2.iv.a.) Revisiting the evidence.

With these points in mind, we must bring in the work of Robb, who has conducted a lexicographical survey of *popularis/populares* and *optimas/optimates* in the Republican and early-Imperial evidence. What this survey shows is that there is no evidential basis for viewing the politics of the Late Republic in terms of a binary split between '*populares*' and '*optimates*'.

First, Robb's survey shows that while *optimates* usually has a straightforward meaning of 'the senatorial elite', *popularis/populares* has a multiplicity of meanings. *Popularis* can relate to almost anything to do with *populus*, its etymon. A small number of these nuances are negative, such as 'demagogic'. But significantly—and this is often overlooked—the majority are neutral or positive, such as 'comrade', 'well-liked', or 'in the interests of the *populus*'.⁷³ Therefore, despite what Cicero suggests in the *pro Sestio*, there was no single 'definition' of *populares*. Calling someone (a) *popularis* could be an insult, but it could also be a great compliment; after all, *popularitas*—i.e. doing something with the approval of 'the *populus*'—was something that all Roman politicians would lay claim to. This multiplicity strongly undermines the notion that the two terms represented distinct 'ideologies' or 'types' of politician, instantly recognisable to contemporaries.⁷⁴

Second, Robb's survey shows that although the terms do appear with some frequency, they are almost never paired together. Therefore, the modern notion of a binary dichotomy

⁷² Sources: Garnsey 1988: chapter 13; Pina Polo 2021b, although both assume that grain laws were '*popularis*' without asking what this means. Grain distribution is apparently what Cicero has in mind at *Att.* 1.16.11: 'this wretched, starveling rabble that comes to *contiones* and sucks the treasury dry' (*illa contionalis hirudo aerari, misera ac ieiuna plebecula*). Therefore, this passage is not indicative of typical contional audiences, *contra* e.g. Wiseman 2017: 19–20.

⁷³ Robb 2010: 69–71, 95–6, with detailed breakdown at 179–88.

⁷⁴ Robb 2010: 69–93, 111, 148, 165–6; cf. Mouritsen 2017: 119–21.

between ‘*populares*’ and ‘*optimates*’ turns out to rest on the *pro Sestio*.⁷⁵ Yet as hinted above, the *pro Sestio* is not exactly neutral evidence. For a court speech it is very ‘political’, delivered by a politician recently returned from exile (Cicero), in defence of an ally who helped restore him from exile (P. Sestius), and aimed against personal enemies who brought about that exile (Clodius and P. Vatinius). Therefore, we should not expect the binary classification of Roman politics which Cicero introduces towards the end of the speech (*Sest.* 96–135) to be a serious attempt at socio-political analysis.⁷⁶

Outside the *pro Sestio*, Cicero portrays Roman politics in very different terms—for example, as a dispute between *nobiles* and non-*nobiles*, or between those who value aristocratic consensus and those who try to circumvent it (the *seditioni*). And significantly, Sallust never uses ‘*populares*’ or ‘*optimates*’ to describe Roman politicians. Instead, he prefers to see the politics of the Republic in social terms: *nobiles* versus non-*nobiles* (cf. 6.ii.). This, it must be stressed, is not the same as ‘*populares* versus *optimates*’, as the proponents of the model often assume:⁷⁷ for *nobilitas* was a social status, not an ‘ideology’, and it is methodologically unsound to treat the one as a substitute for the other.

According to Sallust, some of these politicians claimed to champion the interests of ‘the *populus*’; but this, he says, was only a pretence (e.g. *Cat.* 38, *Jug.* 41–2, *Hist.* 1.12 R). Thus it turns out that in Sallust’s worldview, there is no space for ‘ideology’ at all. Instead, what we find is a cynical struggle between self-interested members of the elite, all appropriating the rhetorical fiction of ‘the *populus*’ to legitimise their actions.⁷⁸

2.iv.b.) The First Civil War.

In short, Robb’s study has shown that on a macro level, there is no reason to see the politics of the Late Republic in terms of ‘*populares* versus *optimates*’, although this has not stopped some scholars from continuing to use the dichotomy, even after praising the importance of Robb’s work.⁷⁹

⁷⁵ For the other commonly-cited passages: Robb 2010: 87–8, 136–8, 141–5.

⁷⁶ Cf. Mouritsen 2023: 110–12, 164–5. For the background to Sestius’ trial and the reasons behind Cicero’s digression: Kaster 2006: 9–22, 31–7; Robb 2010: 35–68.

⁷⁷ e.g. Wiseman 2009: 9 (and *passim*); Duplá 2011: 280; Arena 2011: 300; Yakobson 2017a; López Barja de Quiroga 2019: 176–9.

⁷⁸ Cf. Robb 2010: 114–16, 147–77; Mouritsen 2017: 123–6.

⁷⁹ e.g. Yakobson 2017a; Tiersch 2018; Pina Polo 2021b, all adopting a very old-fashioned approach.

On a micro level too, the model collapses when applied to the First Civil War. No Republican source interprets the conflict in terms of populists/*populares* versus conservatives/*optimates*. On one occasion, Cicero appears to come close to describing Sulpicius' tribunate in these terms. But on closer inspection this turns out to be a false friend.⁸⁰ Instead, Cicero either portrays the 80s as a sequence of 'big men' fighting one another for supremacy,⁸¹ or—as we shall see in the next chapters—he presents it in social terms as *nobiles* versus non-*nobiles*.

Digging deeper, the modern characterisation of the Marians as '*populares*', which is so common that it is often taken for granted, seems to rest on one pillar: Sulpicius' bill to redistribute freedmen and ex-Italians (*novi cives*) among all thirty-five tribes, which was revived by Cinna the following year. Since this looks like something a modern 'liberal' or 'progressive' might do, many scholars appear to assume that Sulpicius and Cinna—and by association, all the Marians—must qualify as '*populares*'.⁸²

The anachronism in this view should be evident. There was nothing inherently 'popular' or 'populist' about Sulpicius' bill. It came at the disadvantage of the existing citizens, whose influence in the tribal assemblies would be diluted if the law passed (cf. App. BC. 1.55). And many Romans, elites and non-elites alike, probably loathed the idea of granting full rights to men who had been their enemies in the Social War until recently. Instead, Sulpicius' bill was likely promulgated at the request of the wealthiest *novi cives* (and freedmen): for they were the ones with the time and resources to participate in politics, and they had the social clout to petition for an improvement in their civic rights (cf. 10.i.b.).

As for Sulla, his characterisation as a 'conservative' or 'optimate' rests on two pillars. First, his opposition to Sulpicius, which we have dealt with already: for there are no 'conservative *optimates*' without 'progressive *populares*' for them to oppose. Second, the legislation he passed as dictator: for it is commonly claimed that Sulla's laws, and especially

⁸⁰ Cic. *Har. resp.* 43. See Powell 1990: 448–9, 456–8; Robb 2010: 87–9.

⁸¹ See Introduction, n. 6.

⁸² The examples are numerous, e.g. Duplá 2011: 286; Rogosz 2013; López Barja de Quiroga 2022: 378–80.

his decision to remove the legislative powers of the tribunate, were a conservative⁸³ or even Right-wing⁸⁴ attempt to strengthen the power of ‘the Senate’ against ‘the People’.

Again, the reductiveness of these views ought to be clear. All Romans—or at least, all members of the Roman elite—were fundamentally ‘conservative’ in outlook, in the sense that they viewed the past as superior to the present and instinctively turned to whatever the ancestors had done (*mos maiorum*) as a guide for what to do in the future; indeed, most innovations tended to be framed as a return to ancestral practice, most famously Ti. Gracchus’ agrarian law, which he portrayed as a restatement of a 4th century regulation.⁸⁵ Therefore, to view Sulla’s legislation as a ‘conservative’ backlash against ‘progressive’ politics seems inappropriate; neither term encapsulates the mindset of the Roman elite.⁸⁶

Furthermore, by curtailing the tribunate, Sulla was not embarking on a ‘Right-wing’ campaign against the rights of ‘the People’ (and besides: what ‘People’ does this mean?). Instead, it seems he was trying to re-incorporate the office into the boundaries of acceptable aristocratic competition: no longer would self-interested politicians use the tribunate to pass reckless laws for publicity.⁸⁷ It also tends to be forgotten that Sulla had personal motivations at play. It was a tribune, Sulpicius, who had forced through a law against Sulla’s opposition, stripped Sulla of his command against Mithridates, and facilitated riots that led to the murder of Sulla’s son-in-law Pompeius. ‘Ideological’ motivations need not enter the equation (cf. 10.i.b.).

As for the modern claim that Sulla wanted to ‘restore’ or ‘strengthen’ the Senate, which ultimately underpins his characterisation as an ‘optimate’, Steel has exposed the flaws in this view.⁸⁸ By inducting 300 new senators in 81, Sulla actually made the Senate more bloated and less effective as a decision-making body. And the majority of these new senators had little influence or involvement in the decision-making process; their main function was to serve as jurors in the criminal courts (cf. 8.i.). Instead, it was the *imperium*-holding magistrates who

⁸³ The introduction to a recent volume on Sulla unequivocally calls him ‘the champion of conservative political interests’, Eckert and Thein 2019a: 1.

⁸⁴ Wiseman 1994: 87.

⁸⁵ Rich 2020. Cf. section 5.ii.d. below.

⁸⁶ Neatly expressed by Meier 1995: 79–80: ‘it is now customary to describe Sulla as conservative. This either tells us nothing or it is wrong’.

⁸⁷ For this argument: Steel 2014b: 658; Mouritsen 2017: 136–47; Thommen 2017.

⁸⁸ Steel 2014a; 2014b; cf. 2013: 128–31; Coudry 2018. Flower 2010b also rejects the idea that Sulla ‘restored’ the Senate, but for problematic reasons; cf. the Introduction above.

emerged from Sulla's reforms empowered, as they were the ones who dominated senatorial debates and held all initiative for proposing legislation. Therefore, as Steel concludes, Sulla did not empower the Senate; he 'bifurcated' it and handed power to its prestigious core, the *nobilitas*.⁸⁹ Ultimately, this conclusion should come as little surprise. Cicero presents Sulla's victory as the *victoria nobilitatis*, not the *victoria senatus*. The distinction is deliberate and telling.

To reiterate: this does not mean that Roman politicians had no convictions or beliefs. Sulpicius may well have believed that his legislation was beneficial for the *res publica*; Sulla probably convinced himself that the *victoria nobilitatis* was necessary. But there is little basis for the modernising assumption that these politicians were the inheritors of 'popular' or 'conservative' traditions, and no evidence to suggest that contemporaries viewed the First Civil War as an ideological contest between '*populares*/the People' and '*optimates*/the Senate'.

It has been necessary to explore these models because many scholars still take them for granted when approaching the First Civil War; this has caused them to overlook the centrality and significance of the *nobilitas* in Sulla's propaganda. But liberated from these anachronistic approaches, we can approach the conflict with fresh eyes and give Cicero's evidence on the *victoria nobilitatis* its proper emphasis.

⁸⁹ Steel 2014a: 328.

Chapter 3: The Sullans as the *nobilitas*

With these important preliminaries in mind, we can turn to a survey of the *victoria nobilitatis*. The main point to stress is the contemporaneity of what we are about to see: unlike other models, the characterisation of the Sullans as ‘the *nobilitas*’ is supported by evidence contemporaneous to the Civil War. After surveying Cicero and the Imperial sources, we will also discuss the influence of two lost sources: Sulla’s *Memoirs* and Sisenna’s *Histories*. We will then conclude with some observations about Sulla’s relationship with the *nobiles* during and after the Civil War.

But first, it should be acknowledged that Sulla’s propaganda had other facets beyond the *victoria nobilitatis*. These included: (i.) his special relationship with the gods, including Apollo, Mars, Bellona, and especially Venus/Aphrodite; in Italy this relationship was epitomised in his *cognomen* Felix, which signalled Sulla as a ‘man of destiny’ enjoying quasi-supernatural *felicitas* as ‘a personal blessing from the gods’;¹ (ii.) his mirroring of great lawgivers of the past such as Solon, Servius Tullius, or the two ‘founders of Rome’, Romulus and Camillus;² (iii.) his erection of statues, monuments, and inscriptions to commemorate his achievements, both in the Greek East and in Rome;³ this went alongside his destruction of Marius’ victory monuments in what was a systematic attempt to eradicate the seven-time consul from Rome’s monumental memory;⁴ (iv.) the iconography of his coinage, and particularly the much-debated ‘*imperator iterum*’ issue;⁵ and (v.) his restoration of various temples and public works in the capital, including the Capitoline Temple which had burned down on 6th July 83; these restorations signalled ‘the twin themes of rebirth and catharsis’ and drew a line under the destruction of the Civil War.⁶ The *victoria nobilitatis* was therefore only one aspect of many; although as we shall see, it was arguably one of the most important in the immediate context of convincing key *nobiles* to join his cause during the Civil War of 83–82.

¹ Quotations at Thein 2009: 88, 93; also Balsdon 1951; Keaveney 1983c; Ramage 1991: 97–102, 116–20; Hurlet 1993: chapter 8; Behr 1993: chapter 4; Santangelo 2007: 199–223; Assenmaker 2014: 78–95, 215–89; Noble 2014: 54–6, 84–123.

² Keaveney 2005c: 158–9; Santangelo 2007: 214–23; David 2018; Humm 2018.

³ e.g. the Bocchus tableau, the Chaeronea and Orchomenus victory monuments, or his gilded equestrian statue in front of the Rostra; Ramage 1991: 107–13; Behr 1993: 114–35; Mackay 2000; Assenmaker 2014: 37–9, 194–203, 216–18; Noble 2014: 158–74.

⁴ Stein-Hölkeskamp 2016.

⁵ Martin 1989; Ramage 1991: 102–6; Mackay 2000: 177–206; Gisborne 2005; Assenmaker 2013; 2014; Yarrow 2021: 147–55.

⁶ Davies 2018: 478–90 (quotation at 484); also Ramage 1991: 113–15; Sumi 2002; Flower 2008.

3.i. Cicero

3.i.a.) *pro Roscio Amerino*.

The starting point is Cicero's *pro Roscio*.⁷ As the earliest source to discuss the conflict in detail, it is a vital document for understanding how contemporaries viewed the First Civil War and Sulla's dictatorship, which he had probably abdicated by the time the trial was held in early 80.⁸

Throughout the *pro Roscio*, Cicero portrays the Civil War as being 'about' the *nobiles/nobilitas*, whom he considers synonymous with the party of Sulla. The first passage of interest comes towards the start of the *narratio*. At this point, Cicero is outlining the events that led up to the death of the elder Sex. Roscius, a prominent citizen of Ameria who was murdered at Rome in the latter half of the year 81. It is clear that Roscius had supported Sulla during the fighting of 83–82 (cf. *Rosc. Am.* 126), but significantly, Cicero equates this with supporting the *nobiles/nobilitas*. We are told that Roscius was a man who 'supported the *nobilitas* for a long time, especially during the recent turmoil' (§16); that he 'defended its party [*pars*] and its causa [*causa*] with all his efforts, zeal, and influence' (§16); and that he showed himself 'a man most zealous for the *nobilitas*' (§21). And when Sulla was victorious and the proscriptions had begun, Roscius apparently came to Rome to 'celebrate the victory of the *nobilitas*' (§16: *exultare victoria nobilitatis*).

By treating the *nobilitas* as a tangible entity, a *pars* with a *causa* that could be supported or opposed, it is clear that Cicero assumes a direct correlation between *nobiles* and *Sullani*. At the same time, he offers some indication of what he believes were the driving-forces behind the Civil War (§16):

Roscius had supported the *nobilitas* for a long time, especially during the recent turmoil when the prestige [*dignitas*] and safety [*salus*] of all the *nobiles* was under threat ... In fact, he thought it proper to fight for the honour [*honestas*] of those to

⁷ Summaries of the trial: Dyck 2010: 1–20; Hinard and Benferhat 2006: vii–lxxvii; Lintott 2008: 425–7.

⁸ Cicero seems to refer to Sulla's dictatorship in the past tense at *Rosc. Am.* 139 (quoted below, in the text). Cf. Badian 1970a; Hurlet 1993: 55–69; Keaveney 2005a; Hinard 2008: 56–60, all arguing for an abdication in 81 or early 80. Vervaeke 2004; 2018 has argued for January 79, but he places much weight on the loose language of the Imperial sources (especially Appian).

whom he owed it that he was reckoned a most honourable man among his fellow-citizens.

To paraphrase, the recent conflicts represented some kind of threat to the *dignitas*, *salus*, and *honestas* of every *nobilis*, and it was in order to defend these qualities that the honourable men of Italy came forward to fight for Sulla.

The *nobiles* return towards the end of the speech when Cicero attacks the *potentia* of the freedman Chrysogonus (§§124–42). As before, he treats them as a *pars* with a unified cause (§§135, 137, 138: *causa nobilitatis*); again, they are considered synonymous with the dominant Sullans (§139: *nostri isti nobiles*); and again, Sulla's victory is paraphrased as their victory (§§135, 138, 142: *causam nobilitatis victoriamque*). At one point, Cicero implies that they were active protagonists in the conflict: 'the *nobilitas* recovered the *res publica* by force of arms and the sword' (§141). At another, they are afforded a more passive role: 'without a doubt, jurors, the vast majority of citizens took up arms on behalf of the *nobilitas*; their goal was to restore these *nobiles* to the citizenship' (§149). Sulla's cause is again associated with *dignitas* and authority: 'the preservation of *dignitas* at home and *auctoritas* abroad' (§136). In fact, the entire war is characterised as a social conflict between men of *dignitas* and men of low rank (*humilitas*): 'for who could not see that *humilitas* was contending with *dignitas* over the possession of distinction [*amplitudo*]?' (§136). All in all, Cicero's characterisations are the same as earlier in the speech: the *nobiles* equal the Sullans, the Civil War threatened their status, and Sulla's *victoria nobilitatis* ensured their security.

To be clear: by paraphrasing the Sullans as the *nobiles/nobilitas*, Cicero is not trying to minimise or whitewash the role of Sulla. In fact, Sulla is mentioned many times in the *pro Roscio*, and always in terms of the utmost respect. Some scholars have argued that these passages are 'sarcastic', 'subversive', or openly 'critical'.⁹ But Cicero's praise of Sulla is consistent and clear, and reading 'sarcasm' into his words is methodologically dubious. These scholars also fail to explain what Cicero would want to achieve from adopting a 'sarcastic' or 'critical' tone in front of an audience of Sullan jurors or a readership of Sullan elites.¹⁰

⁹ e.g. Buchheit 1975; Diehl 1988: 45–117; Berry 2004; Eckert 2018; 2019; 2020.

¹⁰ See further Steel 2017; Coates 2022, the latter with detailed breakdown of the so-called 'critical' passages.

The first mention of Sulla sets the tone for the rest of the speech: ‘that most illustrious and courageous man, L. Sulla, whose name I mention with respect’ (§6). On multiple occasions, Cicero painstakingly stresses that Sulla cannot be implicated in the actions of his freedman, Chrysogonus (§§21–2, 25–6, 91, 110, 127). This reaches a climax in a eulogistic comparison between Sulla and Jupiter Optimus Maximus: just as we do not blame Jupiter for all acts that occur on his earthly domain, so we cannot blame Sulla for things that happened behind his back while he was carrying out his duties as dictator (§§130–1). Then, in a passage where Cicero strongly praises the Sullan cause and strives to claim that all good members of society joined them, he affords pride of place to Sulla himself (§136):

In such a struggle, it would have been the act of a degenerate citizen not to join those whose safety preserved *dignitas* at home and *auctoritas* abroad. I am glad, jurors, and highly delighted that this has been accomplished, that each has had their rank [*honor*] and status [*gradus*] returned to them; and I am aware that all these results are due to the will of the gods, the zeal of the Roman people, and the wisdom, power, and good fortune [*felicitas*] of Sulla.

And again, a few lines later (§139):

While it was necessary and affairs demanded it, one man alone [viz. Sulla] held all power; but after he created magistracies and established laws, everyone’s duties [*procuratio*] and *auctoritas* were restored to them.

So Cicero highlights the role played by Sulla in the *victoria nobilitatis*. His dictatorship re-established magistracies and laws, the cornerstones of the Roman political system; it also ensured that *procuratio* and *auctoritas* were restored (*restituere*) to those who deserved them. And it was Sulla’s personal attributes, especially his much-vaunted *felicitas*, that were responsible for returning (*reddere*) the qualities of *honor* and *gradus* to men of *dignitas*.

In short, in the *pro Roscio* Cicero does not portray Sulla’s victory as a simple military conquest. Instead, he assumes that the war was a social conflict fought over ‘rank’ or ‘status’, indicated by the repeated use of buzzwords such as *dignitas*, *auctoritas*, *honor*, *honestas*, *gradus*, *procuratio*, and *amplitudo*. And he believes that Sulla fought to ‘restore’ their qualities

to the *nobiles*—so much so, that his cause was synonymous with the *causa nobilitatis* and his victory with the *victoria nobilitatis*.

3.i.b.) *pro Quinctio* and *Verrines*.

Cicero was not a historian, yet he cannot have conjured this picture *ex nihilo*. It must reflect contemporary rhetoric espoused by the Sullans themselves, rhetoric that sought to legitimise Sulla's invasion of Italy by portraying it as 'restoration' for the *nobiles* after a period of (alleged) persecution by the Marians.¹¹

The best proof is the fact that we find the same rhetoric elsewhere in Cicero's career. The earliest example comes from Cicero's first published speech: the *pro Quinctio*, delivered during Sulla's dictatorship in the year 81.¹² It seems that Cicero's client P. Quinctius had formerly employed an agent, Sex. Alfenus, who was proscribed and killed for supporting the Marians. According to Cicero, Quinctius' opponent in the case, Sex. Naevius, was also a Marian supporter but had jumped ship to Sulla at the opportune moment (*Quinct.* 68–70). This prompts Cicero to claim that Alfenus only learned to be a Marian from Naevius himself (§69):

'Yes,' says Naevius, 'but Alfenus belonged to that *pars* [viz. the Marians].' And why wouldn't he? A man brought up in your [viz. Naevius'] house, whom you had raised from boyhood in such a way as to have no respect for a *nobilis*, not even a noble gladiator.

Here, Cicero equates membership of the Marian *pars* with 'lack of respect for *nobiles*'. As a brief, contemporary depiction of the fault-lines between Marian and Sullan, this is significant; it presupposes that the Sullans were already considered synonymous with *nobilitas* in the year 81.¹³

Eleven years after the *pro Roscio*, Cicero again made an unequivocal identification between Sullans and *nobiles* in the (undelivered) second *actio* of the *Verrines*. Cicero describes

¹¹ Cf. already Shackleton Bailey 1960: 255: 'such expressions, frequent and casual, evidently belonged to current usage and may be assumed to have fitted the facts'.

¹² Date: Kinsey 1967.

¹³ Rightly noted by Gelzer 1963: 2.104–5. On Alfenus' proscription: Hinard 1985a: 329–30.

how Verres served as quaestor to the Marian consul Cn. Carbo but deserted to Sulla's side, bringing with him the public money allocated to pay for Carbo's army. Cicero proceeds to mock Verres' defection, which he claims was entirely self-interested: 'as if Verres did this out of a desire to defend the *nobilitas*, or from zeal for their *pars*!' (*Verr.* 2.1.35). He continues with the sarcastic remark that Verres 'deserted to the *nobilitas*, that is, to "his own kind", because he could not stand new men [*novi homines*]', before reiterating these sentiments a few lines later: Verres 'suddenly became a Sullan' for selfish reasons, and not 'to see the *honos* and *dignitas* of the *nobilitas* be restored' (§37).

Here, Cicero's rhetorical strategy only works if there was an 'official' line dictating what motivated a Sullan, which focused on slogans such as *cupiditas defendendae nobilitatis* or *honos et dignitas nobilitatis restituere*. Interestingly, it also seems to have presented the Marians as new men, *novi homines*; this echoes the 'men of *humilitas*' mentioned in the *pro Roscio* and raises questions about the social origins of the Marians. We will return to this in Chapter 4. For now, the point to emphasise is that Cicero again defines the Sullans by reference to the defence, restoration, and victory of the *nobilitas*.

3.i.c.) Cicero's later works.

After the publication of the *Verrines*, explicit references to the Sullans as 'the *nobilitas*' become rarer in Cicero's evidence. This is not surprising. The year 70 was the consulship of Pompey and Crassus when two of the most important elements of the 'Sullan system' were overturned: the curtailment of the tribunate and the laws on jury membership.¹⁴ After 70, the rhetorical value of appealing to 'Sullans' or 'Marians' became increasingly defunct. This was especially the case for a politician like Cicero, who sought distance from negative concepts such as upheaval (*sedition*) or civil strife (*dissensio civium*) and instead tried to position himself as a positive candidate for *otium*.

Furthermore, as time went by, Sulla increasingly became a figure of public contempt. Although the Sullan victory continued to be praised in broad terms as a re-establishment of the Republic (*res publica recuperata*),¹⁵ the Roman elite came to view Sulla himself as the epitome

¹⁴ Full narratives: Seager 1994b: 223–8; Gruen 1995b: 23–37; Santangelo 2014.

¹⁵ Cic. *Har. resp.* 54, *Dom.* 79, *Brut.* 311; also *leg. Man.* 8, where Cicero says the *res publica* itself recalled Sulla from the East.

of tyranny and arrogance, particularly when it came to that terrible moment of societal trauma: the proscriptions.¹⁶ This shift is visible already in the *Verrines*. On the one hand, Cicero says that the Senate is rightly defending Sulla's legacy to prevent 'even worse troubles and calamities' from occurring. But on the other hand, he roundly denounces Sulla's arrogance and autocracy, exclaiming: 'may the gods grant that we never see another like him!' (*Verr.* 2.3.81).

This hostility grew stronger during the 60s and 50s, as the generation of *principes* who had fought alongside Sulla and defended his *causa*, 'the class of 81',¹⁷ gradually died off. For example, in the speeches of 63, Cicero regularly denounces Sulla as a tyrant (*tyrannis*) and his dictatorship as tyranny (*dominatio*; e.g. *leg. agr.* 1.21, 2.56, 81, 3.5). In the *De haruspicum responsis* of 56, he concedes that Sulla restored the *res publica* (*Har. resp.* 54: *res publicam recuperarat*). But he also reviles Sulla for assuming regal powers (*regalis potestas*) which led to universal cataclysm (*universus interitus*), tyranny (*dominatus*), and monarchy (*regnum*).

By the outbreak of the Second Civil War, Sulla had become the proverbial *exemplum* of wickedness and cruelty. Caesar circulated letters assuring the elite that he would not emulate Sulla's brutality, instead insisting that it was the Pompeians who desired to become 'second Sullas' (*BC.* 1.4; *Cic. Att.* 9.7c.1). And revealingly, Cicero's main concern at the start of the war was the possibility that someone, Pompey included, might emulate Sulla's example and resurrect the proscriptions.¹⁸

In the last year of his life, Cicero repeatedly turned to Sulla for an explanation of where the *res publica* had gone wrong.¹⁹ His opinions are encapsulated in his final treatise, the *De officiis* of late 44: 'in the case of Sulla, an honourable cause was followed by dishonourable victory' (2.27: *ergo in illo secuta est honestam causam non honesta victoria*).

In short, it is unsurprising that Cicero distanced himself from the 'official' Sullan interpretation of the Civil War after 70. Sulla was *persona non grata*; and now that the dictator was long-dead and his system part-dismantled, his triumphant rhetoric was neither tactful nor relevant. By means of a parallel, it is interesting to observe that Caesar avoids the term

¹⁶ Full surveys: Laffi 1967; Hinard 1984a; Diehl 1988; Dowling 2000; García Morcillo 2016; Eckert 2016b.

¹⁷ Paterson 1985: 23–7.

¹⁸ Sources collected at Mouritsen 2023: 245–9.

¹⁹ e.g. *Cic. Off.* 1.43, 109, 2.27–9, 51, *Phil.* 2.108, 5.17, 8.7.

nobilis/nobilitas in his works, as does Sallust in the speech he gives to M. Lepidus (*cos.* 78) in the *Histories*.²⁰ This appears to be a deliberate attempt by both authors to stay clear of the tainted Sullan slogan. In the case of Caesar (himself a *nobilis*) this was presumably for political reasons, as Caesar prided himself on his connections to Marius, his aunt's husband (cf. 3.iv.b.). In Sallust's case, it is probably a matter of verisimilitude, if he felt that Lepidus (also a *nobilis*) would try to distance himself from the self-aggrandising Sullan propaganda when attacking Sulla's legislation.

Nevertheless, Sulla's rhetoric left an indelible mark on how the Roman elite continued to view the First Civil War. After 70, Cicero reverts to the former Sullan terminology on three occasions. In the same passage of the *De haruspicum responsis* mentioned already (54), he affords Marius the flexible adjective *clarissimus*, but pairs Sulla with the more specific *nobilissimus*. Again, we see the expositive connection between Sulla and *nobilitas*, here made particularly forceful by the use of the superlative. In the *Twelfth Philippic*, Cicero mentions the parlay between Sulla and L. Cornelius Scipio (*cos.* 83) and asserts that Sulla was backed by 'the flower of the *nobilitas*' (12.27: *flos nobilitatis*). With this brief remark, it is clear that Cicero still took it for granted that Sulla's supporters equalled the *nobilitas*, even as late as 43; his audience of senators was apparently expected to agree. And in the *Tusculan Disputations*, Cicero characterises the men persecuted by the Marians as *nobilissimi homines* (5.55).

Finally, we should mention a fourth passage which, although less clear-cut, also seems to show Cicero equating Sullans with *nobiles*. In the year 65, Cicero defended C. Cornelius (*tr. pl.* 67) on the charge of *maiestas* for acts committed during his tribunate. Although Cicero's two speeches *pro Cornelio* do not survive, the scholar Asconius wrote a commentary on them which preserves a number of quotations from the original texts.²¹ One of these quotations concerns Sulla's supporters (Asc. 78 C):

[Asconius:] Cicero says of the *nobiles*:

[Cicero:] 'Those persons who, not only alongside Sulla but even after his death, always believed that they should preserve this with all their might, they were the greatest enemies of C. Cotta ...'

²⁰ Caesar uses *nobilis* to refer to Romans only once: at *BG.* 1.44.12 (in the mouth of Ariovistus). On Sallust, see below: 3.ii.g., 6.i–ii.

²¹ Summaries: Crawford 1994: 67–72; Lintott 2008: chapter 9.

Asconius' segue implies that in this part of the speech, Cicero had characterised the most ardent *Sullani*, the ones who fought alongside Sulla and defended his enactments with intransigence after his death, as the *nobiles*.

On several occasions, Cicero evokes the trope of the Sullan *nobilitas* without using *nobilis/nobilitas*. In the *Third Catilinarian* (3.24), he says that Cinna and Marius killed the most illustrious men (*clarissimi viri*) and the shining lights of the State (*lumina civitatis*), which was later avenged by Sulla's victory (*ultus est*). Cicero adds that this victory proved a disaster for the *res publica* (*calamitas rei publicae*), by which he means the proscriptions. But the tenor of the message remains the same: the Marians targeted men of high status (*clarissimi viri*; *lumina civitatis*), while Sulla was their avenger (*ultor*).

In the prologue to the third book of *De oratore* (written c. 55), Cicero summarises the disasters that befell the *res publica* during the First Civil War, which he likens to the 'funeral of our country' (3.12: *funerum patriae*). Although he laments Marius' exile at the hands of Sulla (§3.8), Cicero criticises the coup initiated by Cinna and Marius in 87, declaring that it led to 'the cruellest slaughter of all' and was tantamount to 'the deformation of the State in every regard' (§3.8). The broad characterisations remain the same as before. The victims murdered by the Marians in 87 are showered with terms associated with distinction and status; for example, Q. Lutatius Catulus excelled all in glory (§3.9), P. Licinius Crassus was a man of the greatest spirit (§3.10), and altogether the victims were *clarissimi* and *optimates* (§3.13). And Cinna's tyranny of the wicked (*improborum dominatus*) is contrasted with Sulla's victory of the *boni* (§3.12: *victoria bonorum*); this may indicate the *boni* as a social group, or it could have a moral connotation. Once again, therefore, Cicero continues to define the individuals persecuted by the Marians in terms that evoke high birth: *dignitas*, *clarissimi*, *optimi viri*. And again, he continues to assume a positive, 'restorative' side to Sulla's victory, paraphrased here as *victoria bonorum*.

More examples follow. As the Second Civil War approached, Cicero began to fear that the proscriptions might return.²² He summed up these fears in a letter to Atticus by reference to Cinna and Sulla: 'if the *boni* are defeated, Caesar will be no more merciful than Cinna in the

²² e.g. Cic. *Att.* 9.7.3, 10.6: Pompey desires a 'Sullan monarchy' (*Sullanum regnum*) and wants to 'play the Sulla and proscribe' (*sullaturit ... et proscripserit*).

slaughter of leading men [*principes*], nor any more restrained than Sulla in plundering the rich [*locupletes*]' (*Att.* 7.7.7). As before, the Marians are defined chiefly by their opposition to men of rank, here termed *principes*. This contrasts with the *locupletes* targeted by Sulla, whose main characteristic is not their social status but their wealth. The reasoning is clear: whereas Sulla was merely greedy, the main trait of the Marians was 'killing *principes*'. Cicero repeats this sentiment in the *De natura deorum* through the mouth of the character C. Cotta (*cos.* 75), who asserts that Cinna killed 'so many *principes* in the State' and Marius 'so many of the greatest men [*summi viri*]' (3.80–1). Like in the *De oratore*, Cotta also defines Q. Catulus by reference to his high prestige (*praestantissima dignitas*). And in the *Eighth Philippic*, Sulla's return to Italy is framed in much the same way as in the *Third Catilinarian* and the *De oratore*: 'Sulla again fought [the younger] Marius and Carbo, in order to end the tyranny of the *indigni* and to avenge the most cruel deaths of the *clarissimi*' (*Phil.* 8.7).²³ As before, emphasis is placed on the high status of those murdered in 87, again termed *clarissimi*, while Sulla's motivation is to avenge their deaths (*punire*).

Although certainty is impossible, in these examples from Cicero's later works one suspects that the various terms used—*principes*, *clarissimi*, *lumina civitatis*, *dignitas*, *boni*, *optimates*, *summi viri*—are substitutes for the more politically-loaded *nobiles/nobilitas*. In any case, what does seem clear from Cicero's evidence, and especially his early speeches, is that 'restoration of the *nobilitas*' was a line used by the Sullans during and after the Civil War: the *nobiles/nobilissimi* had been persecuted by the Marians, and Sulla was their avenger.

3.ii. The later sources

So far, it has been argued that the *victoria nobilitatis* rhetoric found in the *pro Roscio* was not conjured *ex nihilo* for the occasion, but reflects contemporary rhetoric used by the Sullans. If true, we would expect to find signs of this in the later historiography. Reassuringly, this is indeed true.

The later tradition hinges around several key moments.²⁴ The *nobiles* are named at each of these moments; but as was the case with Cicero, some authors also use similar terms

²³ On the term *indigni*, cf. section 4.ii.

²⁴ For why the year 88 is excluded, cf. section 10.i.c.

connoting high status or nobility as substitutes for *nobilis/nobilitas*. This can perhaps be explained by ignorance, if the Imperial writers failed to realise that *nobilis/nobilis* had a precise social connotation in the Republic (descended from a consul) and therefore substituted terms which they mistakenly believed were the same, such as *clarissimi*, *optimates*, etc. Or it might be because Livy, the immediate source for most of these writers, used more than one term to describe the Sullans, and these terms have trickled down randomly into the later tradition.

3.ii.a.) The *Bellum Octavianum*.

To judge by the Epitomator's repeated use of the term, it seems Livy used *optimates* to characterise the group of senators who defended Rome against Marius and Cinna in 87 (*Per.* 79, 80, 84). Velleius Paterculus also uses *optimates* in this context (2.20.3), while Appian says the defence of the city was led by Octavius and οἱ ἐπιφανεστάτοι, 'the most lustrous' or 'the most distinguished' (*BC.* 1.71). We shall see that this term reoccurs several times in the Greek authors, which suggests it was the standard Greek translation of 'the Sullan *nobilitas*'.

After Marius and Cinna seized power in 87, their victims are universally described as *nobiles* or in terms reminiscent of nobility. According to the Livian Epitomator, Marius and Cinna 'slaughtered all the *nobiles* of the opposition party' (*Per.* 80). This focus on the *nobiles* must have been in Livy's original narrative: first, because the Epitomator's usual practice was to copy Livy's terms rather than interpose his own;²⁵ and second, because Eutropius (5.7) and Orosius (5.19.19), both of whom followed Livy closely, also describe the slaughter in similar terms: Marius and Cinna 'killed all the *nobilissimi* in the Senate and the ex-consuls'. Mention should also be made of the poet Lucan, who asserts that the *nobilitas* perished alongside the *plebs* (2.101). Although Lucan is clearly being hyperbolic, it is still significant that *nobilitas* is his chosen noun, as it points again to Livy, Lucan's main source, using this term in his original narrative.

Of a different significance is Iulius Exuperantius' description of these killings: 'then many different cruelties were committed, with the result that the entire *nobilitas* was slaughtered at the whim of [Marius and Cinna]' (28 Zorzetti). As a source Exuperantius has little independent value, being late, brief, and often confused. But he is still important because

²⁵ Jal 1984: 1.lv–lxvii.

he was clearly following Sallust's works (or an epitome of them), including the lost *Histories*.²⁶ Therefore, the fact that Exuperantius frames the Marian executions as a slaughter of *nobilitas omnis* strongly suggests that Sallust also characterised the men killed in 87 as the *nobilitas* in the lost prologue to the *Histories*.

The remaining Latin sources do not use *nobiles/nobilitas* to describe the victims of 87. But they do use superlative terms that are highly reminiscent of *nobilitas*. Asconius calls them *principes optimatum* (23 C). For Florus, they were also the *principes* (2.9.13); since Florus is another Livian dependent, this might indicate that Livy had used *principes* alongside *nobiles* in his narrative, or it could be Florus' own preference. For Velleius, the victims were 'the highest and most eminent men in the State' (2.21.1: *excelsissimi atque eminentissimi civitatis viri*); here, the tautological superlatives serve to double-down on the high-status characterisation. Lastly, we can add the Caesarian *De bello Africo*, the anonymous author of which chooses *boni* to describe Marius and Cinna's victims: 'Pompey perceived that the *res publica* was being oppressed by wicked and criminal citizens, and that many *boni* had either been killed or, forced into exile, had been deprived of their fatherland and their citizenship' (*Bell. Afr.* 22). Here, it seems that *boni* is being used in a generic sense to indicate 'good men' rather than as a precise social indicator. In any case, it clearly retains the broad gist of the Sullan tradition. Indeed, the author's choice of vocabulary brings to mind Cicero's *victoria bonorum*, used as a substitute for *victoria nobilitatis* in the *De oratore* (3.12). This suggests that we are witnessing the same phenomenon here, the pro-Caesarian author opting for the more neutral *boni* to avoid replicating the terminology of the gloating Sullan propaganda.

As for the Greek historians, a fragment of Diodorus Siculus states that after taking Rome, Marius and Cinna decided to wipe out οἱ ἐπιφανεστάτοι (38/9.5), the same term used by Appian to describe the defenders of Rome in 87. For Cassius Dio, the Marians targeted men of property (χρῆμα) and nailed the heads of the most notable men (οἱ ἐλλογιμώτατοι) to the Rostra (30–35, frg. 102.9). And Plutarch states that Marius and Cinna wanted to destroy οἱ ἄριστοι (*Crass.* 4.1), literally 'the best', but more figuratively 'the nobles'.

Before moving on, it is worth noting the consistency between sources in singling out the victims of 87. Regularly named are several *principes*: Cn. Octavius (*cos.* 87); M. Antonius

²⁶ Cf. Zorzetti 1982: xiv–xx; Rawson 1987: 178.

(*cos.* 99); L. Iulius Caesar (*cos.* 90) and his brother Gaius (*cur. aed.* 90); P. Licinius Crassus (*cos.* 97) and his homonymous son; and two men compelled to commit suicide by Marius, Q. Lutatius Catulus (*cos.* 102) and L. Cornelius Merula (*suff. cos.* 87). This list appears more or less in its entirety in Appian (*BC.* 1.71–4), Velleius (2.22), Plutarch (*Mar.* 44), Florus (2.19.13–16), Augustine (*De civ. D.* 3.27), and the Livian Epitomator (*Per.* 80). A few other victims also appear more than once. Appian, Florus, Augustine, and Lucan (2.119) name a Baebius, whom the first three also pair with a Numitorius. Plutarch, Appian, and Florus tell of a Q. Ancharius who was instantly executed on sight by Marius. And both Plutarch and Appian mention a Cornutus who managed to escape death through the ingenuity of his slaves.²⁷ The homogeneity of this tradition indicates a common source. Most immediately this means Livy, but the original list was probably codified in Sisenna's *Histories* and/or Sulla's *Memoirs* (cf. 3.iii.).

3.ii.b.) Defections to Sulla during the *Cinnanum tempus*.

According to several sources, after the Marians seized Rome in 87, a large number of refugees fled the city to join Sulla in the East. Velleius equates these refugees with *nobiles*, stating that 'the greater portion of the *nobilitas*' fled to Sulla to escape Sulla's tyranny (2.23.3: *maior pars nobilitatis*). Plutarch says similar (*Sull.* 22.1):

Now since Cinna and Carbo at Rome were treating the most distinguished men [οἱ ἐπιφανεστάτοι] with injustice and violence, many of these had fled from their tyranny and were escaping to Sulla's camp as to a harbour of refuge; and in a little time he had about him a semblance of a Senate [σχῆμα βουλῆς].

Note the appearance, yet again, of οἱ ἐπιφανεστάτοι. As for the common source behind these claims, the obvious candidate is Sulla himself: for Plutarch cites Sulla's *Memoirs* numerous times and presumably lifted this straight from his account. (Plutarch's access to the *Memoirs* has sometimes been doubted, but the sheer volume of citations proves direct transmission).²⁸ The same can be said of the phrase 'semblance of a Senate' (σχῆμα βουλῆς). This is not Plutarch's own interjection, as we find it asserted that 'the remnants of the Senate' fled to Sulla

²⁷ Cf. App. *BC.* 1.72, where an Atilius Serranus and P. Lentulus also appear; they are not attested elsewhere.

²⁸ Plut. *Sull.* 4.4, 5.1, 6.5–7, 14.2, 14.6, 16.1, 17.1, 19.4, 23.2, 27.6, 28.8, 37.1–2; *Mar.* 25.6–7, 26.5–6, 35.4; *Luc.* 1.4, 4.5; *Mor.* 786 E. Cf. Valgiglio 1975; Brennan 1992: 106–11; and especially Behr 1993; Noble 2014, two detailed attempts to reconstruct the content of the *Memoirs* from the evidence of Plutarch (and others).

in both Eutropius (5.7: *universus reliquus senatus*) and Orosius (5.20.1: *residui senatorem*). As before, we can assume that Eutropius and Orosius lifted this from Livy; the latter certainly mentioned senatorial refugees as some point in his narrative (cf. *Per.* 84).

Therefore, it seems that in his *Memoirs*, Sulla claimed that a large number of *nobiles* had fled to him in the East—so many, in fact, that he had a kind of ‘substitute Senate’ at his side. It bears remembering that Sulla’s position in the East was very nebulous. He had been declared a *hostis*, his house and property had been confiscated, and his command against Mithridates had been legally transferred to Marius (then, after the latter’s death, to L. Valerius Flaccus). As a result, for most of the years 86 and 85 there were two Roman armies in the East, one ‘Marian’ and one ‘Sullan’, and both claiming to be the proper representatives of Rome in the region. Therefore, by portraying these exiles as *maior pars nobilitatis* or a ‘substitute Senate’, Sulla could appeal to their collective *auctoritas* to cast himself as Rome’s legitimate agent in the region.

However, it is unlikely that a mass of senators actually fled to Sulla at this early stage. As Badian argued in his classic paper ‘Waiting for Sulla’, it seems the vast majority of defections occurred only when Sulla returned to Italy in 83.²⁹ Apart from Sulla’s wife Metella,³⁰ the only certain examples of earlier defectors are M. Licinius Crassus (later *cos.* 70) and Q. Lutatius Catulus (later *cos.* 78). Crassus was the son of the P. Crassus (*cos.* 97) killed by the Marians in 87; after his father’s death, he hid in Spain before joining Sulla in 84.³¹ Catulus *senior* (*cos.* 102) was forced to commit suicide by Marius in late 87/early 86; the family property was confiscated and Catulus *iunior* fled to Sulla in the East.³²

A few other early defectors can be speculated, but not many. They include: M. Antonius (later *pr.* 74), son of the murdered *cos.* 99; P. Servilius Vatia (later *cos.* 79), Sulla’s preferred candidate for the consulship of 87 and his relative by marriage; Sex. Nonius (later *pr.* 81), Sulla’s nephew; and Ap. Claudius Pulcher (later *cos.* 79), who was exiled by the Marians in early 86.³³ Therefore, what Sulla evidently did, at the time and then later in the *Memoirs*, was

²⁹ Badian 1962 = 1964b: 206–34; also Frier 1971: 595–8; Keaveney 1984.

³⁰ Plut. *Sull.* 22.1.

³¹ Plut. *Crass.* 6.1–2; cf. Cic. *Brut.* 308.

³² *Schol. Bob.* 176 St; *Adn. super Luc.* 2.174 Endt; with Keaveney 1984: 127–8; Rawson 1987: 176; *contra* Badian 1964b: 216–19.

³³ Sources: Keaveney 1984: 118, 126–9.

take these few examples and tendentiously magnify them into *maior pars nobilitatis* or *universus reliquus senatus* (cf. 3.iii, 10.iv.).

3.ii.c.) Defections to Sulla in 83/82.

Sulla's return to Italy in 83 brought war back to the peninsula, and it is clear that many men took this opportunity to join his side. Some came at his invitation, as he apparently sent letters and envoys encouraging important senators to defect,³⁴ but others, like Pompey, seem to have made the decision autonomously.

Importantly, several sources assume that these defectors were synonymous with the *nobiles/nobilitas*. Livy must have singled them out, as the Epitomator writes that Pompey joined 'the whole *nobilitas*' in deserting to Sulla (*Per.* 85: *nobilitas omnis*). Similarly, Plutarch writes that Pompey decided to defect when he saw the nobles (οἱ ἐπιφανεστάτοι) and the best (οἱ βέλτιστοι) crossing to Sulla's side (*Pomp.* 6.1). The choice of οἱ ἐπιφανεστάτοι is paralleled by Appian, who uses the same base term, οἱ ἐπιφανεῖς, to describe the defectors (*BC.* 1.81). This seems to confirm that ἐπιφανεῖς/ἐπιφανεστάτοι was the standard translation of Sulla's *nobilitas*. We might speculate that the practice goes back to Posidonius, the famous Greek philosopher and historian who was active at this time and was, it seems, hostile towards Marius (Plutarch cites him for an unfavourable description of Marius' final days, *Mar.* 45.5).³⁵ But a Greek translation of Sulla's *Memoirs* could also be responsible. Finally, Velleius opts for the *optimates* to describe the defectors of 83 (2.25.2). But since Velleius had already stated that *maior pars nobilitatis* joined Sulla in the years 86–84, this shift in terminology is not unexpected; 'the *nobilitas*' could not defect twice.

3.ii.d.) The victims of Brutus Damasippus in 82.

Just before Sulla arrived at Rome in mid-82, the younger C. Marius (*cos.* 82) sent word to the praetor L. Iunius Brutus Damasippus ordering him to execute a number of senators. Livy evidently described these victims as *nobiles*, as the Epitomator calls them 'the entire *nobilitas* that was still in Rome' (*Per.* 86: *omnem, quae in urbe erat, nobilitatem*). For Valerius

³⁴ e.g. Diod. 38/9.14; cf. section 3.iv.b. on the conference with L. Scipio.

³⁵ Cf. Malitz 1983: 394–406. It is often asserted that Posidonius' history ended with the year 86/85, but this date is only approximate.

Maximus, the victims were the *principes* (9.2.3); for Diodorus, the most famous men (38/9.17). And in Plutarch's words, they were οἱ ἄριστοι and οἱ δοκιμωτάτος, 'the best and most esteemed' (*Mar.* 46.5).

3.ii.e.) Sulla the Avenger.

Next, we must mention three passages which corroborate Cicero's depiction of Sulla as the 'restorer' or 'avenger' of the *nobilitas*.

The first comes early in Plutarch's biography of Crassus (6.3). He describes how Sulla ordered Crassus to ride ahead to raise a force among the Marsi. When Crassus complained that he needed a military escort, Sulla is said to have replied: 'I give to you as an escort your father, your brother, your friends, and your relatives, who were illegally and unjustly put to death, and whose murderers I am pursuing'. Thus ashamed, Crassus immediately set out and achieved his goal. Plutarch probably found this anecdote in Sulla's *Memoirs*; most likely, Sulla used his treatment of Crassus as an example of how he had inspired loyalty and zeal among his followers. But even if it derives from another source, the important point is that it encapsulates a key element of Sulla's propaganda: that the invasion of Italy was 'revenge' for the men murdered by the Marians in 87.

The second passage comes from Appian. Between making peace with Mithridates in 85 and returning to Italy in 83, Sulla sent at least three letters to the Senate (cf. 10.iv.). As Appian describes it, the second letter put emphasis on the refugees who had fled to Sulla (*BC.* 1.77):

Sulla placed equal importance on the fact that he had welcomed in their moment of difficulty those driven out of Rome by Cinna who had taken refuge with him, and that he had alleviated the disasters they had suffered. In return for this, he said, his opponents had registered him as a public enemy, destroyed his house, and killed his friends, and his wife and children had only just made their escape to him. But he would soon arrive to take vengeance on their behalf and on behalf of the whole city against the perpetrators. He assured the other citizens, including the new ones [viz. the *novi cives*], that he did not blame them for anything.

Like in the *De bello Africo* and Plutarch, we see the emphasis on the ‘restoration’ of the refugees; and again, we see the public persona of ‘Sulla the Avenger’ (τιμωρὸς); in Latin, *Sulla Ultor* or *Sulla Vindex*.³⁶

The third passage comes towards the end of Plutarch’s biography of Sulla (34.1) and concerns the triumph he celebrated over Mithridates in January 81:

However, Sulla’s triumph, which was imposing from the costliness and rarity of the royal spoils, had an even greater ornament in the noble [καλός] spectacle of the exiles. For the most renowned and powerful of the citizens [οἱ ἐνδοξότατοι καὶ δυνατώτατοι τῶν πολιτῶν], all crowned with garlands, followed him in the procession, calling Sulla their saviour and their father, since indeed it was through him that they were returning to their native city and bringing with them their wives and children.

There is no reason to question this detail, which Plutarch evidently took from Sulla’s *Memoirs*. Nor is it hard to appreciate the significance of the message. At the most important moment of his career, Sulla chose to place the restored *nobiles* at the heart of his victory, as if to say: everything I did, I did for the *nobilitas*.³⁷

3.ii.f.) Miscellaneous.

Looking more generally, several sources offer short yet revealing remarks equating Sulla’s cause with *nobilitas*. One example we have seen already is Asconius’ commentary on Cicero’s *pro Cornelio* (78 C), which shows that in the mind of a well-read scholar writing in the 50s CE,³⁸ it was possible to characterise the most loyal of Sulla’s supporters as the *nobiles*

Valerius Maximus summarised Sulla’s achievements by stating that he ‘excellently defended the *auctoritas* of the *nobilitas*’ (9.2.1). For Suetonius, Sulla defended the *partes optimatum* against the Marians (*Iul.* 1.3). The Scholia Gronoviana sums up Sulla’s victory as revenge for the death of *nobiles* (286 St) and says his legislation was in the interests of the

³⁶ Cic. *Cat.* 3.24; Vell. 2.25.1; Luc. 2.139; Flor. 2.9.18; August. *De civ. D.* 3.28; *Schol. Gron.* 286 St.

³⁷ For the symbolism of Sulla’s triumph, cf. Keaveney 1983b: 188–91; Sumi 2002: 416–19, 422–3; Havener 2014.

³⁸ Date: Marshall 1985b: 27–30.

nobilitas (326 St). A different scholiast, the Pseudo-Asconius, also equates the *Sullana factio* with *nobiles* (255 St).

In Plutarch's view, Sulla epitomised the quality of nobility (εὐγενής) in contrast to the moral excellence (ἀρετήν) of the Spartan general Lysander (*Comp. Lys. et Sull.* 2.1). Finally, Tacitus sums up the First Civil War as: 'C. Marius, risen from the lowest of the *plebs*, and L. Sulla, the most savage of the *nobiles*, defeated *libertas* with arms and turned it into *dominatio*' (*Hist.* 2.38). This is echoed by Florus, who asserts that the war was fought between the leaders of the *plebs* and *nobiles*, before name-dropping Marius and Sulla (2.9.1). Although clearly simplified, this dichotomy is still significant for showing that by the Antonine period, the First Civil War could be reduced into a straightforward paradigm of 'Marius equals *plebs*, Sulla equals *nobilitas*'. This was probably influenced by Livy, whose work had become the default narrative for the Republican era by this time.

3.ii.g.) Sallust.

One historian has been largely absent so far: Sallust. Like Cicero, Sallust expressed approval of Sulla's *causa* while condemning the cruelty of his victory (*Cat.* 11.4, 51.32, *Iug.* 95.4).³⁹ And like Cicero, Sallust also vociferously criticised Sulla himself. We see this at several points in his first monograph, the *Catilina*, where Sallust brands Sulla's victory a tyranny (*dominatio*) and blames him for introducing *luxuria* into Rome for the first time.⁴⁰ We also see it in the later *Histories*, especially in the speeches given to M. Lepidus and C. Licinius Macer (*Hist.* 1.49, 3.15 R). Through their mouths, Sallust rails against Sulla the *tyrannis*, denounces the slavery (*servitium*) Sulla imposed over the *populus Romanus*, and reviles his sycophantic followers (*satellites*), whom he brands a clique of guilty men (*factio noxiorum*) exercising a tyranny of the few (*dominatio paucorum*).⁴¹

However, despite these many references to Sulla, it is still difficult to know exactly in what terms Sallust characterised Sulla's *causa*. The Civil War is mentioned only tangentially in the *Catilina* and *Iugurtha*. The *Histories* are where he covered it in detail, as although the

³⁹ Full sources for Sallust and Sulla: Zecchini 2002; Steed 2017.

⁴⁰ e.g. Sall. *Cat.* 5.6 (*dominatio L. Sullae*), 11.5-6 (*luxuria*), 28.4 (*dominatio Sullae*), 51.33-4.

⁴¹ Also of interest: Sall. *Hist.* 1.42 R (Sulla recovered the *res publica* for plunder, not *libertas*), 43, 44 (Sulla's victory a *dominatio*), 50 (Sulla a man of vice).

main narrative began in the year 78, it is clear that Sallust also included a lengthy preface narrating the period 91–81.⁴² Unfortunately, the *Histories* also happen to be the one work of Sallust's that is lost. Apart from stray fragments, the only sections to survive are the set-piece speeches and letters, preserved as excerpts in a Medieval manuscript.⁴³

But despite these difficulties, there are clear indications that Sallust had been conditioned to associate the Sullans with *nobilitas*. We have already seen how the evidence of Exuperantius points towards Sallust using the trope of the Sullan *nobilitas* (3.ii.a.). The same applies to Asconius, who characterises the defenders of Sulla's constitution in the 70s as the *nobilitas* and, in the same breath, cites Sallust (Asc. 66–7 C = Sall. *Hist.* 2.44 R).

Sallust opens the speech of Lepidus by having the consul focus on the high-birth and ancestry of the Sullans (*Hist.* 1.49.2–3 R). As noted before, Lepidus seems to deliberately avoid the term *nobilis*. This is probably a matter of verisimilitude, Sallust believing that Lepidus would be loath to repeat Sulla's self-aggrandising rhetoric (cf. 3.i.c.). But the characterisation still fits what we have seen elsewhere, with Lepidus' use of superlatives stressing that we are dealing with the very cream of Rome's elite (*homines maximi nominis, optimis maiorum exemplis*).

In the speech for Macer, the message is more explicit. Sallust makes Macer assert that his attempts to restore the tribunate are being resisted by 'the powers of the *nobilitas*' (3.15.3 R: *opes nobilitatis*). This confirms what we suspected from Exuperantius and Asconius: that even Sallust, despite his strong anti-Sullan sentiments, accepted that Sulla's *causa* was synonymous with *nobilitas* in the *Histories*.

Finally, a word here on the *Iugurtha*, which we will revisit in Chapter 6. Sulla enters the narrative towards the end of the monograph, as he played a leading role in the capture of the Numidian king. For this reason, Sallust treats him with nuance, praising Sulla's bravery, generosity, and industriousness, and limiting his critical comments to one barbed aside about the Civil War (*Iug.* 95–6).⁴⁴

⁴² Sall. *Hist.* 1.7–47 R, esp. 1.22–43. This is sometimes doubted (e.g. Zecchini 2002: 46), but for no good reason.

⁴³ For the pseudo-Sallustian *Epistulae*, cf. 6.ii.

⁴⁴ For Sulla in the *Iugurtha*: Dijkstra and Parker 2007; Santangelo 2019.

Nevertheless, there are hints of the *victoria nobilitatis* in the *Iugurtha*. First, as noted in our Introduction, Sallust begins the monograph by linking the *superbia nobilitatis* of the late 2nd century with the outbreak of *studia civilia* (§§5.1-2); this suggests he was fully aware of the ‘noble’ characterisation of the First Civil War. Second, on two occasions Sallust actually incorporates the phrase *victoria nobilitatis* into the *Iugurtha* (§§16, 42)—not, however, to refer to the Civil War, but to describe the execution of C. Gracchus and his supporters at the hands of L. Opimius (*cos.* 121). In light of everything we have seen, this is probably not a coincidence. Most likely, Sallust was trying to subvert Sulla’s triumphant slogan by applying it to that quintessential moment of traumatic discord: the destruction of the Gracchi. It also suggests that Sallust viewed the period from C. Gracchus to Sulla as a unitary whole: four decades of *superbia nobilitatis*, bookended by two moments of murderous repression by the *nobiles*, the *victoriae nobilitatis* (cf. 6.ii.).

3.iii. The origins of the tradition: Sulla and Sisenna

In summary, the later historians corroborate the various strands of the ‘Sullan *nobilitas*’ trope encountered in Cicero. The Marians are said to have killed and discriminated against the *nobiles*; Sulla’s goal was to avenge and restore them; therefore, Sulla’s victory was the *nobilitas*’ victory. The *pro Quinctio* and *pro Roscio* show that this trope was already being propagated at the time of Sulla’s victory, as does the conspicuous presence of *nobiles* at Sulla’s triumph. And our survey of the later sources demonstrates that this tradition was enshrined in the historiographical record to such an extent that a scholar like Tacitus, writing nearly two centuries after the event, could still assimilate Sulla and *nobilitas* without need of explanation.

3.iii.a.) Sulla’s *Memoirs*.

It remains only to explain how this came to pass. The role of one source has been noted several times: Sulla’s *Memoirs*. A massive twenty-two volume work recounting his ancestry, life, and military achievements, Sulla’s autobiography exercises an unmistakeable influence over the later historiographical tradition.⁴⁵

⁴⁵ General overviews: Lewis 1991; Behr 1993; Chassignet 2003; 2004: 3.xcix–civ; Tatum 2011: 163–74; Smith 2013b; Noble 2014.

For example, when our sources provide step-by-step accounts of Sulla's military campaigns in Greece, Asia, and Italy, but have almost nothing to say about the internal events of the *Cinnum tempus*, this is because of the *Memoirs*: the tradition is simply following Sulla's narrative as he travelled to the East and back again. It is because of the *Memoirs* that we find tenuous claims about *maior pars nobilitatis* or *universus reliquus senatus* crossing to Greece to join Sulla, or that Sulla's forces conducted themselves with scrupulous care upon their return to Italy ('one would think that Sulla had come to Italy not as an avenger in war but as the establisher of peace', Vell. 2.25.1). And the *Memoirs* are also responsible for the numerous anecdotes about Sulla's dreams, portents, and sacrifices that we find throughout the source material—especially in Plutarch who, as noted, had direct access to the *Memoirs* (3.ii.b.).⁴⁶

Of course, Sulla's influence is not absolute. The narratives of Appian and Plutarch are sprinkled with unflattering descriptions of Sulla or outright criticism of his conduct. And the overwhelming *topos* in the later historiography is the 'great man corrupted by power', with our sources gleefully describing Sulla's cruelty, greed, and sexual depravity after his victory. This slant originated in the decades after Sulla's death, when he became a byword for rapacity and civil strife, and only grew stronger in the hands of Imperial writers such as Lucan, Seneca, and Cassius Dio.⁴⁷ Nonetheless, the influence of the *Memoirs* remains undeniable, and it is an easy conclusion that the pervasive popularity of the 'Sullan *nobilitas*' trope must be the result, to a considerable extent, of the *Memoirs*.

One point needs acknowledging. Following the arguments of Lewis, the *communis opinio* maintains that Sulla's *Memoirs* had little to say about the dictatorship; instead, the main narrative reached a crescendo with his triumph over Mithridates in January 81. This seems plausible: Sulla narrated the Battle of the Colline Gate in, it appears, Book 21 out of 22, leaving little space for more than a brief account of the dictatorship, and if the bulk of his apologetic narrative ended in January 81, then this would help to explain why our sources veer so suddenly from pro- to anti-Sulla at precisely this moment.⁴⁸ In that case, we can presume that the bulk of Sulla's references to the *victoria nobilitatis* occurred earlier in his narrative, during the sections on the Mithridatic and Italian campaigns. These references were centred around

⁴⁶ Cf. Keaveney 1983c: esp. 54–5, 76–7 on Sulla's dreams; also Smith 2009: 69–71; Thein 2009; Noble 2014: 99–118; Flower 2015: 218–23.

⁴⁷ Full sources: Dowling 2000; Eckert 2016b. On Sulla in Plutarch: Duff 1999: 165–8, 193–204. Sulla in Cassius Dio: Urso 2016; Berdowski 2020.

⁴⁸ Lewis 1991; cf. Smith 2013b: 284–6; Noble 2014: 207–11.

several key points in the narrative—the *Bellum Octavianum*, which he presumably described from afar; the refugees of 86–84; the mass defections of 83–82—and probably became more frequent as he neared the end of the Civil War. This built up to a climactic scene of *nobiles* parading at his triumph to round off the main narrative (Plut. *Sull.* 34.1), before an epilogue on the dictatorship in the form of Book 22.

3.iii.b.) Sisenna's *Histories*.

Special mention must also be made of L. Cornelius Sisenna.⁴⁹ Although Plutarch had evidently read Sulla's *Memoirs* first-hand, this does not seem to be the case for most Imperial sources (e.g. Appian; cf. 10.i.c.). Instead, it is likely that much of the Imperial tradition was based, either directly or indirectly, on Sisenna's *Histories*.

Written sometime before his death in 68,⁵⁰ Sisenna's narrative began with the outbreak of the Social War in 91 and finished either with Sulla's dictatorship or, more likely, with the latter's death in 78. It soon became the authoritative narrative for the Social War and First Civil War: we find it cited or mentioned by Cicero, Varro, Sallust, Velleius, Tacitus, and Gellius, among others, and it was still in circulation as late as the 5th century CE.⁵¹ Sisenna was also highly regarded as a historian for his accuracy and unusual style; it is telling that the great scholar Varro once dedicated a work *De historia* to him.⁵²

Significantly, all indications point towards Sisenna being a firm Sullan. The clearest evidence comes from Sallust's *Iugurtha* where he criticises Sisenna for writing about Sulla 'with insufficient honesty' (*Iug.* 95.2: *parum libero ore*). This accusation of partiality seems to be supported by a fragment of Sisenna's writing, which describes Sulla's dictatorship in rather eulogistic terms: 'many people supported the dictatorship at very many public gatherings with all their hearts and enthusiasm'.⁵³

⁴⁹ General overviews: Chassignet 2004: 3.xxxviii–xlix; Briscoe 2013b.

⁵⁰ Cass. Dio 36.19.

⁵¹ Sources in *FRH*. For the end-point of the work: Briscoe 2013b: 307–8.

⁵² Gell. *NA.* 16.9.5. On Sisenna's high reputation: Cic. *Leg.* 1.7, *Brut.* 228; Sall. *Iug.* 95.2; Tac. *Dial.* 23.2.

⁵³ *FRH*, 'L. Cornelius Sisenna' F 135: *multi populi plurimae contiones dictaturam omnibus animis et studiis suffragaverunt*.

Furthermore, we know that Sisenna moved in the highest circles of the Sullan elite. He was a close friend of L. Licinius Lucullus (*cos.* 74), Sulla's most trusted lieutenant;⁵⁴ he contributed to the defence of Verres in 70 alongside several leading Sullans;⁵⁵ and the fact that he won election to the praetorship of 78, soon after Sulla's victory, suggests that he was firmly integrated into the ranks of the *Sullani* by this point; most likely, he defected to Sulla at some point during the Civil War of 83–82.⁵⁶ Finally, there is also the firm possibility that as a member of the *gens Cornelia*, Sisenna was a patrician *nobilis* of antiquated and half-forgotten pedigree—precisely the kind of man likely to respond to Sulla's *victoria nobilitatis*.⁵⁷

None of this means that Sisenna was a mere apologist for Sulla. He would never enjoy such a glowing reputation as a historian, nor be deemed the 'best and most diligent' writer on the Civil War by Sallust (*Iug.* 95.2), if he were nothing more than Sulla's stooge. Furthermore, as Badian observed, there are several discrepancies in the Imperial tradition which seem to be vestiges of where Sisenna departed from Sulla's narrative. For example, some sources place the defection of the *nobilitas*/Senate to Sulla in 86–85, but others only at the start of 83 (3.ii.b–c.); the former, being tendentious, is surely the version pushed by Sulla in the *Memoirs*, whereas the latter, being more sober, but still partisan, is probably how Sisenna told the tale in the *Histories*.⁵⁸ In any case, it remains undeniable that Sisenna was a 'Sullan' in the simplest understanding of the term. He benefitted from Sulla's victory, he was friends with leading Sullans, and he wrote his *magnus opus* under the 'Sullan *res publica*' in the 70s.

Therefore, it seems logical to conclude that Sisenna was partially responsible for disseminating the ubiquitous trope of the 'Sullan *nobilitas*'. But we can go further. Earlier, it was shown how the Livian Epitomator and other post-Livian sources repeatedly focus on the *nobiles* in the 80s (3.ii.). Even without further evidence, we would suspect that this meta-narrative was lifted from Sisenna: Livy took no less than twenty books (71–90) to recount the fourteen years from 91 to 78, a rate of coverage only possible if he had followed Sisenna's well-informed, contemporary narrative. And Livy's debt is confirmed by the anecdote of two brothers who fought on opposite sides at the Battle of the Janiculum (*Per.* 79); thanks to a

⁵⁴ Plut. *Luc.* 1.5. Sulla dedicated his *Memoirs* to Lucullus (*Luc.* 1.4, *Sull.* 6.10) and appointed him guardian over his children (*Luc.* 4.5).

⁵⁵ Cic. *Verr.* 2.2.110, 4.33–4, 4.43.

⁵⁶ Cf. Briscoe 2013b: 306. Praetorship: *RDGE* 22, lines 2–3; Asc. 74 C.

⁵⁷ Cf. his entry in the Appendix.

⁵⁸ Badian 1964b: 210–14.

chance comment by Tacitus (*Hist.* 3.51-2), we know that this story came from Sisenna.⁵⁹ This does not mean that Livy copied Sisenna's account. If he followed his practice in earlier books, he presumably consulted other writers along the way—although which ones exactly is impossible to tell; a few possibilities can be suggested, such as Claudius Quadrigarius, Valerius Antias (both cited by Livy in earlier books), L. Lucceius, and a few others, but there is no way of knowing for sure.⁶⁰ But Sisenna was clearly the principal source. In short, Sisenna incorporated Sulla's 'noble' framework into his narrative, Livy lifted this framework from Sisenna, and this goes a long way towards explaining the ubiquitous presence of the 'Sullan *nobilitas*' trope in the Imperial tradition.

3.iv. Sulla and the *nobiles*: the *victoria nobilitatis* in action

To summarise, it has been shown that a tradition existed in the Late Republic and beyond which equated Sulla and his victory with the *nobiles/nobilitas*. It is visible in Cicero, in the Imperial writers, and also in Sallust. Significantly, this tradition goes back to the Sullans themselves. It was perpetuated during and after the Civil War as a means to discredit the Marians and legitimise Sulla's violent invasion of the fatherland. It was then consecrated in written form in the works of Sulla and Sisenna, before being established as the dominant narrative in the Imperial era through its inclusion in Livy.

3.iv.a.) Elections.

Having established these points, several aspects of Sulla's victory become intelligible. First is the electoral dominance of *nobiles* in the decade after Sulla's dictatorship.

Of the twenty men to hold the consulship in the years 80–70, only two lacked consular ancestors: C. Scribonius Curio (*cos.* 76) and L. Gellius (*cos.* 72), the former whom Cicero treats as essentially a *nobilis*.⁶¹ The remaining eighteen were all descended from consuls. Indeed, as the detailed surveys of Badian and Gruen have shown, the electoral dominance of the *nobilitas* continued until the end of the free *res publica*. According to their results, up to

⁵⁹ Badian 1964b: 212.

⁶⁰ On these writers: Briscoe 2013a; Rich 2013; Drummond 2013.

⁶¹ Cic. *Rab. perd.* 21, *Brut.* 124. Cf. Gelzer 1969: 32–3; Shackleton Bailey 1986: 256–7, for how this impacts (or does not impact) our understanding of the 'definition' of *nobilitas*.

88% of all consuls in the era between Sulla and Caesar were *nobiles*, and a significant portion of the lower magistracies as well (see 4.iv.).

Of the eighteen *nobiles* to hold the consulship from 80–70, three are known to have served as Sulla’s officers in the East: L. Lucullus (*cos.* 74), his brother Marcus (*cos.* 73), and Cn. Cornelius Lentulus (*cos.* 72), to which the non-*nobilis* C. Curio can be added. Two definitely joined Sulla in the East: Q. Catulus (*cos.* 78) and M. Crassus (*cos.* 70); probably also P. Servilius Vatia (*cos.* 79) and Ap. Claudius Pulcher (*cos.* 79; see 3.ii.b.); to them, we can perhaps add P. Cornelius Lentulus (*cos.* 71) and C. Aurelius Cotta (*cos.* 75). The rest likely joined Sulla’s side after his landing at Brundisium in early 83, as is known to have been the case with Q. Metellus Pius (*cos.* 80), Pompey (*cos.* 70), and probably Mam. Aemilius Lepidus (*cos.* 77).⁶²

In the cases of Metellus Pius, Claudius Pulcher, Servilius Vatia, and also D. Iunius Brutus (*cos.* 77), their elections to the consulship must have seemed the ultimate vindication of Sulla’s propaganda. Each had suffered significant delays in their careers due to the monopolisation of power by Cinna and Carbo—over ten years, in the cases of Servilius and Brutus.⁶³ They were therefore the living proof of Sulla’s claim to have restored *honor, gradus*, and *dignitas* to those who deserved it.

3.iv.b.) Sulla’s noble clemency.

It is also noticeable that Sulla’s most conspicuous examples of forgiveness were directed towards *nobiles*. This is sometimes noted in passing,⁶⁴ but it deserves full emphasis in light of what we have explored above.

Consider L. Cornelius Scipio, the consul of 83. Even though Scipio was joint-commander of the Marian forces in 83, one of Sulla’s first actions after landing at Brundisium

⁶² Sources: Keaveney 1984. The ‘Aemilius Lepidus’ who seized Norba for Sulla in 82 (App. *BC.* 1.80, 94) was probably Mamercus, not Marcus (*cos.* 78); Badian 1964b: 217; Keaveney 1984: 138.

⁶³ (i.) Metellus and Claudius were praetors in 89 or 88, so qualified for the consulships of 86/85; both fled Italy to escape the Marians; (ii.) Servilius held the praetorship as far back as c. 93 (Badian 1964b: 82–4). He stood for the consulship of 87 but lost out to Cinna (Katz 1976: 538–9); (iii.) Brutus was praetor in c. 92 (Sumner 1973: 103), so qualified for the consulship of c. 89.

⁶⁴ e.g. Badian 2009: 17; Steel 2014a: 328–9. For fuller discussions of Sulla’s acts of clemency, cf. Dowling 2000; Thein 2014.

was to reach out to him for a peace conference. The talks were held at Teanum in early-to-mid 83; as is well known, Scipio's army defected to Sulla while the conference was being held. But with the consul at his mercy, Sulla first tried to convince Scipio and his son to join his side, and when this failed, he freed them both and provided an armed retinue to escort them to safety. Furthermore, Plutarch attests that another army defected from Scipio later in the conflict, this time to Pompey; like before, Scipio was released and escorted to safety (*Pomp.* 7.3). After the final collapse of the Marian cause, Scipio and his son fled for Gaul and their names were added to the proscription lists. But in contrast to the other leading Marians, most notably Cn. Carbo and C. Norbanus (*cos.* 83), who were hunted down and killed across the Mediterranean,⁶⁵ Sulla made no attempt to pursue Scipio. Instead, he was allowed to live the remainder of his days in exile at Massilia, apparently receiving guests from Rome on a regular basis.⁶⁶

Considering our survey on the *victoria nobilitatis*, this preferential treatment is easy to understand. Although the family's star had waned in recent times, the name 'Scipio' remained one of most evocative and celebrated in the Republic's history. Indeed, as Hölkeskamp has recently emphasised, the Scipiones had a 'monumental omnipresence' in the city of Rome with numerous temples, arches, statues, and tombs which permanently ingrained the family name into the very fabric of the capital.⁶⁷ Therefore, it was scarcely possible for Sulla, the self-proclaimed *vindex nobilitatis*, to show anything but the upmost respect towards a Scipio, least of all the *cos.* 83: for Lucius was the last scion of that famous line which had produced arguably the two greatest Romans of the previous century: P. Scipio Africanus (*cos.* 205, 194) and P. Scipio Aemilianus (*cos.* 147, 134).⁶⁸

With his attempts to co-opt the name of the patrician Scipiones into the *victoria nobilitatis*, Sulla was probably hoping that Scipio would behave like another noble Marian: P. Cornelius Cethegus. We first encounter Cethegus in 88, when he was one of the ten men declared *hostes* for supporting Marius and Sulpicius (*App. BC.* 1.60). He escaped Sulla's agents and fled to Africa alongside the younger Marius, but returned to Italy to fight in the *Bellum Octavianum*; he probably held a praetorship during the *Cinnanum tempus*.⁶⁹ But despite

⁶⁵ Hinard 1985a: 385–6, 387–90.

⁶⁶ Sources: Hinard 1985a: 344–6; Thein 2014: 174–6; cf. Keaveney 2006, rightly dismissing the conjectures of Mackay 2000: 200–2 that Sulla pursued and killed Scipio.

⁶⁷ Hölkeskamp 2020: 167–209.

⁶⁸ The *cos.* 83 was the great-grandson of Scipio Africanus' brother Lucius (*cos.* 190). Family tree: Zmeskal 2009: plate 19.

⁶⁹ Sumner 1973: 106; Brennan 2000: 2.382, 906 n. 204.

his firm Marian credentials, Cethegus crossed to Sulla's side early in 83. Appian stops his narrative to celebrate this defection as a moment of great significance (§1.80); this likely follows an original beat in Sulla's *Memoirs*. For in many ways, Cethegus was everything that Sulla could want from the *victoria nobilitatis*: a patrician *nobilis* who, despite his close affinity with the Marian *causa*, had chosen to join the side of the noble and good. Although we lack explicit evidence, we can presume that Sulla felt similarly proud about the defection of L. Marcius Philippus (*cos.* 91), a *nobilis* who served as censor for the Marians in 86 but seized Sardinia for Sulla in 83 (Liv. *Per.* 86).

The young C. Iulius Caesar, another *nobilis* and patrician, is an interesting case. When it comes to *nobiles* close to the Marian cause, few could match Caesar's credentials.⁷⁰ His aunt Iulia was Marius' wife; their son, the *cos.* 82, was Caesar's first cousin. These connections bore fruit with the Marian takeover in 87, when Caesar was nominated *flamen Dialis* by Marius at the age of fifteen. Caesar also married Cinna's daughter Cornelia, becoming the glue that bound the families of Marius and Cinna together.

After Sulla emerged victorious, he ordered Caesar to divorce Cornelia; Caesar refused. This exceptional loyalty towards the defeated Marians was to become Caesar's hallmark for many years to come. For instance, we know that sometime around the year 70, he managed to secure the restoration from exile of Cinna's son (his brother-in-law), and as aedile in 65 he reinstated Marius' trophies and statues to the Capitol in a controversial statement of support for his uncle's memory.

The Imperial sources tell us that Sulla responded to Caesar's obstinacy by adding his name onto the proscription lists. However, he was forced to reverse this decision after being petitioned by influential *nobiles* related to Caesar; the two mentioned are Mam. Lepidus and C. Cotta. The historicity of this 'proscription' is doubtful. Although it seems that Caesar did flee Rome after Sulla's victory,⁷¹ there is no mention of a proscription in our earliest sources such as Cicero, Sallust, Velleius, or Caesar himself. And the prophetic words of wisdom which the Imperial sources attribute to Sulla ('I warn you: there are many Mariuses in this Caesar!')

⁷⁰ Full sources for what follows: Ridley 2000; Badian 2009.

⁷¹ Inferred from Cic. *Lig.* 32, with Plut. *Caes.* 1.5.

strongly indicate that the story is an apocryphal creation of the Imperial era, designed to foreshadow Caesar's dictatorship.⁷²

In any case, whether Caesar was formally proscribed is beside the point. The mere fact of his survival is significant. Caesar was the son-in-law of Cinna, the nephew of Marius, and had refused a direct order to divorce Cornelia. Yet Sulla was still obliged to forgive him. The *victoria nobilitatis* again loomed large: for how could Sulla claim to be restoring *nobilitas* and *dignitas* if he punished this young patrician, a descendant of the goddess Venus, against the will of his noble relatives?

These examples reflect what was doubtless a common phenomenon. There must have been many *nobiles*—and especially, it seems, patrician *nobiles*—who cooperated with the Marian regime but were allowed to assimilate into the ranks of the *Sullani*, precisely (or only?) because they were *nobiles*. Of course, not every descendant of a consul was granted such clemency. Carbo, the leader of the Marians after Cinna's death in early 84, was obviously beyond the pale. So too Brutus Damasippus, the praetor of 82 who murdered the *pontifex maximus* Q. Scaevola; also the young Cn. Domitius Ahenobarbus, Cinna's other son-in-law, who continued the Marian resistance in North Africa until he was defeated and executed by Pompey in 81.⁷³ But overall, the survivability of the *nobiles* is striking, especially among the more established families of the *nobilitas*. And in the case of the Domitii Ahenobarbi, Sulla showed notable clemency to the surviving members of the family by restoring Gnaeus' property to his younger brother Lucius (the future *cos.* 54).⁷⁴ Sulla's behaviour stands in contrast with the Second Triumvirate, which showed no special concern for *nobilitas* or high birth when drawing up the proscription lists of the late 40s; as a result, its victims included some of the most prestigious names in the Roman *nobilitas*.⁷⁵

3.iv.c.) Sulla and the *nobiles*: limitations on power.

Caesar's case raises another important point: it is only after we appreciate the centrality of the *victoria nobilitatis* that we understand the limitations of Sulla's powers vis-à-vis the *nobilitas*.

⁷² Hinard 1985a: 116 n. 55; Morstein-Marx 2021: 41 n. 24; *pace* Ridley 2000.

⁷³ Hinard 1985a: 350–1, 363–4.

⁷⁴ *Comm. Bern.* 60 Usener, with Rawson 1987: 174.

⁷⁵ See the catalogue at Hinard 1985a: 415–552.

Following the dominant trope in the Imperial sources, scholars are often quick to portray Sulla as an autocrat or tyrant.⁷⁶ There is no denying the cruelty of Sulla's victory. And multiple anecdotes show him behaving outside the law in an 'autocratic' manner. The most infamous example is the execution of Q. Lucretius Afella, a former Marian who defected to Sulla and served him well in the Civil War of 83–82. When Afella announced his intention to stand for the consulship, probably of the year 80, against Sulla's wishes, Sulla immediately had him executed in the middle of the Forum.⁷⁷

But equally, it is clear that the Imperial sources often operate in the realm of cliché, melodrama, and invective when they narrate Sulla's dictatorship.⁷⁸ Furthermore, no tyrant rules with absolute authority, and other scholars have rightly objected that these 'autocratic' anecdotes are counter-balanced by other episodes where Sulla failed to get his way or was forced to back down in the face of insubordination.⁷⁹ But one striking point is that these episodes all involve *nobiles*:

- (i.) Pompey: he refused to disband his army in Africa and then intimidated Sulla into granting him a triumph. Later, he ignored Sulla's wishes and supported M. Lepidus' bid for the consulship of 78.⁸⁰
- (ii.) Q. Catulus and/or C. Metellus: according to different sources, one of these *nobiles* confronted Sulla in the Senate to demand that he put an end to the indiscriminate killings after the Battle of the Colline Gate (cf. 10.iv.).
- (iii.) C. Caesar (and supporters): as explained, he disobeyed Sulla's order to divorce Cinna's daughter and escaped punishment through the influence of his noble relatives.
- (iv.) M. Lepidus (and supporters): against Sulla's wishes, he stood for and won the consulship of 78, finishing above Sulla's preferred candidate Q. Catulus.⁸¹

⁷⁶ Current examples: Eckert 2016b; Rosenblitt 2019. The most (in)famous example was Carcopino 1950, who argued that Sulla tried to establish a monarchy. For refutation of this hypothesis: Gelzer 1963: 2.103–5; Kinsey 1967; Syme 2016: 64–92.

⁷⁷ Sources: Keaveney 2003; cf. Vervaeke 2018: 74–7 for the date.

⁷⁸ A point often stressed by Hinard, e.g. 1984a; 1988; 2008.

⁷⁹ e.g. Keaveney 2005a: 434–5; Thein 2006; 2019; Coates 2022: 607–10.

⁸⁰ Plut. *Pomp.* 13–15; Seager 2002: 27–9. *Contra* Hillman 1997, whose interpretation of the first passage—essentially, that Pompey did nothing wrong—is strained and unconvincing.

⁸¹ Plut. *Sull.* 34.4–5, *Pomp.* 15.1–2.

- (v.) Cn. Cornelius Dolabella (and supporters): against Sulla's wishes, he was prorogued as governor of Cilicia by the Senate.⁸²

- (vi.) P. Cornelius Lentulus Sura: quaestor in 81, Sulla summoned him before the Senate to justify the disappearance of certain public funds. Instead of answering, Lentulus mocked Sulla by sticking out his leg in imitation of a gesture made by children who have lost a ball game, thereby earning the nickname 'Sura' (= calf/leg).⁸³

Again, this is only a small sample of what was probably a common phenomenon. The outlier is L. Licinius Murena (*pr.* 88) who, although only of praetorian descent, continued the Second Mithridatic War against Sulla's orders. But Murena's boldness can be explained by the physical distance between him and Rome.⁸⁴ In every other case, the only politicians known to have shown overt opposition towards Sulla after his victory and survived were *nobiles*.

This was another consequence of the *victoria nobilitatis*. Lucretius Afella was a parvenu who could be eliminated with ease.⁸⁵ But Lentulus was a patrician bearing one of the noblest names in Rome; as such, he demanded respect, or at least temperance, from Sulla—even if he was only a *quaestorius*, and even if he had disrespected Sulla in front of the Senate. For while Sulla's powers as dictator were in theory unlimited, in practice he was obliged to moderate this power when it came to his fellow *nobiles*, if he wanted his position as the self-proclaimed *vindex nobilitatis* to have any credence.

⁸² Plut. *Comp. Lys. Sull.* 2.3; with Thein 2019, who explains that this Dolabella should be the *pr.* 81 (*RE* 135) rather than the *cos.* 81 (*RE* 134).

⁸³ Plut. *Cic.* 17.2-4; Keaveney 2005a: 434-6.

⁸⁴ App. *Mithr.* 66-6.

⁸⁵ For Afella's social origins, see his entry in the Appendix below.

Chapter 4: The Marians as the humble

In the previous chapter, we saw how Sulla identified his cause with the *nobilitas*. But returning to our starting-point, the *pro Roscio*, it will be remembered that there were two sides to Cicero's picture. Opposite the *pars nobilitatis*, Cicero alludes to the Marian enemy who are defined by one trait, their lowly origins (*humilitas*): 'for was there anyone who could not see that *humilitas* was contending with *dignitas* over the possession of distinction [*amplitudo*]?' (*Rosc. Am.* 136).

Humilitas cannot be viewed in absolute terms. This is clear from the fact that five out of the seven men who held the consulship during the *Cinnanum tempus* were descended from consuls—in other words, they qualified for *nobilitas*.¹ Instead, because social status in ancient Rome was normally judged on a relative basis (cf. 2.iii.), *humilitas* should be taken to imply 'humbler than the *nobiles*'. This could include most members of the Roman elite, including *boni/equites* and lower-ranked senators, but also men like Cinna or Carbo who, although meeting the 'technical' requirements for nobility, were apparently not considered as distinguished as Sulla's core *nobilissimi* (e.g. Caecilii Metelli, Claudii Pulchri, etc).

Nevertheless, like with *victoria nobilitatis*, Cicero clearly expects this characterisation of the Marians to resonate with the experiences and biases of his audience(s). This means the jury of Sullan senators who were presiding over Roscius' case, but also the politically-active sections of the Roman elite who were the intended recipients for the published version of the speech. These men had lived and seen the Civil War. If they viewed the Marians as 'humble', and if they considered the Civil War to be a social conflict primarily fought over distinction (*amplitudo*), then this is of great interest.

This chapter has two aims. First, to survey the rhetoric of the 'humble Marian'. And second, to gauge how far this rhetoric was grounded in social reality.

¹ i.e. Cinna, L. Valerius Flaccus (*cos. suff.* 86), Cn. Carbo, L. Scipio, and the younger Marius.

4.i. How to solve a problem like Marius: approaching the Marians in the hostile Sullan tradition

For a number of reasons, it is harder to corroborate the rhetoric of the ‘humble Marian’ than the ‘noble Sullans’. For a start, we must consider the fact that ‘humbleness’ or ‘lowliness’ could be thrown as an insult in the Republic. For example, despite the fact that Quinctius’ opponent in the *pro Quinctio*, Sex. Naevius, was evidently very rich and well-connected,² Cicero still dismisses him with the curt excuse that he was ‘lowlier and humbler’ than Quinctius (*Quinct. 95: inferior atque humilior*); this ties in with his wider portrayal of Naevius as a parvenu (e.g. §§11–13, 55, 91–9). In this case, *humilis* tells us little about Naevius’ actual social origins; it is mostly invective.

This must be borne in mind whenever we encounter passages that seem to ascribe ‘lowly’ qualities to the Marians: is it social commentary or polemic? *Improbis* is a case in point. Cicero uses this term several times to describe the Marians.³ Since *probitas* (honesty/integrity) was a cardinal virtue befitting a Roman *nobilis*,⁴ it might be possible to construe a socio-economic slant to *improbis*: i.e. to see it as comment on the non-nobility of the Marians. But equally, it might be mere polemic, as elsewhere Cicero throws the charge of *improbitas* at a variety of enemies regardless of social origin, including the *eques* Naevius, the senator Verres, and the patricians Catilina and Clodius.⁵ How far this principle applies to the other terms used to describe the Marians is something we must establish on a case-by-case basis.

A more profound obstacle is source deficiency. History is written by the victors, and nowhere is this more obvious than in the aftermath of the First Civil War, when the Marians suffered a form of *damnatio memoriae* at the hands of the victorious Sullans.⁶ This is an important point to stress, as it means that practically all aspects of the *Cinnanum tempus* must be viewed through the restrictive and distorting lens of the hostile Sullan tradition.

² Cf. Rauh 1989: 462–5.

³ Cic. *Fam.* 1.9.11 (*improbi et perditii cives*), *De or.* 3.12 (Sulla overthrew *improborum dominatus*), *Nat. deo.* 3.81 (*improbi*).

⁴ e.g. Cic. *Marc.* 4, where *probitas* features first in a list of virtues qualifying Marcellus’ *nobilitas*. Cf. Hellegouarc’h 1963: 285–6.

⁵ Hellegouarc’h 1963: 494–5, 528–30; Mouritsen 2023: 106–10.

⁶ Cf. in general Flower 2006: 90–8.

Typically, the Imperial source dedicate much space to the capture of Rome in 87, which they describe in emotive terms as an unrestrained massacre (cf. 10.ii.). The hostility of this tradition was likely conditioned by Sulla himself, who probably took time in the *Memoirs* to dwell on the killings that had occurred in his absence back at Rome (cf. 3.ii.a., iii.a.).

But after the *Bellum Octavianum*, the Imperial sources show little interest in affairs at Rome until Sulla's return to Italy in 83. Livy holds an important position here. The erratic and selective nature of the *Periochae* means we cannot know precisely how much space Livy dedicated to internal events in the mid-80s. Nonetheless, if we take the Epitomator as a rough barometer of how Livy prioritised his events,⁷ then it appears that after dedicating no less than two books (79–80) to the *Bellum Octavianum*, Livy proceeded to spend most of the following three books (81–83) covering Sulla's campaigns in the East. It seems events at Rome were included only if they related to Sulla's return—for example, a speech delivered in the Senate by the *princeps senatus* L. Valerius Flaccus (*cos.* 100) in favour of opening negotiations with Sulla, recounted in Book 83. This only changed, it seems, when Livy reached the latter half of the year 84, when he gave more attention to the Marians in the context of Carbo's attempts to prepare Italy for invasion (*Per.* 84).

This disinterest from Livy is important. As Badian recognised six decades ago, Livy's arrangement of material for the 80s must have been based on the arrangement of material in Sisenna, who had remained at Rome during the *Cinnanum tempus*.⁸ In other words, even Sisenna—the most respected historian of the era, and an eyewitness who had lived alongside the Marians for three years—seemingly had little to say about the *Cinnanum tempus*. As a good historian, Sisenna probably included an outline of the main events during the years 86–84, such as Flaccus' speech in the Senate, which he may have witnessed first-hand. But as a good Sullan, Sisenna's focus remained orientated towards the East, towards the drama of the Mithridatic War and the teleological anticipation of Sulla's return.⁹

As for the surviving Republican sources, they are all hostile to the *Cinnanum tempus*. The anonymous author of the Caesarian *De bello Africo* refers to it contemptuously as 'a time

⁷ On the Epitomator's working-methods: Jal 1984: 1.xxvi–lxxix; Chaplin 2010. Following Jal, I assume the Epitomator had direct access to Livy's text (as opposed to an epitome).

⁸ Badian 1962; also 1964a, on Sisenna's whereabouts in the 80s.

⁹ Cf. *FRH*, 'L. Cornelius Sisenna', F 130, an important fragment proving that Sisenna covered the Mithridatic War.

when the *res publica* was being oppressed by wicked and criminal citizens [*nefariis sceleratisque civibus*]’ (22), this despite the fact that Caesar, Cinna’s son-in-law, was as close to a ‘Marian’ as one could be in the post-Sullan generation (cf. 3.iv.b.). Writing a few years later, Sallust gave a speech to Caesar which denounces the *Cinnanum tempus* in categorical terms (*Cat.* 51.32):

Within our memory, when the victorious Sulla ordered the throats to be cut of Damasippus and others of that kind—men who had become prominent at the detriment of the *res publica*—was there anyone who did not praise this deed? For people said that wicked and factitious men [*homines scelesti et factiosi*], who had disturbed the *res publica* with their seditious behaviour [*seditiones*], had rightly been killed.

Again, for Sallust to put this in Caesar’s mouth is a striking reflection of how pervasive these clichés had become, even among those sympathetic to the Marian legacy.

As for Cicero, even though he remained at Rome during the *Cinnanum tempus* and began his career as an advocate in these years, he skirts over this formative period as briefly as he can in his history of oratory, the *Brutus*: ‘the time between the departure and return of Sulla, when the *res publica* was without laws and without any *dignitas* at all’ (*Brut.* 227). The *Cinnanum tempus* appears, therefore, as a mistake, a barely-mentionable blip rectified by the return of Sulla and the restoration of a functioning *res publica*. Later, Cicero acknowledges that it was at least a time of internal peace: ‘for about three years, the city was free from conflict’ (§308). But in his other works, he tends to characterise the Marian regime as a time of violence (*vis*), injustice (*iniquitas*), and tyranny (*dominatio*).¹⁰

The *pro Quintio* illustrates how quickly this *damnatio memoriae* took hold. In a passage dealing with events that occurred in the year 84, Cicero alludes to ‘those men who, at that time, were ruling as tyrants’ (*Quinct.* 67: *dominantes*), ‘who were very powerful through violence and wickedness, and who dared to do what they had the power to do’ (§69). No individual Marians are named; everything is derogatory innuendo. To witness this already in

¹⁰ e.g. Cic. *Quinct.* 67, 69, *Dom.* 83, *De or.* 3.8, 12. Full sources: Mitchell 1979: 81–90.

the year 81, only a few months after Sulla's victory at the Battle of the Colline Gate, demonstrates how swiftly the *Cinnanum tempus* had been relegated to an unspeakable taboo.

In the *pro Roscio*, Cicero undertakes a quick detour to attack the Marian general C. Flavius Fimbria, whom he describes as most arrogant, insane, and a madman (*Rosc. Am.* 33: *audacissimus; insanissimus; furiosus*).¹¹ He also asserts that the death of the *pontifex maximus* Q. Scaevola at the hands of the Marians was the most unworthy act ever witnessed by the *populus Romanus* (cf. 10.iv.). At first sight, this digression seems out-of-place. Yet in the historical context, it makes perfect sense: Cicero went out of his way to attack Fimbria because he wanted to align himself, as early as possible, with the dominant Sullan *Zeitgeist*, a *Zeitgeist* which vilified the Marians as arrogant, insane madmen and denigrated their regime to the loathed status of *dominatio*.

Within all this, Marius occupied an ambiguous position.¹² He was unmistakably the greatest Roman of his generation: a seven-time consul, the conqueror of Iugurtha, the first man in the State (*Rhet ad Her.* 4.68: *primus civitatis*), and the father of the country (*Cic. Rab. perd.* 27: *pater patriae*) who had saved Rome from the barbarian Cimbri. But this only extenuated the trope of the 'fallen hero', with our sources portraying his actions in 88/87 as the deeds of a bitter old man who, in his desperation for one last shot at glory, brought catastrophe upon his country; Livy in particular made much of this theme, to judge by the Epitomator's remarks on reaching Marius' death (*Per.* 80).¹³

Even Cicero, a fellow new man from Arpinum and a firm champion of Marius' memory, was forced to grapple with the awkwardness of Marius' two-part career.¹⁴ On the one hand, Cicero praised his compatriot many times in his works, showering him with epithets such as protector of the State (*Red. pop.* 9), saviour of the empire (*Sest.* 116), and father of *libertas* and the *res publica* itself (*Rab. perd.* 27). Marius was one of Cicero's most commonly used *exempla*,¹⁵ the paragon of the industrious new man made good. And at some point, probably

¹¹ Cf. *Cic. Brut.* 233, where Fimbria is again associated with *insania* and *furia*.

¹² Also Q. Sertorius, whose resistance to the *Sullani* made him a romanticised anti-hero in Sallust's *Histories*; Spann 1987: 155–7.

¹³ Carney 1958; Van Ooteghem 1964: 303–24; Hine 1978.

¹⁴ Carney 1960; Mitchell 1979: 45–51; Santangelo 2008, the latter stressing that Cicero's treatment of Marius was complex and contingent on the situation.

¹⁵ van der Blom 2010: 341.

the early 50s, Cicero even published an epic poem in celebration of Marius' career.¹⁶ Nor was he afraid to admit that he was an *adfinis* of Marius' nephew M. Marius Gratidianus, who was brutally executed during Sulla's proscriptions.¹⁷

Yet Cicero could not sugar-coat Marius' final years. At various points, he says that Marius had fallen from grace and was driven by vengeance; that his return to power brought about the ruin of the *res publica* or the near-destruction of the Senate; and that his past glories were overshadowed by his shameful actions in 87 and 86, especially when he forced the suicide of his former colleague Q. Catulus (*cos.* 102).¹⁸ Most strikingly, in one dialogue Cicero has the character C. Cotta (*cos.* 75) ask why the gods allowed Marius, 'the most treacherous man of all' (*omnium perfidiosissimus*), to die a natural death, and uses this as proof that the gods are indifferent to the actions of wicked men, *improbi* (*Nat. deo.* 3.80–1).

If Marius' past glories meant he had to be treated with a degree of nuance, these caveats were not extended to Cinna. Cicero's favourite practice was to pair Cinna with *crudelitas* (cruelty).¹⁹ Other negative concepts he applied to Cinna included *dominatio* (tyranny), *regnum* (monarchy), *iniquitas* (injustice), *turpitudine* (disgrace), and *cruor* (slaughter).²⁰ Some of these traits were applied to Sulla too, most notably *dominatio* and *regnum*. But crucially, Cicero continued to insist that Sulla's *causa* had been noble, in both senses of the word: 'dishonourable victory succeeded an honourable cause', as he wrote in the final year of his life (*Off.* 2.27).

The Imperial sources share these damning judgements on Cinna. If they bothered to dedicate any space to him, it was to brand him a *tyrannis*, a dishonest man who betrayed Sulla and created *dominatio*, and who was justly punished by the gods for his crimes.²¹ The exception is Velleius, who offers a curiously respectful epitaph that singles out Cinna's audacity, bravery, and vigour (2.24.5). This could be Velleius' own judgement; alternatively, it might reflect the traces of a tradition more sympathetic to Cinna's cause, which, if true, probably developed only after the ascendancy of his son-in-law Caesar. But even if true, this counter-tradition was clearly overshadowed by the dominant Sullan narrative. This narrative reserved nothing but

¹⁶ Santangelo 2008: 598–9.

¹⁷ Sources and family tree: Tatum 2018b: 202–4.

¹⁸ Cic. *Red. pop.* 19–20, *Sest.* 50, *Red. Sen.* 38, *Tusc. Disp.* 5.56.

¹⁹ Cic. *Cat.* 3.24, *De or.* 3.8, *Nat. deo.* 3.81, *Phil.* 1.34, *Phil.* 11.1.

²⁰ Cic. *Vat.* 23, *Dom.* 83, *Har.* 54, *Att.* 8.3.6, *Nat. deo.* 3.80–1, *Phil.* 1.34, 2.108.

²¹ Lovano 2002: 141–59 has a useful survey.

contempt for Cinna, the pantomime villain of the Marian *causa*, and rejected the *Cinnanum tempus* as a period of unlawfulness when the *res publica* itself had ceased to function.

4.ii. Humble Marians

In short, it is harder to corroborate the rhetoric of the ‘humble Marians’ than the ‘Sullan *nobilitas*’. References to the Marians are few, and in many cases it can be difficult to tell whether there is anything of social significance beneath the hackneyed invective and hostile innuendo.

With these caveats in mind, what sources can be found that resemble Cicero’s characterisation of the Civil War as *humilitas cum dignitate de amplitudine*? The first passage comes from the same section of the *Verrines* discussed already (3.i.b.) where Cicero mocks the defection of Verres to the Sullans (*Verr.* 2.1.35);

For it was a shadowy act, indeed, and one which might suggest that C. Verres deserted to the *nobilitas*—that is, to ‘his own kind’—because he could not stand *novi homines*, and that it had nothing to do with money.

Rhetorically, this sarcastic remark only works if the side Verres was defecting from, the Marians, was commonly associated with new men, *novi homines*. This term and its associated noun *novitas* were typically used when a man was the first in his family to enter the Senate. Yet on some occasions, Cicero extends it to men of senatorial or even praetorian ancestry who were the first in their family to reach the consulship. As a result, there has been considerable debate over the so-called ‘definition’ of *novitas*.²²

But the gist of the concept is clear. A *novus homo* was someone who advanced in the Senate without the usual bulwarks of electoral success: a famous *cognomen*, a hall full of *imagines*, or illustrious ancestors who could ‘recommend’ him to the electorate (*commendatio maiorum*; cf. 5.ii.e.). And since these advantages were most commonly associated with the *nobiles*, it was possible for Romans to conceive of *novitas* as the antithesis of *nobilitas*: where *novitas* was defined by a lack of ancestral achievements, *nobilitas* demanded ancestral

²² Modern literature at van der Blom 2010: 37–59.

achievements as a prerequisite.²³ In other words, by paraphrasing the Marians as *novi homines*, Cicero again takes it for granted that their defining characteristic was their ‘humbleness’, understood either in a narrow sense of ‘lacking (any?) senatorial ancestors’ or more generally as ‘not-noble’.

The next passages of interest relate to *dignitas*. In the *Brutus*, Cicero asserts that the *Cinnanum tempus* was a time when the *res publica* was ‘without law and without any *dignitas* at all’ (*Brut.* 227: *sine iure fuit et sine ulla dignitate*). In the *Eighth Philippic*, he refers to the Marians as *indigni*; this is the antonym of *dignus*, the adjectival form of *dignitas* (*Phil.* 8.7). Both passages show a clear hostility towards the Marians. This is especially understandable in the *Eighth Philippic*, where Cicero is addressing L. Iulius Caesar (*cos.* 64) whose father and uncle were killed by the Marians in 87 (3.ii.a.). Therefore, it might be tempting to construe both passages as mere polemic, as was the case with *improbis*. However, it seems very likely that these two phrases, *sine ulla dignitate* and *indigni*, are more than just polemic. *Dignitas* was the specialised form of ‘prestige’ or ‘distinction’ that was mainly gained from holding offices in service of the *res publica*. It shared a close relationship with *nobilitas*, the specialised form of hereditary prestige that could only be won from holding the highest offices in the *res publica*, the consulship; indeed, we have seen that Cicero used *dignitas* as a substitute for ‘Sullan *nobilitas*’ at one point in the *pro Roscio* (136: *humilitas cum dignitate de amplitudine*).

In short, Cicero’s emphasis on the Marians’ lack of *dignitas* should not be seen as generalised invective. Rather, it is an extension of the same tradition which portrayed the Marians as *humiles* or *novi homines*—that is, as men without prominent ancestors, whose main trait was their non-nobility.

With the Imperial sources, it is difficult to find anything beneath the mass of cliché and rhetoric. But it is worth mentioning Tacitus (*Hist.* 2.38) and Florus (2.9.2), who reduce the Civil War into a dichotomy of ‘Marius and the *plebs*’ versus ‘Sulla and the *nobiles*’. The model is clearly simplified. But this simplicity is still important, as it reflects the gist of the historical tradition post-Livy which, it seems, sketched the Civil War as a fight between ‘lowliness’ and ‘nobility’. Similarly, the poet Lucan says that ‘so many thousands of commoners’ fell victim to Sulla’s wrath (2.208: *tot milia volgi*). Although this might be poetic hyperbole, and although

²³ e.g. Cic. *Mur.* 16, *Sest.* 136; Sall. *Iug.* 85 (cf. 6.ii.b.).

vulgaritas is considerably stronger than *humilitas*, this passage might reflect that Lucan's main source—on the most part, Livy—had defined Sulla's opposition in terms reminiscent of 'lowliness' or 'humbleness'.

In short, it seems that the Marians were seen to lack nobility or even senatorial ancestors. Therefore, the Sullan tradition equated the *Cinnanum tempus* with *humilitas*, the ascension of *novi homines*, and the death of *dignitas* itself, which they claimed could only be restored to the *res publica* through Sulla's *victoria nobilitatis*.²⁴

4.iii. Marian equites

Now we can introduce a second strand of the tradition, which maintains that the Marians were supported by 'the *equites*' or 'the *equester ordo*'.

4.iii.a.) *pro Roscio*.

The first passage of interest returns us to the *pro Roscio*. Only a few paragraphs after saying that the Civil War was fought *humilitas cum dignitate de amplitudine*, Cicero offers another brief yet revealing remark on the conflict. In a heightened passage warning the *nobiles* to resist the freedman Chrysogonus, Cicero issues a series of exhortations, the last of which states (*Rosc. Am.* 140):

Let them [viz. the *nobiles*] consider whether or not it is disgraceful and miserable that they, who could not suffer the splendour of the *equites* [*equester splendor*], should now be able to endure the tyranny of this most worthless of slaves.

To paraphrase: the *equites* recently held an unspecified position of prominence, *equester splendor*, but this proved unacceptable to the *nobiles*.

Many scholars take this as a reference to the jury dispute.²⁵ Since the time of C. Gracchus, *equites* had served on juries for the criminal courts, until Sulla abolished this system

²⁴ Cf. again Cic. *Rosc. Am.* 136: Sulla's return 'preserved *dignitas* at home and *auctoritas* abroad' (*domi dignitas et foris auctoritas retineretur*).

²⁵ e.g. Nicolet 1966: 216; Brunt 1988: 51, 72, 144–5, 160; Davenport 2019: 72–3.

as dictator and transferred the juries entirely to senators. This reading of *equester splendor* is certainly plausible; as we shall see in Chapter 8, the existence of equestrian juries was a source of great indignation for some senators and a source of great influence for some *equites*. And at one point, Tacitus even portrays the jury dispute as the most important issue in the Civil War (*Ann.* 12.60; cf. 8.i.c.).

Yet other scholars assume that *equester splendor* refers to *equites* playing a political role during the *Cinnanum tempus*. As Meier writes: ‘Cicero characterised the Cinnan regime as *equester splendor*, by which he seems to mean both the advancement of many *equites* into offices and, above all, the influence of the order’s leaders on the whole of politics’.²⁶ This reading is supported by an important passage of Asconius (89 C), discussed below. However, we can immediately note that these interpretations are not mutually exclusive: the prominence of some *equites* in the judicial sphere likely fed into the political prominence of some/other *equites* during the *Cinnanum tempus*, and *vice versa*.

Cicero’s choice of the word *splendor* deserves brief comment. This noun and its adjectival form *splendidus* were often used to describe *equites*.²⁷ The positive connotations of the term are unmistakeable: the ‘lustre’, ‘distinction’, or simply ‘splendour’ of the *equites*. Yet this creates a curious twofold dynamic, with Cicero giving the impression that the elimination of the *equites* was something to be celebrated whilst also praising these defeated *equites*. Most likely, the answer lies in the identity of his audience. Many of the jurors at Roscius’ trial were probably drawn from the 300 *equites* whom Sulla inducted into the Senate in the year 81. Cicero did not wish to insult these *ex-equites*. But he still wanted to make his intended point: since the *nobiles* had defeated ‘the *equites*’, they should not balk at defeating Chrysogonus. Therefore, by using the habitual epithet of praise, *splendor*, Cicero could conjure up images of powerful *equites* laid low while still respecting the former *equites* present in the jury.

4.iii.b.) Asconius.

So Cicero in the *pro Roscio* implies that the *equites* had supported the Marians. Important corroboration is found in Asconius’ commentary on Cicero’s lost speech *In toga candida*.

²⁶ Meier 1980: 219 (translation my own); also Lovano 2002: 59–60.

²⁷ Hellegouarc’h 1963: 458–61; Nicolet 1966: 208, 213–24.

Cicero delivered this speech in the run-up to the consular elections for 63. He used it as an opportunity to blacken the reputation of his rival Catilina, who had participated in Sulla's proscriptions.²⁸

At this point in the speech, it seems Cicero was listing the various demographics who, he claimed, would refuse to vote for Catilina. When Cicero reaches the *equites*, Asconius offers the following remarks (89 C):

[Cicero:] 'From the *equester ordo*? Which you butchered?'

[Asconius:] The *equester ordo* had supported the Cinnan party against Sulla [*pro Cinnanis partibus contra Sullam steterat*], and many had stolen money. Because of this, they were nicknamed 'pickpockets' [*saccularii*]; and on account of the hostility that this aroused, they were killed after the Sullan victory.²⁹

What were Asconius' sources for this gloss? Alongside Cicero's works, we know from Asconius' own citations that he had read the historians Sallust, Livy, and Fenestella, all of whom wrote about the First Civil War. He also references Valerius Antias, who probably, although not certainly, wrote about the conflict, as well as the polymath Varro, whose wide-ranging works likely included something on the war.³⁰ Furthermore, a chance comment from Aulus Gellius indicates that Asconius wrote a commentary, now lost, on the *pro Roscio* (NA. 15.28.4).³¹ If true, this suggests that Asconius had obtained detailed knowledge on the era of Sulla's dictatorship and the First Civil War, knowledge which likely came from reading Sisenna's *Histories* and/or Sulla's *Memoirs* and/or a source closely following them.

In short, we are dealing with a well-informed and erudite scholar,³² whose far-reaching literary and historical interests had brought him into contact with some of the standard histories on the Civil War. Therefore, when Asconius states that 'the *equester ordo*' had supported the *pars Cinnana* against Sulla, this is significant evidence indeed.

²⁸ Summaries: Crawford 2002: 322–4; Lintott 2008: 133–5.

²⁹ The translation of *saccularii* as 'pickpockets' follows Lewis 2006: 179.

³⁰ Marshall 1985b: 39–55; Lewis 2006: xvii–xix. Antias' history: Rich 2013: 294–8. Varro: Wiseman 2010.

³¹ Marshall 1985b: 11. Fenestella had claimed that Cicero was twenty-six at the time of the *pro Roscio*; according to Gellius, Asconius corrected this to twenty-seven. This correction is not found in Asconius' five surviving commentaries; therefore, it likely came from a lost work on the *pro Roscio*.

³² Pace Marshall 1985b: esp. 62–77, who tries to downplay Asconius' reliability. But several of the 'errors' he attributes to Asconius are disproved by Ramsey 1988: 171–3.

4.iii.c.) Other literary evidence.

Cicero's comment that the Sullans 'butchered' the *equites* (*trucidare*) is paralleled elsewhere. In the *pro Cluentio* of 66, Cicero refers to 'that hatred which Sulla held for the *equester ordo*' and states that 'the whole fury of Sulla's proscriptions fell upon the *veteres iudices*', i.e. *equites* who had formerly served as jurors (*Cluent.* 151). We find a similar message in the *Commentariolum petitionis*, written, most likely, by Cicero's brother Quintus in the run-up to the consular elections for 63.³³ Like his brother, Quintus highlights how Catilina had participated in the proscriptions as a young man. He paraphrases these deeds as 'murdering *equites Romani*' (*Comm. pet.* 9: *in equitibus R. occidendis*). Taken together, the evidence of the *In toga candida*, *pro Cluentio*, and *Commentariolum* demonstrates that Sulla's hatred for the *equites* was an established motif in the mid-60s—so much so, that 'killing *equites*' could be used as an uncomplicated synonym for the proscriptions.

Finally, we must note an anecdote from Valerius Maximus about the younger Cato. Allegedly, Cato volunteered to assassinate Sulla to bring an end to the proscriptions; according to Valerius, this took place when Sulla was 'slaughtering the greater part of the *equester ordo*' (Val. Max. 3.1.2b: *equestris ordinis maiorem partem trucidantem*). The anecdote itself is surely fictitious, given that Cato was only a teenager in 82/81. But considering its hagiographical nature, there is a strong likelihood that it derives from one of the works written in honour of Cato in the years after his suicide. In other words, it is probably another reflection of how Romans in the decades after the First Civil War—in this case, in the mid-40s BCE—remembered the proscriptions as 'the death of *equites*'.³⁴

4.iii.d.) The proscription figures.

The notion that Sulla targeted *equites* is supported by what we know about the proscription figures. Several sources give contradictory statements for the numbers and pedigree of the proscribed. But common to them all is the premise, either explicit or implicit, that *equites* were the worst-hit demographic.

³³ Authorship: section 2.iii.e., n. 48.

³⁴ The anecdote is also found at Plut. *Cat. Min.* 3, minus any mention of *equites*. For the genre of Catonian hagiography: Drogula 2019: 303–14.

Appian's testimony is the clearest. He says that Sulla's initial proscription list named 40 senators and 1600 *equites*, with more senators added soon after (*BC*. 1.95). Later in his narrative, Appian states that the total victims were 90 senators and 2600 *equites* (§1.103). Florus (2.9.25) says 2000 victims 'chosen from the flower of the *equester ordo* and from the Senate', a figure that is broadly in line with Appian's evidence; Augustine also mentions 2000 victims (*De Civ. D.* 3.28). But Florus/Augustine do not specify internal numbers or distinguish between two lists.

On the other hand, Plutarch (*Sull.* 31.3-4) states that Sulla named 80 men on the first day of the proscriptions, 220 more on the second, another 220 on the third, and more at a later date. Orosius (5.21.30-4) says 80 names on the first list and 500 on the second—more or less the same numbers as Plutarch. Meanwhile, Valerius Maximus (4.7.1) gives the abnormally high figure of 4700 victims. This should probably be dismissed as an error, an exaggeration, or some kind of estimate for the total number of senators and *equites* killed in the Civil War of 83–82.

In other words, there are at least two traditions about the number of Sulla's victims: the high-count of Appian/Florus/Augustine (c. 2000~2600) and the low-count of Plutarch/Orosius (c. 500~600). There is no obvious way to decide between these traditions.³⁵ But the important point is that whichever tradition we prefer, the majority of victims must have been *equites*. The Senate before Sulla operated at around 300 members, a considerable proportion of whom had died in the Social and Civil Wars—up to 200, according to the Livian tradition.³⁶ Therefore, it seems numerically improbable that the total number of senators on the proscription lists was more than about 75~100. This is in line with Appian's evidence (90 senators), and it is probably also the basis of the '80' that appears in Plutarch and Orosius. Thus the bulk of the remaining victims must have been *equites*: around 500 according to the low-count, and over 2000 according to the high-count.

³⁵ Pace Hinard 1985a: 116–20, who dismissed the high count too easily.

³⁶ Eutrop. 5.9.2; Oros. 5.22.4; cf. Evans 1983.

4.iii.e.) The proscriptions as political vengeance.

It seems clear, therefore, that a significant number of *equites* were killed in the proscriptions, with Asconius believing that they died for supporting the *pars Cinnana*. But two questions remain. What did this ‘support’ entail? And were *equites* killed for other reasons too?

From the evidence of Cicero (*Rosc. Am.* 126, 153) and Appian (*BC.* 1.95–6), we can partially reconstruct the terms of the proscription law. Unsurprisingly, if a man had served in the army against Sulla, and especially if he had done so as a magistrate (cf. *BC.* 1.95), then legally he could be proscribed. Giving financial aid to the Marians, such as loans or donations, or any other kind of prominent assistance or advice, were also punishable offences. Sulla set the cut-off date for clemency as the failed peace conference with L. Scipio in 83. But there was leeway for those who defected after this point. One ostentatious example is P. Albinovanus, an officer under Norbanus who, at some point in 82, defected to Sulla by slaughtering an entire banquet of high-ranking Marians and then surrendering Ariminum to him.³⁷

These were, in short, the ‘official’ criteria for why an *eques* or senator might be proscribed: giving military, financial, or general assistance to Sulla’s enemies after the cut-off point of mid-83, and *continuing* to do this without recanting. However, this ‘official’ line might mean little. The Imperial sources are full of allegations that the Sullans chose victims to steal their wealth, to satisfy personal vendettas, or for sheer sadistic pleasure.³⁸ The desire for wealth is particularly credible, not least because Cicero on more than one occasion associates Sulla’s proscriptions with the plundering of the rich, *locupletes* (*Att.* 7.7.7, *Parad.* 46). Furthermore, several sources believe that after the Battle of the Colline Gate but before the creation of the first proscription list, there was an initial period of indiscriminate violence in Rome, apparently lasting several days or weeks, in which the Sullans murdered as they pleased (e.g. Plut. *Sull.* 31.1; Oros. 5.21.1). Hinard dismissed the existence of this period in his monograph on the proscriptions because it seems to contradict Appian’s account, but more recent scholars such as Thein have rightly exposed the fragility of this argument.³⁹

³⁷ App. *BC.* 1.91; Ps.-Asc. 234 St.

³⁸ e.g. Plut. *Sull.* 31; Cass. Dio 30–35, frg. 109.11–20; App. *BC.* 1.95–6; Flor. 2.9.25; Vell. Pat. 2.28.2–4; Oros. 5.21; August. *De civ. D.* 3.28.

³⁹ Hinard 1985a: 104–16 (also 1985b: chapter 5); Thein 2017; 2020.

It would be naïve, then, to claim that every one of Sulla's equestrian victims was killed for political reasons; material and personal motivations must have played some part, especially in the initial period of lawlessness in November/December 82. But equally, Hinard did put a finger on an important point: our sources are rhetorical, moralising, and often clichéd when they narrate Sulla's dictatorship; this is particularly evident in Cassius Dio (30–35, frg. 109.11–20) and Plutarch's *Sulla* (31). And some of the more melodramatic anecdotes seem to be based in fiction rather than history—for example, the stories surrounding the death of Marius Gratidianus, who was supposedly torn limb-from-limb by Catilina, his own brother-in-law.⁴⁰ To accept these anecdotes at face-value is to underappreciate just how much scope there was for falsification in ancient historiography, particularly when it came to a figure as controversial as Sulla, whose dictatorship lent itself to hyperbole and invective. In other words, when the Imperial sources allege that *equites* were slaughtered indiscriminately for non-political reasons, this must be viewed with strong suspicion. In contrast, when Asconius states that these *equites* died for supporting the *pars Cinnana*, he does so in a sober manner, free of hyperbole, and probably following a very good source (cf. 4.iii.b.).

Other arguments can be brought forward. For instance, Plutarch states elsewhere that when Crassus, one of Sulla's closest lieutenants, added a name onto the proscription list solely to acquire the man's property, Sulla angrily broke off ties with him (*Crass.* 6.7). Since it is clear that Plutarch had access to Sulla's *Memoirs*, this information probably derives from the dictator's own pen.⁴¹ It suggests that Sulla wanted the public to know that material motivations had no place in the proscriptions: political allegiance, not wealth, was the only proper criterion for death. A similar message emerges from a later book of Cassius Dio, now following, it seems, a source less polemical against Sulla. Dio states that in the late 40s, the Triumvirs targeted many innocent people for their wealth. This was in contrast to Sulla's proscriptions, 'when the only men destroyed were the enemies of Sulla and of the leaders associated with him; among the friends of Sulla or of other men, no one perished, at least not on Sulla's bidding' (47.5.1).

Finally, the *pro Roscio* must also be mentioned. The sorry fate of the elder Roscius might give the impression of a lawless free-for-all in the year 81: a respectable Italian nobleman

⁴⁰ Gratidianus' death: Hinard 1984b: 303–7; 2008: 77–83; Marshall 1985a.

⁴¹ Or the pen of Epicadus, Sulla's freedman who completed Book 22 of the *Memoirs*; Suet. *gramm.* 12.

was murdered, and his name was added onto the proscription lists by Sulla's freedman Chrysogonus, who then purchased his properties for a bargain price. Lawlessness, tyranny, and unrestrained massacres are certainly how some modern scholars describe this time. One even makes the unsubstantiated claim that the Sullans continued to murder and proscribe whomever they wanted long after the proscriptions had ended on 1st June 81.⁴² However, Cicero's entire strategy in the *pro Roscio* assumes that what happened to the elder Roscius was unusual and unacceptable to the Sullans. He dedicates the last quarter of the speech to stressing how outrageous Chrysogonus' actions were, evidently because he expects his audience of Sullan jurors to agree (*Rosc. Am.* esp. 125–30, 138–41). This strategy presupposes the 'normal' functioning of the proscriptions as a structured process where only those who deserved to be proscribed could be proscribed, and where no individual Sullan could expect to receive special treatment, no matter how close they were to the dictator.

All in all, while there must have been some *equites* and *locupletes* who were killed for material or personal reasons, we cannot assume that these victims were more than a small minority of the total. The whole rationale of drawing up a proscription list was to systematise Sulla's killings and reassure his fellow members of the elite that retribution would only come to those who deserved it: that is, to anyone who had continued to support the Marian government without recanting after the failed peace conference in 83. One thinks of Quinctius' agent Sex. Alfenus, who continued to support the Marian *causa* and paid for this loyalty with his life (*Quinct.* 68–70, 76); another example we will encounter later is Cn. Titinius (10.i.b.). In contrast, other *equites* such as Naevius or the elder Roscius declared for the Sullans in a timely manner. As a result, they were able to share the rewards of Sulla's victory and enjoy close ties with the highest circles of the Sullan elite.⁴³

To summarise, it seems a significant number of *equites* lent prominent support to the Marians before and during the Civil War of 83–82. In some cases, this may have involved military service; for others, it probably meant financial assistance or public displays of support at *contiones* and elections. After Sulla's victory, he took ferocious revenge on these Marian

⁴² Eckert 2020: 87, 90; cf. 2016b: 144–52. Although her analysis of the proscriptions as 'cultural trauma' is interesting (2014; 2016a), Eckert's treatment of Sulla's dictatorship often veers towards hyperbole and invective. This leads her to identify 'criticism' of Sulla in the *pro Roscio* where none exists; see Coates 2022.

⁴³ Cic. *Quinct.* 70, *Rosc. Am.* 15–16, 126, etc.

equites, instituting a novel form of state-sanctioned murder to liquidate them and seize their property. As a result, the proscriptions soon became synonymous with ‘killing *equites*’.

4.iii.f.) John of Antioch.

Finally, it is worth mentioning a strange passage from the fragmentary historian John of Antioch (possibly 6th century CE), preserved as an extract in a Medieval manuscript and brought to attention by Walton in 1965.⁴⁴ It seems John of Antioch wrote a universal history from Adam until the reign of Phocas. In the surviving extracts on the Late Republic, John cites a range of authors including Plutarch, Livy, Diodorus, Cassius Dio, and even Sulla. But as Walton noted, these citations prove nothing: most likely, John only had access to epitomes of these works (or epitomes of epitomes), or he plagiarised the citations from whichever main source(s) he was following.⁴⁵

In the passage in question, John has just given an account of Sulla’s dictatorship which seemingly follows the rough contours of Plutarch’s *Life of Sulla*.⁴⁶ But what he says next has no resemblance to anything in Plutarch:⁴⁷

Upon the renewal of civil strife, the Roman Senate proposed that Sulla be granted dictatorial powers. For all the knights [i.e. *equites*] had banded together, wishing to rule rather than be ruled, and since they repeatedly attempted to oppose the Senate, the situation was intolerable to the government. Accordingly Sulla, having again attained this office [viz. the dictatorship], made a secret agreement with men throughout Italy, unbeknown to anyone at Rome, and ordered them to arm themselves with daggers and enter the city at the time when the Roman People would be starting to celebrate the festival of Rhea (this normally occurs about the first of January), so that with their help he might destroy the urban knights. Since the Italian rabble was hostile to the soldiers they duly appeared on the appointed day, began to riot, and, by enlisting the help of the populace, did away with a large number of knights. While these events were taking place in the city, reports from

⁴⁴ Walton 1965. For summaries of John of Antioch: Baldwin 1991; Van Nuffelen 2012.

⁴⁵ Walton 1965: 250. Cf. Treadgold 2007: 311–29, arguing that John ‘plagiarised’ the 6th-century historian Eustathius of Epiphania.

⁴⁶ Walton 1965: 237–8, 246.

⁴⁷ Text and translation from Walton 1965: 244–5.

the subject peoples everywhere reached Rome, announcing incursions of barbarians and suggesting that the Roman consuls and praetors should occupy their territories with all speed. I give this on the authority of Plutarch. Diodorus, however, says that no such reports existed, and that Sulla concocted them as a means of distracting the people and ending the disorders. For he promptly enrolled all the armies and assigned them commanders, and thus rid the city of the whole multitude.

Much of this is nonsense. Sulla never held a second dictatorship. The ‘festival of Rhea’ does not exist. The slaughter of ‘urban knights’ by an ‘Italian rabble’ is puzzling. And it is hard to see how Plutarch or Diodorus can be responsible for such a confused and confusing account; most likely, John (or his source) has tried to combine elements from multiple epitomes, one or more of which had mentioned Plutarch and Diodorus.

Gabba suggested that John is trying to describe, in garbled form, the violence between Sulla and Sulpicius in 88. Most scholars have agreed.⁴⁸ However, it seems more likely that this passage is a historiographical chimera: a hotchpotch of narrative moments drawn from across the decade and smashed together in an attempt by John (or his source) to make sense of the laconic epitomes at his disposal. Thus the Italians rioting at Rome looks like the *novi cives* supporting Sulpicius (cf. 10.i.b.). Panic over barbarian incursions looks like First (or Second?) Mithridatic War. Sulla as dictator initiating a purge of *equites* looks firmly like the proscriptions. The ‘second dictatorship’ looks like Sulla’s second consulship in 80. And the crux of the whole passage—i.e. an alliance of *equites* against the Senate, leading to civil violence—is probably a compound of several moments: (i.) the *equites* supporting Sulpicius in 88, which culminated in fighting on the streets of Rome; (ii.) the *equites* supporting the Marian regime, which culminated in their deaths in the proscriptions; and (iii.) probably a sprinkling of the jury dispute too, which is often described in terms similar to the ‘intolerable situation’ mentioned at the start of the passage (cf. 8.i.b–c.). In short, as confused as John’s narrative may be, it is still important for showing the remnants of a historiographical tradition which placed the antagonism between *equites* and Sulla at the heart of the civil violence of the 80s.

⁴⁸ Walton 1965: 247–50 (with Gabba’s suggestion); Nicolet 1966: 580–1 n. 13; Katz 1975: 122–4; Dowling 2000: 322. Less certain: Sampson 2013: 148–9. Cf. Goukowsky 2014: 247–8, dismissing this passage as ‘les divagations d’un moine’.

4.iv. Prosopographical survey

To summarise, despite the various problems surrounding the *Cinnanum tempus*, we have detected two strands in the ancient tradition which corroborate Cicero's characterisation of the Marians as *humiles*. The first equates the Marians with *novi homines* or the absence of *dignitas*; the second maintains that they were supported by 'the *equites*' as a collective. Both strands bring to mind Sallust's *Iugurtha*, where he describes how Marius, a *novus homo*, attracted support from the wider elite by trumpeting his *novitas* in contrast to the *nobiles* (cf. 6.ii.).

However, it must be stressed that we are probably dealing with a relatively small number of elites. As explained, most members of the wider elite were habitually 'apolitical' (1.i.), and in general Roman politics tended to operate on a very small scale (2.iii.). The ardent supporters of the Marians, the ones like Sex. Alfenus who paid for their support with their lives, probably numbered a few thousand *equites/boni* at most.

Furthermore, it is worth re-emphasising that nothing here is absolute. Not every Sullan was a *nobilis*, and not every *nobilis* a Sullan; not every Marian was *humilis*, and not every *eques* a Marian. This might seem obvious, but it is still necessary to acknowledge because some scholars have tended to overlook or dismiss Cicero's *humilitas cum dignitate de amplitudine* by citing these very objections: that is, they point out that some Marians were *nobiles*, or that some *equites* supported Sulla, in order to reject the model out of hand. But these arguments miss the point. Enough Marians must have been 'humble' in the comparative sense outlined here, and enough *equites* must have lent prominent support to the Marian *causa*, to justify the two strands identified in the source tradition.

Can we confirm these conclusions in any way? A glance at Broughton's *Magistrates of the Roman Republic* would suggest so. In the years 86–82, a number of obscure names leap out from the ranks of the Marians: names like Norbanus, Sertorius, Gratidius, Carrinas, Albinovanus, Burrenus, Cloelius, Magius, Verres, Fabius Hadrianus, and Lucretius Afella. All held positions of authority during the *Cinnanum tempus*; none came from families prominent in the Senate. Several are also the first attested bearers of their *nomen*—a strong indication of *novitas*, and perhaps a sign that they were *novi cives* recently enfranchised during the Social War (cf. 10.iii.b.). It is also interesting to note that several of Sertorius' officers in the 70s bear humble-sounding names (e.g. L. Hirtuleius), most of whom had served the *pars Mariana* in

83–82.⁴⁹ In a political system normally dominated by the same circle of noble families, the mere presence of these obscure names in positions of authority was enough to warrant the labels *humilitas*, *novitas*, and *indignitas* for the *Cinnanum tempus*. Add to this the prominent support of certain *equites* and the fact that the eponymous Marius also happened to be a celebrated *novus homo*, and we arrive at a composite explanation for the trope of the ‘humble Marian’.

But to understand this phenomenon fully, we need to compare the *Cinnanum tempus* with adjacent periods. For this purpose, a survey has been undertaken to investigate the social origins of all known consuls and praetors in the period 123–70. The focus is on 107–82, but the years either side have been included for comparison. With this data set, we can aim to corroborate or challenge the literary evidence in a qualitative manner.

In terms of methodology, four points need explaining. First, following the example of Hopkins and Burton, who conducted a famous survey on the demography of the Republican Senate, double-counting has been avoided: i.e. only a politician’s highest office is included here, and only his first tenure of that office. For example, Marius is counted under his first consulship (107) rather than his praetorship (115) or final consulship (86). This is not perfect, but it does allow us to isolate ex-praetors who never reached the consulship, the *praetorii*, as a distinct cadre. It also avoids statistical anomalies that arise from counting one individual multiple times (e.g. Marius, Cinna, Carbo).⁵⁰

Second, four categories of descent were considered: (i.) noble, i.e. descended from consuls, dictators, or consular tribunes; (ii.) praetorian; (iii.) senatorial; and (iv.) new man, taken in a narrow sense to mean ‘first in a family to enter the Senate’. It should be noted that ‘noble descent’ is preferred to ‘*nobilis*’ to avoid giving the impression that every descendant of a consul was automatically considered a *nobilis*; as discussed previously, this was probably not the case (cf. 1.ii.a.). Third, following usual practice in these kind of surveys, only direct ancestry is considered, and only along paternal lines. Maternal ancestry, which may have started to ‘transmit’ *nobilitas* in this period, is too poorly documented to be taken into account.⁵¹ Fourth, the survey has been conducted twice: once with a ‘conservative’ count and

⁴⁹ Cf. Spann 1987: 171–4.

⁵⁰ Hopkins and Burton 1983: 46.

⁵¹ Cf. Brennan 2012: 362–4; Mouritsen 2023: 223 n. 14.

again with a ‘more speculative’ one. In the latter, a few ‘uncertain’ individuals are redistributed into the other categories, while some men are moved from one category to another; for example, Sisenna (*pr.* 78) is moved from ‘probably praetorian’ to ‘possibly noble’ on the tentative assumption that he belonged to a remote branch of the patrician Cornelii. Doing this provides a lower and upper range of confidence and helps to avoid any false impressions of certainty.

It remains only to say that the survey makes no claims to faultlessness. We can identify 99 *consulares* and about 146 *praetorii* in the period 123–70. This is a respectable figure, but still short of the actual number elected (roughly 350+ individuals); they are also unevenly distributed. Furthermore, determining ancestry is not an exact science. Homonymity is no proof of direct descent, nor of any relationship at all,⁵² and the intervals between generations are never constant.⁵³ The loss of Livy’s narrative after 166 also denies us much information on the composition of the Senate in the mid-to-late 2nd century. As a result, many men will doubtless be recorded in a lower category than they deserve, although the two degrees of certainty helps to mitigate this somewhat. Finally, many praetorships are inferred from a subsequent legateship, governorship, or the *consilium* of a senatorial decree. The dates of these inferred praetorships must remain conjectural; but in most cases, we can assume that they fall in the decade before. Inferred praetorships are especially important for the *Cinnanum tempus*. We know of several Marian commanders who fought in the Civil War of 83–82. Since these men were clearly the highest ranking, most trusted followers of Carbo, we can assume that they had held praetorships in the preceding years, as is known to be the case for Sertorius.

The full evidence is listed in the Appendix. For our current purposes, the important point is what happens when we reduce this data to a simplified dichotomy of ‘noble’ and ‘non-noble’, and divide it into six time periods: from C. Gracchus to Marius’ first consulship (123–108); the era of Marius’ first dominance (107–100); the short 90s (99–92); the Social War and start of the Civil War (91–87); the *Cinnanum tempus* (86–82); and the Sullan restoration (81–70). The results are shown in percentage-based form in Tables 1 and 2.

⁵² Cf. Wiseman 1974; Brunt 1982: 3–4.

⁵³ Cf. Hin 2013: 171–209 on Roman marriage and reproductive practices.

Table 1: consuls and praetors, 123–70: ‘conservative’ count:

Time period	Noble descent	Non-noble descent	Uncertain
123–108	75%	21%	4%
107–100	41%	56%	3%
99–92	63%	34%	3%
91–87	50%	28%	22%
86–82	50%	46%	4%
81–70	59%	30%	11%
Total: 123–70	59%	33%	8%

Table 2: consuls and praetors, 123–70: ‘more speculative’ count.

Time period	Noble descent	Non-noble descent
123–108	84%	16%
107–100	44%	56%
99–92	69%	31%
91–87	63%	38%
86–82	50%	50%
81–70	68%	32%
Total: 123–70	66%	34%

Several points can be made here. First, these figures cannot be taken as cast-iron. A number of praetors have tentative dates and could easily be moved from one time period to another. There is also a disproportionate number of ‘uncertains’ in the years 91–87, so the figures for that period must be treated with particular caution.

Second, nobles are more likely to enter the historical record than non-nobles. Partly this is because our sources refer to them more, and partly because they were more likely to reach the consulship. This means that in every sub-period, we can expect the ‘real-life’ percentage of non-nobles to be higher than what these figures suggest. This will probably be around a 5~10% difference in most eras, but possibly more in periods where the evidence is particularly sparse (such as 123–108: here, the relative dearth of attested praetors means the proportion of nobles is artificially inflated to 75~84%, which is probably about 10% higher than it ought to be).

Third, even accounting for the imbalance towards noble descent, the overall dominance of the nobility is still striking. This is especially clear among the consuls, where we encounter no problems of source survival. Around 80~83% of first-time consuls were descended from other consuls (or dictators/consular tribunes) and so qualified for *nobilitas*. No wonder Sallust complained that the *nobilitas* of this era ‘passed the consulship from hand to hand’ (*Iug.* 63.6). It can be added that these figures are in line with the findings of similar surveys. Badian concluded that around 82% of consuls had noble descent in the period 179–49; Gruen, 88% of consuls and 49% of praetors in 78–49; and Mouritsen, 86% of consuls and 66% of praetors in 100–50.⁵⁴ All of this strongly supports the notion that in order to explain the dynamics of Late Republican politics, we must start and end with the *nobiles*: they dominated elections in most years, and by the final decades of the Republic they had a near-monopoly on the consulship.

But crucially, even if, taken as a whole, this 54-year period shows a nobility holding onto its dominant position, there are two sub-periods where this was not the case. These, of course, are the two periods of ‘Marian’ supremacy. First, the years when Marius’ own power was at its apex (107–100), when he held an unprecedented six consulships in eight years; here, the percentage of attested non-nobles shoots up to over 50%. Second, the *Cinnanum tempus* (86–82), when the ratio of attested nobles versus non-nobles is about 50:50. These are the only

⁵⁴ Badian 1990: 391–400, 410; Gruen 1995b: 162–210, 522–3; Mouritsen 2023: 224–8.

periods in the Late Republic when the total percentage of nobles in high office drops below 51%. And to reiterate an earlier point: it is highly likely that these results do not capture the full extent of this phenomenon, meaning that the ‘real-life’ percentage of non-nobles was probably over 65% in the period 107–100 and 60% during the *Cinnanum tempus*. Plus, since not every man listed as ‘noble descent’ was necessarily considered a member of the *nobilitas* (e.g. the younger Marius), from the perspective of a contemporary observer the ‘real-life’ ratio of *nobiles* to non-*nobiles* will have seemed even more skewed than these results suggest.

In other words, we have two periods, united by the common denominator of Marius, that seem to depart from the political norm of noble dominance. Three explanations might be offered:

(i.) After the *nobilitas*’ failures in the Iugurthine War and other conflicts, the wider elite became more inclined to support candidates on the basis of competence and proven track-record rather than family name. Marius became the focus-point of this tendency; and when he seized power in late 87, the wider elite again shifted support towards him and his associates.

(ii.) In the period 107–100, other non-nobles witnessed Marius’ successes and were emboldened to stand for high office. In turn, this encouraged a new generation of non-nobles to pursue political careers; and these men then formed the core of the Marian *pars* during the *Cinnanum tempus* (cf. 8.ii.).

(iii.) In 107–100, Marius actively helped non-nobles to reach high office. Then, he did the same after seizing power in late 87; after his sudden death, this policy was continued by his political successors Cinna and Carbo.

The answer is probably a combination of all three. What we appear to be witnessing is an intra-elite phenomenon: on one side the *nobilitas*, the traditional core of the political elite, which suddenly became the target of attacks at the time of the Iugurthine War; and on the other side, non-nobles, meaning both ‘humble’ senators who took advantage of this unpopularity and the wealthy voters in the *comitia centuriata* who elevated them to high office. The rest of this thesis will try to explain the modalities of this shift, the reasons why it happened, and the implications for the First Civil War.

Chapter 5: *Nobilitas* in the Republic (I): ethos, success, and pressures

A summary is in order. Sulla identified his cause with the *causa nobilitatis*. It appears this was in response to circumstances during the *Cinnanum tempus*, when the Marian *pars* enjoyed prominent support from *equites* and, it seems, saw a greater number of non-nobles achieve election to high office than usual. This brings to focus the period two decades earlier when a similar phenomenon appears to have occurred, again in connection with Marius.

To understand what is going on here, we must take a step back and analyse the traditional position of the *nobilitas* in Roman society: its ethos, dominance, and also weaknesses. For only by looking at what went right in the era of the *nobilitas*' success can we appreciate what went wrong in the late 2nd century. Inevitably, much of what follows in the next two chapters is based on evidence from the mid-1st century, particularly Cicero and Sallust. But as scholars such as Hölkeskamp have highlighted, enough survives from earlier periods to form a holistic impression of the development and value-system of the *nobilitas* in the 'Middle Republic' (c. 366–146).

5.i. Formation and ethos

The *nobilitas* had its origins in the Struggle of the Orders. The plebeians received the right to stand for the consulship as part of the Licinian-Sextian reforms of 368/7.¹ Over the next two or three generations, as more and more plebeian families obtained the consulship, there gradually emerged a new patricio-plebeian elite defined not by patrician or non-patrician birth but by the primacy of office-holding. To be counted among this new 'aristocracy of office', the *nobilitas*, one had to hold public magistracies (*honores*). This especially meant the highest annual magistracy in the State, the consulship, although it seems that the dictatorship and, harking back, the consular tribunate were also considered to be 'ennobling' offices that qualified a man's descendants for *nobilitas* (1.ii.).²

¹ Whether the dual consulship existed before 367 is very controversial, e.g. Smith 2011; Richardson 2017; Tietz 2020. But most scholars accept that a tripartite system of two consuls and a praetor did exist after 367.

² Hölkeskamp 1993; 2011b are essential on the *nobilitas*' development. General overviews: Cornell 1995: 333–44; Forsythe 2005: 268–76, 340–4; Lomas 2017: 221–9, 304–7; Bradley 2020: 259–62, 334–50.

Compared to what came before, this was a paradigm shift in Roman politics. Where the patricians had once prioritised religious privileges and the immutability of blood-ties, the core principles of the *nobilitas* were all ‘state-orientated’: the performance of great deeds in service of the *res publica*, the subordination of personal interests to the collective good, and the recognition of these qualities in the form of ‘popular’ election to magistracies. Indeed, that the essence of this new elite was ‘public recognition’ is reflected in the term *nobilis*, which originally meant that someone was ‘well known’ or ‘recognised’. And where the patriciate had been fundamentally exclusive, the *nobilitas* was at its core a meritocracy: because the decisive criterion was election by the *populus Romanus*, it was always possible for outstanding newcomers to win election to the highest offices and ‘join’ the ranks of the *nobiles*.³

But while ‘joining’ the *nobilitas* was determined by political criteria, where this new nobility found its greatest expression was as a martial elite. This goes back to the initial period in the *nobilitas*’ formation. The consulship was first opened to plebeians in 366. But it was not until 342 that they achieved parity in the office, and it was not until the next generation, when the sons and grandsons of the first plebeian consuls also rose to the consulship, that the consolidation of the patricio-plebeian *nobilitas* came to fruition.⁴ This timeline coincides with the first era of Roman expansion. In the generation between the 330s and the 270s, Roman hegemony was extended across all of central and southern Italy in a series of campaigns against the Latins, Samnites, Etruscans, Umbrians, the Gauls of the *ager Gallicus*, and the Greek city-states of the south, defended by King Pyrrhus of Epirus.⁵

This was the cauldron in which the *nobilitas* was formed. Year after year, consuls led the armies of the Republic into the field; indeed, a year without fighting was almost unheard of in this period.⁶ More often than not, these armies returned to Rome victorious. With each year, therefore, the collective prestige of the consular families was increased, and with each victory their claims to pre-eminence were vindicated in spectacular fashion by the self-fulfilling cycle of imperial expansion: land and colonies to provide for the *plebs*; slaves and plunder to expand the Roman economy; glory and pride for the *populus Romanus*; and

³ See the works in the previous footnote, especially Hölkeskamp 2011b: 205–40; also now H. Beck 2022: 350–6.

⁴ Develin 2005; Hölkeskamp 2011b: 62–109.

⁵ Narrative overviews: Lomas 2017; Bradley 2020.

⁶ Harris 1979: 9–10, 180, 256–7; Oakley 1993: 14–18.

beautification for the city of Rome, where there arose a proliferation of temples, monuments, and public works funded by *nobiles* with the spoils of war.⁷

Within the *nobilitas* too, conquest developed an impetus of its own. Apart from extraordinary periods like the Punic Wars, military commands in the 4th and 3rd centuries tended to last for only one or two years. As a result, every *nobilis* was incentivised to pursue an aggressive policy during his year in office, so that he might be the one to subjugate a foe, conquer a territory, or bring a war to conclusion.⁸ And if he killed enough of the enemy in the process, then he earned the right to request a triumph—an ostentatious and quasi-sacred celebration of individual martial excellence, which unsurprisingly became the ultimate goal in a *nobilis*' career and a source of great competition within the Senate.

The martial ethos that fuelled this process was instilled from an early age.⁹ According to Polybius (6.19.4), a minimum of ten-years' service was required before a citizen could stand for political office at Rome. This was probably never a 'legal' requirement (cf. 7.iv.a.), but there is no reason to doubt that it was adhered to during the Middle Republic. This means that most *nobiles* spent their formative years, from roughly seventeen to twenty-seven, training as a warrior. To be a 'politician' came only with age.

For members of the elite, this period of military service was typically spent as an officer in the cavalry. This was a dangerous profession, but also conducive for individual acts of glory.¹⁰ As a result, monomachy came to be viewed as an archetype of courageous behaviour; battle-scars were considered a badge of honour, and displaying them in public could have a profound impact; and acts of outstanding bravery or generalship were soon recognised in an official capacity—for example with the civic crown, awarded for saving the life of another citizen.¹¹

⁷ Economic benefits: Harris 1979: 54–104; Oakley 1993: 22–6; Cornell 1995: 380–5, 393–4; Lomas 2017: 307–16; Bradley 2020: 341–7; Roselaar 2020. Beginnings of Rome's monumental culture: Hölscher 1978: esp. 348–57; Ziolkowski 1992; Hölkeskamp 2020: 97–113. Cf. however Rosenstein 2011; 2016; 2020, pointing out that some (or many?) of Rome's wars ran at a loss.

⁸ Harris 1979; Rich 1993. In our period, Sp. Albinus (*cos.* 110) is a good example; Sall. *Iug.* 35–6.

⁹ Harris 1979: 8–53 remains essential; also Oakley 1993; McDonnell 2006; Rosenstein 2007; 2022.

¹⁰ McCall 2002: esp. 62–8, 79–81, 83–96; Rosenstein 2022: 237–9.

¹¹ Oakley 1985; Evans 1999; Maxfield 1981.

It is hardly a surprise, therefore, that Polybius considered courage (ἀνδρεία) to be more important at Rome than anywhere else (31.29.1); that he judged violent force (βία) to be the primary quality of the Roman race (1.37.7); or that he believed the main driving-force for young members of the Roman elite was the desire to emulate brave deeds (6.54.1-4). In the 4th and 3rd centuries, being a *nobilis* meant being a warrior; and as long as they continued to defend Rome, bring home the profits of conquest, and extend the boundaries of the *res publica*, the dominance of the consular families, the *nobilitas*, was largely secured.

The word used to encapsulate these martial qualities was *virtus*—literally, the quality of being a man (*vir*). By Cicero’s time this word had a spectrum of nuances, including excellence, merit, moral/ethical virtue, or as a calque for the Greek term ἀρετή. But in earlier times, *virtus* was primarily a martial trait: martial prowess, manly aggression, or most simply, courage. From the 3rd century until the Imperial era, it reoccurs time and again as the most important trait a Roman could display, and especially a Roman *nobilis*.¹² Indeed, Cicero even makes *virtus* the defining attribute of *nobilitas* (‘for *nobilitas* is nothing but *virtus* recognised’), a sentiment that later found favour with Imperial writers such as Livy, Seneca, and Juvenal.¹³ It should be stressed, however, that Cicero was not a disinterested commentator, since the (re)assertion of *virtus* as a primary quality of nobility was one of the ways a *novus homo* could counteract the ‘hereditary’ aspects of *nobilitas* which, by the 1st century, had become very potent (cf. Chapter 6).¹⁴

Associated with *virtus* were a number of subsidiary concepts, most of which appear to have crystallised already by the late 4th and early 3rd centuries: *sapientia* (wisdom), *fortitudo* (bravery), *constantia* (perseverance), *disciplina* (self-control), *pietas* (devotion to gods, family, *res publica*, etc.), and *magnitudo animi* (eagerness of spirit). By displaying these virtues, a *nobilis* showed himself worthy of the *honores* bestowed by the *populus Romanus*. And with *honores* came more valued traits: *laus* (praise), *fama* (fame), *gratia* (influence), *gravitas* (seriousness/dignity), and especially the duo of *auctoritas* (authority/standing) and *dignitas* (prestige). But above all, the *nobilis* sought to win *gloria*, which might be translated as glory, renown, praise, enduring fame—in short, everything a *nobilis* strived to win in his lifetime of

¹² Full sources: McDonnell 2006 (esp. 12–71 on early usage); Balmaceda 2017.

¹³ Cic. frg. *ad Hirt.* 3 (= Non. 704 Lindsay): *cum enim nobilitas nihil aliud sit quam cognita virtus*; Liv. 7.32.13–14; Sen. *Ep.* 44.5; Iuv. 8.20 (*nobilitas sola est atque unica virtus*).

¹⁴ For *virtus* and the *novus homo*, cf. Earl 1967: 44–58; McDonnell 2006: 320–54; Balmaceda 2017: 42–82.

public service. Lastly, *honor/honos* must also be included. For while it was used in a literal sense to describe public offices, by extension it could also denote the ‘respect’ or ‘rank’ gained from holding those offices.¹⁵

For this aristocratic ethos, the paradigmatic sources are well known. Pride of place goes to the tombs of the Scipiones: a series of funerary inscriptions to commemorate members of the Scipio family from the mid-3rd to mid-2nd centuries (*CIL* 1.2.6–16). Also important is the *laudatio Metelli*: a speech delivered in 221 by Q. Caecilius Metellus (later *cos.* 206) at the funeral of his father Lucius (*cos.* 251 and 247), which survived to be quoted or summarised by the elder Pliny (*NH.* 7.139–40).¹⁶

In these texts, we see how the core principles of the *nobilitas* had been internalised already at an early period. In the Scipionic epitaphs, the importance of public service is evident. Magistracies are enumerated, *honores* are frequently mentioned. And if a Scipio had died young, assurances are given that the deceased would have earned higher honours if time had allowed it (cf. 5.iv.). Crucially, the *populus Romanus* is acknowledged as the reference-point for these honours: L. Scipio Barbatus (*cos.* 298) and his son Lucius (*cos.* 259) did not simply hold office, they held office *apud vos*—that is, ‘among you’, the *populus Romanus* (*CIL* 1.2.7, 9).

The centrality of martial prowess is also clear. Most of the Scipionic epitaphs proclaim *virtus* at least once, sometimes in conjunction with *fortitudo*, *fama*, *gloria*, or another canonical virtue, while military conquests are also enumerated whenever relevant. And in the list of ten qualities at which L. Metellus is said to have excelled, first place goes to ‘being a first-class warrior’, third place to ‘being the bravest general’.

Finally, the prevalence of superlatives is striking. Almost every quality Q. Metellus attributes to his father is a superlative of some kind: a first-class warrior, the best orator, the bravest general, the greatest honours, the highest wisdom, the highest senator, the most famous man in the State, etc.¹⁷ Likewise with L. Scipio (*cos.* 259), whose epitaph proudly proclaims

¹⁵ On all these terms: Lind 1979; 1989; 1992; Hölkeskamp 2011b: chapter 5; Badel 2014; Mouritsen 2014.

¹⁶ General overviews: Kierdorf 1980: 10–21; Flower 1996: 136–42, 166–80; McDonnell 2006: 33–40; Hölkeskamp 2020: 200–8.

¹⁷ *primarium bellatorem esse, optimum oratorem, fortissimum imperatorem ... maximo honore uti, summa sapientia esse, summum senatorem haberi ... clarissimum in civitate esse.*

that he was ‘the best of good men at Rome, as most men agree’.¹⁸ These superlatives, as well as the important qualifier ‘as most men agree’, point to the crux of *nobilitas*: merit, and the public recognition thereof. For it was only by being ‘the best’ that a man could stand out from the competition and earn recognition, *nobilitas*, from the *populus Romanus*.

5.ii. The *nobilitas*’ success: structural features

In short, *nobilitas* was not about hereditary rights. It was about displaying *virtus*, serving the State, leading the *res publica* in war. And on a fundamental level, it was about being recognised for these qualities in the form of popular election to *honores*. To reiterate, this was a far-cry from the patrician aristocracy that came before, which had been inwards- rather than outwards-looking, and where inherited privileges had determined the full extent of a man’s prestige rather than merit or the judgement of the *populus*.

5.ii.a.) Informal nobility.

This leads us to an important point. In analysing the foundations of the patricio-plebeian *nobilitas*, what is most striking is the lack of formal safeguards. It is true that *nobilitas* as a status was ‘inherited’. It seems a man (or woman) only needed one consular ancestor to qualify as *nobilis*, and once gained the status could never be ‘lost’ (cf. 5.iii.).

Yet equally, this hereditariness brought little in the way of formal advantages. The descendants of consuls had no birth-right to the consulship. If they wanted to reach the office themselves, they had to start from the bottom of the *cursus honorum* like everyone else. *Nobilitas* entailed no exclusive rights, coercive powers, or privileges enshrined in law. It was not a protected category, since it remained open to any citizen who reached the consulship. Nor were the *nobiles* necessarily the richest in society. Wealth was a prerequisite for *nobilitas*, in the sense that it was impossible to pursue a political career without it. But other members of the elite were just as wealthy as the *nobiles*, perhaps even wealthier.

In other words, *nobilitas* was a fundamentally informal phenomenon. The Roman nobility’s power was prestige-based; it was social clout, not coercion or privileges, that

¹⁸ CIL 1.2.9: *honc oino ploirume cosentiont R[omane] / duonoro optumo fuise viro.*

underpinned the ‘Republic of the *nobiles*’. This places it in contrast with other nobilities/aristocracies in history, which have often employed legal titles, exclusionary policies, and formal monopolies on power to cement their dominant position in society.¹⁹

But the Roman *nobilitas* was also a long-lived phenomenon: over three centuries between the opening of the consulship and the end of the free *res publica*. This longevity is remarkable, and if we want to understand what went wrong in the last century of the Republic, we must first investigate what went right for such a long time. How, in the absence of any formal powers, did a relatively small group of thirty-or-so families dominate the State for so long? What were the structural features that enabled this success?

5.ii.b.) Openness.

First, a basic point: the *nobilitas*’ openness was a *sine qua non* for its longevity. Closed aristocracies die off. But not the meritocratic *nobilitas*. With every family that declined into obscurity, there were new families ready to reach the consulship and replace them, such as the Caecilii Metelli (first consulship in 284), Porcii Catones (in 195), or Calpurnii Pisones (in 180). Therefore, alongside the select core that managed to persevere (e.g. Aemilii, Claudii, Corneli, Fabii, Manlii, Servilii, Sempronii, Sulpicii, Valerii), the constant influx of fresh blood cancelled out the natural erosion normally associated with pre-modern aristocracies and made possible the long-term success of the *nobilitas* as a *classe dirigeante*.²⁰

The role of adoption is important too. In pre-modern societies with a high rate of infant mortality, it was not uncommon for a married couple to have no children survive to adulthood. But in the Republic, this was counteracted by the Romans’ willingness to adopt fully-grown adults: for by ‘sharing out’ spare sons between families, a healthy, adult heir could usually be found to stop a noble line from dying out, thus sustaining the vitality of the political class as a whole.

¹⁹ Cf. Mouritsen 2011a, for interesting comparisons to the Venetian aristocracy.

²⁰ Hopkins and Burton 1983; Hölkeskamp 2010: 78–87; Mouritsen 2017: 102–3; H. Beck 2022: 352–4.

5.ii.c.) The ‘rules of the game’.

Second, there was a striking degree of unity overall in the ranks of the *nobiles*.²¹ From every indication available to us, it seems that the core values of the *nobilitas*—the necessity of *honores*, the importance of *virtus*, the sovereignty of the *populus Romanus*—were accepted by every *nobilis*. And for the most part, consensus prevailed over the ‘rules of the game’.

The only path to *gloria* was to proceed through the *cursus honorum*. Once *honores* were obtained, the *nobilis* was obliged to step back from the limelight and become an elder statesman, a *princeps civitatis*; now, his duty was to sit in the Senate and offer counsel to serving magistrates.

True, it was possible (and expected) that a *princeps* might return to public service if needed. Military legateships and diplomatic embassies were always an important duty for ex-consuls, and during the 4th century it was very common for a *princeps* to hold multiple consulships or be summoned to assume the dictatorship; the paradigmatic example was the legendary hero L. Quinctius Cincinnatus (*cos.* 460), recalled from his plough to become dictator. But unregulated iteration declined in the early 3rd century, the dictatorship soon after. There was a brief return to these practices during the Hannibalic War; but by the beginning of the 2nd century, it was universally accepted, and soon enshrined in law with the *lex Villia Annalis* (180), that ‘politics’ could only entail so much: an orderly sequence of politico-military commands, followed by an indeterminate period of civilian life—the former amounting to only a few years in a *nobilis*’ lifetime, the latter possibly decades.²²

To aspire to anything more was to toy with *dominatio* or *regnum*, those hated words that defied everything the Republic of the *nobiles* stood for. In the oral tradition, the cautionary lesson was enshrined in the canonical triad of Sp. Cassius (*cos.* I 501), Sp. Maelius (c. 439), and especially M. Manlius Capitolinus (*cos.* 392), who were put to death by their peers for aspiring to kingship—or so the stories went.²³ In more historical times, the fall of Scipio Africanus (*cos.* 205, 194) was an apt illustration of what might happen to those who went

²¹ On what follows: Meier 1980: xxv–xxix, 45–63; Bleicken 1981b; Astin 1989: 174–7; Hölkeskamp 2010: chapters 4, 6, and esp. 7; Mouritsen 2017: 159–64.

²² Cf. esp. Jehne 2011a: 227–31.

²³ Flower 2006: 44–51; Roller 2018: 238–49; Baraz 2020: 81–95. Manlius’ execution is certainly historical, even if the supplementary details are anachronistic; Forsythe 2005: 259–61.

beyond the ‘rules of the game’. Conqueror of Hannibal and the most famous Roman of his time, Scipio spent his final years in dishonourable retirement after his fellow *nobiles* launched high-profile attacks against him and his brother Lucius (*cos.* 190) in the 180s.²⁴

5.ii.d.) Consensus.

For a long time, it seems these ‘rules of the game’ dictated how politics worked. Everyone accepted them, more or less, and no alternate routes to *dignitas* or *gloria* existed.

At first sight, this consensus comes as a surprise. The *laudatio Metelli* attests that Roman *nobiles* strove to be ‘the best’ and become ‘the most famous man in the State’ (*clarissimus in civitate*). This lust for *gloria* was a potential source of instability and tension for the ruling class; it also meant that personal rivalry (*inimicitia*) and the avenging of grievances (*dolor*) were an integral part of senatorial politics.²⁵ The last century of the Republic is largely a story of great men prioritising *inimicitia* and *dolor* over the ‘rules of the game’, the obvious examples from our period being Sulla in 88, Cinna and Marius in 87, and Sulla again in 83–81.

It is important to acknowledge that these antagonistic tendencies were intrinsic to the Republic of the *nobiles*, and multiple scholars have stressed that the orthodox notion of the ‘Middle Republic’ as a time of harmony is a gross over-simplification, albeit one derived from the Romans themselves.²⁶ Nevertheless, it is also clear that, on the whole, the forces of consensus outweighed the forces of instability until at least the second half of the 2nd century. This can be explained as the result of several interlocking factors:

(i.) Popular arbitration. In the Republic, ‘the *populus*’ as an abstract collective passed all laws and bestowed all public offices. This externalisation of political legitimacy served to blunt the force of aristocratic competition: for in both elections and disputes, it is easier to accept defeat when judged by an impersonal, third-party referee.²⁷

²⁴ Gruen 1995a; Baraz 2020: 95–101.

²⁵ Epstein 1987; Linke 2017.

²⁶ e.g. Bleckmann 2002; Humm 2005; Flower 2010b: esp. chapter 4; Mouritsen 2017: 106–11; and now the papers in Balbo and Santangelo 2023.

²⁷ Hölkeskamp 2010: 93–5, 98–101, 103–4; Meier 2015: 634–5; Mouritsen 2017: 40–1.

(ii.) The state-orientated ethos. Since fame was primarily earned in the holding of public office, all the *nobilitas*' efforts were directed towards—and could only operate within the framework of—service to the common good, the *res publica*. This framework determined the boundaries of aristocratic competition: the only legitimate *gloria* to be gained was through actions that benefited the State, and to place personal interests above the interests of the collective was incompatible with being a *nobilis*.²⁸

(iii.) Magistrates: checks and balances. With the exception of dictators, every magistrate had at least one colleague who could keep them in check. Failing that, a tribune could normally be persuaded to issue a veto, or, if that also failed, religious irregularities could be cited to invalidate an action. These measures, which are sometimes lumped under the umbrella term 'obstructionism', acted as a safety-valve to prevent magistrates from pursuing self-interested policies while in office.²⁹

(iv.) Magistrates: community of interest. But even more significant were the informal dynamics at play. By at least the end of the 4th century, every magistrate was also a senator. Once his year was up, he would have to lay down his office and resume his seat in the Senate. This dynamic was vitally important in the creation of a community of interest in the political class. Knowing that he would have to return to civilian life and face the collective judgement of his peers, every magistrate was instinctively pressured towards acting with moderation and a basic regard for the opinions of others if he hoped to have a successful career beyond the completion of his office.

On a psychological level too, it seems most politicians had been conditioned to 'think like a senator': to consider debate, compromise, and the *senatus auctoritas* to be axiomatic paradigms that governed the practice of politics. Therefore, whenever conflict emerged within the elite, most magistrates' first point of call was to defer to the judgement and advice of their senatorial peers. By this combination of collegiality, obstructionism, peer pressure, and the overwhelming *auctoritas* of the Senate, holders of *imperium* were usually pushed towards compromise and consensus.³⁰

²⁸ Hölkeskamp 2011b: 205–58, esp. 226–7, 248–9; also 2010: 89–91.

²⁹ Rosenstein 2012b: 6–7. On the tribunate as a 'safety-valve': Cic. *Leg.* 3.24–5; Bleicken 1981a; Mouritsen 2017: 136–47; Russell 2022; Gallo 2023.

³⁰ Hölkeskamp 2010: 28–9; 2011b: 247–8; Rosenstein 2012b: 12–13; and now Belonick 2023, on the central importance of 'restraint values' (*moderatio, pudor, temperantia*, etc.) in the *nobiles*' political culture.

(v.) Magistrates: the importance of *mos*. Roman society was profoundly backwards-looking. Whatever the ancestors had done, *mos maiorum*, was almost always considered to be best.³¹ Therefore, politics had an inherently tralatitious nature, and this dynamic severely limited what a politician could do—or even conceive of doing—in the pursuit of power.

Of course, scope for innovation did exist. What we sometimes call the ‘Roman constitution’ was the product of several centuries of evolution, legislative reform, and new precedents being set. By its very nature, *mos maiorum* was a vague and limitless notion; ‘traditional custom’ is not something that can be fixed. Therefore, it was possible to argue that a proposed innovation actually conformed to the practice of the ancestors—as when Cicero argued that Pompey’s extraordinary commands were compatible with *mos maiorum* because the ancestors had always prioritised expediency (*utilitas*) over tradition (*consuetudo*) in times of war (*leg. Man.* 60).³² But even this line of argument presupposes the central value, pervasiveness, and normative functions of *mos maiorum*, which, in most instances, were a strong deterrent against change. As a result, there was no notion of ‘progressiveness’ in Roman politics, and members of the elite tended to view innovation with an instinctive suspicion.³³

(vi.) Censure and the censorship. Any man who deviated radically from the parameters of *mos* was liable to be branded *seditionis* (seditious), *audax* (rash/reckless), *factiosus* (divisive/factitious), or any number of pejorative terms denoting moral infamy (*improbis*, *inhonestus*, *sceleratus*, etc).³⁴ Fear of these terms, of being ostracised and shunned by one’s peers, incentivised most politicians to stick to the ‘rules of the game’. And a formal mechanism existed to punish deviant behaviour: the censorship. Its powers included the right to eject individuals from the Senate, which, for a *nobilis*, was tantamount to depriving him of his very identity, since *nobilitas* could only be ‘fulfilled’ through the holding of *honores* in the Senate. Therefore, by these formal and informal processes, the Roman political elite came to resemble a self-policing ‘shame culture’ in which compliance to the *status quo* was largely enforced from within.³⁵

³¹ Sources at Blösel 2000; van der Blom 2010: 12–25; Bettini 2011: 97–130.

³² Cf. Bettini 2011: 111–13; Wallace-Hadrill 2008: 215–37; Arena 2015.

³³ Cf. Meier 2015: esp. 651–6, 663–5. Meier’s famous ‘Krise ohne Alternative’ thesis is essentially an extended reflection on the immutability of politics and the force of *mos maiorum* in Rome’s ‘evolved constitution’; cf. the Conclusion below.

³⁴ Hellegouarc’h 1963: 526–34; Robb 2010: 150–65.

³⁵ Meier 1980: 57–8; Astin 1989: 181–5. ‘Shame culture’: Hölkeskamp 2011b: 217–19; Flower 1996: 12–15.

Competition, polemic, winners-and-losers: these antagonistic tendencies were built into the political culture of the Republican nobility. But by a combination of the above factors, these tendencies were mostly kept in line, and for the better part of two centuries it was compliance, compromise, and consensus that were the hallmarks of the *nobilitas*. Of course, this consensus unravelled from the time of the Gracchi onwards. Sulla's innovation, imitated only a year later by Cinna, was to expose how fragile a consensus-based system was in the face of military force: there were no 'checks and balances' to stop a deviant general, at the head of a loyal army, who was willing to flout *mos maiorum* and the 'rules of the game' to protect his own interests.³⁶

5.ii.e.) Consent.

If the second condition for the *nobiles'* success was consensus within their ranks, then the third condition was consensus within society. Simply put, the *nobilitas* lasted so long because its leadership was accepted by the wider *populus Romanus*—and in particular, by the richer elements of the *populus* who dominated the timocratic *comitia centuriata*:

(i.) Popular election. Year after year, the dominance of the *nobiles* was re-legitimised through the mechanism of popular election. The sovereign *populus* chose its consuls; the sovereign *populus* was always right; therefore, logically it followed that the men chosen as consuls, the *nobilitas*, had every right to lead the *res publica* and dominate Roman society.

This worked on an intra-elite level too. If one subsection of a society's elite is too dominant over the rest, this can be a source of antagonism and instability. But since the 'sovereignty' of the *populus Romanus* was so unchallenged, and since this 'sovereignty' was the inextricable basis of the *nobilitas'* dominance, the more ambitious sections of the wider elite were incentivised not to question the logic of *nobilitas* but to embrace it and channel their ambitions in pursuit of it. For every man knew that if the *populus Romanus* deemed him worthy, he could reach the highest offices too and 'join' the *nobilitas*.

(ii.) Deference to hierarchy. Hierarchy, underpinned by *mos*, was ubiquitous in Roman society. Accepting these hierarchies was a fundamental part of what being a *civis Romanus*

³⁶ Cf. Keaveney 2007; Flower 2010a.

entailed; as a result, (s)he was well-conditioned to consent to the dominance of the consular families.³⁷

Indeed, the very term *magistratus* presumes a hierarchical relationship between magistrate and *populus* (*magis* = greater). This unequalness was justified, among other things, by the fact that the chief magistracies inherited the quasi-supernatural responsibilities of the Roman kings. This included mediating between the *populus Romanus* and the gods, the *pax deorum*, as well as the right to handle the *maxima auspicia*.³⁸ This lent what has aptly been described an ‘awe-inspiring aura’ to the *imperium*-holding *nobiles*. This aura was physically expressed in the various status symbols inherited, yet again, from the Roman kings: a bodyguard of lictors, the *fasces*, a unique ivory chair, a unique, purple-bounded toga, and other ‘time-honoured symbols of power and might’ which reinforced the steep hierarchical relationship between the office-holding families and the wider population.³⁹

(iii.) Deference to the *populus*. If social conservatism and respect for hierarchy were ubiquitous in Roman society, at the same time the principle of popular election meant that deference to ‘the *populus*’ was also at the heart of political discourse. Every politician upheld the sovereignty of the *populus Romanus*, both at *contiones* and in meetings of the Senate. Everyone sought to portray themselves as the defender of *libertas*. And every senator was expected to adopt a stance of camaraderie or ‘joviality’ towards their fellow citizens, particularly when canvassing for office.⁴⁰

The uniformity of these practices has led some scholars to apply the term ‘ideological monotony’ to Roman political discourse.⁴¹ Significantly, what this ‘monotony’ did was give the *populus* a sense of pride and the semblance of authority, thus facilitating their consent for the *status quo*, whilst ensuring that actual power remained concentrated in the Senate—and especially in the hands of its core elite, the *nobilitas*. And the practicalities of public engagement reinforced the asymmetrical overtones of this process. For although the *populus* was symbolically and rhetorically sovereign, its practical role was to stand and listen: to be

³⁷ This is a main theme in the works of Hölkeskamp (e.g. 2010; 2022: 7–12) and Meier (1980; 2015: esp. sections VI–VII).

³⁸ Meier 2015: 603–10, 618–19, 652–4. *Pax deorum*: Pina Polo 2011a; Santangelo 2011.

³⁹ Quotations: Hölkeskamp 1993: 20; cf. 2000: 220–3; 2020: 43–62 (= updated version of Hölkeskamp 2011a). The *fasces*: Marshall 1984; Hölkeskamp 2020: 51–7; Brennan 2023.

⁴⁰ Joviality: Jehne 2000: esp. 214–18; also 2011b; Hölkeskamp 2013a; Tatum 2018b: 19, 29–32.

⁴¹ Morstein-Marx 2004: 230–40; with the refinements of Mouritsen 2017: 96–8, 159–64.

passive addressees who deferred, quietly and respectfully, to the wisdom and guidance of their social superiors, the *nobiles* (cf. 2.iii.e.).

(iv.) The *commendatio maiorum*. Apples do not fall far from trees. If a man had performed great deeds for the *res publica* as consul, it was assumed that his son would do the same. Thus each generation of *nobiles* was recommended by the deeds of the previous ones; and through this phenomenon, the *commendatio maiorum*, the consular families inherited prestige (or ‘symbolic capital’) in a snowball effect through the generations.⁴² The cumulative result was the *nobilitas* of the 2nd and 1st centuries, by which point the mere memory of *gloria maiorum* was often enough to raise a *nobilis* to the consulship ahead of a non-noble candidate (cf. 3.iv.a., 4.iv., 5.iii.).

(v.) The role of military success. Finally, although mentioned already, the importance of military success cannot be stressed enough. The main function of a consul was to lead Rome’s armies in war. In the late 4th and early 3rd centuries, it was the military successes of the consular families that brought about a new nobility. And as long as these consular families continued to lead Rome’s armies to victory, they fulfilled the basic function of *nobilitas* and vindicated their claims to being ‘the best’. Over time, their very names became synonymous in the Roman cultural memory with success, expansion, and the sum of the *res publica*’s achievements.⁴³

The visual aspects of this phenomenon deserve particular emphasis. Everywhere a citizen looked, (s)he saw statues, monuments, trophies, inscriptions, and public works erected by or in honour of the noble generals of the past. This omnipresent monumental culture, as well as more transient, but no less memorable spectacles such as triumphs and funeral processions, produced what Hölkeskamp has aptly described as a ‘shared ensemble of visual texts’: a ‘tapestry of memory’ which gave physical expression to the martial leadership of the *nobilitas*, (re)affirmed their claims to political and social superiority, and fulfilled the requirements of visibility and recognition that were so essential to the *nobiles*’ culture.⁴⁴

⁴² Cic. *Planc.* 67, *Verr.* 2.5.180–2, *leg. agr.* 2.100, *Cat.* 1.28, *Pis.* 1–2, *Off.* 1.121, *Sest.* 21; Sen. *De ben.* 4.30.1–4; Liv. 4.44.2; cf. Plaut. *Pseud.* 581–2, *Stich.* 280–1. ‘Symbolic capital’: Hölkeskamp 2010: chapter 8.

⁴³ Bleicken 1981b: 247–9; Hölkeskamp 2020: 114–36 (= updated version of Hölkeskamp 2006).

⁴⁴ Quotations: Hölkeskamp 2010: 63, 75, cf. 57–67; also 2011b: 232–8; 2015; 2020: 121–36. The *pompa funebris*: Kierdorf 1980; Flaig 2014. On the importance of visibility and spectacle for the *nobilitas*, cf. in general Gruen 1996; Flower 2014b; Hölkeskamp 2020: 43–62.

However, the proviso ‘as long as’ is crucial. It is no coincidence that widespread disillusionment towards the *nobilitas* first emerged at the end of the 2nd century, when the martial incompetency of individual *nobiles* resulted in a sequence of disastrous setbacks (cf. 7.ii.). But for the first 150 years of the *nobilitas*’ existence, military victories were, on the whole, forthcoming. More than anything else, it was the memory of these victories that lay at the heart of *commendatio maiorum*.

5.iii. The *nobilitas*’ success in practice

These are some of the reasons why the *populus* consented to the rule of the *nobiles*. And it really was a consensual relationship: year after year, citizens—and particularly wealthier citizens—chose to turn up to the *comitia centuriata* and vote for *nobiles*.

In the minds of many Romans, the decision must have seemed logical: the deeds of the *maiores* obviously justified a vote for the noble candidate. ‘All we who are *boni* always favour the *nobilitas*,’ as Cicero declared, ‘both because it is good for the *res publica* to have *nobiles* worthy of their *maiores*, and because the memory of famous men and those who have deserved well of the *res publica* is a great influence even after they are dead’ (*Sest.* 21). Or in the neat expression of Livy (4.44.2): ‘neither power nor support was enough to stop the People from preferring men with *nobilitas*, whose fathers and grandfathers they had seen as consuls.’⁴⁵

This is not to say, however, that the electorate’s choice was necessarily ‘informed’. The bandwagon effect in the *comitia centuriata* has already been noted (2.iii.e.); once the *centuria praerogativa* had made its choice of noble(s), many voters probably followed this example out of an instinctive herd mentality. Furthermore, it seems that only a few candidates would usually persevere until the end of an electoral campaign, the others dropping out to save face. For example, there was an initial total of twelve candidates in the campaign for the consulship of 63; but by the time the *comitia* came round, all but three had dropped out.⁴⁶ Therefore, it must have been quite common that citizens had no choice but to vote for a *nobilis*; there was no ‘none of the above’ option in Roman elections.

⁴⁵ Although the context is the year 420, Livy is clearly thinking about conditions in the 2nd and 1st centuries.

⁴⁶ Cic. *Att.* 1.1; Q. Cic. *Comm. pet.* 7–8; Asc. 82 C; with Jehne 2016: 200–1; Rosillo-López 2019b: 70.

Most of all, the primitive nature of Roman electioneering greatly aided the *nobiles*' chances. Nowadays, we tend to idealise the act of voting and assume that it is (or ought to be) carried out after careful consideration of the available candidates. Yet even in modern democracies, with a plurality of candidates, televised debates, and a wide spectrum of social and ideological issues at play, voters will frequently opt for a candidate simply because they are famous or come from a famous family. All the more in ancient Rome: without manifestos, scheduled debates, or any form of mass media to speak of, it was very hard on a practical level for a lesser-known candidate to advertise himself to the electorate beyond physically appearing in Rome every day. Hence Cicero's well-known musings on the importance of remaining in the capital as much as possible (*Planc.* 66, *Fam.* 2.12.2), and also Quintus' insistence that his brother must do everything on a daily basis (*cotidie*); for example, walking in public, visiting the Forum, meeting potential voters, etc. (*Comm. pet.* 2–3, 34–8, 41–3, 54).⁴⁷

Therefore, in the absence of effective advertising, many members of the first and second classes probably turned up to vote without a clear sense of who the candidates were. When push came to shove, these citizens gave their vote to the *nobilis* as a matter of habit: far better to support the candidate with a recognisable name, who at least belonged to a family of tried-and-tested winners, than to throw away a vote for an unfamiliar outsider.

No matter how we explain it, the results are clear. In every period of the Mid-to-Late Republic where we have enough evidence to measure, the *fasti* are dominated by the descendants of consuls—the significant exception being, of course, the two 'Marian' periods in the 100s and 80s. This dominance is particularly evident in the last generation of the Republic (80–50), when up to 88% of consuls came from families with consular ancestors (cf. 3.iv.a., 4.iv.). This was the short-term result of Sulla's *victoria nobilitatis*. But it was also the long-term culmination of three centuries' worth of *commendatio maiorum*; by this point, only the most successful, hard-working non-noble was able to overcome the symbolic capital of a consular family, and most elections came down to whether X *nobilis* or Y *nobilis* was going to win.

In the literary sources too, the electoral dominance of the *nobiles* is visible time and again. One *nobilis*, L. Domitius Ahenobarbus (*cos.* 54), could be described as consul-designate

⁴⁷ Cf. Rosillo-López 2018, stressing how hard it was for candidates to be recognised (or recognisable) in Rome.

from birth; others, as being made consuls in their cradles.⁴⁸ The consulship of a young *nobilis* could be planned decades in advance.⁴⁹ And these young *nobiles* were themselves men of great influence; for instance, it is striking that Q. Cicero advises his forty-two-year-old brother to court *adulescentes nobiles* because their support will bring *multa dignitas* to his cause (*Comm. pet.* 6).

If a *nobilis* and a non-*nobilis* stood for the same office, it was often taken for granted that the *nobilis* would win. Thus in the consular elections for 93, the defeat of the *nobilissimus* L. Marcius Philippus (later *cos.* 91) at the hands of M. Herennius was a *cause célèbre* that continued to be remembered for decades to come.⁵⁰ Even the remotest, most obscure form of *nobilitas* could bring the expectation of success. Catilina clearly believed that he deserved to win the consulship of 63 because of his *nobilitas*, particularly ahead of the new man Cicero. This is despite the fact that Catilina's family had not reached a *summus honor* for over three centuries.⁵¹ Similarly, neither Ser. Sulpicius Rufus nor M. Iuventius Laterensis came from families that had reached the consulship in generations. Yet both were apparently so outraged that they, *homines nobiles*, had been defeated by parvenus (L. Licinius Murena and Cn. Plancius respectively) that they considered their defeats *prima facie* evidence that the parvenus must have cheated.⁵²

With the examples of Catilina, Sulpicius Rufus, and Laterensis, we return to an important point mentioned earlier. Once gained, *nobilitas* could not be 'lost'. Three centuries separated Catilina or Sulpicius Rufus from their most recent consular ancestors. Yet both men were recognised by their peers as *nobiles*—and Sulpicius, even as a man of the highest nobility (*summa nobilitas*).⁵³ Likewise with Sulla, or the famous *princeps senatus* M. Aemilius Scaurus (*cos.* 115). Sulla's ancestors had not reached the consulship since P. Cornelius Rufinus (*cos.* 290 and 277). Thus Sallust could describe Sulla's family as 'almost extinct thanks to the inactivity of his ancestors' (*Iug.* 95.3). As for Scaurus, his line had grown so obscure that he was forced to work 'just as hard as a *novus homo*', as Asconius puts it (23 C), likely following

⁴⁸ Cic. *Att.* 4.8a.2, *leg. agr.* 2.100.

⁴⁹ e.g. Sall. *Iug.* 64.4, where Q. Metellus anticipates the consulship of his son (Metellus Pius) twenty years before he was eligible.

⁵⁰ Cic. *Brut.* 166, *Mur.* 36.

⁵¹ e.g. Sall. *Cat.* 31.7-8, 35.3; Asc. 92-3 C; App. *BC.* 2.2; cf. Cic. *leg. agr.* 2.6-7. The last Sergius of note was Cn. Sergius Fidenas, consular tribune in the 380s.

⁵² Cic. *Mur.* 15-16, *Planc.* 15-18. Sulpicius presumably claimed descent from Ser. Sulpicius Rufus, consular tribune in the 380s. Laterensis should be the great-grandson of M'. Iuventius Thalna, *cos.* 163.

⁵³ Catilina: Q. Cic. *Comm. pet.* 7-8; Sall. *Cat.* 5.1; cf. Cic. *leg. agr.* 2.7, *Phil.* 6.17. Sulpicius: Cic. *Mur.* 16.

Scaurus' own words in his autobiography.⁵⁴ Yet despite this, it seems both Sulla and Scaurus were universally acknowledged as *nobiles*, or even as *nobilissimi*.⁵⁵

As noted previously (1.ii.a.), this does not mean that every consular family was automatically considered part of the *nobilitas*. But it does mean that no matter the time which had elapsed, it was apparently possible for a direct descendant of a *summus magistratus* to lay claim to *nobilitas* and, more importantly, to have this claim recognised by his/her contemporaries. And once the initial hurdle had been crossed, this recognition could not be 'undone', so to speak.

5.iv. Pressures

Yet these examples also demonstrate the importance of *regular* consular success. Catilina, Sulpicius Rufus, and Laterensis claimed *nobilitas* and were accepted as *nobiles* by their contemporaries. However, their *nobilitas* was so remote that it ceased to be an important factor in the eyes of the electorate, and all three lost elections to non-nobles.

Cicero says as much in the *pro Murena*: Sulpicius Rufus' father and grandfather were such nobodies that his *nobilitas* is known only to historians, not the electorate; he is essentially a *novus homo*. Therefore, it is Sulpicius' own *virtus* and hard-work (*industria*) that have earned him *summa amplitudo*, not his *nobilitas* (*Mur.* 15–16). We hear similar about Scaurus. Since his father and grandfather were both *humilis atque obscurus*, he was, to all intents and purposes, a *novus homo* (*Asc.* 23, 27 C); it was only through his own *virtus* that he managed to restore the 'almost extinct memory' of his line (*Cic. Mur.* 16).

As for Sulla, the ineffectiveness of his *nobilitas* can be detected in the rather slow progress of his career. Although he was quaestor at the prompt age of thirty (in 107), he achieved the praetorship late (in 97?) after at least one failed attempt.⁵⁶ Only the fortuitous intervention of the Social War kick-started his career again: for by winning a series of important victories over the Samnites, Sulla re-entered the public eye and gained election to the

⁵⁴ Scaurus' autobiography: Lewis 2001; Chassignet 2004: 3.xc–xciii; Smith 2013a.

⁵⁵ *Cic. Mur.* 16, *Har. resp.* 54; *Sall. Iug.* 15.4, 95.3, etc.

⁵⁶ *Plut. Sull.* 5.1–2; *Val. Max.* 7.5.5. The date of Sulla's praetorship is controversial: e.g. *MRR* 2.14–15 (*pr.* 93?); Badian 1959a (*pr.* 97?); Viollet 2018 (*pr.* 98?).

consulship of 88—but only at the late age of forty-nine/fifty. Evidently, Sulla's *nobilitas* had been of little importance in the middling years of his career.⁵⁷ Indeed, it is tempting to speculate whether this experience later informed the *victoria nobilitatis*: that is, whether Sulla's eagerness to show himself the champion of the *nobiles* was an over-compensation for the sheer remoteness, and thus ineffectiveness, of his own *nobilitas*.

In short, while it is true that Roman nobility never disappeared, it would be wrong to think of the *nobilitas* as a 'hereditary aristocracy'. As a status, *nobilitas* was inherited. But in the absence of formal safeguards, *nobiles* had to remain politically active over multiple generations and renew the family's 'deposits' of symbolic capital, if they wanted their *nobilitas* to be politically and socially effective.⁵⁸ This is what made families like the Caecilii Metelli, Aemilii Lepidi, or Claudii Pulchri so impressive: not the antiquity of their lines *per se* (although this was certainly a factor), but how often they managed to obtain the highest honours. *Nobilitas* meant name recognition; and while a voter might, with a little prompting, appreciate a famous name from one, two, or even three centuries earlier, it was much easier to recognise a man as *nobilis*—and therefore vote for him—if his family had achieved consulships in the previous generations.

Accordingly, when a source like Cicero or Sallust refers to 'the *nobilitas*' or 'the *nobiles*' as an identifiable collective, they are not referring to the totality of all families that had ever reached the consulship. They mean the core circle of political families, the ones who reached *summi honores* numerous times over the generations. And in our period, this meant the Caecilii Metelli above all. Thanks to the famous fecundity of the brothers Quintus (*cos.* 143) and Lucius (*cos.* 142), the Metelli could count no less than seven consulships, four censorships, and five triumphs in the three decades before the First Civil War, not to mention a number of other consuls along female lines.⁵⁹

The fact that Roman nobility demanded re-expression brings us to probably the most striking feature of the *nobilitas*' ethos: emulation of the ancestors (*imitatio maiorum*).⁶⁰ For

⁵⁷ Cf. Cagniard 1991: 295–303; Steel 2019: 19–20; *pace* Brennan 1992, who overplays Sulla's importance in the 90s.

⁵⁸ This is the essence of Hopkins and Burton 1983; also Hölkeskamp 2010: 76–97, 109–115, for the notion of refreshing 'deposits' of symbolic capital.

⁵⁹ Cf. Hölkeskamp 2010: 81–3, 118–19.

⁶⁰ Alongside the sources in the main text, see e.g. Sall. *Iug.* 4.5–6; Cic. *Off.* 1.78, 116, 2.44, *Verr.* 2.4.79–81, *leg. agr.* 2.1, *Pis.* 1–2, *Sest.* 136–7, 143, *Flacc.* 1, *Cluent.* 196, *Phil.* 2.26, *Brut.* 96; Val. Max. 5.8.3; Liv. 10.38.1.

example, in his famous account of Roman aristocratic funerals, Polybius (6.53–5) repeatedly emphasises the didactic purpose of these occasions: they encourage the younger generations to emulate the brave deeds of their ancestors. He adds that the same effect was achieved through the recollection of famous stories, such as Horatius Cocles at the bridge. These stories served to codify the ideal behaviour of a Roman and provide a model for *virtus* that the young *nobiles* were obliged to emulate (*imitari*).⁶¹

The tomb of Cn. Scipio Hispanus (*pr.* 139) is also instructive. Every aspect of this epitaph is geared towards *imitatio maiorum*. We are told that Gnaeus increased the *virtutes* of his family through his conduct; that he sought to match the deeds of his father, uphold the praise of his ancestors (*laus maiorum*), and make them proud; and that his *honor* ‘ennobled his line’ (*CIL* 1.2.15: *stirpem nobilitavit honor*). This last clause might seem a curious addition, given that the Scipiones had been a ‘noble’ family for more than two centuries before Gnaeus’ death. It is probably the case, therefore, that the verb *nobilitare* here retains the original connotations of *nobilis/nobilitas*; in other words, that despite his short life, Gnaeus ensured that his family stayed ‘recognisable’ or ‘famous’ and enabled the future success of his line.⁶²

Failure to match the ancestors could expose a *nobilis* to great criticism. Already in Plautus’ *Trinummus*, we see this reflected in the character Lesbonicus, a young aristocrat who is berated for his indulgent lifestyle. We are told that Lesbonicus’ *maiores* bequeathed him *fama* and an easy path to *honores* because of their *virtus*. Yet he squanders this inheritance through his laziness (*desidia*) and his dissolute behaviour (*flagitium*). Only by preferring *virtus* to love-affairs, the Forum to his girlfriend, can he correct his path and live up to the *gloria maiorum* (*Trin.* 641–56). Three centuries later, much the same rhetoric is visible throughout Juvenal’s *Eighth Satire*—written at the height of the Empire, but evidently influenced by the works and discourse of the Republican era.

The anxiety at living up to this *imitatio* is also visible in the Scipionic tombs. The epitaph of P. Scipio (died *c.* 170) goes out of its way to stress that only death cut short the deceased’s *honos*, *fama*, and *virtus*. If Publius had lived a longer life, he would have surpassed the *gloria maiorum* with ease—or so the inscription insists, with a touch of over-pleading (*CIL*

⁶¹ Cf. Flaig 2014 on the normative functions of the *pompa funebris*; also Roller 2018: 3–13, 32–65, on Horatius as an *exemplum*.

⁶² Goldmann 2002: 63 n. 102. Different interpretation: Flower 1996: 170.

1.2.10). Another tomb highlights that its occupant Lucius died at the age of twenty, ‘in case you should ask why *honores* were not entrusted to him’ (*CIL*. 1.2.11). In both cases, the failure to achieve high office was evidently a cause for concern which demanded pre-emptive explanation from the relatives of the deceased.

Perhaps the most remarkable insight into these pressures comes from a conversation between Polybius and the eighteen-year-old Scipio Aemilianus. Polybius (31.23.9-12) tells us that Scipio’s contemporaries were calling him a ‘quiet and indolent man, with none of the energetic character of a Roman’, because he chose not to appear as a patron in the courts. This, Polybius continues, was causing Scipio much worry: for he did not want his countrymen to think him unworthy of his family’s great name. Beyond showing the importance of patronage for the self-image of a *nobilis*,⁶³ this passage vividly demonstrates the anxieties and scrutinies weighing on the *nobiles*, and especially young *nobiles*. In a nobility without formal safeguards, where recognition demanded political success, passivity was not supposed to be an option for a Roman nobleman. They had to be active, show *virtus*, obtain *honores*, and be better than their peers. Yet at the same time, only a limited number of them could achieve the highest offices, the consulship and censorship—especially after the expansion of the praetorship to six, after which only two-thirds would ever reach the consulship. And to top it off, all competitors had to remain mindful of the ‘rules of the game’ and demonstrate that they were conscientious servants of the *res publica*, not self-interested individualists. If they failed this delicate balancing act, or even if they had the bad fortune of dying young, then scrutiny would be forthcoming.

⁶³ Cf. Hölkeskamp 2011b: 213–17, 253–7.

Chapter 6: *Nobilitas* in the Republic (II): criticism and unpopularity

The previous chapter outlined the main attributes of the Republican *nobilitas* as a *classe dirigeante*: its meritocratic foundations, state-orientated ethos, and martial traditions; the extraordinary longevity of its ‘rule’ despite the absence of formal safeguards, which ultimately comes down to internal cohesion and societal consent; and at the end of the chapter, the scrutinies and pressures that came with a value-system that was fundamentally predicated on being ‘the best’.

With this last point, we come to the crux of the issue. By all accounts, the *nobiles* were the most prestigious members of the Roman elite; and down to the end of the free *res publica*, they continued to dominate politics and obtain the lion’s share of magistracies. Yet at the same time, in the evidence of our two best sources, Cicero and Sallust, we encounter an almost constant undercurrent of dissatisfaction and derision against the *nobilitas*, which we might group under the phrase ‘anti-*nobilis* discourse’.

6.i. Anti-*nobilis* discourse

Quoting from every relevant passage would take too long. We can therefore paraphrase the main themes as follows.¹

6.i.a.) Overview.

The *nobiles* receive honours in their sleep; even the laziest *nobilis* is able to reach high office on the back of their famous name.² The *nobiles* hate upstarts; they pass the consulship between themselves, they guard the office against outsiders, and they complain whenever a non-noble tries to join their ranks.³ They are a clique of *pauci*, a *factio*, and their rule is *dominatio*.⁴ Their

¹ Cf. Mouritsen 2023: chapters 13–14 for a parallel survey of anti-*nobilis* discourse, although with different emphases at times.

² Cic. *Verr.* 2.5.180–1, *Pis.* 1–2, *Sest.* 21; Sall. *Iug.* 85.10–12; Asc. 23 C; cf. Iuven. 8 *passim*; Sen. *De ben.* 4.30.1; Tac. *Hist.* 3.86.

³ Cic. *leg. agr.* 2. 3, 5–6, *Verr.* 2.4.81, 5.80–2, *Mur.* 17; Sall. *Iug.* 63.6–7, 64, 85.17–18, *Cat.* 23.5–6; Q. Cic. *Comm. pet.* 13–14.

⁴ Sall. *Cat.* 39, *Iug.* 27.2, 31, 41–2, *Hist.* 3.15 R; also the pseudo-Sallustian ‘second letter to Caesar’, on which see 6.ii. below.

main characteristics are arrogance (*superbia*) and greed (*avaritia*);⁵ in their arrogance, they assume that their ancestors' achievements give them a right to office.⁶ They lack modesty; indeed, the greater one's nobility and virtue, the less one ought to flaunt it, yet the *nobiles* proclaim their superiority with distasteful pride.⁷ They are incompetent, decadent, lazy; this is damaging the *res publica* and its relationship with Rome's allies.⁸ They have lost their martial ethos; whereas real men learn from experience, the *nobiles* prefer to learn from books.⁹ Therefore, the true heirs to the great *maiores* of the past are not the present crop of *nobiles*, but honest men of humbler birth. The latter represent hard-work, frugality, and martial prowess; they can point to their own track record of *virtus* rather than depending on *virtus maiorum*; and they do not rely on their ancestors for recognition but are famous in their own right.¹⁰

It should be emphasised that this rhetoric was not aimed against the idea of *nobilitas*. In fact, it took the *nobiles*' traditional values for granted and assumed this state of affairs ought to be returned to: Cicero and Sallust are angry because the *nobiles* used to imitate the ancestors and demonstrate *virtus*, but now rely on the power of *commendatio maiorum* to do the work for them.

For this reason, we should avoid thinking of this discourse as 'ideology' (cf. 2.ii., iv.). 'Ideology' implies strong differences of opinion about how politics or society should be run. But with this anti-noble discourse, it was less the political system that was under fire, and more the individuals who currently sat at the top of the system; less about denying the phenomenon of *nobilitas*, and more about stressing that *commendatio maiorum* must always be accompanied by *virtus*, *industria*, *honos*, etc.¹¹ And ultimately, the men feeding this anti-*nobilis* discourse were trying to become *nobiles* themselves. This is reflected by the example of the elder Cato (*cos.* 195). The archetypal *novus homo*, Cato was using similar rhetoric about the importance of *virtus*, frugality versus luxury, and the decline of 'traditional' values already at the start of

⁵ Sall. *Iug.* 5, 13.5-7, 30.3-4, 31.2, 12, 41.7-8, 64.1, 85.13, 19, 38, *Cat.* 23.6; Cic. *Verr.* 1.15, 2.5.126, 180-2, *Cluent.* 112, *Rep.* 1.51, *Quinct.* 31. For full analysis of *superbia* and related concepts: Baraz 2020.

⁶ Cic. *Mur.* 15-16, *Planc.* 18-19, 50-2, *Pis.* 2; Sall. *Cat.* 20.7, 35, *Iug.* 85.21-3, 36-8; cf. Cic. *Att.* 4.8a.2; Sen. *Ep.* 44.5, *De ben.* 3.28.2-3; Iuven. 8 *passim*.

⁷ Cic. *Quinct.* 9; Sall. *Iug.* 31.9-10; cf. Ter. *Ad.* 501-4, for early attestation of this principle.

⁸ Sall. *Iug.* 31.23-5, 64.5, 85.41-3, *Cat.* 10-13; cf. Cic. *Off.* 2.26-9; *Rhet. ad Her.* 1.8; [Sall.] *Ep. ad Caes.* 2.

⁹ Cic. *Balb.* 47, *leg. Man.* 27-8; Sall. *Iug.* 85.10-14, 29-41; cf. Iuven. 8 *passim*; [Sall.] *Ep. ad Caes.* 2.10.9.

¹⁰ Cic. *Rep.* 1.1, 51-2, *Verr.* 2.5.180-2, *Balb.* 47, *leg. agr.* 2.3, 100, *Pis.* 2, *Cat.* 1.28, *Planc.* (*passim*), *Fam.* 3.7.5; Sall. *Iug.* 85.14-25, 30, 36-8; cf. Iuven. 8.20, 60-70; [Sall.] *Ep. ad Caes.* 2.8.7, 9.4, 11.3; Plut. *Cat. mai.* 11.3.

¹¹ Cf. Kaplow 2008; Yakobson 2014, the latter stressing that even Sallust's speech for Marius embraces 'the idea, or the principle, of nobility' (295-6).

the 2nd century.¹² Yet within sixty years of his death, three of his grandsons had reached the consulship, and by Cicero's time the Catones were considered a firm part of the *nobilitas* (*Rab. perd.* 21).

But how common was this discourse really? From reading the works of Cicero and Sallust, we get the impression that criticism of the *nobiles* was ubiquitous in the 1st century. Yet *nobiles* continued to find success in the timocratic *comitia centuriata*—in fact, at greater percentages than ever. Nor can we forget that, like the elder Cato, both Cicero and Sallust were *novi homines*: ambitious men who sought public office without the advantages of *imagines* or *commendatio maiorum*. They had skin in the game. Therefore, we cannot assume that their claims about the 'arrogance' or 'incompetence' of the *nobiles* were necessarily shared by all. Indeed, some measure of the marginality of *novi homines* can be gained by looking at how rarely the term appears: only 37 times in the Republican evidence (of which 27 are in Cicero), compared to hundreds of times for *nobilis/nobilitas*.¹³

And yet: while it is always important to put our sources into perspective, this can only be half the picture. Cicero and Sallust were not operating in a vacuum. Even if *novi homines* were usually on the peripheries of the political debate, and even if, when push came to shove, most voters continued to vote for *nobiles* in most years, it is nevertheless clear that there must have been a sympathetic audience for this discourse, otherwise neither writer would have bothered to use it.¹⁴ This is especially the case with Cicero's defence speeches, where he would typically say whatever he felt necessary to pander to his audience and win the case.

6.i.b.) 'Us versus the *nobiles*': two sources from the 80s.

Two sources are worth highlighting here, both very important because of their date. The first is a passage from the *Rhetorica ad Herennium*. The last historical event to be mentioned in this treatise is the death of Marius in early 86 (4.68); there is no mention of Sulla's return, his dictatorship, Lepidus' revolt, etc. Therefore, a date of composition around 85/84 seems certain.¹⁵

¹² Earl 1967: 44–7; Astin 1978: esp. chapter 5; Passet 2020.

¹³ Dondin-Payre 1981: 70.

¹⁴ A point repeatedly stressed by Mouritsen 2023: 201–18.

¹⁵ For further arguments, cf. Achard 1989: vi–xiii, xxviii–xxxii.

Towards the start of the work, the Auctor discusses the various ways an orator can capture an audience's goodwill (*captatio benevolentiae*). He explains that an orator can highlight their own good traits, or they can focus the audience's hatred (*odium*), ill-will (*invidia*), and contempt (*contemptio*) against an adversary. This prompts him to give a list of characteristics that are ideal for provoking *invidia* (*Rhet. ad Her.* 1.8):

We shall bring *invidia* onto our adversaries by highlighting their violence [*vis*], their power [*potentia*], their *factio*, riches [*divitiae*], lack of restraint [*incontinentia*], *nobilitas*, clients, ties of hospitality, membership of societies, or marriage alliances, and by making it clear that they rely more on these supports than on the truth. We shall bring our adversaries into *contemptio* by highlighting their idleness [*inertia*], inactivity [*ignavia*], laziness [*desidia*], and luxury [*luxuria*].

Power, wealth, idleness, luxury. Even without the explicit mention of *nobilitas*, it would be clear that this was a 'how-to checklist' for attacking a *nobilis*. In short, by the mid-80s it was apparently considered normal, advisable even, that an orator should attack a *nobilis* for being a *nobilis*. Yet at the same time, this passage is also testimony to the continued power of *nobilitas*: for the Auctor implicitly assumes that, if allowed, his noble adversary *will* be able to overturn truth through *vis*, *potentia*, *divitiae*, etc.

The second source is Cicero's *pro Quinctio*, delivered in 81. Back in Chapter 3, we saw how Cicero chose to align himself with the *causa nobilitatis* in the *pro Roscio*. It is not hard to understand why: first, because the men who hired him for the job were *nobilissimi*;¹⁶ and second, because he wanted to turn the foreigner and ex-slave Chrysogonus, a freedman of Sulla, into the villain of the case, but also do this without insulting Sulla or his followers; hence the lofty praise of Sulla's *victoria nobilitatis* as compensation. But in the earlier *pro Quinctio*, Cicero had no immediate incentive to pander to the *nobilitas*. Quite the opposite: his adversaries in the case were two *nobiles*, Q. Hortensius Hortalus and L. Marcius Philippus (*cos.* 91); the latter in particular was very distinguished not only by birth but also because he was one of the few ex-consuls alive in the year 81.¹⁷

¹⁶ Roscius' named patrons include a Metellus, Scipio, Valerius Messalla, and Metella; cf. Coates 2022: 607–8.

¹⁷ Cf. Evans 1983; Steel 2014b: 660. For the symbolic capital of the Marcii: Hölkeskamp 2015: 183–91.

Therefore, Cicero in the *pro Quinctio* adopts a strategy of ‘punching-up’ against the forces of *nobilitas* and *potentia*. He frequently pairs Quinctius’ opponent Naevius with *gratia*, influence (*Quinct.* 1, 5, 59, 70, 93), and accuses him of trying to use this *gratia* to destroy *veritas*; indeed, this theme is introduced in the very first lines of the speech (§§1–10; also 47, 91–8). The *nobilitas* and *potentia* of Naevius’ backers are emphasised numerous times, often with overt tones of sarcasm or hostility. And Cicero says these *homines nobilissimi ac potentissimi* are terrifying Quinctius and everyone else who dares look upon them (§§7–9, 47, 72).

Cicero did not need to turn the *pro Quinctio* into an ‘us versus the *nobiles*’. He chose to do this, evidently because he felt it was the best route to a *captatio benevolentiae*. This speaks volumes about the value and easiness of anti-*nobilis* rhetoric, even in a time as stifling as the *dominatio Sullae*.

The most striking passage comes towards the end of the *narratio*. Cicero has just described the lengthy sequence of events that led from the first dispute between Quinctius and Naevius in 84/83 to the current hearing in 81.¹⁸ He comes to Cn. Cornelius Dolabella (*pr.* 81), who forced Quinctius to bring the case into court against his will. Revealingly, Cicero misses no opportunity to take cheap shots at Dolabella’s *nobilitas* (§31):

Following the custom of *homines nobiles*—who, regardless of whether they start something rightly or wrongly, excel so greatly in either conduct that no man born of our rank can possibly match them—Dolabella most bravely persevered in committing an injustice.

To stress again: Cicero did not insert this gratuitous, snide attack on *homines nobiles* for no reason, but because he believed it would find favour with his audience(s). On the immediate level, this meant the judge C. Aquillius Gallus. But it also meant the wider circles of the elite who were the intended readership for the published version. Indeed, we cannot exclude the possibility that Cicero only added these remarks *post eventum* when preparing the speech for publication. But even if this were true, it changes little. The act of publication was all about verisimilitude; therefore, the inclusion of these derogatory comments against the *nobiles* in the

¹⁸ Full overviews: Kinsey 1971: 1–6; Lintott 2008: chapter 3.

published text presupposes that Cicero could realistically have said them in the ‘real’ speech too.¹⁹

6.i.c.) Turning rhetoric into results.

What this evidence suggests, therefore, is that it was entirely normal in 1st century Rome for non-noble members of the elite to criticise or mock *nobilitas*.

In the political sphere, points could be scored by harnessing dissatisfaction against the *nobilitas*. *Nobiles* could be chastised for their shortcomings, for failing to match the *imitatio maiorum* and the high standards of *virtus* set by their predecessors. Or they could be attacked for being *too* successful, for dominating politics, monopolising *honores*, and debasing the meritocratic principles of their status. And in the ‘non-political’ sphere, much value could be gained from adopting an anti-*nobilis* stance. So much so, that a young orator decided that his best chance of winning a mundane property dispute was to turn the case into an extended attack on the forces of *nobilitas ac potentia*.²⁰

‘Paradox’ might be one word that comes to mind here. In the Ciceronian era, it was evidently common and advantageous to attack *nobiles* in a public setting, yet the *fasti* show the *nobilitas* remaining dominant as a *classe dirigeante*: how do we explain this? But to call it a ‘paradox’ would be to miss the point. First, success breeds resentment. It was precisely the dominance of the consular families which caused dissatisfaction among the more ambitious sections of the non-noble elite and fuelled the accusation that they were ‘passing the consulship from hand-to-hand’ (Sall. *Iug.* 63.6). Second, the *populus* was not heterogenous. Some members of the wider elite made it their life’s goal to break into the ranks of the *nobilitas*. Others clearly enjoyed hearing derogatory remarks against *nobilitas ac potentia*. But there were probably many more who remained indifferent to this discourse (i.e. ‘apolitical’) or who actively continued to support the *nobiles*, especially if they had ties of patronage to a noble family. Therefore, when it seems that the *nobilitas* was simultaneously popular and unpopular, to a large extent the answer lies in different quarters.

¹⁹ On this important principle: Stroh 1975: 50–4; Powell and Paterson 2004: 52–7; Steel 2006: 25–9; Lintott 2008: chapter 2.

²⁰ It is not known whether Cicero and Quinctius actually won the case, but the decision to publish the speech would suggest so, *pace* Kinsey 1971: 5–6.

Third, the existence of this anti-*nobilis* discourse should come as no surprise in light of our discussion in the previous chapter. *Nobilitas* was not protected by laws or privileges. It depended on social clout; in turn, this clout depended on Roman society, and especially the rich, accepting the *nobiles*' claims to superior leadership. As a result, it was simple for an outsider to attack the *nobiles* on a day-to-day basis. He merely had to turn their value-system against them and claim that the current *nobiles* were failing to meet the benchmarks of *virtus* set by their predecessors.

But crucially, a 'politician' in Rome spent most of his life as a private citizen (*privatus*); magistracies were few and far between. Therefore, although it was easy to make these anti-noble arguments, there were few opportunities to translate them into tangible results. And as outlined previously (2.iii., 5.iii.), electioneering in the Republic was very primitive. It took a great deal of effort for non-nobles to get their message across to the electorate; Cato, Marius, and Cicero were the exceptions, not the norm. Indeed, it seems likely that many *ignobiles* refrained from standing for the highest magistracies at all, since they knew that, despite their best efforts, most voters would continue to vote for noble candidates by default. This is certainly what Sallust says about Marius: before 108, Marius had never bothered to apply for the consulship, as he was a *novus homo* and the *nobiles* were passing the consulship from hand-to-hand; only the intervention of a soothsayer in North Africa convinced him to give it a shot (*Iug.* 63–4).

In short, the structural vulnerabilities of the *nobilitas* meant that the *potential* for criticism was always there. But in times of 'normal' politics, the odds were stacked against non-*nobiles*—both on a practical level, because there was no means of effective advertising, and on a psychological level too, because the non-noble had to convince himself and the electorate to 'unthink' the *commendatio maiorum*, the deference to hierarchy, the 'tapestries of memory', and the other intangible elements that upheld the dominance of the *nobilitas* (cf. 5.ii.e.).²¹

²¹ On the difficulties of 'unthinking' the noble-led Republic, cf. Mouritsen 2023: 230–6.

6.i.d.) The situation before Cicero.

Yet the question remains: was the anti-*nobilis* rhetoric that we find in Cicero and Sallust a new phenomenon? We have few contemporary sources before the time of Cicero. But it seems clear that the foundations of this discourse existed already in the 2nd century. Reverence for the *maiores* was hardwired into the Roman psyche; so too the tendency to see the past as better than the present. In the early 2nd century, we see these themes in action in the works of Cato and Plautus, who complained about moral deterioration, rising luxury, and the need for the current generation to live up to the standards of the *maiores* (cf. 5.iv., 6.i.a.). This is echoed in three surviving portions of Polybius, written sometime after 129, where he laments the rising corruptibility (18.35.1-2), immorality (31.25.3-8), and luxury (39.1) of the Roman political elite under the influence of the Greek East.²²

The first time that we find these tropes turned against *nobiles* specifically are in the comedies of Terence (fl. 160s). In one passage, a joking description of an overdemanding mistress, Terence places the adjective *nobilis* in asyndetic connection with power, impudence, sumptuousness, and lavishness.²³ A second passage does similar: ‘the easier your life is, and the more powerful, rich, fortunate, and *nobilis* you are, the more you ought to be fair-minded and act justly, if you want to be considered honourable’.²⁴ Terence’s criticism is light-hearted. But evidently, he is playing on common 2nd century stereotypes of noble behaviour: arrogance, luxury, heavy-handedness.

The first time we find these tropes used in a *political* setting is a fragmentary speech by Scipio Aemilianus, delivered sometime in the years 132–29 and quoted by Macrobius (*Sat.* 3.14.6-7). In this speech, it seems Scipio went out of his way to attack the rising immorality of his contemporaries. Significantly, these attacks were directed at his fellow noblemen: for Scipio declared that *homines nobiles* were allowing their children to learn dancing, singing, and other things that the *maiores* considered disgraceful.

²² Date: Walbank 1972: 19. Cf. section 7.i.c. below.

²³ Ter. *Haut.* 227: *meast potens, procax, magnifica, sumptuosa, nobilis*.

²⁴ Ter. *Ad.* 501–4: *quam vos facillume agitis, quam estis maxume / potentes, dites, fortunati, nobiles, / tam maxume vos aequo animo aequa noscere / oportet, si vos voltis perhiberi probos*.

It may seem remarkable to find Scipio, a patrician and member of the most famous family in Rome, taking aim at *homines nobiles* in this manner. But Scipio was a student of Panaetius, the great Stoic philosopher, and it seems likely that his anger was informed by Panaetius' teachings on the importance of virtue and self-control.²⁵ In any case, this speech demonstrates that the stereotypes and tropes which we encounter in the likes of Cato, Plautus, Polybius, and Terence were being used in public discourse to criticise *homines nobiles* by 129 at the very latest.

It seems clear, therefore, that the basic elements of this anti-*nobilis* discourse existed already in the 2nd century; with this in mind, it is not implausible that the discourse goes back much earlier, perhaps to the very birth of the meritocratic patricio-plebeian elite, although we have no way of knowing for sure. However, the *fasti* demonstrate that once the *nobilitas* had solidified in the late 3rd century, it was not until the last decade of the 2nd century that this discourse translated into significant electoral change. To explain why, we must now turn to the *locus classicus* of anti-noble rhetoric: Sallust's *Iugurtha*.

6.ii. Sallust's *Iugurtha*

Much could be said about Sallust and his approach to Roman history; indeed, two full-length books have appeared on precisely this topic in the last two years.²⁶ Therefore, this discussion will be limited to the *nobilitas* and how it features in Sallust's works.

As noted (2.iv.a.), Sallust viewed the politics of the Late Republic with great cynicism. In his opinion, everyone claimed to support honourable causes: the rights of the People, the authority of the Senate, the public good. But all of them, *nobiles* and *novi homines* alike, sought only their own advancement (*Cat.* 38–9, *Iug.* 4.7, 8.1, cf. 40.5, *Hist.* 1.12 R). Within this framework, the brunt of Sallust's venom was aimed at the *nobilitas*. This is visible already in his first work, the *Catilina*. Sallust emphasises the *nobilitas* of the Catilinarian conspirators on several occasions (*Cat.* 5.1, 17.5–6, 18.4, 20.7, 43.2); he adds one particularly barbed remark about the *nobilitas*' jealousy and hatred of *novi homines* (§23.6); and he incorporates into his narrative a letter from Catilina to Q. Catulus (*cos.* 78), which is probably an authentic historical

²⁵ Panaetius' influence on Scipio Aemilianus is stressed by Barlow 2018; 2022.

²⁶ Feldherr 2021; E. Shaw 2022.

document,²⁷ to convey first-hand the entitlement and arrogance which characterised the *nobiles* of that era (§35). From the surviving fragments of the *Histories*, it is clear that the *nobilitas* were cast as villains in that work too. One fragment refers to the *nobilitas*' savage language and hypocrisy (*Hist.* 2.86.12 R); another describes how they stubbornly resisted attempts to restore the powers of the tribunate (§2.44). And most obviously, the main theme of Macer's speech is the power of the *nobilitas* and the tyranny of the few (§3.15: *opes nobilitatis; dominatio paucorum*).

Before continuing, it is necessary to rule out another source: the pseudo-Sallustian 'letters to Caesar'. These were included in a Medieval manuscript alongside Sallust's speeches from the *Catilina*, *Iugurtha*, and *Histories*. But most scholars, at least in the UK, accept that they were written by an Imperial-era rhetorician.²⁸ They contain several oddities in style and factual data (e.g. the bizarre claim that Cato and L. Domitius slaughtered forty senators in the 50s, *Ep.* 2.4); the 'advice' offered to Caesar is somewhat jejune; and in general, it is hard to see what the real Sallust would hope to achieve from circulating letters like these. Recently, Pina Polo has defended the letters' authenticity by arguing that they fit too well into a Late Republican '*popularis* tradition' or 'ideology' to be Imperial forgeries.²⁹ But this argument fails, of course, once we realise that no such '*popularis* tradition' existed (cf. 2.ii–iv.). This is significant, because the 'second letter to Caesar' contains numerous attacks on the *nobiles* and the *factio nobilitatis*. Therefore, if we accept that this letter is not authentic, then it should be viewed as an Imperial-era exercise designed to emulate Sallust's anti-*nobilis* rhetoric. It does not warrant detailed consideration here.

6.ii.a.) The Iugurthine War: overview.

Sallust's noble-centric view of politics is clearest in his second work, the *Iugurtha* or *Bellum Iugurthinum*. In order to appreciate what Sallust has done in this work, a quick overview of the war itself is necessary.³⁰

²⁷ Cf. Syme 1964b: 71–2; McGushin 1987: 123; Ramsey 2007: 155.

²⁸ Representative examples: Santangelo 2012b (stressing, however, that the letters still have value); Feldherr 2021: 24–5. The classic argument against authenticity is Syme 1964b: 318–51.

²⁹ Pina Polo 2021a.

³⁰ Detailed narrative: Sampson 2010.

Iugurtha was an illegitimate nephew of King Micipsa of Numidia. After the latter's death in 118, Iugurtha seized the throne by murdering one cousin, Hiempsal, and driving the other, Adherbal, from the kingdom. In 116, the Roman Senate restored Adherbal as joint-king alongside Iugurtha. But in 113 or 112, Iugurtha invaded Adherbal's half of the kingdom and besieged him in the city of Cirta, where a number of Italian and Roman businessmen (*negotiatores*) were also trapped.³¹ An embassy sent by the Senate failed to achieve anything, and late in the year Iugurtha took Cirta, executed Adherbal, and killed (all of?) the *negotiatores* in the city.³²

The Senate was apparently reluctant to respond with force. But C. Memmius, tribune-elect for 111, began a contional campaign demanding vengeance on Iugurtha. So the Senate sent one of the consuls of 111, L. Calpurnius Bestia, with an army to North Africa. But within a year Bestia had arranged peace with the Numidian king. This prompted accusations of bribery, so Memmius despatched a praetor to bring Iugurtha to Rome under promise of immunity in order to testify against anyone who had accepted his bribes. However, when Iugurtha was about to testify, another tribune vetoed the event, prompting more suspicions of bribery.

While in Rome, Iugurtha also took the opportunity to murder one of his relatives who was sheltering in the capital. So the Senate ejected him and ordered Sp. Postumius Albinus, consul for 110, to continue the war. But Postumius' campaign achieved little, and towards the end of the year his brother Aulus disastrously led an army into a trap and was forced to sign another treaty with Iugurtha. This humiliation led C. Mamilius Limetanus, tribune in 109, to pass a law creating a special court, the *quaestio Mamilia*, to prosecute anyone who had advised Iugurtha, accepted his bribes, signed his treaties, or otherwise colluded with him.³³

In the resulting trials, several *nobiles* were prosecuted and exiled, including L. Bestia and Sp. Postumius (cf. 7.iii.b.). Q. Caecilius Metellus, consul in 109, was now tasked with the conduct of the war. Metellus took with him two senior legates: C. Marius, a new man from Arpinum who had held the praetorship six years previously, and P. Rutilius Rufus (later *cos.*

³¹ Sall. *Iug.* 26.1-2 (*Italici*), 3 (*negotiatores*). At 21.2, Sallust describes the businessmen as 'a crowd of men wearing togas' (*multitudo togatorum*), which implies Roman citizenship for at least some.

³² Cf. Morstein-Marx 2000, downplaying the actual scale of Iugurtha's killings.

³³ The formal charges are listed at Sall. *Iug.* 40; cf. Cic. *Brut.* 127.

105), another non-noble and ex-praetor. In his old age, Rutilius wrote a memoir in Latin (*De vita sua*) as well as a separate work on Roman history in Greek (ἱστορίαι). These works exercise a clear influence over the later historiography (cf. 8.i.c., 9.ii.c.) and were probably Sallust's main sources for this period.³⁴

Metellus achieved notable successes during his first year in charge. However, he was unable to achieve a decisive victory, and by mid-108 his campaign had ground to a halt. So Marius, apparently inspired by the words of a soothsayer,³⁵ began to canvass for the consulship of 107. He promised the *negotiatores* and *equites* in Africa that he could win the war quicker than Metellus; these men, already eager for the conflict to end so they could restore their lost revenues, began to send letters to Rome criticising Metellus and recommending Marius as commander.³⁶ This proved successful, and Marius was duly elected consul for 107. Soon afterwards, a tribune named T. Manlius Mancinus passed a law transferring the Numidian command to him.

In his first year in charge, Marius managed to win several victories over Iugurtha. But wanting to avoid another stalemate, he sent his quaestor, a thirty-year-old patrician named L. Cornelius Sulla, to hatch a plan with King Bocchus of Mauritania, one of Iugurtha's allies, at the start of 106. (From this point on, Sulla's *Memoirs* seem to supplant Rutilius as Sallust's main source). With Bocchus' help, Marius and Sulla captured Iugurtha by treachery, bringing the war to an end. Marius took Iugurtha back to Rome and celebrated a triumph. Extraordinarily, he was also elected consul for 104 as an emergency response to the barbarian Cimbri, who were on the brink of invading Italy from the north (cf. 7.ii–iv.); this happened again in the next four elections, meaning that by the end of 100 Marius had been consul six times in eight years.

³⁴ General overviews: Badian 1966: 23–5; Chassignet 2003; Candau 2011: 139–47; Smith 2013d. For the *De vita sua* and ἱστορίαι as separate works: Chassignet 2004: 3.xiv–xvi, xciv–xcvi. Overlap between the two works is probable, but there is no reason to assume that the ἱστορίαι was little more than a translation of the *De vita sua* (as argued by e.g. Hendrickson 1933: 165–73). If that were true, a different title would surely be used.

³⁵ Sall. *Iug.* 63–4.

³⁶ Sall. *Iug.* 64–5, 73; cf. Vell. 2.11.2.

6.ii.b.) The *nobilitas* in the Iugurtha.

At first sight, the Iugurthine War might seem a strange choice of topic for Sallust's second monograph: a relatively small-scale guerrilla conflict, fought in the far-flung plains of North Africa, and followed by what was surely a more important war: the invasion of the Cimbri, which Sallust introduces with the last lines of the work (*Iug.* 114). But as he explains, Sallust chose to write a monograph on the Iugurthine War because he believed it marked a *political* turning-point: 'the first time that the arrogance of the *nobilitas* was confronted' (§5.1: *dehinc quia tunc primum superbiae nobilitatis obviam itum est*). Indeed, the *nobiles* are arguably the real antagonists of the work. During much of the narrative, Iugurtha is only a supporting character in his own story; and when he does appear, his main function—at least in the first half of the work—is to expose the greed and corruption of the *nobilitas* via his bribery and influence.³⁷

The first three-quarters of Sallust's narrative take the story up to the start of 107 and contain a mixture of military and political narrative (*Iug.* 1–86); the last quarter is entirely dedicated to Marius' campaigns in Africa (§§87–113). Our attention will remain, therefore, on the first part. The significant point is how Sallust repeatedly twists his narrative against the *nobilitas*. Several times, he portrays the *nobilitas* accepting bribes from Iugurtha and/or whitewashing Iugurtha's crimes (e.g. §§13, 15–16, 27, 29). He regularly emphasises the strong outrage (*invidia*) felt at Rome towards this behaviour, and he twice characterises Memmius, the main inciter of this *invidia*, as a man with strong *odium* of the *potentia nobilitatis* (§§27.2, 30.3). We hear of *nobiles* encouraging Iugurtha on his path to infamy (§8); of *homines nobiles factiosi* shielding the consul L. Bestia from blame with their *auctoritas* (§28.4); of 'the many arrogant and cruel deeds of the *nobilitas*' (§30.3). When Memmius sends a praetor to fetch Iugurtha, this is described as a shock to the entire *nobilitas* (§32.5); when Mamilius creates his punitive *quaestio*, this is a defeat for the *nobilitas* (§65.5); and when the *populus* passes Mamilius' law, they do this less out of concern for the *res publica* and more out of *odium nobilitatis* (§40.3).

The *nobilitas* are denounced for passing the consulship from hand-to-hand and viewing *novi homines* as unworthy for the office (§§63.6–7); when Metellus refuses to approve Marius'

³⁷ Cf. Kraus 1999. On the *Iugurtha*'s strange, 'anti-closural' ending: Levene 1992.

consular candidacy, this is because he has ‘the arrogant and disdainful spirit which is a common vice for the *nobilitas*’ (§64.1).³⁸ Metellus’ *nobilitas*, previously a source of distinction (*decor*), now brings him much *invidia* at Rome, whereas Marius becomes popular because of his humble origins (§73.4: *generis humilitas*). Marius’ candidacy succeeds because the *populus* is keen to elect *novi homines* over *nobiles* (§65); his election is a defeat for the *nobilitas* (§73.7), and he continues to be hostile towards the *nobilitas* even after being elected (§§84.1, 5).

Sallust also includes positive pen-portraits of Marius (§63) and Sulla (§§95–6) which attack the *nobilitas* by proxy. We are told that Marius has all the right qualities for the consulship: hard-work (*industria*), uprightness (*probitas*), great military expertise (*militiae magna scientia*), a track-record of service, and total ignorance of Greek eloquence or the refinements of city life. Yet he lacks the crucial criterion: a long-established family (*vetusta familia*). As for Sulla, who comes from an almost-extinct noble family (§95.3), Sallust describes him as brave, eloquent, intelligent, easy-going, generous, ambitious for *gloria*, and an instant hit with the troops. These pen-portraits serve to highlight by antithesis the deficiencies of the established *nobiles*: they are no longer hard-working or upright, they have abandoned their martial ethos, they have succumbed to avarice and the influence of Greek softness, and they lack the basic traits needed to command ordinary Romans, whom they instead treat as their playthings (§31.2: *ludibrium*).

Four passages drive home these themes: the prologue (§§1–5), the speech for Memmius (§31), a digression on factionalism at Rome (§§41–2), and the speech for Marius (§85); it will be noticed that these passages are distributed at regular intervals, thus reinforcing Sallust’s anti-noble agenda via the internal balance of the work.

The monograph starts with a prologue lamenting the decline of *virtus*.³⁹ This includes a wistful passage harking back to a lost time when busts of the ancestors (*imagines maiorum*) and the memory of their deeds (*memoria rerum gestarum*) inspired great men towards *virtus*, *fama*, and *gloria*. Already, this opening serves to attack the *nobiles*—both implicitly, because *imagines* and *virtus* were characteristic traits of *nobilitas*, and explicitly, because Sallust blames the *nobilitas* for inspiring *novi homines* into an obsessive hunt for consulships and

³⁸ Cf. Cass. Dio 26, frg. 89.2-3; Plut. *Mar.* 8.

³⁹ Cf. Balmaceda 2017: 50–4 for a good overview.

honores (§4.7). The mission statement drives home this theme: ‘I am going to write about this war ... because it was the first time that the *superbia nobilitatis* was confronted’ (§5.1).

The *oratio Memmii* (§31) is set soon after L. Bestia’s peace treaty with Iugurtha in 111. The *nobiles* are only mentioned once in the speech (§31.8: *paucis nobilibus*). But it is clear from the context and the preceding segue (§§30.3-4) that they are the men of power, the *pauci*, whom Memmius repeatedly attacks. Memmius denounces the powers and arrogance of this clique (*opes factionis*; *potentia factionis*; *superbia paucorum*). He upholds *libertas* and rejects the slavery (*servitus*) and monarchy (*regnum*) imposed by the *pauci*; he also laments how *pauci nobiles* have been allowed to pillage the *res publica* and accumulate *summa gloria* and *maximae divitiae*, all while flaunting their priesthoods, consulships, and triumphs. The *pauci* have sold out the authority of the Senate (*senatus auctoritas*) and the sovereignty of the *populus* (*imperium vestrum*); they have put the *res publica* on sale and want to be tyrants (*dominari*). Thus Memmius urges the *populus* to protect *libertas* by summoning Iugurtha to testify against the *pauci potentes* and these guilty men (*noxii*).⁴⁰

Midway through the narrative, Sallust places a digression on the rise of factionalism at Rome (§§41–2). As E. Shaw has stressed, Sallust’s digressions are vital for advancing the main argument(s) of his works; in the case of the *Iugurtha*, this means the arrogance (*superbia*) and recklessness (*lubido*) of the *nobilitatis*.⁴¹ In particular, Sallust uses this digression to criticise the *nobiles* for murdering two of their own, the Gracchi, whose deaths are ironically characterised as a *victoria nobilitatis* (§42.4; also §16.2). As argued previously, Sallust’s readership would surely understand this as a veiled criticism of Sulla’s *victoria nobilitatis*: like the murders of the Gracchi, Sulla’s ‘noble victory’ was nothing more than the killing of fellow citizens (cf. 3.ii.g.).

In this digression, Sallust says that after the fear of Carthage had been removed,⁴² the *res publica* was divided between *nobilitas* and *populus/plebs*. The *nobilitas* gained the upper hand because they were united in a *factio*, whereas the *plebs* remained divided; therefore, the *nobilitas* gained control of the treasury, provinces, magistracies, *gloria*, and triumphs. But a few *nobiles* emerged who preferred true *gloria* to unjust *potentia*: the Gracchi. The Gracchi

⁴⁰ On *noxii*, cf. Sall. *Hist.* 3.15.3 R: the Sullan *nobilitas* is a *factio noxiorum*.

⁴¹ E. Shaw 2022: esp. 240–82 on the *Iugurtha*; also Wiedemann 1993.

⁴² On Carthage and the *metus hostilis*, cf. Sall. *Cat.* 10, *Hist.* 1.11–12 R; Davies 2014.

began to espouse the *libertas* of the *plebs* and expose the crimes of the few (*scelera paucorum*), plunging the state into conflict (*dissensio*). The *nobilitas*, ‘guilty and overturned’ (*noxia atque percussa*), resisted them with the help of the *socii*, Latins, and *equites*, before finally resorting to murder. Sallust admits that the Gracchi could have shown more restraint (*moderatio*). But he refuses to condone the injustice of their deaths, nor the *lubido*, murder, fear, *potentia*, and excessive revenge (*acerbius ulcisci*) which came with the *victoria nobilitatis*.⁴³

Finally, the *oratio Marii* (§85), set soon after Marius’ election as consul for 107. This is one of the longest passages in the work (149 lines in the Teubner text) and has been analysed extensively.⁴⁴ Since almost every sentence concerns the *nobilitas*, only the main points can be summarised here. Sallust’s Marius stresses the idleness, incompetence, deceitfulness, and *superbia* of the *nobilitas*. But he also puts much weight on their hypocrisy: for the *nobiles* claim *gloria* for themselves on the back of their ancestors’ achievements, yet they refuse to concede it to a *novus homo* like Marius simply because his *nobilitas* is new. Marius repeatedly highlights how he has no *imagines*, no ancestral name, no *virtus maiorum* to fall back on. His success is because of his own achievements, and this is how it should be: for *virtus* cannot be inherited but must always be earned. Instead of *imagines* and *nobilitas*, Marius has hard-work, military service, and battle-scars to show off. Indeed, martial (in)experience is a central theme in the speech: whereas Marius has spent his entire life fighting for Rome, the *nobiles* learn the art of war from books, and only *after* being appointed to their commands (cf. 7.iv.). The *nobilitas*’ effeminacy and luxury (*luxuria*) are also stressed: Marius prefers hardship and military camps, but the *nobiles* prefer banquets, expensive cooks, and Greek learning. So, Sallust openly asks, who is the better heir to the great *maiores* of the past: Marius, or this current crop of *nobiles*?

To summarise, in the *Iugurtha* Sallust repeatedly criticises the *nobilitas* for its arrogance, martial incompetency, and *de facto* monopoly on power. He depicts a rising tide of *invidia* at Rome against the *nobilitas* as a result of the stuttering progress of the Iugurthine War.

⁴³ For the Gracchi as a turning-point, cf. Sall. *Hist.* 1.15 R: the death of Ti. Gracchus was the start of *seditiones graves*.

⁴⁴ e.g. Flower 1996: 16–23; Grethlein 2006; Kaplow 2008; Yakobson 2014; Balmaceda 2017: 68–72; Egelhaaf-Gaiser 2020 (ignoring, however, the characterisation of Marius as a ‘*popularis*’); Feldherr 2021: 258–67.

And he characterises Roman politics since the time of the Gracchi as *nobiles* versus *plebs*, i.e. non-*nobiles*.

As noted (6.i.a.), Sallust does not challenge the idea of *nobilitas*; in fact, he makes Marius claim *nobilitas* for himself more than once (*Iug.* 85.17, 25, 30). Rather, Sallust argues that the virtues which once made the *nobiles* great have been forgotten: hard-work, *virtus*, frugality, *imitatio maiorum*, and a warrior upbringing. In other words, the *nobilitas* has lost its meritocratic ethos. In the past, *nobiles* earned their dominant position and imitated their ancestors, but now they assume that *imagines* or *memoria maiorum* are enough to qualify them for high office. This, not the phenomenon of *nobilitas* itself, is what angers Sallust.

Sallust was writing in the late 40s. Therefore, at a minimum the *Iugurtha* reflects the potential strength of anti-noble feeling in the years after the Ides of March. But what can it tell us about the period it covers; has Sallust accurately reconstructed the *Zeitgeist* of the Iugurthine War, or has he projected the anxieties and rhetoric of his own time onto an earlier period?

It is true that Sallust's work is tinged with hindsight. And the speeches are not 'authentic', as there is no evidence that Memmius or Marius published their oratory.⁴⁵ Still, excessive cynicism on the historicity of the *Iugurtha* is unwarranted.⁴⁶ Sallust wanted to write a monograph attacking the *nobilitas*; the very reason he chose the Iugurthine War is because it provided appropriate material. Widespread outrage against the *nobilitas* over multiple years; an unprecedented *quaestio* to target the transgressions of the *nobiles*; the election of a *novus homo* to six consulships on the back of anti-noble *invidia*: these events permeated the collective memory of the Roman elite and were common knowledge in Sallust's time. And he was able to draw from several good primary sources—most notably Rutilius Rufus, a contemporary and active combatant in the Iugurthine War, who was probably Sallust's main source for much of this period.⁴⁷ Since Rutilius was a firm Stoic, (in)famous for his old-fashioned morality,⁴⁸ it is likely that he recorded the general air of disillusionment against the *nobiles* with approval or even satisfaction; indeed, this may have been what drew Sallust's eye to this period in the first place.

⁴⁵ Cicero includes Memmius in the *Brutus* (136), but does not mention published speeches. If Marius had published anything, we would certainly hear about this from Cicero or another source (e.g. Plutarch, Quintilian).

⁴⁶ Cf. Flower 1996: 16–19, for further arguments along these lines.

⁴⁷ For Sallust's other possible sources: Paul 1984: 2–4.

⁴⁸ Sources: Münzer, *RE* 1A.1.1275–80.

It should also be noted that our prosopographical survey gives cause for confidence. Sallust says that the *populus* was keen to elect *novi homines* instead of *nobiles* in this era (*Iug.* 65.5). This is supported by our prosopographical results, which suggest that the percentage of *nobiles* reaching high office reached a record low in the aftermath of the Iugurthine War (4.iv.).

In short, what Sallust has done is take a well-known period of disillusionment against the *nobilitas* and add his own personal, acerbic spin. In his version of events, anti-noble discourse was not merely one feature of the Iugurthine War; it was the defining political dynamic of the era and a long-term factor in the outbreak of the First Civil War (*Iug.* 5.1-2).

Chapter 7: Noble mismanagement of the *res publica* in the late 2nd century

With Sallust's *Iugurtha* as a prompt, our attention turns to the late 2nd century. The strong feelings for and against the *nobilitas* which we find in the 80s and beyond did not emerge out of nowhere, but must be grounded in the events of the previous decades. Therefore, our task in the next four chapters is to form a narrative linking Sallust's *Iugurtha* to Cicero's *pro Roscio*: apart from the Iugurthine War, what drove this disillusionment against the *nobilitas*?

As always, source scarcity poses a problem. Several contemporaries wrote about the time before the Social War; none of their accounts survive.¹ Nor does the next best option, Livy. Therefore, we cannot expect to form a cohesive, all-encompassing narrative. The best we can do is identify trends: to gain *glimpses* of what might be driving politics in the period between the Iugurthine and Civil Wars.

Arguably, this brings us closer to reality. It would be wrong to imagine a monolithic, universal tide of hostility against the *nobiles*. Tensions must have ebbed and flowed between months and years. Many sections of the electorate remained indifferent to these developments; many *nobiles* continued to achieve success. And other important processes were at play too. One of the most noteworthy was the growing disconnect between the Italian and Roman elites, which erupted into full-blown war in late 91. But although this 'Italian Question' overlapped at times with the 'Noble Question', it had its own dynamics and motivations: the Noble Question was about better management of the *res publica Romana*, whereas the Italian Question was about total independence from it (cf. 9.ii.e.).

In other words, we are not suggesting that every event in every year was caused by, or connected to, the overarching theme of anti-noble hostility. Instead, what is being proposed is a growing undercurrent of tension and antagonism among wider circles of the Roman elite which, given the right catalysts, erupted from time-to-time into overt political conflict. In the view of Sallust, the first of these catalysts was the Iugurthine War. But we must begin by taking a wider look at the *res publica*'s position in the later 2nd century.²

¹ e.g. Q. Catulus, Rutilius Rufus, Sempromius Asellio, Claudius Quadrigarius, etc.; see their entries in *FRH*.

² Full sources for the events of this chapter can be found under the relevant years of *MRR*.

7.i. The long-term view (c. 146–113)

7.i.a.) Provincial problems.

Even before the Jugurthine War, the Republic seemed to be undergoing a sustained period of stagnation or decline. The heyday of the noble-led *res publica* was the period between the Punic Wars (264–241, 218–201) and the destruction of Carthage (146). In these years, Roman hegemony was extended across Sicily, Sardinia, Spain, Greece, Asia Minor, and North Africa in a seemingly unstoppable sequence of wars. These victories raised the symbolic capital of the established consular families, the *nobilitas*, to new heights, and it was the memory of these achievements that powered the *commendatio maiorum* down to the end of the Republic. And in terms of economic capital too, the *nobilitas* emerged from this period greatly enriched. For the campaigns of the early 2nd century brought a massive influx of bullion and wealth into the Roman economy, significant portions of which ended up in the hands of individual generals and *nobiles*.³

With a high bar set, it was perhaps inevitable that a sense of stagnation or decline might set in after 146. This was certainly the diagnosis of Sallust, who believed that without the threat of strong neighbours, the Roman elite soon descended into luxury, infighting, and ultimately civil strife (*Jug.* 41.1–4, *Cat.* 10, *Hist.* 1.11–12 R).⁴ Similar diagnoses of internal decline were circulating already in the mid-to-late 2nd century (cf. 7.i.c.).

The troubles in Spain are the best documented.⁵ From the 150s to 130s, Rome fought a sequence of painful campaigns in the two Spanish provinces. These wars were prolonged and costly, both in terms of manpower and damage to Roman prestige, the latter being arguably more important. Despite our meagre sources, the dissatisfaction at these campaigns is evident. Several generals arranged treaties with the Spanish peoples only to have these treaties repudiated upon returning to Rome; one also had his *imperium* stripped from him and was issued a fine. And unease is also evident in the creation of the first permanent court for extortion, the *quaestio de repetundis* (149), in response to events in Spain.

³ Kay 2014; Beck et al. 2016; although cf. the caveats of Rosenstein 2011; 2016.

⁴ Cf. Vell. 2.1.1; Flor. 1.47.2–3; Plin. *NH.* 33.150; Diod. 37.2–3.

⁵ Full narratives: Richardson 1986: 126–55; Clark 2014: 147–71; Díaz Fernández 2019.

But the most striking reflection of contemporary antipathy towards the Spanish wars is the ongoing difficulties with conscription. On several occasions, we hear that Roman authorities had trouble recruiting enough troops and officers for Spain. Twice, this even led to tribunes imprisoning the consuls responsible for the levy (in 151 and 138).⁶ Clearly, the mood in Rome was one of pessimism and weariness towards the Spanish wars. And as is well known, the war against Numantia was only finished by allowing Scipio Aemilianus, destroyer of Carthage, to hold a second consulship in 134—a damning indictment of the martial ineffectiveness of his fellow *nobiles*.

The new province of Macedonia also saw one significant rebellion in 143 as well as ongoing incursions by barbarian tribes.⁷ Asia Minor was annexed in 133, but immediately saw a major revolt by the pretender Aristonicus (132–29); this led to the defeat and death of one consul, the *pontifex maximus* P. Crassus (*cos.* 131), and nearly brought down Roman rule in Asia Minor before it had started. There was also a revolt by the Latin town of Fregellae in 125, a harbinger of rising discontent within Italy. And most worrying of all, a major slave rebellion broke out on Sicily in the mid-130s: the First Slave War (*c.* 135–32). Slave uprisings had occurred before. But this was the first large-scale one, requiring one praetor and three consuls to be despatched before it was finally ended. And since Sicily was the main grain supplier for Rome, there was a real threat that the capital might starve during the four-or-so years that Eunus, the leader of the revolt, was in control of the island.⁸

True, these wars were eventually won. But instead of grand campaigns against Hellenistic monarchs and Mediterranean empires, now Rome seemed to be struggling with inglorious wars against provincials, tribesmen, or even slaves. And since military success was linked to the Roman concept of *pax deorum*, ‘the peace of the gods’, these difficulties had a deeper significance. When it came to Roman warfare, the proof was in the pudding. Victories demonstrated that the gods were smiling on the *res publica*, whereas defeats were a sign that they had withdrawn their support. Therefore, when setbacks such as these occurred, it opened questions about the leadership of the *nobiles*: what negligence or mismanagement must have occurred for the gods to turn their backs on the *res publica*?⁹

⁶ Sources: Taylor 1962.

⁷ e.g. Liv. *Oxy. Per.* 54, attesting an invasion by the Scordisci in 141 leading to a Roman disaster (*clades*).

⁸ Full narrative of the Slave War: Barca 2020: 71–126, rightly stressing the threat to Rome’s grain supply.

⁹ Cf. Rosenstein 1990: chapter 2.

7.i.b.) The Gracchi.

The murders of the Gracchi must be mentioned. Many things could be said about the Gracchi, far more than can fit here. Three points will suffice.

First, both brothers aimed to tap into dissatisfaction about the direction of the *res publica*. For example, Tiberius' *lex agraria* harnessed concerns about the stability of the *plebs rustica*, traditionally the main source of manpower for Rome's citizen armies.¹⁰ And Gaius' wide-ranging legislation exploited numerous anxieties and resentments, including the growing perception that senators were lining their pockets with the profits of empire which were due to the *populus Romanus*; this is clear from the fragments of Gaius' own oratory (e.g. Gell. *NA*. 11.10, 15.12; Plut. *C. Gracch.* 2.5).

Second, there was the unmistakeable impression that the Gracchi came from the heart of the *nobilitas*. Tiberius enjoyed the support of numerous *nobiles* at the outset of his tribunate.¹¹ Moreover, their father had been one of the most prestigious *nobiles* of his era, having held two consulships, two triumphs, and a censorship. And they were also the maternal grandsons of the great Scipio Africanus; a surviving fragment of Gaius' oratory shows him highlighting this connection and stressing his own distinguished ancestry (*Schol. Bob.* 81 St: *genere summo ortus essem*).

It is hardly surprising, therefore, that in his digression on the Gracchi in the *Iugurtha*, Sallust portrays them as a firm part of the *nobilitas* (*Iug.* 41.10–42.1), nor that the later sources often dwell on their ancestry and high birth.¹² As a result, when 'public opinion' began to turn decisively against each brother—Tiberius was reduced to courting the *plebs urbana* because of his waning support, and Gaius's laws were about to be abrogated when he was murdered—it also turned against the *nobilitas* as a whole.¹³ Particular emphasis must fall on the agrarian commission. It seems clear that the Gracchan land distributions prompted anxiety and opposition among the propertied elites, who feared that in the hunt to identify public land (*ager publicus*) for redistribution, the commissioners would lay claim to private land (*ager privatus*)

¹⁰ e.g. Plut. *Ti. Gracch.* 8.7, quoting a political pamphlet by Gaius. Whether there was *actually* a manpower crisis is a different question; e.g. Rich 2007; Kay 2014: 160–88.

¹¹ Sources: Earl 1963: chapter 1, although ignoring his emphasis on *factiones*; cf. Brunt 1988: 463–9.

¹² e.g. Diod. 34/5.5; App. *BC.* 1.9; Plut. *Ti. Gracch.* 1, 4; Val. Max. 6.3.1d (*summa nobilitas*).

¹³ App. *BC.* 1.14 (with Flower 2013); Plut. *C. Gracch.* 12–13.

as well.¹⁴ Therefore, it is likely that when many *equites* and *boni* looked at Tiberius in 133, they did not see an earnest defender of the *populus Romanus*. They saw a *nobilis* tribune, backed by noble *principes*, threatening the property rights of the Roman and Italian elites. This was unacceptable behaviour for the *nobilitas*, which was meant to be the guarantor, not an assailant, of *otium*, *pax*, and property rights.¹⁵

Third, and most significantly, the violent climax to the Gracchan *seditiones* deserves emphasis. By the end of their lives, the Gracchi had alienated many senators, *equites*, and *boni* with their disregard for *mos maiorum* and the ‘rules of the game’. Yet this did not make their murders any less traumatic. Romans were no strangers to violence,¹⁶ but it was still profoundly shocking for *nobiles* to murder one another in the heart of the capital. In Tiberius’ case, not only was a sacrosanct tribune killed without trial on the streets of Rome. The deed was even organised by the *pontifex maximus* himself, P. Scipio Nasica (*cos.* 138). The feelings of religious unease were only compounded by Scipio’s *de facto* exile to Asia—the first time in Rome’s history that a serving *pontifex maximus* had ever left Italy, according to Plutarch (*Ti. Gracch.* 21).

In the eyes of many contemporaries, the First Slave War and the revolt of Aristonicus probably seemed the inevitable sequel to these outrageous events—divine retribution, almost, for the murder of Tiberius and his followers. In the case of Gaius’ death, which was also accompanied by the murder of M. Fulvius Flaccus (*cos.* 125), *nobilis*, *consularis*, and *triumphator*, the shock was accentuated by the scale of the punishments: for if our Imperial sources can be believed, 3000 of Gaius’ supporters were rounded up and executed by the consul L. Opimius.¹⁷

Attempts were made to draw a line under these events. After Tiberius’ death, the Senate undertook a ritual purification of the citizen body with a *lustrum* in 131; after Gaius’ death, they ordered Opimius to build a temple for Concordia in a symbolic statement of unity in the *res publica*.¹⁸ But the Gracchi clearly remained a topic of unease within the Roman elite. It is

¹⁴ e.g. Oros. 5.12.10; Plut. *C. Gracch.* 17.5; Vell. 2.7.3.

¹⁵ For this interpretation of the Gracchi, cf. Mouritsen 2023: 237–9. The *boni*’s concern for property rights is arguably the main theme of his book.

¹⁶ As stressed by Lintott 1999b.

¹⁷ Sources: Stockton 1979: 196–8.

¹⁸ Flower 2006: 67–81.

telling, for instance, that in the years 103–100, a certain L. Equitius enjoyed considerable success by claiming to be a son of Ti. Gracchus.¹⁹ And it is striking how often the *Rhetorica ad Herennium* in the mid-80s praises the Gracchi or laments their deaths (*Rhet. ad Her.* 4.2, 7, 31, 67–8). These passages appear to be quotations, or at least paraphrases, from speeches published in the preceding decades: for although the Auctor claims not to draw from real speeches (§§4.1–10), it seems clear that he actually does.²⁰ These passages are therefore the earliest literary evidence available to us on the Gracchi and offer a tantalising glimpse into the rhetorical value of the *memoria Gracchorum* in the decades after their deaths.

In summary, it seems likely that the handling of the Gracchan *seditiones* shook the trust of many *equites* and *boni* in the leadership of the *nobiles*. The *nobilitas* was supposed to guarantee *otium*, *concordia*, and the *pax deorum*. But if they were imploding from within, and if they were unable to maintain discipline without resorting to extrajudicial violence, then what did this spell for the future of the *res publica*?

7.i.c.) Religious hysteria.

Towards the end of 114, three Vestal Virgins were accused of breaking their vows of chastity. To judge by their names (Aemilia, Licinia, and Marcia), all three came from the highest ranks of the *nobilitas*. An initial trial led by the *pontifex maximus* L. Metellus Delmaticus (*cos.* 119) found that only one Vestal was guilty. But ‘public’ indignation was so great that a tribune of the following year ordered a retrial, this time headed by the notoriously severe L. Cassius Longinus (*cos.* 127). All three Vestals were now found guilty, as well as a number of lovers; if the traditional punishment was applied, all were buried alive.

This scandal, spanning several months and two high-profile trials, offers a glimpse into a society seemingly on the brink of religious and political hysteria.²¹ The propriety of the Vestals was a matter of public concern. Their prayers secured the safety of the Republic, and their virginity stood for the continuation of the Roman race. Unchastity was therefore considered a threat to the *res publica* itself.²² This explains the outrage after the first trial:

¹⁹ Val. Max. 3.2.18, 8.6; App. *BC.* 1.33.

²⁰ As argued by, among others, Ungern-Sternberg 1973: 149–52.

²¹ For the interpretations here: Rawson 1974; Eckstein 1982; Steel 2013: 27–8; Clark 2014: 183–6.

²² Cf. Beard et al. 1998: 1.51–4, 137.

Vestals were meant to be beyond reproach, and the *pontifex maximus* was meant to maintain the *pax deorum*, not be the organiser of a noble cover-up. The whole episode was regarded as a dire *prodigium*, and later in the year the Senate ordered a consultation of the Sibylline Books to avert any imminent danger to the *res publica*. The Books' response was to bury two Greeks and two Gauls alive in the Forum. In Roman eyes, this was a shocking and barbaric recourse; revealingly, the last time it had been deployed was in the aftermath of the Battle of Cannae (216), giving a sense of just how urgent the threat to the *res publica* was considered to be in the year 113.²³

All in all, the Vestal Virgins scandal must have seemed another sign that everything was not well in the *pax deorum*. Under the leadership of the *nobilitas*, the *res publica* appeared to be stumbling towards a level of internal and external disequilibrium not experienced since the darkest days of the Hannibalic War.

To stress again: this is not to claim that everyone in Rome was mired in perpetual pessimism. In most years, routine politics continued as normal. Military successes did also continue; in particular, southern Gaul was brought under Roman control for the first time in a series of campaigns (125–120), yielding four triumphs for the consuls involved.²⁴ And from the perspective of the Caecilii Metelli and their many supporters, the late 2nd century was a time of unprecedented glory: six consulships, five triumphs, and four censorships in less than twenty years.

Nevertheless, there is an unmistakeable sense of low-lying unease over the direction of the *res publica*. This is visible not only in the responses to Spain, the Gracchi, and the Vestal Virgins scandal, but also in fragments of contemporary writers that happen to survive. We have already seen (6.i.d.) that Scipio Aemilianus went out of his way to berate his fellow *nobiles* in a speech published in c. 132–29. Likewise for the historians Polybius and L. Calpurnius Piso Frugi (*cos.* 133), both of whom complained in the 120s about the deteriorating morals of their contemporaries. Piso dated the onset of this decline to the censorship of 154 (Plin. *NH.* 17.244),

²³ Eckstein 1982: 73–82; Williams 2001: 174–5. For human sacrifice as un-Roman: Liv. 22.57.2; Oros. 4.13.3; Plut. *Marc.* 3.4.

²⁴ Full narrative: Ebel 1976: 64–74.

Polybius to the fall of Macedon in 167 (18.35, 31.25). Livy's unnamed source went even further back (39.6), picking the triumph of Cn. Manlius Vulso in 187.²⁵

These kind of moralising judgements had long been a feature of Roman political discourse—an inevitable function of the Roman tendency to see the past as superior to the present. But the concentration of three examples, only a few years after the murder of Ti. Gracchus, is no coincidence. It suggests an elite profoundly aware that their claims to moral and martial authority were starting to erode. And when this erosion turned into outright collapse with the beginning of the Iugurthine War, the events of the previous half-century gained a deeper meaning: they were seen to be symptomatic of a wider pattern of incompetence, oversight, and mismanagement by the noble families entrusted with the leadership of the *res publica*.

7.ii. Military defeats (114–105)

As Sallust's monograph makes clear, military shortcomings were at the heart of the *nobilitas*' unpopularity at the time of the Iugurthine War. It was the Senate's failure to intervene militarily in the Siege of Cirta which led to public *invidia* and Memmius' lobbying for a declaration of war (Sall. *Iug.* 26–7). It was Bestia's inability to force a decisive engagement which led to more *invidia*, more accusations of bribery, and Memmius' plebiscite to summon Iugurtha to Rome (§§29–32). It was the defeat and surrender of A. Postumius which led to widespread *odium nobilitatis* and the extraordinary *quaestio Mamilia* (§§37–40). And it was Metellus' failure to bring the war to an end which led to the election of Marius, the first *novus homo* to hold the consulship in over thirty years, on a tide of anti-noble hostility (§§64–5, 84–5).

But these shortcomings were not limited to the Iugurthine War. In the final decade and a half of the 2nd century, the noble-led armies of the *res publica* suffered a remarkable string of defeats the likes of which had not been seen since the Hannibalic War.²⁶ In 114, the consul C. Porcius Cato suffered a heavy defeat to the Scordisci, a Thracian tribe, in the north of Macedonia. This was not the first time that the Scordisci had threatened Roman territory in recent years (a praetor had already lost his life against them in 119/18), and they would continue

²⁵ Cf. Walbank 1972: 19 for the date of Polybius' later books. On these 2nd century traditions: Lintott 1972; Levick 1982a. On Piso specifically: Gildenhard 2020: 254–63.

²⁶ Sources in *MRR*. Full narrative: Sampson 2010.

to cause trouble in the Balkans down to 106. Cato's defeat probably appeared even more startling when the Vestal Virgins scandal erupted later that year: in Roman eyes, both events looked like ominous *prodigia* pointing towards deep ruptures in the *pax deorum*.²⁷

Only a year after Cato's defeat, the consul Cn. Papirius Carbo suffered a heavy loss to the Cimbri, a Germanic (or Celtic) tribe migrating south towards the Alps. This defeat was especially humiliating because of Carbo's treacherous conduct: he opened negotiations with the Cimbri, provided guides to lead them away from Roman territory, then organised an ambush regardless—only for his troops to be routed by the defending tribesmen. In either the same year or the next, the praetor L. Calpurnius Piso Frugi was killed in battle trying to put down a revolt in Spain. Next came the first stage of the Iugurthine War, with the turgid campaigns of L. Bestia (*cos.* 111) and Sp. Albinus (*cos.* 110); as mentioned, these culminated in the humiliating surrender of Spurius' brother Aulus in late 110, which provided the immediate spark for the *quaestio Mamilia*.

The following years only saw more problems. One of the consuls of 109, Q. Metellus, was initially successful in reversing the setbacks in Numidia. But he soon found himself caught in a guerrilla war with no end in sight. His co-consul M. Iunius Silanus fared worse. Marching into Gaul to avenge Carbo's disaster, Silanus suffered another heavy defeat at the hands of the Cimbri in late 109 or 108. Unsurprisingly, it appears these losses were eroding Roman control over southern Gaul: for in the following year, we encounter the Tigurini, a tribe usually based in the Swiss Alps, rampaging far to the west near modern Bordeaux. And when one of the consuls of 107, L. Cassius Longinus, was sent to stop them, the familiar pattern continued. The Tigurini routed the Roman army, both Cassius and his senior legate, L. Calpurnius Piso (*cos.* 112), were killed, and the remnants of their forces were saved only when a junior legate, C. Popillius Laenas, managed to negotiate a demeaning treaty with the tribesmen. Although our meagre sources make it difficult to tell, it appears that Rome's western empire was now teetering on the edge of collapse. We know that Tolosa became openly hostile at this time, but there are also allusions to insurrections in Spain, where another Roman army was apparently massacred in 105, as well as among the Gallic tribes of north-western Italy.²⁸

²⁷ See especially Flor. 1.39.4, who (presumably following Livy) regards Cato's defeat as a divine portent.

²⁸ Spain: Obseq. 42; cf. App. *Ib.* 99. North-western Italy: Plut. *Sull.* 4.1; Front. *Str.* 1.2.6. Cf. Sampson 2010: 146–50.

The worst was still to come. One of the consuls of 106, Q. Servilius Caepio, was sent by the Senate to punish Tolosa. Caepio was probably considered a safe pair of hands. His family had a solid military pedigree stretching back to the First Punic War, and he had already celebrated a triumph in 107 after a successful stint as praetor in Spain. But if high hopes were placed on Caepio, he would severely disappoint. The Senate prorogued him into 105 and sent another consul, Cn. Mallius Maximus, to join him. But when the two commanders met in southern Gaul, Caepio haughtily refused to co-operate with the *ignobilis* Mallius. The two commanders advanced separately near Arausio to engage the Cimbri, now joined by another tribe, the Teutones. The result was a catastrophe.

Since we lack a sustained narrative of the Cimbric Wars, and since attention tends to fall on the better-attested Iugurthine War, it is easy to overlook the Battle of Arausio. But the significance of the disaster cannot be stressed enough. ‘Crisis’ is a term often used by historians, sometimes problematically—as when, for instance, they describe the entire century from 146 to 44 as a ‘crisis of the Republic’.²⁹ But in the case of the aftermath of Arausio, ‘crisis’ seems an appropriate fit.

According to Granius Licinianus (33.17 Cr), Mallius’ co-consul Rutilius Rufus put the number of casualties at 70,000. Elsewhere, we hear of 60,000 or 80,000 (Diod. 36.1; Liv. *Per.* 67; Oros. 5.16.7). These figures are likely inflated.³⁰ But they still give a sense of the enormous scale of the bloodshed; clearly, this was Rome’s biggest defeat since the Battle of Cannae, and much worse than later disasters such as Carrhae or Teutoburg. Back in Rome, the reaction was one of panic. Multiple sources speak of fear across Italy; several raise the spectre of the Gaesatae’s invasion in 225 or the Gallic sack of Rome in 390. The date of the battle, 6th October, was declared an unlucky day; the consul back in Italy, Rutilius, passed emergency measures to prevent men of fighting age from leaving the peninsula; and in the following year, an extraordinary appeal for military assistance was made to Rome’s eastern allies—all of which reflects the feeling of crisis that had engulfed Rome as a result of Arausio.³¹

²⁹ For problematisation of ‘crisis’ in the Roman context: Golden 2013: 1–6; Klooster and Kuin 2020; Augier 2020; Santangelo 2020.

³⁰ Cf. Brunt 1971: 430, 685.

³¹ Sall. *Iug.* 114; Plut. *Mar.* 11–12, *Luc.* 27.6; Gran. Lic. 33.25–7 Cr; Diod. 36.3; Golden 2013: 179–82.

Evidently, there was a real fear that the Cimbri and Teutones would invade Italy and, like a modern-day Brennus, bring Rome to its knees.³² As it turned out, the migrating tribes decided to try their luck in Spain; according to the Livian Epitomator (*Per.* 67), they were defeated by the native Celtiberians and driven out of the peninsula in what seems to be 104 or 103. But although this gave Rome vital breathing space and allowed Marius to prepare the defence of Italy, it also meant that large parts of the Spanish *provinciae* had effectively fallen out of Roman control. Indeed, the effects were still being felt in the mid-90s when two consular commanders, T. Didius and P. Crassus, needed to wage multi-year campaigns to restore order to Spain.³³

The sense of imperial crisis was only worsened by the outbreak of the Second Slave War (104–100). This conflict saw Sicily stripped from Roman control for several years, as a sequence of praetors either failed to contain the rebellion or lost pitched battles against the slaves.³⁴ Eventually, the situation became so serious that a consul was despatched, M'. Aquillius (*cos.* 101); as in the late 130s, there was the very real threat that the capital might starve. It is probably in connection to this that the Senate took the extraordinary step of appointing no less than the *princeps senatus*, M. Aemilius Scaurus, as commissioner in charge of grain imports at Ostia in 104.

Finally, mention must also be made of the praetor M. Antonius (later *cos.* 99), who was granted special *imperium* in 102 to combat piracy in the Greek East.³⁵ Few narrative details are known about Antonius' campaign. But if piracy had become so rampant that a special command was needed to resolve it, then the coastal seaboard of Asia Minor can be added to Sicily, Spain, and southern Gaul as areas that had partly or entirely fallen out of Roman control in the aftermath of Arausio.

³² Cf. Williams 2001: 140–84 on the perennial importance of the *metus Gallicus*, esp. 171–5 on Arausio.

³³ Evans 2005.

³⁴ Full narrative: Barca 2020: 129–61.

³⁵ Kallet-Marx 1995: 228–32.

7.iii. Domestic reaction (114–100)

7.iii.a.) Elections.

Armies defeated year after year; barbarians bearing down on the Italian peninsula; an empire seemingly on the brink of collapse. This is the essential background for understanding Marius' repeated consulships from 104–100. The *nobilitas* had been created out of military accomplishments. Remove that prop, and the logic of the *commendatio maiorum* began to stutter: if martial competency could not be inherited after all, then why vote by default for the sons and grandsons of consuls? This explains the remarkable success of non-nobles in these years—according to our prosopographical survey, over half of first-time consuls and praetors in 107–100 (cf. 4.iv.). Among the consuls, this included P. Rutilius Rufus and Cn. Mallius Maximus in 105, C. Flavius Fimbria in 104, and of course Marius six times (107, 104–100). Others nearly joined them. One example we know is C. Memmius, the famous tribune of Sallust's *Iugurtha*, who was on the brink of being elected to the consulship of 99 when he was murdered.³⁶ Another is C. Billienus, an esteemed jurist who would have reached the consulship were it not for Marius occupying one of the two spots each year, at least according to Cicero (*Brut.* 175). And a third is C. Servilius Glaucia, who, despite the *nomen*, was clearly not a member of the patrician Servilii. As Cicero reluctantly acknowledges (§224), Glaucia was so popular that he stood a good chance of being elected consul for 99, at least before his candidature was disallowed (cf. 9.i.a.).

These successes did not end when the Cimbric Wars finished. Our evidence on praetors is quite poor for the 90s. But we know of several non-*nobiles* who reached the consulship: M. Antonius (99), T. Didius (98), C. Coelius Caldus (94), M. Herennius (93), and P. Rutilius Lupus (90). This is a striking number compared to other periods of 'normal' politics. Cicero often depicts two of these men, Didius and Coelius, as the archetypal *novi homines* (*Verr.* 2.5.181, *Mur.* 17, *Planc.* 61, *De or.* 1.117). So does his brother Quintus, who stresses that despite being a *novus homo*, Coelius won against *homines nobilissimi* of the highest calibre (*Comm. pet.* 11). This is the also aspect of Herennius' victory that Cicero remembers the most (*Brut.* 166, *Mur.* 36).

³⁶ App. BC. 1.32; Liv. *Per.* 69; Flor. 2.4.4; Oros. 5.17.5.

T. Didius deserves emphasis. He probably hailed from a family of very minor senators; yet despite this, he rose to the consulship in the wake of Marius' successes and received the rare honour of two triumphs (in c. 100 and 93). He is thus the epitome of the competent *homo militaris* who, in this time of imperial crisis, was able to attract wide support in the Roman elite.³⁷ Even *nobiles* remembered him this way: for in the *pro Plancio*, we learn that Cicero's noble opponent, Laterensis, had tried to attack Plancius' military record by contrasting him unfavourably to Marius and Didius, the two undisputed paragons of martial prowess (*Planc.* 61).

Naturally, every *ignobilis* to reach high office meant one less spot for a *nobilis*. One example we happen to know is Q. Lutatius Catulus, who was rejected for the consulship no less than three times before he finally gained election for 102; two of these rejections (*repulsae*) were at the hands of *ignobiles*, Cn. Mallius and C. Fimbria. Since Marius was monopolising half of the consulships at this time, it is likely that Catulus was not an isolated case; other *nobiles* were probably suffering *repulsae* at a similar frequency during these years. But this is impossible to prove on our limited evidence.³⁸

Of course, the sudden popularity of *ignobiles* does not mean that *nobiles* were driven out entirely. The power of the *commendatio maiorum* was still considerable, and it was still possible for individual *nobiles* to win favour with the electorate despite the overall unpopularity of the group. Of the five men to hold the consulship alongside Marius from 104 to 100, four had consular ancestors: L. Aurelius Orestes (103), Q. Catulus (102), M'. Aquillius (101), and L. Valerius Flaccus (100). But two of these nobles were known associates of Marius: Aquillius, who was Marius' lieutenant in the early stages of the Cimbric War; and Flaccus, whose loyalty was a source of ridicule ('more the slave of Marius than his colleague', according to Rutilius Rufus). Therefore, it is probable that Marius' support was also what made the difference for Catulus on his fourth attempt at the consulship.³⁹

Although our sparse sources make it difficult to detect, we can also expect fluctuations within any given year. The example of Q. Metellus is instructive. As Sallust reports, Metellus was very unpopular among the wider elite in mid-108 because he belonged to the hated

³⁷ For the term *homo militaris*: Cic. *Pis.* 54; Sall. *Cat.* 45.2, 59.6.

³⁸ Cic. *Planc.* 12–13, cf. *Mur.* 36; Evans 1991: 118–19.

³⁹ Plut. *Mar.* 14.7, 28.5. For Catulus, cf. Badian 1964b: 37–9 (although ignoring the emphasis on *factiones*).

nobilitas (*Iug.* 73.4). Yet as Sallust also reports, by the time Metellus returned to Rome this *invidia* against him had evaporated (§88.1); he received a triumph, the honorary *cognomen* Numidicus, and soon settled in as a respected *princeps civitatis*.

But the general trend is clear. Marius had broken the dam. As a result, more *ignobiles* were willing to try their hand at standing for the consulship: men like Billienus, Didius, Coelius, and Herennius who, in times gone by, would probably have considered the praetorship a worthy prize for their efforts. And now, the *equites* and *boni* were more willing to vote for them on the basis of their presumed competencies vis-à-vis the *nobilitas*.

Nobilitas had never been a ‘guarantee’ of electoral success for a politician, but it had been one of the strongest factors. By around 105, this was apparently no longer the case; in fact, being viewed as a member of the *nobilitas* was now a potential disadvantage and a source of *invidia*. Hence Sallust’s confident mission statement at the start of the *Iugurtha*: ‘the first time that the *superbia nobilitatis* was confronted’.

7.iii.b.) Trials.

It was not simply a case of the wider elite transferring its support from *nobiles* to non-*nobiles*. Punishment was actively sought for those *nobiles* who had brought calamity upon the *res publica*, either in one of the standing courts that existed at this time (*quaestiones*) or in *ad hoc* trials before the *populus* (*iudicia populi*).⁴⁰

In response to his defeat against the Scordisci, C. Cato was initially prosecuted *de repetundis* and issued a fine. Later, he was prosecuted again in 109 as part of the *quaestio Mamilia* and exiled.

For his defeat to the Cimbri, Cn. Carbo was prosecuted in 112 by M. Antonius (the future *cos.* 99). The outcome is unclear; acquittal or suicide are both possibilities. But the mere existence of the trial is significant.

⁴⁰ Sources for what follows at Alexander 1990: 23–34.

Next, Sp. Postumius was held accountable for his brother's defeat against Iugurtha and, after the creation of the *quaestio Mamilia*, was prosecuted and exiled in 109. Alongside C. Cato, the other known condemnations under this *quaestio* are L. Bestia (*cos.* 111), L. Opimius (*cos.* 121), and C. Sulpicius Galba (likely *leg.* 111), all on the charge of conspiring with Iugurtha. But other condemnations probably occurred.⁴¹

Next, because he had arranged the surrender of L. Cassius' army to the Tigurini, C. Popillius was prosecuted before the *populus* in 107 by the tribune C. Coelius Calvus (later *cos.* 94) and exiled.

For his defeat to the Cimbri in 109/8, M. Silanus was prosecuted before the *populus* in 104/3 by the tribune Cn. Domitius Ahenobarbus (later *cos.* 96). Silanus was acquitted, apparently by a large majority (Asc. 80–1 C). But again, the significant point is that he was brought to trial in the first place—especially half a decade after his defeat had actually occurred.

The treatment of Q. Caepio is the most eye-catching. First, he had his proconsular *imperium* stripped by popular vote; then, he was expelled from the Senate under a law passed by L. Cassius Longinus (*tr. pl.* 104).⁴² Next, he was prosecuted in a special *quaestio* for stealing the sacred gold of Tolosa and was likely issued a fine. Finally, in 103 he was prosecuted before the *populus* by the tribune C. Norbanus (later *cos.* 83) for abandoning his army at Arausio. Execution was apparently considered, but exile was the final result.⁴³ The same fate probably befell his co-commander Cn. Mallius, an *ignobilis*.⁴⁴

Lastly, we can add that two of the noble commanders in the Second Slave War, L. Licinius Lucullus (*pr.* 104) and his successor C. Servilius (*pr.* 102), were also prosecuted and exiled upon returning to Rome.

⁴¹ e.g. Sumner 1976: 75 suggested that the mysterious prosecution and condemnation of Hortensius, consul-elect for 108, was part of the Mamilian *quaestio*.

⁴² Asc. 78 C; Liv. *Per.* 67.

⁴³ Gruen 1968: 162–5; Alexander 1990: 33–4 (nos. 65 and 66).

⁴⁴ Alexander 1990: 33: (no. 64); doubted, however, by Rosenstein 1990: 126 n. 47.

Many elements of this narrative are beyond reconstruction. Elaborate speculation, especially about the ‘factional’ significance of the trials, is therefore futile.⁴⁵ Some scholars have also tried to downplay the causal connection between these trials and the preceding defeats by pointing out that, in several cases, the formal charge was something ‘unrelated’, such as extortion or accepting bribes.⁴⁶ Yet formal charges are frequently only a means to an end in criminal prosecutions. What matters is the overall trend, which clearly speaks of an extended period of *invidia* against defeated *nobiles*—so much so, that prosecutors found it worthwhile to dredge up defeats from several years ago for retribution.

The phenomenon is all the more striking when we consider the past context. In the Roman Republic, it was not normal to prosecute defeated generals.⁴⁷ In the past, there had been cases of *invidia* against exceptionally bad or immoral commanders, in particular during the Spanish campaigns of the 150s–130s; a handful of prosecutions are also known. But the default attitude was one of leniency: defeated *imperatores* were not normally blamed for their losses, let alone prosecuted, and some went on to achieve great success in their later careers. This was largely a matter of pragmatism. If most *nobiles* were going to lead armies at some point, it was not practical to punish every general who happened to lose a battle. As long as a general had acted with courage and had avoided recklessness (*temeritas*) or negligence (*neglegentia*) in the course of the campaign, then blame for a defeat was typically sought elsewhere.

With this in mind, the sequence of prosecutions from 114–101 is a remarkable departure from the norm and vindicates the anti-noble sentiments that Sallust ascribes to the Roman public in these years. It bears reminding who this ‘public’ was. The jurors for the *quaestio Mamilia* and *quaestio de maiestate* were all *equites*. This was probably true for the other *quaestiones* in existence at this time too (cf. 8.i.). It is possible that a wider spectrum of urban society participated in the *iudicia populi*. But for all the reasons discussed in Chapter 2, the majority of attendees were likely *equites* and other well-to-do citizens. They were the ones with the time and interest to turn up to these events. And as Sallust’s narrative indicates, they were also the ones driving the ‘public’ support for Marius and his fellow *ignobiles* (*Iug.* 64–5).

⁴⁵ Pace Gruen 1968: 142–65.

⁴⁶ Rosenstein 1990: 140–4; Rich 2012: 106–10; also Clark 2014: 186–7 on the trials of Cato and Carbo.

⁴⁷ On what follows, see Rosenstein 1990. Some of his conclusion have proven controversial, e.g. the claim that defeated commanders enjoyed *no worse chances* of reaching higher office; Waller 2011; Rich 2012. But Rosenstein’s main point about the rarity of punishments remains undeniable.

It should also be stressed that the richer elements of society had material incentives at play. As Cicero emphasised in the year 66 (*leg. Man.* 15–20), prolonged wars could be costly to the trader, banker, or *publicanus*. Imports might be disrupted, revenues might be suspended, and if these disruptions continued long enough, the Roman system of credit might be ruined (cf. 10.i.a.). And of course, warfare could pose an actual threat to life too. This is what happened in 112, when Iugurtha killed all the Italian and Roman *negotiatores* in Cirta. Sallust is clear that the ‘public’ outrage at this incident is what prompted the declaration of war against Iugurtha; this outrage was probably fresh in the minds of many *equites* and *boni* when they supported the *quaestio Mamilia* three years later. Lenience, although traditional, was no longer appropriate. The *nobiles*’ failures were starting to endanger the *res publica* and the material interests of the wider elite; for this, the men responsible had to be punished.

7.iii.c.) Anti-noble politics.

Finally, without going into too much detail,⁴⁸ the failures of the *nobilitas* are key to understanding several of the (not very numerous) political events known in the period 104–100, when Marius’ popularity was at its apex.

For example, we are told that L. Cassius Longinus (*tr. pl.* 104), the man responsible for expelling Q. Caepio from the Senate, also passed numerous laws aimed at diminishing the power of the *nobilitas* (*Asc.* 78 C: *plures leges ad minuendam nobilitatis potentiam tulit*). In the same year or next, Cn. Domitius Ahenobarbus (*tr. pl.* 104/3), who had unsuccessfully prosecuted M. Silanus, also passed a law ruling that new members of the priestly colleges must be elected by the tribal assembly.⁴⁹ Previously this had been settled through co-optation. So by handing the choice over to the *populus*, Domitius nullified one of the few ‘insular’ powers at the *nobilitas*’ disposal; it is probably no coincidence that when Sulla emerged victorious in 82, he immediately restored co-optation as part of his *victoria nobilitatis*.⁵⁰

Most obviously, L. Appuleius Saturninus (*tr. pl.* 103, 100) and C. Servilius Glaucia (*tr. pl.* 104, 101?, *pr.* 100) must be mentioned here. These two allied themselves with Marius at various points from 103–100, and several episodes involving them seem to fit a pattern of anti-

⁴⁸ Fuller narratives: Lintott 1994: 92–103; Mackay 2009: 100–17.

⁴⁹ *MRR* 1.559; North 2011.

⁵⁰ *MRR* 2.75; Rosillo-López 2019c: 58–60.

nobilis politics; indeed, it is telling that when Cicero came to describe their downfall, he instinctively characterised their opponents as the entire *nobilitas* (*Rab. per.* 20: *cuncta nobilitas*).⁵¹ These episodes included: Saturninus' creation of a special court for treason (*maiestas*) to prosecute senators accused of harming the *res publica* (103); their successful attempts to introduce a freedman named Equitius into politics by claiming he was a son of Ti. Gracchus (103–100); Glaucia's *lex iudiciaria* to transfer juries back to the *equites* (probably 104; cf. section 8.i.b.); the violent trial and banishment of Q. Caepio, carried out by Saturninus' co-tribune Norbanus (103); the banishment of Metellus Numidicus (100); and Saturninus' attack on the envoys of Mithridates VI (probably 101).

This last episode is interesting. We are told that Saturninus harassed Mithridates' envoys and accused them of bringing money to bribe senators. This prompted some kind of punitive trial by the Senate, but Saturninus appealed to 'the *demos*'—that is, likely a mixture of politically-engaged *equites*, *boni*, and whatever urban *plebs* were tied to him—and with their support, he flooded the court and brought proceedings to an end (Diod. 36.15). With his allegations of venal kings bribing corrupt senators, it seems Saturninus was trying to recapture the anti-corruption, anti-*nobilitas* mood of the Jugurthine War. If we had Livy's narrative, doubtless we would see that other politicians, buoyed by the immense popularity of Marius, were trying to do similar in these years.

It might be noted that two these anti-noble agitators, L. Cassius and Cn. Domitius, were themselves members of consular families. This is not as paradoxical as it might seem. Previously, we noted that Roman politicians in the earlier stages of their careers would sometimes jump on the bandwagon of 'popular' trends ('popular' in the sense of being well-supported outside the core circles of the Senate), usually by proposing legislation or undertaking prominent prosecutions (2.ii.b.). And since *nobilitas* was not a technical category with a fixed membership, Cassius and Domitius were able to attack 'the *nobilitas*' as an abstract collective without fear of hypocrisy—just like Cinna or Carbo seem to have done during the *Cinnanum tempus*. In Domitius' case, this strategy yielded great results: the tribal assembly elected him *pontifex* in 104/3 under his own law, then *pontifex maximus* in 103, setting him up

⁵¹ Cf. Flor. 2.4.3, who (presumably following Livy) states that the entire *nobilitas* was overturned by Saturninus (*omni nobilitate perculsa*).

perfectly to become a distinguished *princeps civitatis* over the following decade (*cos.* 96, *cens.* 92).

Fluctuations and exceptions notwithstanding, the prevailing mood at Rome from 112–100 was one of animosity towards the *nobilitas*. After half a century of imperial stagnation and noble mismanagement, the *res publica* appeared to be in a precarious state by the time of the Jugurthine War. Over the next decade, this precariousness turned into full-blown crisis as armies were annihilated, provinces were lost, and Italy was threatened with barbarian invasion. The *nobiles* had failed their primary duty of care; and if they could not guarantee *pax, otium*, and the stability of the *res publica*, then it was time for the wider elite to transfer its support to whomever was able to.

7.iv. The demilitarisation of the *nobilitas*

As noted in the previous chapter (6.ii.b.), Sallust in the *oratio Marii* accuses the *nobiles* of military inexperience. The *nobiles*, Marius says, have ancient lineage and many *imagines*, but no practical experience of fighting. They are so ignorant of warfare that they need someone to guide them and act as *imperator* in their place. They only begin to study the arts of war after being elected to the consulship. They gain their military knowledge from books and Greek treatises. And they spurn *virtus*, hard-work (*labor*), and a life of military service in favour of Greek sophistications, without realising that by doing this, they are losing the very things that made their ancestors great (*Iug.* 85, esp. 10-14, 29-30, 31-7).

In short, Sallust paints a picture of a warrior elite that has forgotten how to fight. At a minimum, this should reflect contemporary discourse from the 50s and 40s. But briefly, it is worth considering to what extent this picture is also accurate for the late 2nd century. The following discussion focuses on two topics: early-career service and provincial commands. It builds on recent insights by scholars such as Segal, McDonnell, Blösel, and Rafferty; detailed argumentation can be found in their works.

7.iv.a.) Early-career service.

During the wars against Carthage and the Hellenistic empires, we often find *nobiles* serving as junior officers in the army.⁵² This especially meant the military tribunate, six of whom served in each legion, some elected and some chosen by the commander. Polybius also asserts that ten-years' service was required before a man could stand for political office (6.19.4); scholars typically call this the *decem stipendia*. As Segal argues, it was probably never a 'legal' requirement, but likely rested on custom, peer pressure, and the presiding magistrate's right to reject unsuitable candidates. But presumably, it was still the norm by the time that Polybius wrote this passage in the 150s.⁵³

However, if we fast-forward to the mid-1st century, the picture looks very different. We find few *nobiles* serving as junior officers; there is no mention of a *decem stipendia*; and our two principal sources, Cicero and Sallust, are complaining about the unwillingness of young men to serve in the military.⁵⁴

At some point inbetween, a cultural reorientation had taken place in the *nobilitas*. As Suolahti argued in his classic monograph, the answer probably lies in the increasing availability, and thus declining prestige, of junior officerships. As the number of legions increased in the 3rd and 2nd centuries, the number of annual officers also increased. This enabled wider circles of the elite to gain access to the junior officerships; as a result, an 'officer class' of *equites* and lower-ranked senators emerged whose careers revolved around serving in the army. For these men, posts such as the military tribunate offered the chance to earn a name for themselves and establish contacts with important *principes*, which might, if successful, lead to a career further up the Senate; Marius is only the most obvious example.

Yet as these posts became more accessible, they also became less attractive to the *nobilitas*. Young *nobiles* no longer needed brave exploits to enter the public eye. Their names and the force of *commendatio maiorum* were reputation enough. At the same time, alternative 'career paths' were starting to emerge for them, such as oratory, advocacy, and jurisprudence. Therefore, more and more young *nobiles* opted to spurn these time-consuming, dangerous posts

⁵² Examples at Suolahti 1955: 41 n. 2, 48 n. 5.

⁵³ Segal 2019: chapter 1. Date: Walbank 1972: 19–21.

⁵⁴ e.g. Cic. *Font.* 42, *De or.* 3.136; Sall. *Hist.* 1.13 R, *Iug.* 85, *Cat.* 7.4 with 12.2.

in the army and instead remained at Rome, where they could now enjoy an extended education in rhetoric, philosophy, and other Greek sophistications. Their vacant spots were filled by members of the wider elite; as a result, before long it had become a ‘specialisation’ in the Roman elite to have an extensive military upbringing, as McDonnell puts it. Hence the situation visible in the mid-1st century, and hence the complaints, apparently justified, of Cicero and Sallust.⁵⁵

But when did this change happen: in the 1st century, as Suolahti believed, or earlier? The first examples of politicians who definitely fell short of ten-years’ military service are Cicero and Caesar; the former had barely two years’ service under his belt, yet still gained election to the quaestorship at the minimum age.⁵⁶ However, it seems very likely that the phenomenon goes back one, two, or even three generations earlier.

A famous example is Sulla (born 138). Despite the prominence of the *Memoirs*, we hear nothing of military service in Sulla’s early career. In fact, Sallust asserts that before his quaestorship of 107, Sulla was ‘unskilled and inexperienced in the art of war’ (*Iug.* 96.1: *rudis antea et ignarus belli*). We also hear from Plutarch (*Sull.* 2) and Valerius Maximus (6.9.5) of a youth spent in idleness, cavorting with actors and seducing wealthy widows.

Scholars have tended to reject Sallust’s evidence⁵⁷ or take him at his word.⁵⁸ But as Segal argues, the truth probably lies somewhere in the middle. It is unlikely that Sulla had no military experience at all before his quaestorship; but equally, there must be some basis to Sallust’s statement, which probably followed the contours of Sulla’s rags-to-riches account in the *Memoirs*.⁵⁹ What we should imagine, therefore, is that Sulla did serve a handful of uneventful campaigns in his youth, yet withheld mention of these in the *Memoirs* or noted them only in passing. But crucially, Sulla’s inexperience had no negative consequences on his entrance into public life: for like Cicero, he was elected quaestor at thirty, the youngest age possible.

⁵⁵ Suolahti 1955; McDonnell 2011; also McCall 2002: chapter 7; Parker 2011. On alternative ‘career paths’ in Cicero’s time: van der Blom 2016: chapters 1–2.

⁵⁶ Sources: Segal 2019: 77–84, 87–92.

⁵⁷ Paul 1984: 237; Ridley 2010; Hinard 2011: 170–2.

⁵⁸ Badian 1970b: 6; Keaveney 1980; Christ 2002: 55.

⁵⁹ Segal 2019: 56–64, 105; also Fündling 2010: 23–4.

Another telling example is C. Gracchus (born 154). Plutarch says that after returning early from his quaestorship in 124, Gaius defended himself by proudly declaring that he had served his ten-years' service—in fact, he had exceeded it by two years (*C. Gracch.* 2.5); Gaius clearly published this speech, as other fragments are known.⁶⁰ On the one hand, this evidence shows that the *decem stipendia* continued to be acknowledged in the 120s, at least nominally. But at the same time, the boastful nature of Gaius' defence also presupposes that his record of military service was unusual: where other *nobiles* could not even meet the traditional expectation, Gaius had exceeded it by two years.

It seems we are dealing with a cultural shift that happened over the course of decades. If we want to pinpoint the start of this process, the obvious candidate is the turgid, unpopular Spanish campaigns of the 150s–130s.⁶¹ As Polybius attests in one of his later books, the young *nobiles* had little interest in these far-flung conflicts against rebellious provincials; as a result, many of them evaded enlistment for Spain (35.4; also 31.25, again complaining about the laziness of Scipio Aemilianus' peers). The *nobiles*, it seems, were voting with their feet. In the past, young nobles had been obliged to demonstrate *virtus* and earn their own *gloria*. But now, trusting in the power of the *commendatio maiorum*, they took it upon themselves to stand for the quaestorship without coming close to the ten-years' service expected of them. Doubtless this elicited disapproval at first (e.g. from Polybius), but the *nobiles* could defend themselves with the argument that the *populus Romanus* was allowed to elect whomever it wanted, whenever it wanted.

Over the course of the 140s–120s, this probably became the new norm for most young *nobiles*. This is enough to incorporate the generation born in the 150s and early 140s, including such villains of the Iugurthine and Cimbric Wars as C. Cato, L. Bestia, the Postumii Albinii, L. Cassius, and Q. Caepio. Therefore, when these *nobiles* suffered their calamitous defeats in the decade around 110, suddenly the fact that they had spurned a warrior upbringing became political ammunition for the likes of Marius. His arguments, or at least the broad tenor of them, may have been recorded by a contemporary writer; if not, they certainly permeated the collective memory of the Roman elite. This explains what we find in Sallust's *oratio Marii*:

⁶⁰ Fragments at Stockton 1979: 218–19.

⁶¹ Cf. already Evans 1994: 177–81.

the *nobiles* are resting on their laurels, they are ignoring the *imitatio maiorum*, they are decadent and corrupt—and this is costing the *res publica* dear (6.ii.b.).

7.iv.b.) Provincial commands.

The recent work of Blösel and Rafferty adds another dimension to this picture. In the Ciceronian era, consuls and praetors would typically spend their year in office at Rome before being sent with *imperium* to a province abroad, their ‘secondary’ or ‘territorial’ *provincia*. Scholars have long-known that magistrates had the right to refuse this secondary *provincia*; Cicero is the most famous example. But in recent years, Blösel has argued that it was far more common than might be expected. According to his figures, between 25% and 50% of consuls declined a secondary *provincia* in the years 80–53. For praetors, the percentage was apparently closer to a third, but could be as much as 50%.⁶² These figures must be taken with a pinch of salt, as Blösel has not yet published detailed evidence to support them. But importantly, Rafferty has argued that the situation Blösel describes for the post-Sullan era must have existed, to some degree, at the end of the 2nd century. He picks *c.* 105 as an arbitrary date, but his arguments are equally valid for *c.* 120 (or possibly earlier). If correct, this means that some *nobiles* in the later 2nd century were not only spurning early-career service but were also starting to turn down military commands in the provinces.⁶³

What we have, therefore, is another example of the *nobilitas* turning its back on the martial ethos which had been a foundational pillar of its success. In the case of consuls, we can imagine that the choice depended on which *provincia* they received. By the late 2nd century, consuls were unlikely to be sent far outside Italy unless a significant rebellion or invasion had occurred in the provinces; instead, they were typically granted Italy, Cisalpine Gaul, or Illyria by default.⁶⁴ These *provinciae* offered only limited potential for self-profit or triumph; for example, we are told that L. Crassus (*cos.* 95) unsuccessfully tried to ‘ransack the Alps with a probe’ to find a pretext for a triumph in Cisalpine Gaul (*Cic. Pis.* 62; *Asc.* 15 C). Therefore, it is likely that some (or many?) consuls decided that accepting these *provinciae* was not worth the bother.

⁶² Blösel 2011: 60–6; 2016: 68–72.

⁶³ Rafferty 2019: esp. 51–9, 79–81, 122–32, 205–7.

⁶⁴ Brunt 1971: 426–34, 567–8; Rich 2014: 231–2.

Similarly, the main incentive for praetors to accept secondary commands was a triumph. Yet by the later 2nd century, praetorian triumphs had become very rare: none are attested for certain between 146 and 107, and then only two more until the Social War (in 100 and 98).⁶⁵ On the other hand, remaining in the capital brought tangible benefits to a political career, as it allowed senators to remain in the eyes of the electorate and court supporters in preparation for a future candidacy; Cicero explicitly acknowledges this (*Planc.* 64–6, *Fam.* 2.12.2). Therefore, some (or many?) noble praetors must have asked themselves why it was worth accepting a lengthy, burdensome, and potentially dangerous command abroad, if they could remain at Rome and still stand an equal (or better?) chance of reaching the consulship. But of course, this gave more ammunition to Marius and his emulators, who accused the *nobiles* of preferring the refinements of city life to the hardships of the military camp (*Sall. Iug.* 63, 85).

The increasing awareness of provincial mismanagement is also relevant. From several indications, it seems that contemporaries in the later 2nd century were starting to associate the political elite with mismanagement of the provinces. First, there was the creation of a permanent extortion court in 149, later systematised by C. Gracchus in 123/2 (cf. 8.i.a.); we also have fragments of Gaius' oratory complaining about the rapacity of his peers in the provinces.⁶⁶ What's more, the epigraphic *lex de provinciis* (or 'pirate law') of c. 100 attests numerous limitations on gubernatorial conduct, mostly to limit the potential for extortion.⁶⁷ And we also have the evidence of the *oratio Memmii*, where Sallust's Memmius accuses the *pauci* of plundering allies, robbing foreign kings, and mistreating the *socii* (*Iug.* 35.9, 23–5).⁶⁸

Thus there were two degrees of bad optics here. On the one hand, it seemed that some (or many?) *nobiles* were shirking their martial responsibilities by avoiding service in the provinces, both as young men and, it seems, as praetors and consuls too. But at the same time, those who *did* accept military commands were now viewed as rapacious and corrupt. Taken together, this adds another dimension to the remarkable success of Marius and the *ignobiles* during and after the Iugurthine War.

⁶⁵ Rich 2014: 232, 250–1.

⁶⁶ Gell. *NA.* 11.10, 15.12; Plut. *C. Gracch.* 2.5.

⁶⁷ Lintott 1994: 97–8; Drogula 2011.

⁶⁸ On profiteering in the provinces, cf. Tan 2017: chapter 3 (mostly post-Sullan, but still useful).

As stressed multiple times already, nothing here is absolute. Martial valour was still a prized virtue in Rome; the *oratio Marii* presupposes this, as does Cicero's defence of the military man L. Murena in 63 (*Mur.* 19–24, 29–34). Some *nobiles* continued to prove themselves capable military leaders; for example, the Metelli were awarded five triumphs between 121 and 106, while Sulla's military record before his consulship included celebrated service in Numidia, the Cimbric Wars, Cilicia/Cappadocia, and the Social War. Conversely, not every non-noble managed to meet the high standards of martial competency set by the likes of Marius and Didius—for example Cn. Mallius, *homo ignobilis* (*Cic. Planc.* 12), who was joint-responsible for the disaster at Arausio.

But the significant point is that perceptions had changed. For every *nobilis* living up to the traditional values of his class, there seemed to be two more who were shirking their duties and coasting on the back of what their ancestors had achieved. With the Iugurthine War and the subsequent catalogue of disasters, this derogation of duty became a matter of public concern: now, it seemed the *nobiles'* military incompetence was damaging the *res publica*. The result was an unprecedented shift in support away from the established families and the rise of a new style of 'anti-noble' politics.

Chapter 8: Politicised *equites*: the jury dispute and *publicani*

In the last chapter, we explored the outbreak of anti-noble dissatisfaction around the time of the Iugurthine War. In light of these discussions, and before we take the story further, it is worth pausing to revisit the position of the wider elite in this narrative, and particularly the richest non-senators, the *equites*.

The ‘apolitical’ nature of the wider elite has been stressed several times. Most *equites* shared the outlook of their senatorial peers. Much of their involvement in politics—for example, attending *contiones*, legislative votes, electoral *comitia*—was ritualised and often done at the prompting of the political elite. And in most years, they voted the same circle of noble families into high office and deferred to the guidance of their noble peers on most ‘routine’ issues.

Yet equally, we saw that in Cicero’s adulthood, many of these *equites* apparently enjoyed hearing critical remarks against the *nobilitas* (6.i.). And in the last chapter, we saw that a significant number of them bucked the trend in the late 2nd century and began to support non-nobles on a more active basis (7.iii.). Following Meier, we may use ‘politicisation’ as a convenient shorthand to describe this process, since it was a departure from the characteristic ‘apolitical’ state that defined most *equites*.¹

This chapter will focus on two specific aspects of this politicisation: the ongoing dispute over who would provide jurors for criminal courts, and the role of a particularly influential subset of the *equester ordo*, the *publicani*. As we shall see, the juries and *publicani* are themes that bridge the era from the Gracchi to Sulla. Examining them is crucial to understanding the dynamics of this period.

¹ Meier 1980: 84; 1995: 38.

8.i. The courts

8.i.a.) The introduction of equestrian juries.

In 123 or 122, a law was passed by C. Gracchus (or an ally) reforming the extortion court, the *quaestio de repetundis*. One of its stipulations was that senators, minor magistrates, and relatives of these groups could no longer serve as jurors in extortion trials. Instead, the juries would be drawn from an annual album of 450 wealthy men unconnected to the Senate.²

It is possible that C. Gracchus reformed other *quaestiones* too. Several permanent courts are attested between 123 and Sulla's dictatorship: a court for bribery (*de ambitu*), attested already in 116;³ a court for poisonings (*de veneficiis*), first attested in the 90s;⁴ a court for murders (*de sicariis*), first attested in the mid-80s;⁵ and a court for embezzlement (*de peculatu*), first attested for certain in 86/5,⁶ but with a possible precursor already in 104.⁷ These dates are only *termini ante quem*; and since Cicero states that multiple *quaestiones perpetuae* were set up when C. Papirius Carbo (*cos.* 120; died 119) was a young man, it is likely that some of these *quaestiones* were in existence before 123.⁸ With this in mind, scholars such as Brunt and Stockton have argued that Gaius also passed a general *lex Sempronia iudiciaria* adding non-senatorial jurors to all criminal courts, either to sit alongside senators on mixed juries (Brunt) or to replace them entirely (Stockton).⁹

The truth of this is impossible to gauge. But the important point is that non-senatorial juries were employed very prominently over the next decades. In 109, C. Mamilius used them for his extraordinary court to prosecute Iugurtha's noble accomplices.¹⁰ So did L. Saturninus in 103 for his permanent court for treason (the *quaestio de maiestate*),¹¹ as well as Q. Varius

² Full sources: *MRR* 1.518, especially the fragmentary *lex de repetundis* at *CIL* 1.2.583 (= Crawford 1996: 1.65–94). Following the *communis opinio*, I accept that this *lex* is the Gracchan law of 123/2, passed either by Gaius or a friendly tribune named Acilius; Badian 1954; Sherwin-White 1972; Lintott 1981: 177–85; 1992: 166–9; *pace* Mattingly 1970; 2013.

³ Plut. *Mar.* 5.

⁴ *CIL* 6.1.1283, i.e. the *elogium* of C. Claudius Pulcher, *cos.* 92.

⁵ Cic. *Inv.* 2.59–60.

⁶ Plut. *Pomp.* 4.

⁷ i.e. the trial of Q. Caepio (and others?) for stealing the Tolosan gold; *MRR* 1.566 n. 8. This is often assumed to be an extraordinary trial, but cf. Brunt 1988: 222.

⁸ Cic. *Brut.* 106. See further Cloud 1994: 505–23.

⁹ Brunt 1988: chapter 4; Stockton 1979: 144–50.

¹⁰ Cic. *Brut.* 128: *Gracchani iudices*; i.e. jurors along the lines of Gaius' *repetundae* court.

¹¹ Cic. *De or.* 2.199.

for his *quaestio extraordinaria* in 90.¹² Thus even if there was no general *lex Sempronia iudiciaria*, we can still assume that non-senatorial juries were instituted along Gaius' model for the other permanent courts soon after 123.¹³ Indeed, Cicero envisions non-senators having exclusive control of the juries for the year 100 (*Rab. perd.* 20: [*equites*] *omnem dignitatem iudiciorum tenebant*) and again for the year 92 (*apud Asc.* 21 C: *cum iudicia penes equestrem ordinem essent*). Elsewhere, he also sums up the period between C. Gracchus and Sulla as 'nearly fifty uninterrupted years when the *equester ordo* was in charge of the courts' (*Verr.* 1.38: *cum equester ordo iudicaret, annos prope quinquaginta continuos*).

By barring senators and their relatives from the juries, Gaius effectively created a new 'judicial class' comprised of men with little or no connection to the Senate. In time, this class came to be synonymous with the *equester ordo*; hence the use of 'equestrian juries' as a shorthand by both ancient and modern scholars. It should be noted, however, that many *equites* would have failed the qualifications for jury service. Jurors were required to be domiciled in Rome for the entire year, which must have ruled out some of the more active businessmen; anyone with close senatorial relatives was also excluded.¹⁴ Here as always, we are only dealing with a small subset of the wider elite.

8.i.b.) The jury dispute.

As the bare facts of the narrative show, these equestrian juries became a major bone of contention within the Roman elite. Over the next five decades, there were several attempts to reverse Gaius' law, either by transferring the juries back to the *ordo senatorius* or by instituting mixed panels of senators and *equites*:

122: as tribune, C. Gracchus introduced equestrian juries for the *quaestio de repetundis* (and possibly others). Multiple sources portray this as his most controversial measure (see below).

¹² Asc. 79 C; App. BC. 1.37; Seager 1967.

¹³ Cloud 1994; *pace* Griffin 1973, who argued that Gaius and other legislators only altered the *quaestio de repetundis*.

¹⁴ *Lex de repetundis*, lines 12–19. Cf. Sherwin-White 1982: 22; Lintott 1992: 20–1; Davenport 2019: 63.

106: as consul, Q. Servilius Caepio introduced mixed juries split between senators and *equites*. It is not certain whether this applied only to the *quaestio de repetundis* or to all criminal courts in existence at the time, but the latter is probable.¹⁵ Emotions ran high around this law. At a *contio*, L. Crassus (later *cos.* 95) spoke in support of the bill and denounced the *crudelitas* of the equestrian jurors in a famous speech which he soon published.¹⁶ Ten years later, the animosity of the *equites* was still so strong that M. Antonius could secure the acquittal of a client, C. Norbanus (later *cos.* 83), by tapping into the equestrian jurors' hatred of Caepio and his law.¹⁷

Probably 104: as tribune, C. Servilius Glaucia returned the *quaestio de repetundis* back to the *equites*, thereby earning their enthusiastic support.¹⁸ If Q. Caepio's law had covered other courts, then we can assume that Glaucia returned these to the *equites* as well (or someone else did soon after).¹⁹

91: as tribune, M. Livius Drusus reintroduced senators onto the juries, although the exact terms of his reform are unclear (cf. 9.ii.b.). Drusus also tried to make *equites* liable to prosecutions for judicial corruption; Cicero remembers the strong opposition this aroused from leading *equites* (9.ii.c–d.). In the end, these reforms came to nothing as Drusus' legislation was annulled in late 91.

89: as tribune, M. Plautius Silvanus reintroduced mixed juries split between senators and *equites* (9.iii.).

82/81: as dictator, Sulla ruled that all criminal juries would be staffed by senators. To ensure enough jurors were available, he promoted 300 *equites* into the Senate.²⁰

¹⁵ *MRR* 1.533; Lintott 1981: 186–8; Davenport 2019: 76.

¹⁶ Quoted at Cic. *De or.* 1.225; cf. *Brut.* 164, *Cluent.* 140; *Rhet. ad. Her.* 4.5.

¹⁷ See section 9.i.b.; cf. Cic. *Inv.* 1.92, where Cicero warns against praising Caepio's *lex iudiciaria* in front of *equites*.

¹⁸ *MRR* 1.571–2, esp. Cic. *Brut.* 224: [*Glaucia*] *equestrem ordinem beneficio legis devinxerat*. Date: Ferrary 1979: 101–5.

¹⁹ Cloud 1994: 511–12; Davenport 2019: 77.

²⁰ *MRR* 2.75; Santangelo 2006: 8–11.

70: during the consulship of Pompey and Crassus, the praetor L. Aurelius Cotta introduced mixed juries again. These were staffed in equal thirds by senators, *equites*, and *tribuni aerarii*; the identity of this third group is unclear.²¹

This controversy is not difficult to understand. Thanks to C. Gracchus' law, senators were now answerable to men outside the Senate, who had the power to inflict huge fines or even exile on them. And the fact that equestrian jurors could not be prosecuted for judicial corruption (only senators were liable to this) sharpened these feelings of injustice. In the minds of many senators, to decide the fate of others without the possibility of scrutiny was akin to tyranny or even monarchy.²² These fears were seemingly confirmed in 109 with the *quaestio Mamilia*: a punitive and demagogic *quaestio*,²³ manned by equestrian jurors, targeting *nobiles* with allegations of treason which, from the perspective of many senators, must have appeared like trumped-up charges designed to bandwagon on the *odium nobilitatis*. This explains the senators' keen support in 106 for the jury law of Q. Caepio, 'the patron of the Senate', as one source calls him (Val. Max. 6.9.13: *senatus patronus*).

The intensity of these feelings can only have increased when C. Gracchus' system was extended to the other criminal courts, in particular those for poisoning and murder. As Mouritsen has stressed, the *boni* viewed these courts as an important means for protecting *otium* and property rights and a bulwark against arbitrary acts of elite-on-elite violence.²⁴ Cicero's evidence paints an alarming picture of unchecked violence among the elite, especially in the Italian countryside. Since there was no police force to act as a deterrent, and since it was easy to convert slaves into armed retinues, many elites seem to have lived in fear that one of their peers might come along and seize their property by force. This is precisely what happened, for instance, to Cicero's clients in the *pro Quinctio*, *pro Tullio*, and *pro Caecina*;²⁵ and although we lack comparable evidence for the pre-Ciceronian period, there is no reason to believe that the situation was much different in the 2nd or early 1st centuries.

²¹ MRR 2.127. On *tribuni aerarii*: Mouritsen 2023: 63–8.

²² Equestrian juries as tyranny/monarchy: App. BC. 1.22; Asc. 79 C; Flor. 2.5.3.

²³ Cf. Sall. Iug. 40, where even Sallust expresses surprise at the strength of *odium nobilitatis* during the Mamilian trials.

²⁴ Mouritsen 2023: esp. chapter 10; cf. Lintott 1999b: chapter 9.

²⁵ Evidence at Brunt 1971: 550–7; Lintott 2008: chapters 4 and 6; Mouritsen 2023: 142–51.

As Mouritsen sums up: ‘The independence of the judiciary as well as the fairness of the legal process as a whole became the bulwark against the “law of the jungle” prevailing in the countryside ... The *iudicia* emerge as the central pillar upholding *otium*, for without a sound judiciary no *vir bonus* could be safe and neither could his property’.²⁶ So if the juries were perceived to be ‘corrupt’ or ‘non-functional’, this was a cause of great concern to the wider elite. This helps to explain why the politicians driving the jury dispute, men like L. Crassus, Q. Caepio, and C. Glaucia, managed to find receptive audiences when they accused the other side of injustice, corruption, and cruelty.

There are even signs that C. Gracchus recognised and intended that his jury law would arouse controversy. Appian makes Gaius say that the *lex de repetundis* ‘completely broke the power of the Senate’ (*BC*. 1.22); Diodorus, that it was ‘a sword wrested from the grasp of the senators’ (37.9). This is echoed in another Diodorus fragment, where Gaius celebrates the narrow passing of one of his laws as ‘a sword hanging over the head of my enemies’ (34/5.27). This may be hostile propaganda; in particular, it seems questionable whether Gaius would openly challenge ‘the Senate’ as an institution,²⁷ but easy to believe that his enemies would accuse him of damaging the *senatus auctoritas* with his jury law. But equally, Cicero also writes: ‘for was the entire *res publica* not completely changed by the destruction of C. Gracchus, and by those daggers which, according to C. Gracchus himself [*ipse dixit*], he had cast into the Forum for citizens to fight one another?’ (*Leg*. 3.20). This seems to confirm that the sword/dagger metaphor derives, in some shape, from Gaius’ own speeches, the published versions of which were very famous;²⁸ most likely, Gaius claimed that the jury law was a sword against *corrupt* senators, which was simplified by his enemies or in the later tradition to ‘the Senate’.

In any case, with such escalation of rhetoric already in the years 123/2, it is unsurprising that the juries remained a sore point over the following decades. In the eyes of many senators and *nobiles*, the continued existence of equestrian juries probably seemed the most toxic legacy of the Gracchan *seditiones*—and the most in need of rectifying.

²⁶ Mouritsen 2023: 145, 147.

²⁷ Cf. in general Sherwin-White 1982.

²⁸ Gaius’ published speeches: Cic. *Brut.* 125–6; Stockton 1979: 217–25; van der Blom 2016: 69–72.

8.i.c.) Rutilius Rufus' trial, 'flash points', and the Civil War.

Interestingly, some sources make the juries a contributory factor to the outbreak of Civil War. Most famous is a fragment of Varro: '[C. Gracchus] unfairly handed over the juries to the *equester ordo* and made the State two-headed [*bicipitem civitatem fecit*]'—the origin of all civil conflict' (*apud* Non. 728 Lindsay). A similar phrase is found in Florus: 'by their judiciary law, the Gracchi had split the *populus Romanus* and created a two-headed State out of one [*bicipitem ex una fecerant civitatem*]' (2.5.3); this probably goes back, via Livy, to Varro as well.²⁹

In the *De officiis*, Cicero asserts that 'such a great war [*tantum bellum*] was stirred up on account of fear of the courts [*iudiciorum metum*]' (*Off.* 2.75). This should mean the Social War, the Civil War, or probably both; his readers were clearly expected to understand the reference.³⁰ Tacitus even presents the jury dispute as the single most important issue during the First Civil War: 'at one point, Marius and Sulla even went to war over this matter specifically' (*Ann.* 12.60). Also significant is a passage from the *pro Cluentio*, mentioned already in Chapter 4, where Cicero says that 'the whole fury of Sulla's proscriptions fell on the *veteres iudices*' (*Cluent.* 151), i.e. *equites* who had formerly served as jurors.

What can we make of this tradition? Partly, there is an element of narrative simplification at play. As we shall see in the next chapter, the juries were the main political issue at play during the tribunate of M. Drusus (9.ii.). Since Drusus' tribunate was widely viewed as a spark for the Social War, which in turn segued into the Civil War, it was therefore possible to assert that the jury dispute caused the Civil War.

In addition, we must account for the influence of Rutilius Rufus. In c. 92,³¹ Rutilius was exiled by an equestrian jury on a charge of *repetundae*, despite being, our sources insist, entirely innocent. Cicero, who visited Rutilius in his exile at Smyrna (*Rep.* 1.13), is unequivocal about the injustice of this event. At various points, he asserts that the trial of the *innocentissimus* Rutilius tore the *res publica* apart (*Brut.* 115), that the jurors responsible were wicked citizens worthy of punishment (*De or.* 1.230), and that after Rutilius' condemnation

²⁹ On this 'two-headed' trope: Wiseman 2010.

³⁰ Some editors insert the word *Italicum* between *tantum* and *bellum*.

³¹ Date: Kallet-Marx 1990, rightly observing that the trial could fall as early as 94. However, his attempt to downplay the connection to Drusus' tribunate is untenable; cf. 9.ii. below.

every senator feared the equestrian juries (*apud* Asc. 21 C).³² The later sources echo these sentiments, typically concluding that the equestrian juries had always been corrupt and cruel.³³ This rhetoric is particularly emphatic in the surviving excerpts of Diodorus (e.g. 34/5.2.31, 34/5.25, 37.5), whose account is often assumed to follow the contours of Rutilius' works for this period.³⁴

In reality, there is little evidence to suggest that the equestrian jurors were habitually unjust. Elsewhere, Cicero was able to present them as a model of integrity (*Verr.* 1.38, 51), although not without ulterior motives for doing so. And numerous scholars have pointed out that most attested trials in this period of 'equestrian tyranny' actually ended in acquittals.³⁵

However, while it is undeniable that Rutilius' biases have influenced the historical tradition, it is also clear from the heated response to the laws of C. Gracchus, Q. Caepio, and C. Glaucia that the juries were an emotive issue for *equites* and senators long before Rutilius' works were published. And emotion is precisely what makes his exile an important event. It seems quite clear that Rutilius' condemnation outraged many senators. Cicero assumes as much in his dialogues, where he makes M. Antonius and C. Cotta lament Rutilius' exile and denounce the jurors responsible (*De or.* 1.229–30, *Nat. deo.* 3.80); Cicero, we must add, had known all three men personally (cf. 9.ii.c.). Furthermore, it seems clear that Rutilius' nephew, M. Drusus,³⁶ took his uncle's exile as proof that major reform to the courts was needed (9.ii.a–c.). And Rutilius was probably at the forefront of Sulla's mind as well when he decided to bring the equestrian courts to an end in 82/81. Indeed, Sulla visited Rutilius while in Asia in 85 and tried to issue him a pardon, although the proud Stoic rejected this, instead preferring to remain at his adoptive town of Smyrna.³⁷

Like Cicero and other contemporaries, it seems Sulla considered the banishment of Rutilius at the hands of *equites* to be an injustice that needed correcting. And this is where the significance of the jury dispute lies. It created 'flash points' for conflict which were vital in fuelling tensions between *nobiles* and (certain members of) the wider elite. The jury dispute

³² Cf. Cic. *Font.* 38, *Pis.* 95, *Nat. deo.* 3.80.

³³ Cited at 8.ii., 9.ii.c.

³⁴ Cf. Goukowsky 2014: x–xxv.

³⁵ e.g. Badian 1972: 86–7; Meier 1980: 77–9; Brunt 1988: 152.

³⁶ For the relationship: Münzer 1999: 276.

³⁷ App. *Mithr.* 60; Quint. *Inst.* 11.1.12; Val. Max. 6.4.4.

was immediate, because it pitted senators directly against *equites*. It was divisive, because it concerned fundamental questions of whether senators should be autonomous or accountable to their peers in the wider elite. It was emotional, because it tapped into deep-rooted paranoias about the cause and prevention of elite-on-elite violence. It was ‘public’, in the sense that criminal trials were undertaken in the Forum for all to see, meaning that the participants would be reminded of their strongly-held views whenever they saw a trial in progress. And as a result of these factors, it was also highly polemical, with both sides soon accusing the other of cruelty, corruption, and the subversion of *ius*.

Indeed, Cicero implicitly acknowledges the ‘politicising’ function of the jury dispute. In speeches from the 60s, he talks of the pre-Sullan period as a time when the *equites* flourished or held a prominent position in the *res publica* because of the law courts (*Rab. perd.* 20, *Font.* 26). In the *Brutus*, he implies that the jurors formed a political clique (*factio iudicum*) whose *potentia* was a threat to the *senatus auctoritas* (*Brut.* 164). In the *pro Scauro*, he talks of the fear that the equestrian juries instilled in senators (*apud* Asc. 21 C). And in the *Verrines*, he asserts that provincial governors in this period were forced to kowtow to the *equites* and *publicani* out of fear of the law courts, and that the equestrian jurors would immediately punish any man who dared to cross them (*Verr.* 2.3.94).

8.ii. The *publicani*

Cicero’s mention of the *publicani* brings our attention onto their involvement in this narrative.³⁸ *Publicani* were private individuals who were paid to perform tasks on behalf of the ‘State’. These tasks were typically leased out as contracts, often on a five-year basis by the censors; and since the investment required could be very large, the *publicani* would normally pool their resources into a group (*societas*). Senators were prohibited from taking part in these contracts, at least directly.

³⁸ The best introduction to *publicani* remains Badian 1972; also Malmendier 2002; Kiser and Kane 2007; B. Shaw 2022. Cf. Tan 2017: chapter 2, who has some interesting comparisons with tax-farmers in other periods of history. However, his analysis is held back by his main hypothesis: that the removal of *tributum* in 167 was a watershed moment which fundamentally changed the dynamics (or ‘ideologies’) of Roman politics. This hypothesis goes far beyond the source material. It reflects a modernising concern with ‘fiscal policy’, ‘decentralised wealth’, and ‘the size of the State’, none of which would, I think, be comprehensible to a Roman politician in the Late Republic.

In the absence of a developed bureaucracy or ‘State apparatus’, the involvement of *publicani* was essential to the functioning of Rome’s empire, and the *societates* must have existed long before they enter the historical record properly at the time of the Hannibalic War. The earliest example we know is the contract for looking after the Sacred Geese of Juno, dating to the early 4th century (Plin. *NH.* 10.51). It is also noteworthy that Polybius, writing in the 150s, takes the ubiquitous importance of *publicani* for granted; in fact, he makes them the representatives of the *demos* in his famous digression on the Roman constitution (6.17). Temple building, road construction, supplying armies, and especially tax collection; these were the kinds of essential tasks which, from an early stage, must have required the involvement of *publicani* to some degree or another.³⁹

Publicani showed themselves capable of interfering in politics already in the first half of the 2nd century. The most famous incident occurred in 169, when the censors banned anyone who had undertaken a contract in the previous censorship from bidding again. In retaliation, the *publicani* sponsored a tribune to prosecute the censors for treason. The trial was held in the *comitia centuriata*; one of the censors was acquitted only by a narrow margin. The whole affair reveals that we are dealing with a subset of the Roman elite which was able to exert considerable influence over politics—if it had the inclination to—not only in terms of wielding votes in the *comitia centuriata*, but also as a ‘pressure group’ capable of leveraging politicians to do their bidding, in this case a tribune.⁴⁰

But the *publicani* truly emerged as a powerful demographic in the latter half of the 2nd century, and especially with the tribunates of C. Gracchus. In 123, Gaius ruled that the right to collect taxes in the newly-annexed province of Asia would be auctioned by the censors once every five years. In doing this, it seems he was trying to secure more efficient and predictable cash revenues for the Senate, probably to offset the expensive corn dole he had just created.⁴¹ But the move had wider consequences. Asia was by far the richest province in the empire,⁴² and since the *publicani* were allowed to keep any surplus revenue they managed to generate, this meant that conditions were now in place for a subset of the non-senatorial elite to grow extremely rich, extremely fast.

³⁹ On early *publicani*, cf. Badian 1972: esp. 15–47; Malmendier 2002: 58–61; B. Shaw 2022: 85–91.

⁴⁰ *MRR* 1.424; Davenport 2019: 45–6; B. Shaw 2022: 102–6.

⁴¹ Kay 2014: 69–70, 76–83.

⁴² *Cic. leg. Man.* 14–19; Kay 2014: 70–3.

It is no surprise, therefore, that our sources soon present the *publicani* as a force to be reckoned with. In Cicero's speeches, they consistently appear as the most important subset of the *equester ordo*, or even as its leaders: 'those most honourable and wealthy men, the *principes* of the *equester ordo*' (*Verr.* 2.2.175; cf. *Plin. NH.* 33.34). Sometimes, Cicero presents them as an *ordo* in their own right: 'the flower of the Roman *equites*, the pride of the State, the backbone of the *res publica*, all are to be found in the *ordo publicanorum*' (*Planc.* 23).⁴³ His brother echoes this reverential attitude, putting the *publicani* at first place in the list of key constituencies that will swing the consular elections of 63 in Cicero's favour (*Comm. pet.* 3, 50).

Out in the provinces, the power of the *societates* was proverbial. We have already noted the *Verrines* passage claiming that governors in this era were subservient to the *publicani* (*Verr.* 2.3.94). In letters to his brother and P. Lentulus Spinther, Cicero cautions that a governor's chief concern should be to appease the *publicani* (*Q.Fr.* 1.1.32–5, *Fam.* 1.9.26). And a remarkable anecdote in Diodorus, which likely goes back to the works of Rutilius Rufus, gives the impression of *publicani* having near-unlimited power in the provinces. We are told that when Marius appealed to Rome's eastern allies for troops in 104, Nicomedes III of Bithynia replied that was unable to comply because most of his subjects had been enslaved by Roman *publicani* (*Diod.* 36.3.1).⁴⁴

With the *publicani*, therefore, we have the ideal conditions for an unusually strong form of politicisation. *Publicani* had a direct interest in an aspect of life that was traditionally 'political': the administration and protection of the provinces, especially Asia. They also had the means to act upon this interest. First, they were extremely wealthy—almost by definition, in fact, since becoming a *publicanus* required large amounts of spare capital and landed property to be held as security, and naturally the objective of the enterprise was to increase this capital even further. Second, they had the means to convert this economic potential into political influence.⁴⁵ This was the main difference between *publicani* and other members of the wider elite: the latter might become very rich, but they lacked the formal structures needed to act with unity and, as a result, never coalesced into true 'pressure groups' able to influence politics on their own agency. Instead, their involvement in politics was typically done at the

⁴³ Also Cic. *Q.Fr.* 1.1.32, *Verr.* 2.3.94, 168, *leg. Man.* 17, *Prov. cons.* 10–11, *Rab. Post.* 3.

⁴⁴ On this episode, and the *publicani*'s power in Asia more generally: Kallet-Marx 1995: 138–48.

⁴⁵ On what follows: Meier 1980: 74–6, 87–8; Brunt 1988: 162–72.

instigation of senators. But the *publicani* were different. As members of *societates*, they had the corporate infrastructures necessary to focus their resources in a centralised, co-ordinated manner. This enabled them to act towards common goals, such as supporting (or opposing) politicians who they believed would protect (or endanger) their interests, and to function as pressure groups capable of influencing other members of the elite to do the same.

In short, *publicani* were perhaps the only members of the non-senatorial elite who were able to intervene in politics in an active, more-than-sporadic manner. Indeed, it seems likely that whenever our sources talk of ‘the *equites*’ or ‘the *equester ordo*’ engaging in politics or having a homogenous ‘opinion’, what they really mean are the *publicani*. For in the tiny world of Roman politics (cf. Chapter 2), a small group of determined elites could have a decisive influence if they turned up at once to *contiones*, *comitia*, or trials with a unified agenda.

This is not to say that *publicani* always intervened in politics. In Cicero’s time, it seems they did so only if their interests were directly affected, such as when the Asian *societates* successfully lobbied Crassus and Caesar to reduce the cost of their contract in 59.⁴⁶ But the *potential* for intervention was always there. And if our main hypothesis is correct, there was a qualitative difference between the pre- and post-Sullan periods: the pre-Sullan era saw an unusually large number of politicised *equites* come to the fore, many of whom were probably *publicani*, yet most of these men had died by the time that Cicero reached maturity. Therefore, the apparent quiescence of the *publicani* in the 60s and 50s should not distract us from the remarkable influence they seem to have exerted in the decades before the Civil War.

One way this influence could be manifested was at the ballot box. Velleius asserts that Marius’ first bid for the consulship was supported by *publicani* and other men conducting business in North Africa (*negotiantes*, 2.11.2). This is presumably what Sallust also has in mind when he describes *equites* and *negotiatores* writing home from Africa to convince their friends to support Marius (*Iug.* 65.4). That the *publicani* would support Marius in 108 is hardly surprising. Their activities required commercial stability and peace in the provinces, both of which were interrupted by the long-running war in Africa, and Marius specifically tailored his canvass to present himself as the best candidate to restore security to the empire. For the same reasons, we can assume that *publicani* were prominent supporters of Marius in the crisis years

⁴⁶ *MRR* 2.188. Cf. Meier 1980: 86–8.

of 105–101, when he was tasked with saving the empire from the Cimbri; also, that *publicani* backed the other anti-noble agitators of this period as well, such as Memmius in 111, Mamilius in 109, or Saturninus and Glaucia in 103–100.

Significantly, it seems the *publicani* also exerted special influence on the juries.⁴⁷ Some were prohibited from jury service by the requirement of a permanent domicile at Rome. But this was not a problem for most *publicani*, as they tended to conduct their operations from Rome through the use of agents in the provinces.⁴⁸ Cicero in the *Verrines* (2.3.94) takes it for granted that *publicani* were prominent on the equestrian juries in the pre-Sullan period; this is also presupposed by Diodorus (34/5.2.31) and Florus (1.47.9, 2.5.3). It is also explicit in the Imperial narratives of the trial and condemnation of Rutilius Rufus. In c. 97, Rutilius served as *legatus* to Q. Mucius Scaevola (later *cos.* 95) when the latter was governor of Asia.⁴⁹ As the story goes, Scaevola and Rutilius made a conscious effort to govern the province with frugality and justice. They refused to pander to the *publicani*, ‘the very men’, as Diodorus says (37.5), ‘who sat as jurors in public cases at Rome, and who had filled the province with their acts of lawlessness’. The Livian Epitomator summarises what happened next (*Per.* 70):

P. Rutilius, a man of unblemished conduct, was hated by the *equester ordo* because he had protected Asia against the injustice of the *publicani* as *legatus* to the proconsul [Q.] Mucius. Since the *equites* had control of the courts, Rutilius was condemned for extortion and sent into exile.

The *publicani*’s involvement is also explicit in Velleius (2.13.2), Valerius Maximus (2.10.5), Florus (2.5.3), and an excerpt of Cassius Dio (28 frg. 97); in addition, Cicero attests their strong hostility towards Scaevola (*Planc.* 33, *Fam.* 1.9.26).

Naturally, this is Rutilius’ version of events; some scholars have questioned his innocence.⁵⁰ But the significant point is how this narrative presupposes that the *publicani* were able to decide the outcome of criminal trials in this era—in which case, it becomes highly likely

⁴⁷ Cf. Brunt 1988: chapters 3–4, which remain indispensable on the political and judicial importance of the *publicani*.

⁴⁸ Badian 1972: 75; Malmendier 2002: 261–72.

⁴⁹ Date: Kallet-Marx 1989; Ferrary 2012; Rafferty 2019: 210–13; *pace* Brennan 2000: 2.550–2.

⁵⁰ e.g. Kallet-Marx 1990; Lintott 1981: 194–5, although the latter’s claim that Rutilius was ‘guilty as charged’ is unfounded.

that the other judicial ‘flash points’ of this period, such as the Mamilian or Varian *quaestiones*, also owed much to their involvement. It should be noted that criminal juries could be quite large: fifty men under the Gracchan *lex de repetundis* (lines 24–5), and even more in Cicero’s time.⁵¹ Therefore, the *publicani*’s dominance was probably less because they outnumbered others on the juries and more because of the connections and sway they had in the *equester ordo*, which enabled them to impel others to follow their lead.

Finally, the social and political prominence of the *publicani* may help to explain the sudden upswing in non-nobles during the mid-80s. Only two decades separated Marius’ first period of dominance (107–100) from the *Cinnanum tempus* (86–82). If we accept that *publicani* had been vocal supporters of Marius and other *ignobiles* in the earlier period, then it is not implausible that some of them would be inspired to pursue a senatorial career themselves. Advancing up the lower magistracies in the 90s, these men would have reached the right age to hold important offices around the time that Marius seized power at the end of 87. This may account for some of the men of *humilitas* (or *indigni*, *novi homines*, etc.) whom Cicero attests for the *Cinnanum tempus*. Ultimately, this hypothesis is unprovable, given the sparsity of sources on this era and on the *Cinnanum tempus* in particular. But it is not unlikely in light of what we have seen in this chapter. While most *equites* kept a self-imposed distance from public life, the *raison d’être* of *publicani* was involvement in ‘public’ matters; therefore, some may have thought it only a small step from constructing the *res publica*’s monuments, supplying its armies, and collecting its taxes, to standing for its magistracies. Indeed, since being a *publicanus* was not so much a ‘career’ as an investment carried out by rich men with spare capital, it was possible to continue these activities whilst undertaking the first steps towards a life in politics. Presumably, they were obliged to quit their *societates* if they were inducted into the Senate; but until that point, being a *publicanus* was an advantageous side-venture which could help to fund the costs of a political career. Known examples from other periods include: P. Rupilius (*cos.* 132), formerly a *publicanus* collecting taxes in Sicily before his entrance into the Senate; T. Aufidius (*pr.* ≥ 67), ex-tax collector in Asia; and also Marius, at least according to one tradition known to Diodorus.⁵² It was surely only a minority of *publicani* who ever harboured these aspirations. But this minority may have been enough to make a difference in the *Cinnanum tempus*: the wealthiest, most politically-engaged members

⁵¹ e.g. Cic. *Q.Fr.* 3.4.1: 70 jurors at Gabinius’ trial in 54.

⁵² Val. Max. 6.9.7–8; Ps-Asc. 264 St; Diod. 34/5.38. Other examples: Wiseman 1971: 197–8.

of the wider elite, who had supported Marius as younger businessmen, and who were now holding political office under his political successors Cinna and Carbo.

By putting non-senators in charge of the criminal juries while simultaneously handing over the richest province in the empire to them, C. Gracchus created a multiplication of (in)vested interests which was conducive to low-lying tensions in the elite. These tensions are very important for explaining how the anti-noble antagonism which we witnessed at the end of the 2nd century flared up again in the years around 91–87; that story will be the subject of the following chapters.

Chapter 9: From Saturninus to the Social War (100–88).

9.i. The ‘short 90s’ (99–92)

After Marius’ sixth consulship in 100, we enter the problematic ‘short 90s’. These years are plagued by the usual problems of source survival. But a more serious obstacle comes from source disinterest.

Livy is emblematic. From the evidence of the *Periochae*, we see that Livy dedicated one book for every two years when covering the last decade of the 2nd century (Books 65–69). For the Social War down to Sulla’s dictatorship, this coverage increased to as much as one, two, or even three books per year (71–89). However, for the intervening years of 99–92, Livy gave only a single book (70). This represents his worst ratio of books-*per-annum* for the entire Late Republic.

It is unlikely that this drastic compression of events was the result of source sparsity, since several historians covered these years (e.g. Rutilius Rufus, Claudius Quadrigarius, etc). Instead, there was probably just little that caught Livy’s attention: sandwiched between the Cimbric Wars and Saturninus on the one hand, and Drusus, the Social War, and Sulla on the other, the years 99–92 must have seemed a quiet interlude that contributed little to the overall narrative of decline and fall. And since Livy’s choice of events came to determine the later Imperial tradition, the result is that we know very little about these seemingly crucial years. What we do know largely comes from Cicero’s history of oratory, the *Brutus*, and his dialogue *De oratore*, set in the year 91; yet this comes with its own problems, as it has sometimes led scholars to focus excessively on the trials of this decade.¹ Without a sustained narrative to provide context, most of these events must remain beyond comprehension. An infamous example is the *lex Licinia Mucia*. This law, passed by the consuls of 95, ruled that any foreigner who had illegally assumed Roman citizenship should be investigated and punished. Our sources present this as a significant measure; Asconius (68 C) even asserts that it was the single

¹ Especially Badian 1957; 1958; Gruen 1966; 1968, which remain oft-cited on the 90s.

most important cause of the Social War. Yet the background is shrouded in mystery, meaning that wildly divergent views have been offered about its origins and political intent.²

9.i.a.) The downfall of Saturninus and Glaucia.

In approaching this difficult period, it is helpful to start with the events of 100.³ It is clear that Saturninus and Glaucia still had wide support towards the end of 101, as Cicero explicitly states (*Brut.* 224). But it is also clear that this support began to dissipate over the following months as the *equites* and *boni* grew increasingly alarmed by the violence Saturninus and Glaucia were using to achieve their goals.

First, they murdered a rival candidate for the tribunate of 100. Then, Saturninus used Marius' veterans to pass an agrarian law by force. As noted in the context of the Gracchi (7.i.b.), agrarian laws were typically viewed with alarm by the propertied elites, who saw them as threats to the sanctity of property rights.⁴ Next, Saturninus forced all senators to swear an oath to uphold the agrarian law. When Metellus Numidicus chose to depart into exile rather than acquiesce, Saturninus again swamped the assembly with Marius' veterans and passed a retrospective bill of banishment against him. Plutarch (*Mar.* 28.5, 29.7) and the Livian Epitomator (*Per.* 69) state that the *boni* tried to defend Metellus at this point; Appian's 'city-dwellers' (*BC.* 1.31: ἄστικοί) presumably means the same thing.⁵

Marius was likely wavering at this point too, despite his own *inimicitia* with Metellus. As Badian pointed out, it was probably Marius who, as presiding consul, disallowed Glaucia's consular candidacy sometime in early-to-mid-100.⁶ An odd anecdote in Plutarch, placed immediately after the exile of Metellus, points in the same direction: with Saturninus in one room of Marius' house and leading senators in another, 'who were trying to incite him against Saturninus', Marius feigned a bout of diarrhoea to move quickly between the two rooms (*Mar.*

² For example: some scholars believe the censors of 97 allowed numerous Italians to enlist as *cives Romani*, with the law passed in retaliation against this (Badian 1964b: 47–9; Tweedie 2012; Dart 2014: 61–4); others, that the censors discovered Italians masquerading as *cives Romani* and alerted the Senate (Crawford 1993: 130); others, that it was passed at the request of the Italian elites, who were worried about unchecked migration to Rome (Steel 2013: 35–6).

³ Full narrative: Sampson 2017.

⁴ Cf. Pina Polo 2016: 166–8; Mouritsen 2023: 154–62.

⁵ Meier 1980: 112 n. 300; *contra* Beness 1991 (and others) who, operating on a model of wide political participation, assumes that ἄστικοί refers to the *plebs urbana*. On Metellus' exile: Tatum 2018a.

⁶ Badian 1984: 112–16.

30.2). The story is obviously laced with slander. But it does presuppose that Marius was intending to sever his ties with Saturninus soon after the *lex agraria*, and this point is likely correct.

The final straw came at the consular elections, held in late summer or early autumn.⁷ Despite his candidacy being declared illegal, Glaucia continued to pursue the consulship of 99. He arranged for C. Memmius, the hero of 111 and a rival candidate, to be killed in a brawl on the day of voting. The violence escalated, Saturninus and Glaucia occupied the Capitol, and the Senate issued its ‘final decree’ extorting the consuls to protect the *res publica*. Significantly, Cicero and the Imperial sources are clear that large numbers of *equites/boni* came forward to help the consuls (Cic. *Rab. perd.* 20–4; Plut. *Mar.* 30.3; Val. Max. 3.2.18). In fact, Livy seems to have specified that once Saturninus and his men were imprisoned in the Senate House for safekeeping, it was a lynch-mob of *equites* who broke into the building and bludgeoned them to death (Oros. 5.17.9).⁸

9.i.b.) The aftermath.

The strength of this backlash is important. We should not presume a total overlap between the *equites/boni* who supported Saturninus and Glaucia and those who, only months later, played a leading role in their deaths. Nevertheless, it seems clear that there was a broad consensus within the elite that these lynchings were justified: at this stage, assassinating a consular candidate like Memmius was still unacceptable to even the most ‘politicised’ of elites.

This consensus is evident in the following years. Saturninus’ portrait was officially banned,⁹ and we know of at least two tribunes whose careers were destroyed once it became known that they harboured sympathies for him.¹⁰ This consensus explains why the ‘seditious’ or ‘agitational’ style of politics that had marked the previous decade, characterised especially by the involvement of politicised *equites*, seems to die down after 100. Most likely, the majority of *equites/boni* were simply relieved that the violence and street-brawls of the previous months were at an end. With the immediate threat of the Cimbric Wars removed, and with Marius, the

⁷ Date: Badian 1984: 101–6.

⁸ Cf. App. *BC.* 1.32; Flor. 2.4.6, blaming the lynching on the *demos/populus*; this is presumably a simplified version of Livy’s equestrian mob.

⁹ Flower 2006: 83–5.

¹⁰ i.e. Sex. Titius and C. Decianus. See Russell 2013, analysing the tribunes of 99–97 in detail.

figurehead of the anti-noble ‘movement’, also taking a backseat, it appears that some degree of ‘normality’ therefore returned to the political sphere.

However, this does not mean that the tensions of the previous decade disappeared overnight. The case of C. Norbanus (later *cos.* 83) reflects this well. As tribune in 103, Norbanus had prosecuted Q. Caepio for treason. That trial had descended into chaos when Caepio’s allies persuaded two tribunes to veto proceedings, only for Norbanus to have them ejected from the assembly. Now, in *c.* 95, Norbanus was prosecuted for *maiestas* by P. Sulpicius (later *tr. pl.* 88); multiple *principes* testified against him, including the *princeps senatus* M. Scaurus.¹¹

Norbanus’ trial speaks of a desire among leading circles of the Senate to sweep up the poisoned legacy of the previous decade. But the outcome suggests that anti-noble sentiments were still as potent as before. Norbanus’ case was undertaken by M. Antonius (*cos.* 99), under whom he had served in the pirate campaign of 102–100. As Cicero presents it (*De or.* 2.197–204), Antonius adopted two lines of defence. First, he framed the trial in terms of ‘us versus the *nobiles*’: for he claimed that at every stage in the Republic’s history, the *populus* had wrested *libertas* for itself against the opposition of *nobiles* (§199: *in nobilium dissensione*); Norbanus, therefore, had merely continued this proud legacy by prosecuting Caepio. Second, he reminded the jurors how much they despised Caepio, both for the calamitous defeat at Arausio and because he had deprived them of their monopoly over the juries. With this two-pronged defence, Antonius appealed to the anti-noble sentiments which, by this stage, had apparently become mainstream among the equestrian jurors, and Norbanus was duly acquitted.

In short, even if Saturninus and Glaucia were *personae non gratae*, the prevailing mood was not lost overnight. As Antonius’ defence reflects, it seems there was still an underlying dissatisfaction against the *nobilitas*, whose dismal record in the Iugurthine and Cimbric Wars was not easily forgotten. It is no surprise, therefore, that in a stray comment which seems to refer to the 90s, Cicero says that this period was a time when Roman *equites* freely spoke ill of *homines nobilissimi* (*Planc.* 33). And like in the previous decade, it seems that the electorate channelled this dissatisfaction by voting *ignobiles* into office—assuming, of course, that suitable candidates put themselves forward. This explains the success of non-*nobiles* like

¹¹ Sources: Alexander 1990: 44–5.

Antonius, T. Didius, C. Coelius Caldus, M. Herennius, and P. Rutilius Lupus, all of whom reached the consulship in the 90s (7.iii.a.). Ultimately, if more first-hand evidence had survived from these years, such as survives from the 50s or 40s, we would probably see that many *equites/boni* harboured profound anxieties about the future of the noble-led *res publica*. This must be born in mind later when we investigate Drusus' tribunate and the Varian *quaestio* (9.ii–iii.). For those remarkable episodes cannot be viewed in isolation, but must be understood as a reignition of the same tensions which had bubbled along, low-lying and unresolved, since the events of 100.

Finally, we should note that one or two events hint that sections of the *nobilitas* were trying to correct their precarious position in the wake of 100. The *lex Caecilia Didia* is one example. This law (or laws: there seem to be two) was passed by the consuls of 98, Q. Metellus Nepos and T. Didius. It introduced a compulsory period of three market days between the announcement of a bill and the day of voting (i.e. roughly seventeen or twenty-four days), and also banned the inclusion of unrelated measures in a single bill. This can be understood as a response to the events of the previous decades: no longer would 'seditious' magistrates in the vein of the Gracchi or Saturninus be able to rush through proposals, and especially 'packages' of legislation, without time for opposition to form.¹²

The Asian governorship of Q. Mucius Scaevola, mentioned already in the previous chapter, is probably relevant too. In c. 97, Scaevola and his legate Rutilius Rufus made a conscious effort to govern the province of Asia with fairness and frugality. This included active measures to curb the abuses of the *publicani*. The pair were very successful at promoting their efforts. The Senate issued a decree upholding Scaevola as an example for future governors to follow, and the peoples of Asia established special games in his honour, the *Mucieia*, which were so popular that even Mithridates left them untouched when he invaded. We also hear of at least one contemporary, L. Asellio, who imitated Scaevola's example as governor of Sicily; Cicero did likewise four decades later as governor of Cilicia.¹³ This episode can be understood as a response to the anti-noble politics of the previous decade. Marius and the *ignobiles* had portrayed the *nobilitas* as venal and corrupt in the provinces (7.iv.b.); therefore, Scaevola and

¹² Burckhardt 1988: 211–18.

¹³ Sources: Kallet-Marx 1995: 143–7; Morrell 2017: 12–14, 238–42.

Rutilius would demonstrate the opposite with their scrupulous, well-advertised concern for justice and frugality, and, in the process, try to curtail the power of the *publicani* too.

9.i.c.) Marius in the 90s.

Marius' position in the 90s needs comment. Plutarch presents the killing of Saturninus and Glaucia as a humiliating fall from grace for Marius. The embarrassment was only worsened, Plutarch continues, when the *populus* voted to recall Metellus Numidicus from exile in 98. Unable to bear the sight of his nemesis' return, Marius departed for Asia Minor in 99/98—ostensibly to fulfil a religious vow, but in reality because he wanted to incite a war against Mithridates. Even upon returning to Rome in 98/97, Marius was still so chastened that he refused to stand for the censorship (*Mar.* 30–2).

This narrative is often accepted without question.¹⁴ But here as elsewhere, Plutarch is evidently under the influence of a tradition deeply hostile to Marius. It must be emphasised that several of the original sources for this period are known to have disliked Marius: Rutilius Rufus,¹⁵ Sulla, probably Posidonius (cf. 3.ii.c.), and also Q. Catulus as well, who wrote a book on his consulship and deeds which tried to denigrate Marius' achievements.¹⁶ The notion that Marius was humiliated after the events of 100 likely derives from one of these (probably Rutilius) or from a secondary source writing under the spell of Sulla's victory.

Yet it was equally possible to view the killings of Saturninus and Glaucia in a positive light. In a speech before the *populus* in 63, Cicero presents Marius' actions as a loyal consul restoring order to the *res publica* at the head of a united Senate and *equester ordo* (*Rab. perd.* 18–31, 35). This is also the version known to Velleius (2.12.6), who speaks of the *gloria* Marius gained by crushing Saturninus, and it is also how these events are remembered on Marius' extant *elogium*, created during the Augustan era, which celebrates how Marius 'rescued the *res publica*' from Saturninus' *sedition* (*CIL* 11.1.1831: *rem pub. ... vindicavit*).

Certainly, the recall of Metellus Numidicus was not ideal for Marius. But the 'humiliation' it posed should not be overstated. What Plutarch declines to mention is that while

¹⁴ A representative example: Hyden 2017: 165–9.

¹⁵ Plut. *Mar.* 28.8; Badian 1966: 23–5.

¹⁶ Catulus' writings: Candau 2011: 147–55; Smith 2013c; Flower 2014a; Noble 2017.

in Asia in 99/98, Marius was granted the unprecedented honour of being elected *in absentia* to the college of augurs. Since this election was carried out in the *comitia tributa* (as per the recent *lex Domitia*), it provides a firm indication of how popular Marius continued to be among the politically-engaged *populus*.¹⁷ Like in the previous decade, individual *nobiles* also continued to seek alliances with him: for example L. Crassus (*cos.* 95), who betrothed his daughter to Marius' son sometime around the year of his consulship.¹⁸

Marius' failure to stand for the censorship of 92 is perhaps unexpected. But it remains undeniable that he was the most distinguished and authoritative figure in the Senate: the *pater patriae*, the third founder of Rome, and the hero who had saved Italy from destruction at the hands of the barbarian hordes—all slogans that Marius himself continued to push in the 90s, as Assenmaker has stressed.¹⁹ And if 'popularity' in the Republic was largely a matter of name recognition, then Marius was the most 'popular' person in Rome: for there can hardly have been a single member of the *equites*, *boni*, or *plebs urbana* who did not recognise Marius' name after his six consulships, two triumphs, and the numerous monuments he was constructing in honour of his military victories.

This is not to resurrect the famous 'factional' narrative of Badian, who subsumed most of the events of the 90s into one neat story with Marius at its centre. That was disproved as long ago as the 1960s, although its influence continues to be felt today.²⁰ Nor should we return to the hypothesis of Luce, who argued that Marius spent most of the 90s trying to orchestrate a war in Asia.²¹ The meeting between Marius and Mithridates in *c.* 98 is probably historical; perhaps also the famous 'challenge' which he issued to the Pontic king ('either be greater than Rome, or do her bidding'). But Plutarch's belief that Marius actively schemed to obtain an Asian command, and that this was the main purpose of his visit to the East, is surely fiction—a romanticised retrojection of what later happened in 88.²²

In short, when it comes to Marius in the 90s, a sober position is required. By stepping back from the limelight, Marius was not being driven out of politics. He was simply doing what

¹⁷ Cic. *ad Brut.* 1.5.3.

¹⁸ Cic. *Att.* 14.8.1, *De or.* 3.8, *Balb.* 49 (with rough indication of date).

¹⁹ Cic. *Rab. perd.* 27, *Sest.* 37, 116; Plut. *Mar.* 27.5; Val. Max. 3.8.5; Assenmaker 2014: 98–135.

²⁰ Badian 1957 (= 1964b: 34–70); refuted already by Gruen 1966, although he remained entrenched in the factional paradigm; cf. Brunt 1988: 456–60.

²¹ Luce 1970; followed by e.g. Keaveney 2005c: 37–8 (and many others).

²² Ballesteros-Pastor 2014; Roller 2020: 123–4.

a senior *princeps* was meant to do (cf. 5.ii.c.).²³ His *auctoritas* continued to loom large, and his example continued to be very important—as can be seen in the sequence of non-nobles elected to the consulship in these years, whose successes rode on the coattails of what Marius had achieved as a *novus homo* in the previous decade.

These conclusions will be relevant when we investigate Sulpicius' tribunate (10.i.b.). For once we realise that Marius was not irreversibly 'humiliated' by the events of 100, it becomes easy to understand why so many members of the elite wanted him for the Mithridatic command in 88.

9.ii. The tribunate of Drusus (91)

Our knowledge of events improves with the tribunate of Rutilius Rufus' nephew, M. Livius Drusus. It is important to discuss Drusus' tribunate and its aftermath, the Varian trials, as they represent two more 'flash points' in the gradual politicisation of (certain members of) the wider elite. But we must also pay special attention to the source tradition(s) on Drusus. There are many reasons to believe that the equestrian juries were the main political issue at play in 91; yet some of the Imperial sources believe that Drusus' primary objective was to enfranchise the Italians. Since this would drastically change our understanding of Drusus's agenda and the political *Zeitgeist* in 91, this Imperial tradition must be examined and rejected in some detail.

9.ii.a.) Drusus' supporters.

Rutilius Rufus was exiled sometime between 94 and 92. Soon afterwards, the *princeps senatus* M. Scaurus was prosecuted for *repetundae* by the younger Q. Servilius Caepio; this seems to have been an offshoot, somehow, of Rutilius' trial.²⁴ Asconius tells us that Scaurus managed to grind the process to a halt by undertaking a counteraccusation against Caepio. He adds that the experience of the affair led Scaurus to encourage Drusus to do something about the equestrian juries (21 C).²⁵

²³ Thus rightly Evans 1994: 127–31.

²⁴ Alexander 1981.

²⁵ Instinctively, we might assume that this information goes back to Scaurus' autobiography, yet Lewis 2001 argues that Scaurus ended the narrative with his triumph in 115. But Lewis's arguments are not decisive.

As is well known, an impressive clique soon formed around Drusus.²⁶ Apart from Scaurus, it seems Drusus' main supporter was L. Crassus (*cos.* 95), who had just served as censor in 92. As will be remembered, Crassus had denounced the equestrian juries in impassioned terms in 106 while supporting the *lex iudiciaria* of the elder Caepio (8.i.b.); he also offered to defend Rutilius at his trial, an offer the stubborn Stoic refused (*Cic. Brut.* 115). A similar offer was also rejected from M. Antonius (*cos.* 99), and Cicero strongly implies that he now lent his support to Drusus too (*De or.* 1.24). A few other supporters are known, such as the *praetor urbanus* Q. Pompeius Rufus (later *cos.* 88) or the young C. Aurelius Cotta (later *cos.* 75), another nephew of Rutilius. Significantly, Cicero says that Cotta was planning to hold the tribunate in the year after Drusus, and that another young friend of theirs, P. Sulpicius, would do the same for 89 (*De or.* 1.25). This suggests a concerted strategy to ensure the long-term success of Drusus' reforms and avoid the fate of Caepio's *lex iudiciaria* fifteen years earlier. And since none of them would hold office for more than one year, the 'rules of the game' remained unbroken. This stood them apart from previous legislators such as the Gracchi or Saturninus and Glaucia, whose repeated tenures had alienated the rest of the Senate.

It seems Drusus also secured the prior acquiescence of his nine tribunician colleagues. On Drusus' extant *elogium*, we are told that at some point in 91, he was appointed onto an agrarian commission through a *lex Saufeia* (*CIL* 6.1.1312). This implies active collaboration with at least one other tribune, Saufeius. And since there is no mention of any attempt to veto Drusus' legislation, we can assume that all nine tribunes were well-disposed towards his agenda, at least at the beginning of the year.

Finally, we can add that Drusus was an inspired choice of figurehead. As well as being a nephew of Rutilius, he was also the son of the elder M. Livius Drusus (*cos.* 112) who, as tribune in 122, had famously resisted C. Gracchus, author of the equestrian juries. Additionally, we are told that Drusus *iunior* was a fine orator²⁷ and the richest man of his generation.²⁸ According to the *De viris illustribus*, which dedicates a small biography to him, Drusus made

²⁶ Full sources and prosopography: Gruen 1966; 1968 (but ignoring his emphasis on *factiones*); cf. De Sanctis 1976: 10–16, rightly stressing Drusus' prestige and connections. What follows is *contra* Evans 2003: 133–59, who gives a polemical and somewhat bizarre 'reappraisal' of Drusus as a sickly, uncharismatic politician devoid of support.

²⁷ *Cic. Brut.* 222, *Off.* 1.108; *Diod.* 37.10.1; *De vir. ill.* 66.1.

²⁸ *Cass. Dio* 28, frg. 96; *Diod.* 37.10.1; *Plin. NH.* 33.141; *Flor.* 2.5.6; *De vir. ill.* 66.5.

use of this wealth to give magnificent games as aedile in c. 93—which, if true, would also mean he was a relatively senior senator by the year 91 (*De vir. ill.* 66).²⁹

All in all, therefore, Drusus was well-positioned to take on the equestrian juries. Backed by several ex-consuls, a sitting praetor, and probably his nine fellow tribunes, and with two successors planned for 90 and 89, Drusus would finish what his father had started by overturning that most toxic legacy of the Gracchan *seditiones*: the equestrian juries.

9.ii.b.) Drusus' legislation.

The terms of Drusus' *lex iudiciaria* are unclear. According to Appian, Drusus knew that a straight transfer of the juries from *equites* to Senate would be impossible. Therefore, he settled on a compromise: 300 *equites* would be inducted into the Senate, and all jurors would be drawn from this enlarged body (*BC.* 1.35). This reform is not implausible; indeed, it is precisely what Sulla enacted in 81. It also finds support in the *De viris illustribus* (66.4, 10) and possibly in a vague statement by Velleius that Drusus transferred the courts from *equites* to Senate (2.13.2).

However, the waters are muddied by the Livian Epitomator, who states that Drusus instituted mixed juries split between Senate and *equester ordo* (*Per.* 71). Appian's version is also undermined by the fact that Drusus tried to make *equites* liable for charges of judicial corruption, as reported by Cicero (*Rab. Post.* 16–17, *Cluent.* 151–4) and by Appian himself (*BC.* 1.35). This suggests that Drusus anticipated *equites* remaining on the juries in the future, unless we suppose that (i.) the clause was retrospective, in which case it was presumably aimed at the *equites* who had condemned Rutilius (and perhaps earlier ones too; the trials of 109–103 were still quite recent), or that (ii.) it was intended to cover other forms of 'judicial corruption', such as witnesses giving false testimony.

These uncertainties have created much controversy; a definitive answer is impossible.³⁰ But the tenor of the reform is clear: it was designed to shift control of the courts, whether fully or partially, from *equites* to Senate.

²⁹ Cf. *MRR* 3.126. This aedileship is, however, absent from Drusus' *elogium*.

³⁰ Morrell 2015 has a concise survey of the modern literature.

Alongside the jury law, Drusus is also known to have passed his own *lex agraria*; this created a commission of ten men, including Drusus himself, with the powers to assign land to the *populus Romanus*. It has been plausibly suggested that this law was aimed at the veterans of T. Didius (*cos.* 98) and P. Crassus (*cos.* 97); both had recently concluded long-lasting wars in Spain, and both seem to have links with Drusus' clique.³¹ In addition, Appian mentions a law for establishing colonies (*BC.* 1.35–6), possibly identical to the *lex agraria*, while the Epitomator adds a grain law as well (*Per.* 71).³²

The Imperial sources believe that these ancillary measures were designed to placate the *plebs urbana* and ease the passing of the *lex iudiciaria*. This is a somewhat crude formulation, typical of the clichéd '*demos* versus *boule*' dichotomy. More likely, by proposing these ancillary laws, Drusus could claim to be acting in the true interests of 'the *populus*', a basic requirement for any Roman politician (cf. Chapter 2); perhaps he might also convince some recently-discharged veterans to turn up and support him, who would normally have no interest in a petty, elite-centric dispute about the constitution of criminal juries.

Finally, it should be noted that these laws were evidently passed early in Drusus' tribunate. By comparison to other known lawmakers, he probably announced them immediately after entering office in December 92.

9.ii.c.) The literary tradition: Drusus, the courts, and the *nobilitas*.

Already from this brief overview, there is every reason to believe that the courts were Drusus' main objective. This is borne out by Cicero and much of the Imperial tradition.

For a holistic assessment of Drusus' agenda, Cicero is our most important source. In the year 91, he was fifteen years old and studying at the house of L. Crassus. As a result, he met several of the leading characters of the time, including Scaurus, C. Cotta, Antonius, and very likely Drusus. In subsequent years, Cicero also studied under the two Mucii Scaevolae, 'Augur' (*cos.* 117) and 'Pontifex' (*cos.* 95); both could have given him first-hand accounts of the debates held in the Senate during 91. All in all, Cicero had an intimate knowledge on the

³¹ Tweedie 2011: 577–9.

³² Plin. *NH.* 33.46 also mentions a law for devaluing silver coinage passed by 'Livius Drusus as tribune'. However, this could easily be Drusus' eponymous father as *tr. pl.* 122, a point often overlooked by scholars.

events of 91, and this knowledge informed one of the first treatises he wrote after his return from exile: the *De oratore* (written c. 55), his dialogue on the ideal orator which he set at the height of Drusus' tribunate in September 91.³³

Given this expertise, it is therefore very significant that in two separate speeches, Cicero portrays reform of the juries as the most important issue in Drusus' tribunate—indeed, as the *only* issue at play. He also describes how strongly the leading *equites* of the day resisted Drusus, including some whom he remembers by name (*Cluent.* 153–4, *Rab. Post.* 16–17). Naturally, Cicero is not a disinterested commentator, and in both speeches it benefits him to stress the magnitude of the dispute and the vigour of the *equites*' resistance. But these passages are in keeping with his wider comments on this period: for in several other works, Cicero gives the firm impression that equestrian juries were at the forefront of the political agenda in the aftermath of Rutilius' exile (*Brut.* 115, *De or.* 1.227–31, *Off.* 2.75, *apud Asc.* 21 C).

Moreover, Cicero persistently depicts Drusus as a champion of the Senate or *nobilitas*. Drusus was 'the defender of the Senate, indeed, almost its patron at that time' (*Mil.* 16: *senatus propugnator atque illis quidem temporibus paene patronus*); he undertook his tribunate in support of the *senatus auctoritas* and represented the cause of the *principes* (*De or.* 1.24); he was backed by the entire *nobilitas* of that time (*Cluent.* 153: *illa cuncta, quae tum erat, nobilitate*); and he was also a *nobilis* of the highest calibre, a *nobilissimus vir* (*Dom.* 50, *Mil.* 16, *Rab. Post.* 16).

Clearly, this impression of Drusus as the champion of the Senate/*nobilitas* is linked to the jury law: Drusus was *senatus propugnator, paene patronus* because he tried to end the 'equestrian tyranny' over the courts. Significantly, this is not a retrospective assessment unique to Cicero, but is clearly how Drusus' own contemporaries were viewing him in the year 91.

The *De oratore* is crucial. At the start of Book 3, Cicero undertakes a historical digression to explain the situation in September 91 (*De or.* 3.2–5). He describes how the consul L. Philippus, who was trying to get Drusus' laws annulled, declared at a *contio* that it was impossible for him to lead the *res publica* with 'this current Senate' (*ille senatus*); therefore, he would look elsewhere for his advice (*consilium*). In retaliation, Drusus summoned the

³³ Sources: Rawson 1971; Mitchell 1979: 3–6, 42–5; van der Blom 2010: 30–1. Cf. in general Fantham 2004.

Senate on 13th September to discuss the consul's attack on the *ordo*. At this meeting, L. Crassus harangued Philippus for harming the *dignitas*, *consilium*, and *omnis auctoritas* of the Senate. He finished by tabling a motion, which the Senate duly passed, reassuring the *populus Romanus* that the Senate's *consilium* and *fides* had always served the *res publica*.

These details are undoubtedly historical. In addition to his own recollections of the period, which included conversations with men present at the debate on 13th September, it seems Cicero also had copies of Crassus' speech and the Senate's decree to hand when he wrote this passage; he quotes from both. Therefore, what we have in the *De oratore* is a precious snapshot of Drusus' position in September 91. Although opposition was starting to build pace, the majority of senators were still supporting him, and even his opponent Philippus assumed that his cause was identical with the Senate's (*ille senatus*)—all of which was the result, quite clearly, of the *lex iudiciaria*.

The later sources corroborate this picture. Some take it for granted that Drusus was acting 'pro-Senate' or 'pro-nobilitas'.³⁴ Others expand further:

Velleius (2.13): Drusus was a *vir nobilissimus* who acted *pro senatu*. He aimed to restore to the Senate its ancient prestige (*priscum decus*) and grant it control of the juries. This is because the *equites*, empowered by C. Gracchus' laws, had treated many *clarissimi* and *innocentissimi* with savagery—above all Rutilius Rufus, 'one of the best men not only of his era, but of all time'.

Florus (1.47.9, 2.5): Drusus' tribunate emerged from the jury dispute between *equites* and Senate. C. Gracchus had split the State in two with his *lex iudiciaria* and had granted *tanta potestas* to the *equites*; the latter used this to plunder the *res publica*'s revenues and decide the fate of *principes* like Rutilius (this is clearly a reference to the Asian *publicani*). With the Senate stripped of its prestige (*decus*) and majesty (*maiestas*), Drusus undertook his tribunate to defend the *senatus auctoritas*. His enemy, the younger Q. Caepio, championed the *equites*, and Rome was practically turned into a battleground.

³⁴ e.g. Asc. 69 C (*senatus partes tuendas suscepisset et leges pro optimatibus tulisset*); [Sall.] *Ep. ad Caes.* 2.6.3 (*pro nobilitate*); Tac. *Ann.* 3.27 (*nomine senatus*); Schol. Bob. 118 (*partes senatus ... suscepisset*), 177 St (*defensor senatus*); Ampel. 26.4 (*senatum ... adsereret*).

Livian Epitomator (*Per.* 70–1): Rutilius, *vir summae innocentiae*, was prosecuted and exiled by the equestrian jurors because he had resisted the *publicani*. The Senate refused to tolerate the equestrian jurors' lack of restraint (*impotentia*) and applied all its energy to transferring the juries. The *causa senatus* was championed by Drusus.

Appian (*BC.* 1.35–7): one of Drusus' objectives was to reform the juries in favour of the Senate. He was supported by the most noble men (ἐπιφανέστατοι: note that this is the same word used by the majority of Greek writers to describe the Sullan *nobilitas*). Drusus' enemies included *equites*, who later initiated the Varian trials to attack his supporters.

Diodorus in the *Excerpta Constantiniana* (37.10.1–3): Drusus was a man of great nobility (εὐγένεια) and a protector of the Senate (προστάτης τῆς συγκλήτου). His jury law was designed to punish those men who had accepted bribes and plundered the provinces (i.e. the Asian *publicani*). When Drusus' legislation was on the brink of annulment, his last defence was to remind the Senate that this would mean the death of the jury law, which had been passed at their decree (i.e. *ex senatus consulto*).

Photius' summary of Diodorus (37.2.2): the year 91 was defined by conflict between Senate and *demos* (this is presumably a simplified version of *equites*).

In short: Rutilius was exiled by the *equites/publicani*; Drusus retaliated by transferring the juries from *equites* to Senate; he was hailed as the defender of the Senate/*nobilitas*; but he also attracted opposition from leading *equites*.

Evidently, much of this tradition goes back to the works of Rutilius, who had every reason to stress his own innocence, the wickedness of the *equites/publicani*, and the righteousness of his nephew's cause. But as was the case with Sulla's *victoria nobilitatis*, the dissemination of the tradition into the later historiography was perhaps the result of Sisenna, who supplants Rutilius as the authoritative source from the year 91 onwards. But influence from other sympathetic contemporaries cannot be ruled out, such as Scaurus, Posidonius, and

possibly also Sulla's *Memoirs*, since the latter was evidently also hostile to the idea of equestrian juries (cf. 8.i.b–c.).³⁵

9.ii.d.) Drusus' opponents.

As the above survey reflects, Cicero and the Imperial sources are adamant that 'the *equites*' resisted Drusus. Naturally this is not absolute: Drusus' laws would not have passed without support from the wider elite, and the mere fact that his *lex iudiciaria* was promulgated *ex senatus consulto* was probably enough to convince many *equites/boni* to vote for it.

Instead, what we must imagine is a relatively small, yet particularly vocal group of *equites*, who mobilised themselves into a pressure group in opposition to Drusus' *lex iudiciaria*. *Publicani* were likely prominent in this group. As outlined in Chapter 8, it seems there was a significant overlap between equestrian jurors and *publicani* in this era. Since the *publicani* were the most well-organised members of the wider elite, and since it was their attack on Rutilius that had inspired Drusus' reform, it is therefore only natural to assume that they were also the ringleaders of this equestrian resistance against Drusus' *lex iudiciaria*.

According to Florus (2.5.4-5), the *equites* were championed by the younger Q. Caepio, the same man who had recently prosecuted Scaurus for *repetundae*. Caepio was probably praetor in 91,³⁶ and his opposition towards Drusus, his former brother-in-law, later became the stuff of legend.³⁷ Significantly, this alliance with the *equites* is confirmed by Cicero in the *Brutus*: 'by excessive devotion to the *equester ordo*, Caepio deserted the Senate' (*Brut.* 223); as Kaster notes, the brevity of this remark is likely born of tactfulness, since Caepio was the maternal grandfather of M. Brutus, the eponymous dedicatee of the work.³⁸

How exactly Caepio came to be 'devoted' to the *equester ordo* is not clear, considering that his exiled father had been the *bête noire* of the equestrian jurors. The ancient explanation, that Drusus and Caepio were close friends who became fierce enemies after an argument over a ring (Plin. *NH.* 33.20), is so specific that it might just be true.

³⁵ Cf. Gabba 1976: 134–7, who suggested that Sulla actively supported Drusus in 91.

³⁶ Münzer 1999: 277; *MRR* 2.24 n. 5; *contra* Sumner 1973: 116–17.

³⁷ Prosopography and sources: Münzer 1999: 268–75.

³⁸ Kaster 2020: 124 n. 338.

As Cicero's account indicates (*De or.* 1.24, 3.2–5), Drusus' main opponent apart from Caepio was the consul L. Philippus.³⁹ According to some Imperial sources, Philippus tried to interrupt the vote on Drusus' laws but was assaulted and throttled by the tribune's supporters (Flor. 2.6.8; Val. Max. 9.5.2; *De vir. ill.* 66.9). It is impossible to know whether this is true or not, as it could have been invented, or at least exaggerated, to justify the abrogation of Drusus' legislation. Yet it does presuppose Philippus' opposition from an early date. Unfortunately, Philippus' motivations are nowhere attested. But considering the centrality of the juries to Drusus' programme, the *lex iudiciaria* was probably an important focal-point of Philippus' attacks—especially if Drusus was really planning to overhaul the composition of the Senate, as Appian believed (*BC.* 1.35). The whole mood of the debate on 13th September, including Philippus' complaints about the intransigence of *ille senatus*, certainly appears to have the *lex iudiciaria* in mind.

At some point in the autumn (probably mid-October), Philippus succeeded in persuading the Senate to abrogate Drusus' laws. A possible explanation for this *volte face* will be offered below.

9.ii.e.) Drusus and the Italians?

To summarise, there is every reason to believe that Drusus' primary objective was to reform the juries. Angered by his uncle's exile, and encouraged by the likes of Scaurus and L. Crassus, Drusus set out to end the 'equestrian tyranny' over the courts. As a result, he was hailed as the defender of the Senate and *nobilitas*, but also attracted opposition from leading *equites*; the latter were championed by Drusus' *inimicus* Caepio and the consul Philippus.

It has been necessary to labour these points because many scholars relegate the juries to second place—or ignore them entirely—in favour of another issue: enfranchisement of the *socii*. To summarise the orthodox view, which mainly follows Appian's account (*BC.* 1.35–8): Drusus promised to give Roman citizenship to the Italians. But this failed to materialise, and when Drusus was murdered in October/November, the Italians decided that their only recourse was to revolt; hence the outbreak of the Social War in late 91.

³⁹ There is no evidence to suggest that Marius coordinated the opposition against Drusus, *pace* Badian 1958: 224 (and others).

This completely changes our image of Drusus. Instead of a *senatus propugnator* with a specific, reactive agenda, i.e. avenging the *dolor* of his uncle's exile, we have a progressive visionary who tries to overhaul the *res publica* to benefit the downtrodden Italians. As numerous scholars have pointed out, this Italian-centric narrative is very problematic. But despite these warnings, other scholars have continued to defend Appian's account. In the last decade, this especially means the works of Kendall, Dart, and Carlà-Uhink, who have insisted, sometimes polemically, that the defining political dynamic of 91 was the Italians' desire for Roman citizenship.⁴⁰

With scholarship on Drusus going in circles, it is therefore necessary to discuss this 'Italian-centric' version briefly without doing an injustice to this very controversial, but very important topic:

(i.) The Livian tradition. Numerous Imperial sources attest some kind of link between Drusus and the Italians and/or Latins. But most of these references are brief, tralaticious, and sometimes very confused; they tell us little about the true dynamics of 91, merely what the later tradition *believed* happened in 91.

Instead, the 'Italian-centric' narrative which we find in the modern literature essentially rests on three sources: the *Periochae*, Florus, and Appian; the first two can be treated together because they both follow Livy. As outlined already (9.ii.c.), the Epitomator's summary of Book 70 gives the firm impression that reform of the juries was Drusus' main objective. Yet the summary of Book 71 suddenly opens with a new emphasis on the Italians. Likewise, Florus begins by focusing on the equestrian juries (2.5.1-5), including the 'two-headed State' trope that apparently goes back to Varro (cf. 8.i.c.), but then introduces the Italians midway-through the narrative (2.5.6). Both sources also claim that Drusus summoned the Italians to Rome and used them to pass his *lex iudiciaria* by violence.

⁴⁰ Kendall 2013; Dart 2014; Carlà-Uhink 2017. The classic 'Italian-centric' narratives are Gabba 1976: chapter 3 (first published 1954); Brunt 1988: chapter 2 (first published 1965); Keaveney 2005b (first published 1987).

This is all very suspicious. The notion that Drusus flooded Rome with foreigners to pass his legislation *per vim* is almost impossible to believe of a man hailed as the *senatus propugnator, paene patronus*. Certainly, violence may have occurred on the day of voting, as is suggested by the stories of Philippus being throttled. But the mass involvement of non-citizens looks like a retrospective accusation intended to besmirch Drusus after his death.

The sudden shift from juries to *socii* is also jarring. This suggests that between Books 70 and 71, Livy switched from a tradition that was pro-Drusus and jury-centric—i.e. surely Rutilius Rufus, or a source closely following him—to one that portrayed Drusus as a violent demagogue and agitator of the Italians, and which focused on the impending Social War above all.⁴¹ In other words, the resulting narrative is an ahistorical fusion of two traditions that are wildly incompatible.

It should be added that although Sisenna was Livy's main source for the Social War itself, he is an unlikely candidate for this anti-Drusus version of 91. If Sisenna gave any significant space to the internal events of 91, then as a supporter of Sulla, who overhauled the 'equestrian tyranny' in 82/81, we would expect Sisenna to adopt a pro-Drusus, pro-*nobilitas* slant. Moreover, there is no reason to believe that he was particularly sympathetic towards the Italians, as Rawson suggested. In fact, the surviving fragments indicate that Sisenna portrayed the Italians in a straightforward manner as Rome's enemies, *hostes*.⁴² As to *where* Livy found the alternative, anti-Drusus version of 91, we simply cannot know; *Quellenforschung* is futile here. But whoever it was, it seems they were strongly inspired (or deceived) by the posthumous denigration that Drusus suffered during the Varian trials (cf. below).

(ii.) Appian. In Appian's account, Italian enfranchisement is Drusus' primary objective from the beginning. Drusus first promises citizenship to the Ἰταλιῶται; and to facilitate this, he tries to attract support from the *plebs* with a colonial law, from senators with the *lex iudiciaria*, and from *equites* by promoting 300 of them into the Senate. However, the Senate and *equites* are dissatisfied with these measures, while some Italians are also unhappy about the colonial/agrarian law. Drusus is therefore assassinated; and when the *equites* initiate the Varian

⁴¹ For the paradoxical tradition of Drusus as a demagogue. cf. Plin. *NH.* 25.52; Tac. *Ann.* 3.27; Sen. *ad Marc.* 16.4; Val. Max. 9.5.2.

⁴² See Mouritsen 2019: 320; *pace* Rawson 1979 (whose theory is asserted as fact by Kendall 2013: 36–8).

trials to prosecute his supporters, the outraged Italians decide that a rebellion is the only option to secure citizenship.

Appian's account is internally coherent. But his division of Drusus' agenda into three neat categories of *plebs*, Senate, and *equites* is schematic and clichéd. He also dates the Varian trials to *before* the outbreak of the Social War—in fact, as the immediate cause of it. Either this is a monumental error, or Appian has purposefully distorted the chronology of 91/90 to emphasise his 'Italian-centric' theme. His explanation of why Drusus wanted to expand the Senate should also raise alarms. He states that the expansion was necessary because 'seditions' (στάσεις) had reduced the number of senators to scarcely 300. This is blatantly incorrect: no στάσεις had yet occurred, and if expansion of the Senate was planned at all, then clearly Drusus' aim was to provide more jurors for a system of all-senatorial *iudicia*. For Appian (or his source)⁴³ to get this so wrong suggests that he has only a superficial understanding of Drusus' tribunate. It also raises the alarming possibility that he has confused Drusus' reforms with those of Sulla, who *did* expand the Senate after a period of violent στάσεις.⁴⁴

(iii.) The Social War as a war for independence. Scholars such as Kendall, Dart, and Carlà-Uhink seem to believe that Appian is giving the objective, 'factual' explanation of why the Social War began. But Appian is not giving *facts*. He is giving an *interpretation* of the conflict—and not a very convincing one. For upon reflection, it strains belief that the Italians would revolt against Rome 'to secure the citizenship', and only as an afterthought to Drusus' tribunate.

The Social War was a huge rebellion, probably contemplated and planned for years in advance before it broke out prematurely in the autumn of 91. It involved mass mobilisation, pitched battles, the besiegement and sack of numerous cities, and acts of slaughter from both sides that bordered on the genocidal. In other words, it was a genuine war for independence: a violent attempt by a subjugated people to overthrow their imperial overlords and liberate Italy from Roman control. Indeed, the only evidence to survive from the Italians themselves, the

⁴³ Cf. 10.i.c.

⁴⁴ Thus Steel 2013: 37–8.

coinage they minted during the war, proudly proclaims their political independence and hatred of Rome.⁴⁵

We may allow for the probability that some Italians (and Latins) desired Roman citizenship in the generation leading up to the Social War. But judging by the scale and ferocity of the rebellion in 91, the hawks evidently outnumbered the doves by the start of Drusus' tribunate, and this had probably been the case for a number of years.⁴⁶ Therefore, Appian's belief that the whole war could have been avoided if only Drusus had succeeded, and that the rebellion was some kind of protest about enfranchisement, planned only after Drusus' death, is probably the result of teleological hindsight. That is: since the Social War culminated in the enfranchisement of Italy, Appian (or his source) took it for granted that enfranchisement must have been the initial goal of the conflict as well.⁴⁷

Once we realise how improbable Appian's interpretation of the Social War is, the likelihood that enfranchisement had ever been a key theme of Drusus' tribunate diminishes significantly.

(iv.) Cicero. If enfranchisement were Drusus' main objective, we would expect to find at least one passing allusion to this in Cicero, who mentions Drusus, Scaurus, L. Crassus, C. Cotta, and the events of 91 numerous times. But in contrast to the juries, Cicero never associates these men with the Italians, nor suggests that enfranchisement was a political issue in 91; this silence is particularly glaring in the *De oratore* and *Brutus*.

(v.) *Senatus propugnator*. It might be argued that Cicero's silence is deliberate. In the speeches in particular, he seems reluctant to engage with the Social War, presumably out of politeness towards the *novi cives* who had once been Rome's enemies;⁴⁸ therefore, perhaps he has withheld mention of Drusus' Italian schemes for the same reason. But this cannot account for the historical fact—and in this case, it is a *fact*—that Drusus' own contemporaries, including Philippus, viewed him as the champion of the Senate/*nobilitas* as late as September 91, as the *De oratore* attests (9.ii.c.).

⁴⁵ Sherwin-White 1973: 134–49; Mouritsen 1998; 2019; and with particular emphasis on coinage: Pobjoy 2000; Yarrow 2021: 128–36.

⁴⁶ Cf. Bispham 2016, for a balanced discussion.

⁴⁷ For Appian's teleology, see especially Mouritsen 1998; 2006.

⁴⁸ Cf. Mouritsen 2019: 303–9, with sources.

It is easy to see why the *lex iudiciaria* would attract this positive response from *cuncta nobilitas*. But there is little reason to believe that mass enfranchisement would be considered a ‘pro-Senate’ or ‘pro-*nobilitas*’ measure. Even if most senators were broadly sympathetic towards the wishes of the allies—especially the Latins, who were culturally and linguistically close to the Roman elite—they were still unlikely to support a peace-time enfranchisement of *tota Italia*. This would represent a near-revolutionary overhaul of the *status quo*;⁴⁹ in particular, it would severely impact the treasury because Italian military units, which constituted a majority of the army by this point, would now have to be funded from Roman coffers. It would also bring excessive *gratia* onto Drusus himself, a point correctly emphasised by Pseudo-Sallust (*Ep. ad Caes.* 2.6).

Of course, eventually the Senate did agree to enfranchise *tota Italia* under a series of laws passed during the Social War. But these were emergency measures designed to hasten the end of the conflict. In times of ‘normal’ politics, a proposal of mass enfranchisement would only attract fear, jealousy, and alienation in the Senate. And not only in the Senate. A famous fragment of C. Fannius (*cos.* 122) shows that the wider *populus* could also be mobilised against mass enfranchisement. When C. Gracchus was proposing to enfranchise the Latins in 122, Fannius stoked the xenophobia of the crowd by pointing out that if foreigners were inducted into the citizenship, there would be no space left for Romans at the *contiones*, games, or festival days.⁵⁰

(vi.) Posthumous denigration. Considering the wide support that Drusus enjoyed in the Senate until at least mid-September 91, it seems impossible that he made any kind of proposal about enfranchisement before this point—let alone that he mobilised the Italians to pass his laws through violence, as Livy seems to have believed. Of course, this invites the question: where did these Italian-centric, anti-Drusus traditions originate? The obvious answer is the Varian *quaestio*.

Drusus’ assassination seems to fall in October or November 91, right before the premature (and unconnected) outbreak of the Social War at Asculum. The following months were marked by confusion as the Romans tried to understand how their Italian empire had

⁴⁹ Rightly stressed by Mouritsen 1998: 109–17. On sympathy for the allies: Roth 2019.

⁵⁰ Iulius Victor 6.4; cf. Cic. *Brut.* 99.

collapsed overnight. The near-contemporary *Rhetorica ad Herennium* attests this vividly, quoting three times from a speech in which an unnamed orator (Philippus? Caepio? Varius?) argues that the *socii* would never contemplate revolting unless they were encouraged by accomplices within Rome (4.13, 16, 22).⁵¹

In this climate of anger and suspicion, a posthumous smear-campaign was launched against Drusus, who became a scapegoat for the conflict. This culminated in the Varian *quaestio*, created early in 90 to prosecute Drusus' supporters on the charge of inciting the *socii* to revolt (cf. 9.iii.).⁵² It seems clear that the allegations circulating at this time are what gave birth to the divergent traditions on Drusus' character, objectives, and methods which we find in the later sources—for example: that he was a violent demagogue; that he flooded Rome with foreigners to pass his bills; that he was somehow complicit in a conspiracy to murder the consuls;⁵³ that he invited Q. Poppaedi Silo, the leader of the Marsi, to march on Rome with 10,000 men to demand the citizenship; or that the Italians swore a mass oath of loyalty to him in exchange for a promise of enfranchisement.⁵⁴

Over the decades, as the Social War came to be viewed less as a war for independence and more as the final stage in the inevitable unification of Italy, and as the original incentive for Drusus' tribunate, the jury dispute, became less relevant, these fantastical stories were accepted as fact. As a result, by the time that Appian was writing, two centuries after the event, the tradition of Drusus as a 'champion' of Italian enfranchisement had become unequivocal, while the original tradition, of a *senatus propugnator* who wanted to reform the juries, had been pushed into second place.

(vii.) Drusus' collapsing support.⁵⁵ Finally, it is worth acknowledging one more possibility. It seems evident that Drusus did not bring up enfranchisement before mid-September. But we cannot rule out that something changed after this point.

⁵¹ Analysed at Mouritsen 1998: 133–7; Steel 2013: 80–2; Sensal 2013.

⁵² For the charge: Asc. 22, 73 C; App. *BC*. 1.37; Val. Max. 8.6.4; *De vir. ill.* 72.11; Plin. *NH*. 25.52.

⁵³ Flor. 2.6.8–9; *De vir. ill.* 66.12; possibly also Cass. Dio 28, frg. 96.4.

⁵⁴ Diod. 37.11–12; cf. already Rose 1937, on the 'oath' as a work of fiction. Drusus' connections to Poppaedi are also presumed in a hagiographical anecdote about the young Cato: Plut. *Cat. Min.* 2; Val. Max. 3.1.2. *Contra* Dart 2010, this anecdote is clearly fictitious; see Mouritsen 2019: 315–23.

⁵⁵ For similar reconstructions of late 91: Mouritsen 1998: 123–6; Steel 2013: 39–41.

Our knowledge of the final months of 91 is very poor. In a matter of weeks, Drusus went from commanding a majority in the Senate, to having his laws cancelled by senatorial decree, to being assassinated by an unknown killer. The death of L. Crassus, his most vocal supporter, on c. 20th September must have contributed to this collapse. But it is possible that the *socii* played some role too.

According to Velleius (2.14.1), enfranchisement only entered Drusus' mind once the rest of his bills were already in danger, i.e. in late September/early October. Asconius also suggests a sudden change of tactic around this time (69 C). It seems the Romans were dimly aware that something was afoot in Italy: for example, we soon find praetors stationed in Picenum, Campania, and Lucania, presumably in response to rumours about an imminent revolt.⁵⁶ In the circumstances, it is not unfeasible that Drusus held conversations with leading representatives of the Latins and/or Italians to discuss these rumours, and that enfranchisement was mooted as a potential resolution. If news of these meetings leaked in late September/early October, or if Drusus even raised the issue in the Senate for debate, then this may help to explain why many senators suddenly turned against him. It may also explain why Varius, later a suspect for Drusus' murder, found great success with his allegations of conspiracy and treason, and also why the electorate rejected Cotta, Drusus' intended heir, in the tribunician elections at some point in late September/early October.⁵⁷ However, even if this reconstruction is correct, it is still unlikely that Drusus went as far as promulgating a *rogatio de sociis*. Diodorus, our earliest source after Cicero, states that Drusus decided not to veto the Senate's cancellation of his laws (37.10.3). This speaks of a man who had accepted his defeat and was bowing dutifully to the *senatus auctoritas*. It hardly suggests that revolutionary bills about mass enfranchisement were on the horizon.

In summary, Appian's version of 91 does not stand up to scrutiny. Drusus set out to avenge his uncle's exile and restore senators to the juries; this, not the Italians, was the main political issue of the year. Drusus' supporters hailed him as a champion of the Senate and *nobilitas*. But he also made enemies of a core group of *equites*, likely dominated by ex-jurors and *publicani*,

⁵⁶ Brennan 2000: 2.371–2.

⁵⁷ Cic. *Nat. deo.* 3.81, *De or.* 3.11; Konrad 1996: 109–10.

who lent public (and perhaps violent) backing to Philippus and Caepio. Drusus' support collapsed in the autumn, possibly after he was implicated in the swirling rumours of an Italian revolt. His laws were annulled, he was assassinated, and the Social War broke out almost simultaneously; as a result, he was soon made a scapegoat for the conflict by Varius, Philippus, and Caepio.

What about the Italian perspective on these events? Doubtless there were many reasons why the Italians risked their lives for a war of independence. Patriotism; historic grievances against their Roman oppressors; resentment at the burdens of military service; bitterness at the arbitrary conduct of Roman magistrates; an instinctive desire for political autonomy—all likely contributed to a growing consensus among the Italian elites that they were better off without Roman rule.

But considering our previous chapters, it seems probable that animosity against the Roman *nobilitas* played a role too. After all, Iugurtha's massacre at Cirta in 112, which contemporaries blamed on the corruption of the *nobilitas*, had resulted in the deaths of many Italian traders (6.ii.a.). The wars of the late 2nd century, which were again blamed on the *nobilitas*, had impacted Italian economic interests as much as Roman ones. And the Cimbri's invasion of the peninsula, which was stopped only by the *novus homo* Marius, had threatened the Italian towns as much as it did Rome (7.ii–iii.). Some scholars have speculated that these crises helped to foster a pan-Italian unity between the *socii* and Rome.⁵⁸ But there is no positive evidence to support this, and in fact the opposite seems more probable: the events of the late 2nd century convinced many Italian noblemen, themselves members of long-established families with proud political and military pedigrees, that they were better qualified to run the affairs of their own peoples than the *nobiles* in far-away Rome, whom they viewed as ineffectual, corrupt, and myopic.⁵⁹

The tribunate of Drusus, *nobilissimus vir*, was likely the final straw—not because of any failed promises of enfranchisement, but because the Italian elites feared that his agrarian commission would cause them to be evicted from holdings of *ager publicus populi Romani* or even have their private property seized. Like with Ti. Gracchus four decades earlier, a Roman

⁵⁸ Gabba 1994: 109; Keaveney 2005b: 28.

⁵⁹ Cf. Pfeilschifter 2007; Rosenstein 2012a, both arguing that the Italians' experience of serving under Romans merely highlighted their differences and fuelled resentment.

nobilis was once again treating the land of Italy with a heavy-handed arrogance that betrayed the *nobilitas*' insensitivity towards the *socii*.⁶⁰ To the majority of Italian *principes*, the solution was not integration with this arrogant oligarchy; it was the elimination of Rome altogether.

9.iii. The Varian trials (90–89)

Drusus was murdered in October or November 91. Around the same time, the Italians were forced to launch their rebellion prematurely when a Roman praetor, Servilius, stumbled across an exchange of hostages at Asculum, prompting a massacre of Romans in the city.⁶¹

Servilius' presence at Asculum indicates that the Senate was vaguely aware that something was afoot. Yet the war still came as a shock. This is clear from the contemporary speech(es) quoted in the *Rhetorica ad Herennium* (4.13, 16, cf. 22), where an unnamed orator considers it scarcely credible that the *socii* would dare to attack the *imperium populi Romani* unless they had accomplices at Rome. This orator also expects Rome to win; he arrogantly compares the rebels to the Latin town of Fregellae, which had been razed to the ground by L. Opimius in 125.

Yet this haughtiness cannot have lasted for long. Most of the initial battles and sieges of the war went the way of the Italians, who were able to mobilise much quicker than Rome having spent years preparing for this moment.⁶² These Italian victories culminated with the Battle of the River Tolenus in June 90, where they routed the Roman army and killed the consul P. Rutilius Lupus. This battle was still remembered in Ovid's time as a proverbial example of slaughter (*Fast.* 6.563–8). From a Roman perspective, the disaster was only worsened when Lupus' successor Q. Caepio, the darling of the *equites*, was ambushed and killed soon afterwards.

It was in this climate of shock and anger, and with reports of military setbacks arriving at Rome with increasing regularity, that the Varian *quaestio* took place. To summarise the main

⁶⁰ Mouritsen 1998: 141–50; Roselaar 2010: 280–4. For the Italians' hostility towards Ti. Gracchus' agrarian commission: Cic. *Rep.* 1.31, 3.41; App. *BC.* 1.19; *pace* Richardson 1980.

⁶¹ *MRR* 2.20; Brennan 2000: 2.372, 383.

⁶² Full narrative: Sampson 2013. Although detailed, the narratives of Kendall 2013 and Dart 2014 are hamstrung by their insistence that the Italians were still fighting for *civitas*, not independence. This was refuted already by Sherwin-White 1973; Pobjoy 2000.

facts: in the first year of the *quaestio* (90), we know of six or seven prosecutions.⁶³ The most noteworthy were the ex-consuls M. Scaurus and M. Antonius, the ex-praetor Pompeius Rufus, and Drusus' intended successor C. Cotta, who fled into exile to escape condemnation. But other prosecutions probably occurred: with the exception of Scaurus' famous trial, these six/seven cases are only known to us because of brief references in Cicero and a scatter-gun list in Appian (*BC.* 1.37), and it seems likely that other names have slipped through the cracks. In the following year (89), Varius was prosecuted under his own *quaestio* and condemned, while another tribune of 90, Cn. Pomponius, was also prosecuted (and seemingly acquitted).⁶⁴ It is likely that Varius' enemies prosecuted him on the grounds that he had intensified the crisis with his vindictive allegations of conspiracy and treason.

There are several points to stress about these trials. First, the involvement of the wider elite. Appian asserts that Varius' bill was promulgated at the instigation of the *equites* (οἱ ἱππεῖς). On the day of voting, other tribunes came forward to veto the bill, but these *equites* surrounded them and, with weapons drawn, forced through the law (*BC.* 1.37). In light of our previous discussions about 'politicisation', the jury dispute, and the aims of Drusus' tribunate, this strong reaction from (some) *equites* is completely believable. Drusus had attempted to remove equestrian control over the courts; therefore, the politicised *equites* retaliated by leveraging a tribune to attack Drusus' supporters and took to the streets to ensure Varius' law passed.

Some scholars have found it puzzling that 'the *equites*' helped Varius to pass his bill, but then proceeded to hand out several acquittals in the subsequent trials, before condemning Varius himself in early 89.⁶⁵ Yet confusion only arises if we treat 'the *equites*' as a homogenous bloc. As emphasised several times, we must differentiate between (i.) the mass of typical *equites*, who engaged with politics only in a passive, sporadic manner, and who probably took their role as jurors seriously, and (ii.) the small, vocal, politicised minority who took to the streets to oppose Drusus and support Varius. Moreover, since the album of jurors changed each year, Varius' condemnation could be because a new, less 'politicised' selection of jurors came in at the start of 89. There is also the possibility that the *lex Plautia*, which reintroduced

⁶³ Full sources: Alexander 1990: 53–7.

⁶⁴ Alexander 1990: 57–8. On Pomponius: Badian 1969: 470–5; his name is a widely-accepted emendation from the manuscript 'Pompeius'.

⁶⁵ e.g. Gruen 1965, which remains oft-cited.

senatorial jurors at some point in 89, preceded Varius' trial and was designed to ensure his condemnation (cf. below).

Second, the fact that some men were acquitted, which is to be expected in a functioning legal system, must not distract us from the remarkable nature of the Varian trials. The charge itself is extraordinary: collusion with the enemy. It evokes the fury of the Mamilian *quaestio*, which had also focused on alleged collusion with an enemy of Rome—only this time, the threat was much greater because the enemy was at Rome's doorstep. It also demonstrates the sheer backlash against Drusus' clique: having been hailed as the champions of the Senate/*nobilitas* less than six months earlier (9.ii.c.), now they were being denounced as traitors to Rome.⁶⁶ Equally remarkable is the fact that the Varian *quaestio* was the only court to continue operating during the Social War, the others being suspended by order of the Senate.⁶⁷ Again, this reflects how seriously these accusations were taken at Rome, even among fellow senators: in this time of great crisis, the only *ius* that mattered was hunting down the traitors who had conspired against the fatherland.

And it was even more remarkable considering who was being accused. These were not political nobodies, but senators of very high standing. This especially means Antonius and Scaurus: both had received the treble honour of a consulship, censorship, and triumph, and Scaurus' tenure as *princeps senatus* had lasted for a quarter-century by this point. True, both men were, it seems, acquitted. One episode in particular became very famous in the later tradition: when summoned to a *contio* by Varius, Scaurus calmly asked the crowd whether it was more appropriate to believe Q. Varius, a Spaniard, or M. Scaurus, *princeps senatus*, and this pithy remark had such an effect that Varius gave up on the *contio*.⁶⁸ But the very reason Scaurus' retort was so effective is because it played upon the extraordinary nature of what was happening. A *novus homo*, hauling the elderly *princeps senatus* before the *populus*, on a charge of treason against the fatherland: this is a striking inversion of the traditional values of deference and 'social conservatism' that we usually associate with the *populus Romanus*, and firm testimony to the levels of anger felt among (some members of) the wider elite.

⁶⁶ Cf. Traversa 2020, stressing the legal innovations of the *lex Varia* in the context of previous treason procedures.

⁶⁷ Cic. *Brut.* 304; Asc. 73–4 C.

⁶⁸ Asc. 22 C; Quint. *Inst.* 5.12.10; *De vir. ill.* 72.11; Val. Max. 3.7.8. The exchange must have occurred at a *contio* because the prosecutor in Scaurus' trial was Q. Caepio (Cic. *apud* Asc. 21–2 C). This confirms that these events took place in early 90, since Caepio was soon despatched to fight in the Social War (and was promptly killed).

Third, the noble aspects of the affair deserve emphasis. In his commentary on Cicero's *pro Scauro*, Asconius states that the Varian trials were a time of *invidia* against the *nobilitas* (22 C).⁶⁹ As discussed previously, Asconius had access to Livy and Sallust, who were likely following Sisenna's account for the years 91–79; it is also possible that he had read Sisenna himself (4.ii.b.). Therefore, when Asconius paints the Varian trials in shades of anti-noble *invidia*, there is a high chance that this goes back to how a contemporary observer, Sisenna, had characterised these events.

According to Appian, the trials targeted all the leading men (*BC*. 1.37: τοὺς δυνατοὺς ἅπαντας) and the most noble of the senators (τοῖς ἐπιφανεστάτοις τῶν βουλευτῶν). Note the use of ἐπιφανέστατοι, the standard translation of 'the Sullan *nobilitas*'. As for Cicero, his references to the Varian *quaestio* tend to be brief and matter-of-fact. But in the *De oratore*, he does paraphrase the trials as a time of attacks against *principes civitatis* (*De or.* 3.8), while in a fragment of the *pro Cornelio*, he characterises the enemies of Cn. Pomponius as the *nobilitas* (*apud Asc.* 79 C). Finally, it is also worth mentioning Photius' summary of Diodorus, which blames the outbreak of the Social War on the declining morality of the Roman elite (37.2). This is not linked to the Varian trials specifically, but in broad terms it still suggests that the outbreak of the Social War was blamed on the *nobilitas*.

In short, it seems that contemporaries viewed the Varian trials as being aimed against 'the *nobilitas*' as a collective entity. This is hardly surprising. Drusus had been viewed as a *senatus propugnator* and a champion of *cuncta nobilitas* because of his jury law (9.ii.c.). Therefore, when the time came to hurl *invidia* against his backers, it made sense for men like Varius or Pomponius to angle their attacks with an explicitly anti-*nobilis* slant.

Finally, as a coda to Drusus' tribunate and the Varian trials, the *lex Plautia* of 89 needs mentioning. This law is only attested in one fragment from Cicero's *pro Cornelio* and Asconius' comments on it. This is frustrating, but not unusual: the Imperial sources have little time for internal events during the Social War, and even the all-important enfranchisement laws are poorly recorded.⁷⁰ Nevertheless, the terms of the *lex Plautia* are known: each tribe would nominate fifteen men annually to serve as jurors. As Cicero's fragment makes clear, the

⁶⁹ Note that Asconius' mention here of '*civitas* for the *socii*' is probably his own misguided gloss; Mouritsen 1998: 9 n. 15, 133–4.

⁷⁰ Discussion of these laws: Bispham 2007: 161–87; Dart 2014: 171–87.

intention was to enable senators to return to the juries (Asc. 79 C: *cum primum senatores cum equitibus Romanis lege Plotia iudicarent*);⁷¹ presumably, Plautius and his supporters believed this roundabout method was a safer bet than the direct route attempted by Drusus. Since the only court in existence at this time was the Varian *quaestio*, it seems obvious that the law was introduced to overhaul the ‘tyranny’ of the Varian trials; although the chronology is not certain, it seems likely that the first target was Varius himself. Significantly, Asconius characterises Plautius’ supporters as *nobiles*: ‘the tribune M. Plautius Silvanus ... passed his law with the assistance of the *nobiles* at a time when the *equester ordo* held tyrannous power over the courts’ (79 C). Again, this may reflect how Sisenna, the principal source for these years, had characterised the *lex Plautia* in his *Histories*.

⁷¹ Following Balsdon 1938: 101, *cum primum* is normally taken to mean ‘as soon as’ rather than ‘for the first time’.

Chapter 10: Civil War (88–81)

By this point, the argument is largely complete. We have seen how the events of the late 2nd century led to widespread *odium nobilitatis* and prompted some members of the wider elite to become ‘politicised’, meaning that they went out of their way to engage in politics and support candidates like Marius on an active basis. After an apparent lull in the ‘short 90s’, the events of Drusus’ tribunate and the Varian trials reignited these tensions. It remains only to chart what happened in the next months and years. As before, the aim is not to provide a detailed narrative of events. The focus remains on the main flash points and how these fed into our noble-centric narrative: what happened between 88 and 81 to drive members of the wider elite into Cinna’s arms, and conversely, so many *nobiles* into Sulla’s?

10.i. The year 88

10.i.a.) Crisis.

The Social War was Rome’s greatest crisis since the Hannibalic War, even more severe than the Cimbric invasion. It required all her resources and manpower to win; indeed, so little could be spared for other purposes that the normal system of provincial appointments was suspended for several years, with the existing governors and troops simply remaining in place.¹ The formal state of emergency (*tumultus*) was probably lifted in late 90 and the war mostly won by the end of 89,² yet the Samnites and Lucanians still remained under arms by the start of Sulla’s consulship in 88.

The conflict also bankrupted Rome. Revenues from the Italian territories were halted by the fighting; Cicero notes in passing that the *ager Campanus* was practically the only region that continued to bring in money (*leg. agr.* 2.80). At the same time, the number of legions shot up from six in 91, to fifteen in 90, to possibly double that in 89. Mobilisation on this scale had not been witnessed since the Hannibalic War, and the costs on the treasury were severe.³ We happen to know that the Senate auctioned off State-owned land on the Capitoline Hill and, on

¹ Badian 1964b: 71–104. Cf. Diod. 37.1–2.1, declaring the Social War to be the greatest war in history.

² Golden 2013: 79–82.

³ Brunt 1971: 435–40; cf. Taylor 2023.

at least two occasions, drew from temple treasures to generate enough bullion to pay for the troops; this suggests that reserves in the treasury had run dry.⁴ Private fortunes were suffering as well. The war in Italy had disrupted cash flows, destroyed landholdings, and caused trade to plummet. As a result, debts began to soar, price deflation took hold, creditors called in their loans, and before long the entire system of Roman credit (*fides*) was close to collapse. This led A. Sempronius Asellio, *praetor urbanus* in 89, to attempt a resolution in favour of debtors. The wealthy creditors responded by ambushing Asellio while he was sacrificing in the Forum, murdering him in his praetorian regalia; the perpetrators were never caught.⁵

Asellio's murder is a telling glimpse into the financial desperation of certain members of the propertied class, debtors and creditors alike, by the start of 89. And the situation only got worse when Mithridates invaded and overran the Roman province of Asia Minor.⁶ Soon after, he also instituted a massacre of Romans and Italians in the region; our sources claim that 80,000 to 150,000 perished in one day, although these figures are surely exaggerated.⁷

Mithridates' actions were taken in retaliation to the machinations of the ex-consul and *nobilis* M'. Aquillius (*cos.* 101), who had instigated Mithridates' neighbours to raid his kingdom.⁸ The chronology of these events is uncertain, but Sherwin-White's reconstruction seems the most plausible: initial fighting between Mithridates and Rome's allies in late summer 89, followed by the invasion of Asia Minor in autumn 89, then the massacre of Romans/Italians in winter 89/88.⁹ In any case, the important point is that the fall of Asia Minor struck off Rome's most profitable province from the State's ledgers at a time when the treasury was already on its knees. It also destroyed whatever *fides* was remaining in Rome, as Cicero vividly attests in the *pro lege Manilia* (14–19, esp. 19).¹⁰

Despite our sparse sources, there is a distinct sense of escalation and instability in the Roman elite by the start of 88. The willingness to use political violence is striking. Drusus' tribunate and murder; the passing of Varius' law *per vim*; the murder of the praetor Asellio;

⁴ Oros. 5.18.27; App. *Mithr.* 22; with Barlow 1980: 204–7; Williams 1998: 173–6.

⁵ App. *BC.* 1.54; Liv. *Per.* 74; Val. Max. 9.7.4.

⁶ Full narratives: Sherwin-White 1984: 111–31; Hind 1994; Roller 2020: 131–51.

⁷ Brunt 1971: 224–7; Kallet-Marx 1995: 153–8.

⁸ There is no reason to suppose that Aquillius was acting on Marius' orders, *contra* Luce 1970: 186–90 (and others).

⁹ Sherwin-White 1984: 121–6.

¹⁰ For the collapse of credit in 90–87, see further Barlow 1980: 213–17; Williams 1998: 177–82; Kay 2014: 245–55; Collins and Walsh 2015: esp. 148–53.

and now, in early 88, the chaos surrounding Sulpicius' legislation (cf. 10.i.b.)—all were violent events, and all involved *equites*. In previous (and future) times, the wider elite tended to shun acts of brute force in the political arena. But not, it seems, the *equites* of 90–88: under the strain of another external crisis, prompted yet again (it was believed) by the *nobilitas*' failures, it seems these *equites* became even more politicised or 'radicalised' in their political interventions and became willing to take matters into their own hands. In the tiny world of Roman politics, this shift in behaviour from only a small number of *equites* was enough to have far-reaching effects on the political landscape.

Within the Senate too, consensus was splintering under the weight of external crises. It is striking that we know of two men who tried to break the 'rules of the game' at precisely this time: Cn. Pompeius Strabo (*cos.* 89), who wanted a second consulship,¹¹ and C. Iulius Caesar Strabo (*aed.* 90), who announced his candidacy for the consulship, probably in early 88,¹² without having been praetor; Caesar's attempt was blocked by a new tribune of 88, Sulpicius, leading to more violence in the streets. Diodorus/Photius asserts that Caesar coveted the command against Mithridates (37.2.12); this was probably Pompeius' motivation as well.¹³ They were soon joined by Marius, who allied with Sulpicius to have the Mithridatic command stripped from Sulla and transferred to himself. Such a transfer of *provincia* from a consul to a *privatus* was unparalleled in recent history; the *lex Manlia* of 107 was only a partial precedent, as it transferred the *provincia* of a proconsul, Q. Metellus, to a sitting consul, Marius.¹⁴

Finally, an erosion of traditional *mores* is visible elsewhere in society too. For instance, it is striking that we know of one successful mutiny in 89 (under A. Postumius Albinus), a second attempted one in the same year (L. Porcius Cato), and another successful one at the end of 88 (Q. Pompeius Rufus). This pattern only worsened as the decade continued.¹⁵ It suggests that the Social War caused the common soldiers—and perhaps the officer classes as well—to become profoundly disenchanted with the politico-military elite. Most likely, these soldiers viewed the Social War as a futile, self-destructive endeavour which was entirely the fault of

¹¹ Seager 2002: 20–2.

¹² Lintott 1971: 446–9; Stone 2002: 201–3. Other scholars opt for late 89, following Badian 1969: 481–7.

¹³ Full sources: Katz 1977; Powell 1990. Photius' evidence was dismissed by Keaveney 1979: 451–3, but his 'factional' reconstruction of Caesar's motives is speculation. Cf. Steel 2013: 87–92 for a balanced discussion.

¹⁴ Noted by Morstein-Marx 2011: 263; Steel 2013: 92–3.

¹⁵ Sources: Brice 2020: 252–4; cf. Keaveney 2007: 77–82.

Drusus and the *nobilitas*; it is probably not irrelevant that the three commanders in question all belonged to consular families.

The overall impression at the start of 88, therefore, is crisis and tension. To tie this back to our main theme, by the year 88 a hypothetical thirty-five- or forty-year-old Roman would have spent their entire adulthood watching the *nobilitas* lurch from what appeared to be one crisis to another. The Iugurthine War and Mamilian *quaestio*; the Cimbric invasion and associated defeats; the ascendancy of Marius and a new cadre of non-nobles; the violent denouement of 100; the ongoing dispute over jury membership; the failure of Drusus' tribunate; the catastrophic Social War, which plunged Italy into its first experience of mass warfare since Hannibal, and which was blamed on the *nobilitas* during the Varian trials; and finally, the fall of Asia Minor and the collapse of *fides*. With this background in mind, it is no surprise what the *Rhetorica ad Herennium* advised in the mid-80s, which provides a precious glimpse into the spirit of the time untainted by Sulla's subsequent victory: if you want to win a court case, attack your opponent for being a *nobilis* (cf. 6.i.b.).

10.i.b.) Sulpicius' tribunate.

With the start of 88, we arrive at Sulpicius' tribunate and Sulla's consulship. Sulpicius has always been a controversial character. In particular, much debate has focused on the '*volte-face*' he supposedly underwent at the start of 88: how did a man who had once been the political heir of M. Drusus, *senatus propugnator*, suddenly become a 'radical' tribune allied with Marius?¹⁶

But as Powell argued in his classic article, this '*volte-face*' is only problematic if we adhere to binary models of 'Metellans versus Marians' or '*populares* versus *optimates*'. Once we put aside these reductive paradigms, we can view Sulpicius in more nuanced terms.¹⁷ His legislation shows a mixture of aims, some personal, some 'issue-based', and some designed to appeal to specific support groups, such as freedmen or *novi cives*. And his alliance with Marius is precisely the kind of renegotiation of mutual loyalties that happened all the time in Rome's fluid politics. Therefore, the 'radical', 'ideological', let alone 'progressive' nature of his

¹⁶ e.g. Mitchell 1975; Keaveney 1979; Tatum 2022; etc.

¹⁷ Powell 1990, although his belief that Plutarch had not read the *Memoirs* is untenable, cf. Noble 2014: 143–4.

tribunate should not be overstated—although of course, this does not exclude the probability that Sulpicius genuinely believed in the laws he put forward.

Appian and Plutarch provide the basic outline of events. Sulpicius proposed a series of laws, but the consuls Sulla and Pompeius Rufus obstructed him by declaring a religious vacation or, more likely, a cessation of public business (*iustitium*).¹⁸ Violence grew between supporters of the two camps, until, at some point in late spring or early summer,¹⁹ a full-blown riot broke out in which Pompeius' son (Sulla's son-in-law) was killed. Pompeius fled Rome, Sulla was compelled to rescind the *iustitium*, and Sulpicius secured the passing of his laws.

(i.) Appian and the *novi cives*. The first point to highlight is that Appian's account is very selective. He focuses on Sulpicius' bill to redistribute the *novi cives* among all thirty-five tribes (*BC*. 1.55), which he presents as the crux for the subsequent conflict. He fails to mention that this bill apparently included freedmen too, as attested by the Livian Epitomator (*Per*. 77: *novi cives libertinique*) and Asconius (64 C).

Many scholars follow Appian's account to the letter, especially those who also follow his interpretation of the Social War as being 'about' citizenship for the Italians (cf. 9.ii.e.). However, it should be stressed that Appian is the only source to focus on the *novi cives* in 88. The other Imperial sources, including Plutarch, are mostly unaware of the issue, instead focusing on the Mithridatic command. There is also no mention in Cicero, who seems more interested in the dispute between Sulpicius and Caesar Strabo,²⁰ which occurred either before or at the same time as the consuls' *iustitium* (the chronology of Sulpicius' tribunate is very imprecise). Moreover, at one point Cicero declares that Sulla fought Sulpicius in 88 over laws passed *per vim*, whereas Cinna fought Octavius in 87 over votes for the *novi cives* (*Phil*. 8.7). Although simplified, this still implies that the *novi cives* were less significant as a political issue in 88 than they would be in 87.

This does not mean that Sulpicius' tribal bill is ahistorical. But it does serve as a timely reminder of Appian's biases (or his source's): as we saw with Drusus' tribunate, Appian was

¹⁸ Golden 2013: 93–102.

¹⁹ Bispham 2007: 179 dates the *iustitium* to June/July 88 and Sulla's march to August 88. But his arguments seem to depend on the outdated chronology of Luce 1970, and these dates should probably be moved back by several months.

²⁰ Cic. *Brut*. 226, *Har. resp*. 43.

very interested in the Italian Question, and it seems that he has significantly overplayed the importance of the tribal bill relative to Sulpicius' other proposals (and has forgotten to mention *liberti* in the process) because it fitted his Italian-centric theme.

Apart from the *novi cives* bill, Sulpicius' legislation included: a bill to recall exiles, almost certainly the victims of the Varian *quaestio* (it will be remembered that C. Cotta, Sulpicius' personal friend, was still languishing in exile);²¹ a bill banning senators from incurring debt, discussed below; and a bill to transfer the Mithridatic command from Sulla to Marius. Plutarch seems to add that this was accompanied by a law preventing Pompeius Rufus from exercising his consular *imperium* (*Sull.* 8.4). Plutarch's meaning is uncertain,²² but a measure like this would not be implausible, especially since Cicero (*Am.* 2) notes how fierce the *odium* between Sulpicius and Pompeius, two former friends, became in the course of 88.

(ii.) Sulpicius' equestrian support. For our purposes, the main point to stress is that Sulpicius was supported by a significant number of *equites*.

The clearest evidence comes from Plutarch (*Mar.* 35.2, *Sull.* 8.2-3) who seems to be following Sulla's *Memoirs*, Livy,²³ and probably a source unsympathetic to Sulla as well.²⁴ Plutarch says Sulpicius was accompanied by a bodyguard (δορυφόροι) of 600 young *equites* (ἱππικῶν νεανίσκων) whom he dubbed his 'anti-' or 'replacement Senate' (ἀντισύγκλητος).²⁵ He also mentions a force of 3000 swordsmen; this likely indicates a combination of slaves, freedmen, and hired muscle from the *plebs urbana*.

Appian, focusing on the *novi cives*, has no mention of this 'equestrian bodyguard' in his main narrative of 88. But in a later passage, he retrospectively characterises Sulpicius supporters as 'the wealthy' (*BC.* 1.63: οἱ πλούσιοι). As we saw in Chapter 4, John of Antioch's garbled account also seems to place the *equites* at the heart of the violence of 88 (and beyond).

²¹ Lewis 1998.

²² Discussions at Lintott 1971: 443; Keaveney 1983a: 60–2; Hinard 2008: 27–35.

²³ Cited at Plut. *Sull.* 6.10.

²⁴ Cf. Valgiglio 1975: 263–70. The clash of sources at Plut. *Mar.* 35.2-3 is instructive.

²⁵ For the translation: Stone 2002: 191.

Badian rejected Plutarch's 'replacement Senate' as Sullan propaganda.²⁶ But this seems unnecessary: in light of our previous discussions, there is every reason to believe that a core group of politicised *equites* would lend violent, decisive support to Sulpicius in early 88, just like they did for Varius in early 90; indeed, there was probably a significant overlap in personnel between the two events (cf. below).

Other scholars have assumed that Plutarch is referring to the young sons of senators, i.e. not 'real' *equites* in the usual sense of the word.²⁷ This is also unnecessary, especially since νεανίσκοι need not mean 'young' in the sense of 'under thirty'. As Stone points out, it is probably a mistranslation of *equites iuniores* or *equites iuventus*, i.e. 'equites in their prime' as opposed to 'elder equites' (*equites seniores*).²⁸

Finally, we should note that this 'bodyguard' of 600 *equites* was likely only the most committed supporters of Sulpicius. Nothing excludes there being several hundred more *equites/boni* (or possibly several thousand) who also turned up to support him at various points in 88.

(iii.) Sulpicius and the *novi cives*. But why this equestrian support? Several explanations can be offered, none excluding the others. First, Appian reports the unsurprising fact that Sulpicius' *novi cives* bill was supported by *novi cives*, who came to Rome to bolster his manpower (BC 1.55). Presuming—as we must—that these *novi cives* were mostly wealthy men, then they might have been described as *equites Romani* in Plutarch's sources.

This should account for some of the ἱππικοὶ νεανίσκοι, but only some: for the notion that tens of thousands of Italians were queuing up to participate in Roman politics is entangled in problematic, teleological narratives of the Social War as a seamless 'unification' of Italy (cf. 9.ii.e.). Furthermore, most (or all?) of these *novi cives* were probably ex-Latins. They were the ones who lived close enough to the capital to petition Sulpicius and lend him manpower, and they were the ones who had remained loyal to Rome in the Social War. Now, they probably demanded the right to take part in politics on an equal footing as a just reward for their loyalty.

²⁶ Badian 1969: 485 n. 11.

²⁷ Keaveney 1983a: 54 n. 5.

²⁸ Stone 2002: 193.

(iv.) Sulpicius and Marius. Second, there is a strong likelihood that many of Sulpicius' equestrian backers were driven by support for Marius.

The Imperial sources tend to portray Marius' bid for the Mithridatic command as the actions of a delusional, power-hungry old man;²⁹ many modern scholars echo this portrayal. However as noted in the context of the 90s (9.i.c.), this tradition was clearly shaped by sources hostile to Marius. If we look more soberly at the situation in 88, it seems unlikely that Marius would aspire to a command of this magnitude without encouragement from members of the elite. In the eyes of many *equites*, *boni*, and probably a significant number of senators too, Marius was still the foremost general in Rome and the obvious candidate to rescue Asia from Mithridates.

An easy parallel can be made to the years 105–101, when there was a broad consensus within the elite that Marius was the only person capable of dealing with the Cimbric invasion; likewise to the year 66, when the same was said about Pompey and the Third Mithridatic War. Indeed, Powell makes the plausible suggestion that Cicero's speech in support of Pompey in 66 (the *pro lege Manilia*) was influenced by Sulpicius' speeches in support of Marius in 88, since Cicero greatly admired Sulpicius' oratory and had attended his *contiones* on a daily basis (*Brut.* 306).³⁰

However, these conclusions are often denied in modern scholarship because of the primacy given to Appian, who insists that the alliance between Marius and Sulla was kept secret until after Sulla had rescinded the *iustitium* and left Rome (*BC.* 1.55–7).³¹ This warrants two replies. First, Appian is the only source who explicitly places the announcement of the Mithridatic bill after Sulla's departure. In contrast, Plutarch believes the Mithridatic bill was always part of Sulpicius' legislative agenda (*Mar* 34.1, 35, *Sull.* 7.1, 8); the Livian Epitomator, although vague, seems to agree (*Per.* 77). These two are not 'better' sources than Appian; indeed, Plutarch's narratives of 88 have significant flaws of their own, not least the unrelenting bias against Sulpicius (which derives, of course, from Sulla's *Memoirs*).³² But since it is clear that Appian has downplayed all aspects of Sulpicius' legislation except the *novi cives* bill, it is

²⁹ Plut. *Mar.* 34.5–5.1, *Sull.* 7.1, 8–9; Diod. 37.29.2–3; App. *BC.* 1.55; Vell. 2.18.6; Flor. 2.9.6.

³⁰ Powell 1990: 458. Full sources for Cicero and Sulpicius: Chapman 1979. For detailed analysis of the debate in 66: Steel 2001: 113–35, 140–56.

³¹ Keaveney is a representative example, e.g. 1983a: 55–62; 2005c: 46–51.

³² Cf. Lintott 1971: 442–4.

also plausible that Appian (or his source) might move the announcement of the Mithridatic bill to the end of Sulpicius' tribunate in order to focus on the Italian Question. Alternatively, we might suggest that the Mithridatic bill, although discussed in public, was not formally promulgated until after the *iustitium* was lifted, but Appian has misunderstood this to mean that it was not discussed at all until this time.³³

Second, Plutarch opens his narrative of 88 by describing how Marius exercised every day in the Campus Martius to show the *demos* that old age was no barrier to him taking on the Mithridatic command. It is implied that this went on for some time (*Mar.* 34.3-4). Plutarch also mentions the *demos* discussing which commander, Marius or Sulla, was better suited for the command (§34.1), again implying that this occurred over an extended period.³⁴ Plutarch has not invented this information, as it is echoed in a brief fragment of Diodorus (37.29.1). The most likely scenario, therefore, is that Marius was canvassing for the Mithridatic command for several months at the start of 88, and that Sulpicius held regular *contiones* to discuss this proposal; but the consuls, wanting to stifle this and the *novi cives* bill, declared a *iustitium* to prevent it coming to a vote. This is *prima facie* more plausible than Appian's version, which requires a sudden, entirely unexpected announcement after the lifting of the *iustitium*, and where Sulla comes across as an innocent man duped by Marius' wicked schemes.

In short, there is no trouble with believing that Marius and Sulpicius were in public alliance from early in 88, as had been the case with Marius and Saturninus in 103/100. This was the main reason why so many elites flocked to support Sulpicius.³⁵ Marius was the *pater patriae* and Rome's saviour from the Cimbri. It seemed only natural that he was the best candidate to rescue Asia from Mithridates.

(v.) The politicised core. Harking back to our discussion in Chapter 8, it is likely that *publicani* were at the forefront of this public support for Sulpicius and Marius. They had the most urgent material interests at play, given the loss of Asian *vectigalia* and the collapse of *fides*. They were also the most organised, politically-engaged members of the wider elite, and some of them had already supported Marius back in the crisis years around 107–100.

³³ Thus Powell 1990: 452–3.

³⁴ Luce 1970: 192–4 believed this occurred in April/May 88 and used it to support Appian's chronology. But his arguments depend on the unproven assumption that Mithridates' invasion of Asia only occurred in spring 88; cf. 10.i.a.

³⁵ Thus Gruen 1968: 224–6; Powell 1990; Bispham 2007: 178–80.

This brings us onto our third main point: there was probably a significant overlap between the *equites* who opposed Drusus in 91, supported Varius with violence in 90, and now supported Sulpicius with violence in 88.³⁶ The failures of the *nobilitas*; Drusus' calamitous tribunate; the acrimonious jury dispute, which flared up most recently with the *lex Plautia* of 89: it seems these events galvanised a core group of *equites* into a long-running, sometimes violent antagonism against the established political elite.

One named example is Cn. Titinius. In the *pro Cluentio*, Cicero namedrops him as one of the *veteres iudices* who led the opposition against Drusus and *cuncta nobilitas* in 91 (*Cluent.* 153). Cicero's brother also mentions Titinius as one of the *equites* proscribed and murdered in 82/81 at the hands of Catilina (*Comm. pet.* 9). In both cases, it appears the Cicerones expect their readers to know who Titinius was; he must have been quite famous in his day. Most likely, therefore, we are dealing with a leading *eques* who rose to prominence in 91 as a ringleader of the opposition against Drusus' *lex iudiciaria*, and who then remained politically prominent over the next decade as a supporter of Sulpicius/Marius, then Cinna/Marius, and finally Cinna/Carbo, before perishing in the proscriptions.³⁷ When Asconius wrote that the *equites* supported the *pars Cinnana* against Sulla (89 C), he probably had men like Titinius in mind.

Most likely, these *equites* viewed supporting Sulpicius and Marius as another way to undermine the *potentia nobilitatis*. Sulpicius' law on senatorial debts is relevant here. Plutarch states that Sulpicius banned senators from accumulating debts of more than 2000 drachmas, i.e. roughly HS 8000. He also implies that Sulpicius promulgated this early in 88 (*Sull.* 8.2). This law is often overlooked, presumably because it is absent from Appian's account. But if enforced, the potential ramifications were significant.

Recent scholarship has emphasised that elite debt was endemic in the 1st century. Whether to buy property, make investments, or afford the expenditures associated with a senatorial career, members of the political elite were routinely borrowing from one another and racking up considerable debts, often to the sum of millions of sesterces; for instance, Cicero once borrowed HS 3,500,000 just to buy a new house (*Fam.* 5.6.2).³⁸ True, most of this evidence comes from the 60s and 50s, and there were unlikely any examples in the pre-Sullan

³⁶ As assumed by e.g. Meier 1980: 217–21; Stone 2002: 192–3.

³⁷ Cf. Nicolet 1974: 1037–9; Hinard 1985a: 401–2.

³⁸ e.g. Jehne 2016; Mouritsen 2023: 171–97.

era as bad as T. Annius Milo (*pr.* 54) who accumulated debts of over HS 70 million in the 50s, although he claimed it was ‘only’ 6 million.³⁹ But there is no reason to doubt that elite debt could be a serious problem already in the 90s and 80s. For example, we are told that Drusus became bankrupt in the course of 91 despite being one of the richest Romans of his time, and also that Sulpicius (who was probably not a senator yet) was heavily in debt when he died; most likely, Sulpicius had spent most of this money hiring the ‘3000 swordsmen’ mentioned by Plutarch.⁴⁰

With this in mind, the upper limit in Sulpicius’ law of *c.* HS 8000 looks miniscule. As Evans has stressed, it probably posed a genuine threat to a significant number of *nobiles*, especially in the aftermath of the Social War and Mithridates’ invasion when elite fortunes had taken a heavy hit.⁴¹ We can assume that Sulpicius couched the bill in traditional rhetoric about *frugalitas*, the evils of *luxuria*, and the need to protect the integrity of the Senate. But it was exactly the kind of measure that would appeal to the anti-*nobilis* sentiments of the politicised elite; if enforced, several dozen *nobiles* would probably be ejected from the Senate. Indeed, this may be what Sulpicius meant when he dubbed his supporters the ‘replacement Senate’ (ἀντισύγκλητος): since the current *nobiles* were corrupt and profligate, Sulpicius would ‘replace’ the worst of them with outstanding members of the *equester ordo*, whose *industria*, *moderatio*, and financial probity he may have stressed in his public speeches. But this remains tentative. In any case, when we combine animosity against the *nobilitas* with the *novi cives* bill and the debate over the Mithridatic command, we arrive at a plausible explanation of Sulpicius’ equestrian support.

10.i.c.) Sulla’s march on Rome.

After lifting the *iustitium*, Sulla fled to his army at Nola, marched on the capital, and compelled the Senate to declare Sulpicius, Marius, his son, and nine others *hostes*, i.e. enemies of the State; as far as we know, this was the first time the label had been employed in Roman political discourse.⁴² Sulpicius was caught and executed; his laws were abrogated. And according to

³⁹ Shatzman 1975: 293–4.

⁴⁰ Shatzman 1975: 276–7, 286–7.

⁴¹ Evans 2007.

⁴² Bauman 1973; Katz 1975: 102–15; Allély 2012: 21–7. The recent discussion of Zucchetti 2022 puts too much significance on the role of ‘the multitude’ in these events; see Chapter 2 above (especially n. 30 on Courrier 2014, whom Zucchetti cites approvingly).

Appian (*BC.* 1.59), Sulla and Pompeius then enrolled 300 new senators and passed a series of laws designed to prevent future στάσις.

(i.) Sulla's unpopularity. The first point to stress about Sulla's march is the sheer shock at what he had done. At the end of 89, Sulla had been elected consul in first-place after acclaimed service in the Social War.⁴³ His distinguished position was swiftly recognised by marriage to Metella, widow of M. Scaurus and member of the most famous family in Rome.⁴⁴ But half a year later, the situation had changed drastically.

Sulla and Pompeius were arguably in the right—or at least, could *claim* to be acting legitimately—when they took what Meier has described as a 'police action' against Sulpicius and his gangs.⁴⁵ Yet it is clear that the march on Rome made the consuls widely detested. Appian says that all but one of Sulla's senior officers, his quaestor, refused to join him on the march (*BC.* 1.57; following Badian, this quaestor is often identified as L. Lucullus,⁴⁶ but other scholars have doubted this).⁴⁷ Appian also attests strong resistance from the urban population, who apparently pelted Sulla's troops when they advanced through the streets of Rome (§1.58). After defeating Marius and Sulpicius, Sulla and Pompeius tried their best to minimise the backlash. For example, they personally supervised patrols to ensure no lootings occurred on the night after the capture of Rome (§1.59); they limited the *hostis* declaration to only twelve men, letting the vast majority of Sulpicius' supporters go unharmed, in marked contrast, for instance, to what happened after the *seditiones* of the Gracchi and Saturninus; and they also oversaw free elections for 87. But these efforts were to no avail. Plutarch asserts that after his return, Sulla was held in contempt by both Senate and *populus* (*Sull.* 10.2). We also know that the aged Q. Mucius Scaevola 'Augur' (*cos.* 117) denounced Sulla to his face in the Senate and declared that he would never approve of the elder Marius, 'the saviour of Rome and Italy', being declared a *hostis* (*Val. Max.* 3.8.5).

When the elections were held for 87, we are told that Sulla supported two candidates: his nephew Sex. Nonius for an unspecified office, and P. Servilius Vatia, a recent *triumphator*,

⁴³ Keaveney 2005c: 41–4.

⁴⁴ Tansey 2003. Plutarch, citing Livy, says this marriage was frowned upon by the elite (*Sull.* 6.10–11). Livy presumably took this claim from an anti-Sulla source; it is probably slander.

⁴⁵ Meier 1980: 224; cf. Morstein-Marx 2011; Straumann 2016: 77–9.

⁴⁶ Badian 1964b: 220.

⁴⁷ Thonemann 2004; Santangelo 2018: 194–6. The latter's treatment of this episode supersedes the standard discussion by Levick 1982.

for the consulship. Both were rejected by the electorate out of *odium* for Sulla; instead, Marius' nephew Gratidianus was elected tribune and L. Cornelius Cinna elected consul, who was apparently a known sympathiser of Marius.⁴⁸ Furthermore, Appian mentions οἱ πλούσιοι petitioning Sulla for the return of the *hostes*; when this failed, they apparently hatched plots to assassinate the consuls (*BC*. 1.63). And when Pompeius tried to assume command of his proconsular army in Cisalpine Gaul, he was immediately murdered by the troops there. Finally, at the start of 87, a tribune, encouraged by Cinna, initiated a prosecution against Sulla for the murder of Sulpicius; Sulla avoided the charge by leaving for the East.⁴⁹

The impression we get, therefore, is that 'public opinion' was firmly against the consuls. By marching on Rome, Sulla became the first Roman to lead an army against the fatherland since the legendary Coriolanus. In the process, he broke several of the gravest religious and social taboos imaginable: entering the *pomerium* with an army, outlawing the *pater patriae*, and killing a sacrosanct tribune without trial. Indeed, the trauma of Sulpicius' murder is clear from the *Rhetorica ad Herennium*, which laments the tribune's death on several occasions. This includes what appears to be a speech delivered against the killers of Sulpicius, delivered, we may assume, at a trial held during the *Cinnanum tempus* (1.25, 4.31).

It is important to stress the shock and controversy surrounding Sulla's march, as it provides the most immediate explanation as to why so many members of the wider elite supported Cinna in the following years. Once again, the actions of a *nobilis* seemed to be bringing catastrophe onto the *res publica*. In the eyes of many *equites*, *boni*, and probably a decent number of senators too, this was the final straw.

(ii.) Sulla's legislation in 88. Briefly, it is worth commenting on the laws Appian attributes to Sulla and Pompeius. The consuls are known to have passed legislation at some point in 88, as Festus (516 Lindsay) mentions a law to relieve debt;⁵⁰ but arguably, this measure is better placed at the start of 88, when we might expect an emergency response to the ongoing credit crisis, rather than half a year later.

⁴⁸ Plut. *Sull.* 10.3 (cf. *Sert.* 4.4); with Katz 1976; Keaveney 1983a: 75–81.

⁴⁹ Plut. *Sull.* 10.4; Cic. *Brut.* 179.

⁵⁰ Cf. Barlow 1980: 214–15.

As well as the enrolment of 300 new senators, Appian attributes three main reforms to Sulla after the march: (i.) no legislation could be promulgated without the prior approval of the Senate; (ii.) the *comitia centuriata* would be returned to its original ‘Servian’ structure to decrease the power of the poor; and (iii.) the ‘tyrannical powers’ of the tribunes would be curtailed, although Appian does not specify how.

Many scholars defend the historicity of these laws;⁵¹ others simply take it for granted.⁵² Often, the logic seems to be that since Sulla was an ‘arch-conservative’ opposed to the rights of ‘the People’, it is only natural that he would pass ‘aristocratic’ or ‘pro-senatorial’ laws at this early stage. It is not worth delving into this controversy too much, as any laws passed by Sulla and Pompeius were presumably annulled by Cinna and Marius in late 87 (as Appian believed: *BC*. 1.74). Two points will suffice.

First, if we put aside what Sulla later did as dictator and focus only on the situation in 88, it seems unlikely that the consuls were in any position to pass far-reaching initiatives on the constitution of the *res publica*, considering how unpopular they were after the march on Rome. Second, Appian is the only source to mention this legislation.⁵³ Yet we know that he was capable of serious factual errors when it came to legislation in this period (9.ii.e.). And as other scholars have stressed, the expansion of the Senate (which definitely never occurred) and the curtailment of the tribunate look suspiciously like retrojections of Sulla’s laws as dictator.⁵⁴ Furthermore, Appian’s presentation of the *comitia centuriata* reform as ‘poor versus rich’ is exactly the kind of clichéd comment that betrays his limited understanding of Republican politics. Nor is there any reason to believe, as some scholars have suggested,⁵⁵ that Appian consulted Sulla’s *Memoirs* directly, which, if true, would settle the argument: for Appian never shows awareness of the *Memoirs*’ existence, and there are a number of key discrepancies between Appian and Plutarch (who certainly had access to the *Memoirs*) which indicate that Appian was instead following a combination of secondary sources for the 80s—although which ones exactly is impossible to tell; this is another example where *Quellenforschung* is futile.⁵⁶

⁵¹ e.g. Gabba 1958: 171–3; Katz 1975: 115–22; Keaveney 1983a: 71–5; Fündling 2010: 73–5.

⁵² A recent example: Humm 2018.

⁵³ The Epitomator’s statement that Sulla ‘established order in the State’ (*Per. 77: civitatis statum ordinavit*) is too vague to count; his next statement, that Sulla ‘led out colonies’ (*colonias deduxit*), is universally rejected.

⁵⁴ De Sanctis 1976: 128–9; Stone 2002: 208 n. 78. Many scholars adopt a middle-ground that some of the legislation is anachronistic and some historical (e.g. Christ 2002: 81; Assenmaker 2014: 148), but this seems an unsatisfactory compromise.

⁵⁵ Humm 2018: 112.

⁵⁶ As stressed by Goukowsky and Hinard 2008: cciv–cxxx; Westall 2013; 2015.

If we wanted to be generous to Appian, we might suggest that at this moment in the *Memoirs*, Sulla made a cross-reference forward to the dictatorship or outlined rough plans of laws he might have enacted in 88, and this has been mistaken for genuine legislation at some point in the later tradition; or alternatively, that Sulla and Pompeius did table these laws for discussion in 88, but never brought them to the *comitia* for a vote. But it is equally possible that Appian is just confused, or lying.

(iii.) The *nobilitas*? In short, there is little reason to view Sulla in 88 as an ideological visionary who already held strong, ‘conservative’ opinions on how to fix the *res publica*. This leads directly onto the third main point: the *nobilitas* is absent from the source tradition on 88.

There is no mention of nobles in Appian, Plutarch, the other Imperial sources, nor Cicero. Only once is the term used: a brief statement by Orosius (5.19.5) that carries little significance. Therefore, we can conclude with some certainty that Sulla (and thus Sisenna) never tried to justify the first march on Rome by reference to a beleaguered *nobilitas*, either during 88 or later in the *Memoirs*. This is hardly surprising considering Sulla’s unpopularity at the time, and it vindicates what we already suspected in Chapter 3: Sulla came up with the *victoria nobilitatis* only when he was in Asia/Greece. This also explains why some noble refugees, such as M. Crassus and Q. Metellus Pius, chose not to flee to Sulla in late 87; at this point, he was simply a rogue proconsul in the East, not the self-proclaimed saviour of the nobility and/or reformer of the *res publica*.

How, then, did Sulla defend his march on Rome? Appian says that each time the Senate sent envoys to stop him, Sulla replied that he was coming to free the State from tyrants (*BC*. 1.57). Presumably, this how Sulla justified his actions in the *Memoirs*. Multiple sources also assert that Sulpicius’ laws were ruinous (*perniciosus*) and/or passed *per vim*, which likely reflects the original phrasing of Sulla’s apologia.⁵⁷ Some also claim that Marius offered freedom to slaves as a last-ditch resort, which, true or not, was probably another justification used by Sulla.⁵⁸

⁵⁷ Cic. *Phil.* 8.7; Liv. *Per.* 77; Vell. 2.18.6; Asc. 64 C.

⁵⁸ Plut. *Mar.* 35.5, *Sull.* 9.7; App. *BC.* 1.58, 60; Val. Max. 8.6.2.

Finally, it seems likely that Sulla presented his actions as a defence of the *dignitas* of the consulship.⁵⁹ Sulpicius had stripped Sulla of his consular *provincia* and (allegedly) prevented Pompeius from exercising his consular *imperium*; both were unprecedented actions against sitting consuls. Therefore, Sulla likely argued that while the *populus* was in theory allowed to pass any laws it wanted, this did not extend to laws passed *per vim*, by a tyrannous *factio*, and in contravention of the time-honoured rights of the consulship. Whether any members of the elite accepted these arguments is, however, a different matter.

10.ii. *Bellum Octavianum* (87)

Sulla departed for the East early in 87. At some point later in the year (we have no indication when), the consul Cn. Octavius violently ejected his colleague Cinna from the capital. Our knowledge of the events leading up to this clash is poor. Partly, this is because we have no Plutarch, as his biographies follow Sulla to the East and Marius to Africa; and partly, it is because Appian's treatment is very cursory (only one page in the Teubner text). According to this brief account (*BC.* 1.64–5), Cinna revived Sulpicius' bill on the *novi cives* and had future plans to recall Marius and the other *hostes*. On the day of voting, Cinna's bill was vetoed by some tribunes, so he occupied the Forum with the *novi cives*. But Octavius attacked them with a gang of followers, killing many in the process. Cinna fled the city, but not before making an offer of freedom to slaves. Therefore, the Senate withdrew his consulship and citizenship; this may indicate that he was declared a *hostis*,⁶⁰ although some scholars have doubted this.⁶¹ A suffect consul, L. Cornelius Merula, was also elected (or appointed?) to replace him.

Unlike with 88, Appian's focus on the *novi cives* in 87 is matched by other sources: Velleius (2.20.1–3), Iulius Exuperantius (22–6 Zorzetti), and notably Cicero, who summarises the conflict as Cinna fighting Octavius *de novorum civium suffragiis* (*Phil.* 8.7). However, it is still likely that Appian's compressed narrative has simplified events. In particular, he believes that the recall of *hostes* was only an afterthought in 87, yet this issue takes centre stage in other, even briefer accounts (e.g. Flor. 2.9.9; *De vir. ill.* 69.2). The Livian Epitomator also speaks of Cinna promulgating *perniciosae leges* in the plural (*Per.* 79), while a fragment of Cassius Dio says that after capturing Rome Cinna 'renewed' his bill on the *hostes* (30–35, frg. 102.8:

⁵⁹ Morstein-Marx 2011; Steel 2019: 23–4; Rosenstein 2022: 243–4.

⁶⁰ Bauman 1973: 285–8.

⁶¹ Allély 2012: 29–30; Frolov 2019.

ἀνεκείσατο), implying that it had been promulgated once before. Taken together, this suggests that Cinna formally proposed at least two laws in early 87, one on the *novi cives* and another on the *hostes*; Octavius' opposition was aimed against both. In any case, it is reasonable to conclude that the fault-lines were broadly the same as the year before: presumably, Cinna was supported by the same combination of politicised *equites*, wealthy *novi cives*, and others that had backed Sulpicius and Marius in 88. Cinna probably had significant support in the Senate too, as when he fled from Rome he was joined by no less than six of the year's ten tribunes.⁶² Defections to his side over the following months can also be assumed, especially after Marius returned to Italy to support Cinna's cause. One example is L. Valerius Flaccus (later *cos.* 86), who apparently betrayed Ostia to them (Gran. Lic. 35.14 Cr).

Briefly, the sequel.⁶³ After fleeing Rome, Cinna appropriated the remnants of the army in Campania, raised new forces, met up with Marius, and allied with the Samnites, who were still at war with Rome. He marched on the capital, which was defended by the forces of Octavius, Cn. Pompeius Strabo, and the propraetor Q. Metellus Pius; for the first time in the Republic's history, Roman armies clashed against one another, with all the psychological shock that this entailed. But Pompeius Strabo fell to plague and/or lightning,⁶⁴ the defenders lost momentum, and eventually the Senate sued for peace, probably in the autumn. Cinna and Marius entered Rome and initiated a purge of their enemies. They also declared Sulla a *hostis* and tore down his home, before being elected to the consulships of 86—although Marius was dead by the end of January 86, being replaced by L. Flaccus.

By the end of this purge, the victims included six *consulares*: Q. Catulus (*cos.* 102), M. Antonius (*cos.* 99), P. Crassus (*cos.* 97), L. Caesar (*cos.* 90), Octavius, and L. Merula. Another eight non-consular victims are also attested (cf. 3.ii.a.). On 1st January 86, an ex-tribune named Sex. Lucilius or Licinius was also thrown from the Tarpeian Rock, a traditional punishment for traitors.⁶⁵ This brings the total number of named victims to fifteen, although Appian mentions an unspecified number of ex-praetors and *equites* as well (BC. 1.71, 73). Finally, at Marius' funeral there was an assassination attempt by C. Flavius Fimbria on the *pontifex maximus* Q. Mucius Scaevola (*cos.* 95). However, it is not clear whether Fimbria was acting

⁶² Liv. *Per.* 79; Gran. Lic. 35.2 Cr; cf. Katz 1976: 499–504.

⁶³ Full narratives: Sampson 2013: 80–95; Bispham 2018 (although his characterisation of Octavius and Sulla as 'conservatives' is problematic). Bennett 1923: 9–35 remains thorough.

⁶⁴ Watkins 1988; Hillard 1996.

⁶⁵ Liv. *Per.* 80; Vell. 2.24.2; Plut. *Mar.* 45.1; Cass. Dio 30–35, frg. 102.12.

on his own initiative, as Cicero implies (*Rosc. Am.* 33), or on orders from above, as is perhaps more likely.

With these killings, a balance needs to be struck. On the one hand, there is no denying the horror of these events. In particular, the sight of the *consulares*' severed, rotting heads nailed to the Rostra⁶⁶ must have been traumatic for the many 'neutrals' in Rome—such as Cicero, who unequivocally condemned these killings in his later career (cf. 3.i.c.). When combined with the archaic execution of Lucilius/Licinius and the assassination attempt on Scaevola (if that was indeed an orchestrated event), we get the impression of a deliberate strategy of 'political terrorism' from the victorious Marians, designed to compel the elite to fall into line.⁶⁷

But on the other hand, it must be stressed that the killings were not, it seems, indiscriminate. The Imperial sources portray the Marian victory as an unrestrained massacre that went on for five days and nights. This clearly follows the prejudiced account of Sulla (or another pro-Sullan writer), and the scale of the 'massacre' was already challenged a century ago by Bennett in his biography of Cinna.⁶⁸ If we look at the consular victims, Octavius and Merula were obvious choices to die, at least from a Marian perspective. We also know from a fragment of Granius Licinianus that P. Crassus and/or his homonymous son (another victim) served under Octavius in the defence of Rome. Granius also notes that the Senate sent Antonius and Catulus to command Metellus Pius to come to the city's defence (35.23 Cr); a late scholiast, probably following Sallust's *Histories*,⁶⁹ adds that Antonius urged Metellus to destroy Marius (*Adn. super Luc.* 2.121 Endt). Therefore, it looks like Crassus, Antonius, and Catulus had all been prominent voices in the Senate against Cinna. As for L. Caesar, either he also opposed Cinna in 87 or he was killed because his brother C. Caesar Strabo (another victim) had clashed violently with Sulpicius in the previous year.

In any case, the point is that Cinna and Marius could *rationalise* their actions by claiming that only traitors had died, and only for the good of the *res publica*. It also seems probable that Cinna, like his son-in-law Caesar four decades later (*Caes. BC.* 1.7), portrayed

⁶⁶ App. *BC.* 1.71, 73; Cass. Dio 30–35, frg. 102.9. Cf. Hinard 1984b, on 'bad death' and the mistreatment of corpses in the 80s; also Lange 2020, on severed heads and the Rostra.

⁶⁷ Hinard 2006: 249–53; Santangelo 2016b: 90–3; Smith 2021: 32–4.

⁶⁸ Bennett 1923: 24–35, esp. 32–5; also Bulst 1964: 314–18; Lovano 2002: 45–9, all with sources.

⁶⁹ Rawson 1987: 167; Fantham 1987: 93–4.

himself as a protector of the tribunate, since six tribunes had joined him in fleeing from Octavius' violence. What matters most for our purposes is that a fair few in Rome probably accepted these justifications; more on this below.

10.iii. *Cinnanum tempus* (86–84)

So we arrive at the *Cinnanum tempus*. As a recent historiographical overview has stressed,⁷⁰ the sheer scarcity of source material means that few scholars have tackled this period head-on. As a result, the modern literature has been dominated by a few works.

Bennett (1923), Badian (1962), and Bulst (1964) are the canonical trio. Bennett was the first to approach Cinna with any degree of sympathy, while Badian and Bulst argued that there was no mass exodus of senators to Sulla; instead, most contemporaries viewed the *Cinnanum tempus* as the 'legitimate' *res publica*. They were joined more recently by Lovano (2002), whose monograph remains the only full-length treatment of the *Cinnanum tempus*. Lovano's study is not entirely satisfactory, however, as he operates on an outdated 'factional' paradigm; his defence of Cinna also strays at times into apologia.⁷¹ But between these works and a few others, such as Meier (1966),⁷² Gruen (1968), Frier (1971), Barlow (1980), and Seager (1994), more or less every aspect of the *Cinnanum tempus* has been covered with a sympathetic eye.

10.iii.a.) *Dominatio Cinnae*?

Two themes are highlighted by these scholars: continuity and legitimacy. Despite the silence of our sources (cf. 4.i.), it seems clear from glimpses here-and-there that, after the initial bout of violence in late 87 and early 86, life at Rome was to a large extent 'normal'.

Provincial governors were despatched; laws were passed; priesthoods were appointed; coinage was minted. Two censors, L. Marcius Philippus (*cos.* 91) and M. Perperna (*cos.* 92), were immediately appointed to hold a census in 86–85. And it seems that *quaestiones* continued to operate: although Gruen argued that all courts were suspended, Cicero speaks of numerous prosecutors (*Rosc. Am.* 90) and advocates (*Brut.* 308) being active in these years,

⁷⁰ Heredia Chimeno 2019.

⁷¹ Cf. Butler 2002; Mackay 2002, the latter very critical.

⁷² = Meier 1980: 229–37.

and we know of at least one trial that was held.⁷³ (However, it is worth noting that the composition of the juries is unclear. The last attested measure was the *lex Plautia* of 89 creating mixed juries. But given the prominence of *veteres iudices* at this time, it seems probable that equestrian juries were reinstituted at some point,⁷⁴ but we cannot say for certain).

Proactive measures were also taken to restore financial stability to Italy. Early in 86, Cinna's colleague L. Flaccus tried to tackle the economic crisis by passing a law remitting three-quarters of debt. According to Sallust, this came at the approval of all *boni* (*Cat.* 33.2). It was followed by an initiative from the praetors of 85 or 84 to suppress debased or counterfeit coinage; again, the popularity of this measure is explicitly attested, this time by Cicero (*Off.* 3.80–1).⁷⁵

In addition, the *novi cives* were eventually redistributed among all thirty-five tribes; this was either implemented by the censors of 86–85 or a special senatorial decree in 84.⁷⁶ And it seems that, for a while at least, Cinna was even willing to seek reconciliation with Sulla. A famous fragment of Memnon (24.1 Jacoby) says that when L. Flaccus was despatched to the East to fight Mithridates, he had orders to seek a resolution with Sulla. Some scholars dismiss Memnon's evidence, but it seems entirely plausible: Marius was the one with a deadly vendetta against Sulla, yet Marius was now dead, and it is easy to believe that Cinna and Flaccus would harbour hopes of a peaceful settlement with the rogue proconsul in the East. Flaccus certainly made no attempts to fight Sulla in the short time that he was in charge (he was soon murdered in a mutiny instigated by his officer, C. Fimbria). It can be added that no attempt was made to pursue Metellus Pius either, who remained in Africa as *de facto* proconsul until mid-84.⁷⁷

As for the Senate, it was evidently able to act with some degree of autonomy in these years. For instance, we know from the Livian Epitomator (*Per.* 83) that after Sulla sent a letter to Rome in 85, free debates were held in the Senate over how to respond; these were led by L. Valerius Flaccus, the *princeps senatus* (*cos.* 100; not to be confused with the *cos. suff.* 86, his cousin). These debates resulted in envoys being despatched to begin negotiations with Sulla;

⁷³ i.e. Pompey, for *peculatus*. Cf. Kinsey 1987; Lovano 2002: 63–8; *pace* Gruen 1968: 236–46.

⁷⁴ As argued by e.g. Bennett 1923: 36–7; Nicolet 1966: 571.

⁷⁵ On both measures: Barlow 1980: 216–19; Kay 2014: 249–51; Collins and Walsh 2015: 151–3.

⁷⁶ Bispham 2007: 189–99, arguing the former.

⁷⁷ Memnon's evidence is defended by (*inter alia*): Badian 1964b: 223–4; Bulst 1964: 319–21; Meier 1980: 233–5; Seager 1994a: 181. Cf. Yarrow 2006: 138–45, 355–7, for a more general appraisal of Memnon.

this was all done, it seems, independent of the consuls Cinna and Carbo. Later, the Epitomator adds that the Senate was willing to accept Sulla's terms, but was overruled by Carbo and his *factio*. This was soon repaid, however, when a 'united Senate' blocked Carbo's attempt to obtain hostages from the towns of Italy (*Per.* 84).

We get the impression, therefore, of a Senate packed with 'neutrals', who were capable of acting with a significant degree of political independence. A similar picture emerges from Appian's evidence. He says that after the first negotiations with Sulla, the Senate issued a decree ordering Cinna and Carbo to cease recruiting troops (*BC.* 1.77). The consuls promptly ignored this decree; but again, it speaks of considerable freedom of speech within the Senate. After Cinna's death (a victim of yet another mutiny), Appian adds that the tribunes of 84 threatened to strip Carbo of his consular *imperium* unless he held elections for a suffect consul (§1.78). Carbo was able to dodge this by citing bad omens, but this episode is still important for showing that there was potential for political initiative outside the ranks of the core *Mariani*.

In other words, after the violence of the first months had ended, and after Marius, the prime instigator of this violence, was dead, the *dominatio Cinnae* turned out to be not much of a *dominatio* after all. This might seem obvious upon reflection; Cinna's 'tyranny' was never going to be as tyrannous as our Sullan sources allege. But it is still important to stress, as it allows us to reconfigure our thinking different to the orthodox narrative of the *Cinnanum tempus* as an oppressive 'regime', a narrative that is still prevalent among some current scholars.

How did the elite respond to the Marian takeover? We have noted the passages of the *Rhetorica ad Herennium* lamenting Sulpicius' death (1.25, 4.31); apart from this, all our evidence postdates Sulla's victory. But it seems sensible to imagine two groups: the neutrals and the supporters.

Starting with the neutrals, the dominant feeling for many members of the elite was probably reluctant acquiescence. No one could deny that Cinna had seized power through violence and terror. But equally, Cicero seems to believe that Octavius was just as much to blame for the events of 87 as Cinna, if not more. In one speech he puts Octavius' *regnum* on a level with Cinna's (*Har. resp.* 54), in another he hyperbolises the slaughter in the Forum initiated by Octavius (*Sest.* 76–7), and in a letter to Atticus he allows for the possibility that

Cinna had acted rightly or legally in 87 (*Att.* 9.10.3: *recte, immo iure fortasse*). This likely reflects how many contemporaries felt at the time: as traumatic as the Marian ‘massacre’ was, Cinna’s apologia had some basis to it.

In the eyes of these neutrals, what mattered most was that Rome and Italy were now returning to peace and stability under Cinna’s watch. The passing remarks of Sallust (*Cat.* 33.2) and Cicero (*Off.* 3.80–1) on the popularity of the Marians’ economic measures are very important here; so too Cicero’s guarded praise that ‘for about three years, the city was free from conflict’ (*Brut.* 308). Of course, afterwards it became common for these neutrals to claim that they had always supported Sulla.⁷⁸ But this was performative revisionism: during the *Cinnanum tempus* itself, life continued largely as normal. And as Badian emphasised, the fact that very few senators defected to Sulla at this stage (cf. 3.ii.b.) indicates that most contemporaries considered the state-of-affairs at Rome to be legitimate, as does the collaboration of *principes* like Philippus, Perperna, Scaevola, and the Valerii Flacci.⁷⁹ Simply put, the Marian ‘regime’ was the *res publica*, whereas Sulla was a treasonous rebel.⁸⁰

But what of the Marians’ supporters? The *iudices*, the *publicani*, the other politicised elites: these men had been on a gradual trajectory of disillusionment from the core political elite for two decades, even to the point of violence at times. They had seen the empire teeter on the edge of collapse in 104–101 and 91–88; they had seen Sulla commit the ultimate taboo by marching on Rome; and they had seen Octavius expel his colleague from the capital through paramilitary force. Therefore, when the Marians claimed that their actions were essential for the restoration of law and order, we have every reason to believe that the politicised elites would accept these claims, especially ones like Titinius who had previously supported Varius and/or Sulpicius.

In short, we must imagine a core group of *equites/boni*, likely dominated by *iudices* and *publicani*, who gave prominent, enthusiastic support to the Marian leaders from late 87 onwards. These were the men who later perished in the proscriptions, and they are the ones

⁷⁸ e.g. Cic. *Rosc. Am.* 136; also *Fam.* 1.9.11.

⁷⁹ Cf. Cic. *Att.* 8.3.6 (February 49): if Cicero stays in Rome and joins Caesar’s *pars*, he will be imitating what Philippus, Flaccus, and Scaevola did during the *dominatio Cinnae*. Also *Rosc. Am.* 33: Scaevola stayed in Rome to encourage *compositio*, i.e. ‘unity’ or ‘peaceful resolution’.

⁸⁰ Pace (among others) Flower 2010b: chapter 5, who characterises the *Cinnanum tempus* as a ‘collapse’ of the *res publica* and the Marians as ‘a rogue regime in the city [fighting] a rogue general Sulla’ (93).

whom Cicero, Asconius, and others have in mind when they speak of equestrian support for the Marians (4.iii.). Significantly, this may also explain probably the most unusual aspect of the *Cinnanum tempus*: the electoral results.

10.iii.b.) Elections.

In the mid-80s, Cinna held the consulship four times in a row (87–84); Carbo, three times in four years (85–84, 82). This is alongside other attested oddities, such as Marius Gratidianus holding the praetorship twice in four years, the younger Marius becoming consul at the age of only twenty-six,⁸¹ or the fact that L. Flaccus, a patrician, became suffect consul in 86 as colleague to Cinna, also a patrician, in contravention of the Licinian-Sextian laws. Furthermore, in Chapter 4 it was argued that an unusually high number of non-*nobiles* obtained the praetorship in these years, as was the case during Marius' first period of political dominance in the late 2nd century. In Chapter 8, we also suggested that some of these men had once been *publicani*, drawn into a senatorial career in imitation of Marius. And others were, it seems, *novi cives*: for we know that Minatius Magius, an Italian noble who fought for Rome in the Social War, had two sons who reached the praetorship during the *Cinnanum tempus* (Vell. 2.16.2-3), and some scholars have suggested that other praetors in these years bear names that indicate Italian origins (e.g. Albinovanus, Burrenus, Carrinas).⁸²

The question is, how do we explain these unusual results: were these men 'elected', or did the Marians 'appoint' themselves to office? The Livian Epitomator states that Marius and Cinna declared themselves consuls for 86 without recourse to an elective assembly (*Per.* 80). Later, he implies similar for Cinna and Carbo in 85 and 84 (§83). Many scholars have accepted this, concluding that no electoral assemblies were held in the *Cinnanum tempus*: the Marian leaders simply proclaimed themselves and their allies magistrates each year. Yet as T. Smith has argued, this seems improbable. Proper procedure was very important to the Roman elite, who had, as another scholar has put it, 'an almost obsessive concern about due process ... even in the midst of complete social and political breakdown'.⁸³ Therefore, the idea that magistrates could be appointed without *comitia* being held was simply inconceivable; if the Marians wanted to appear as legitimate authorities, then some kind of election needed to be held. Smith

⁸¹ Asc. 84 C; Vell. 2.26.1.

⁸² Gabba 1976: 235 n. 190. Cf. their entries in the Appendix below.

⁸³ Mouritsen 2017: 2.

also observes that both Appian (*BC.* 1.75, 77) and Plutarch (*Mar.* 45.1) describe the Marians entering office in the same language they use to describe normal Republican elections.⁸⁴ This suggests that the Epitomator has gotten confused or that Livy was taken in by anti-Cinna propaganda.

Still, what did these ‘elections’ look like? Any answer must remain conjectural. But four scenarios might be imagined:

(i.) ‘Sham elections’. All candidates were pre-approved by the Marian leadership, and only enough to fill the offices required. In other words, the electorate’s involvement was a mere formality. This is Smith’s preferred solution; it is also what happened under Caesar’s dictatorship.⁸⁵

(ii.) ‘Single-party elections’. All candidates were pre-approved by the Marian leadership, but they permitted more candidates to stand than there were offices available. This gave the electorate a semblance of choice. This is similar to how totalitarian ‘democracies’ such as China operate nowadays.

(iii.) ‘Nominally-free elections’. Officially, there were no restrictions against eligible politicians standing for office. But in practice, the only candidates who dared to come forward were those endorsed by the Marian leaders. This appears to be Lovano’s solution, although he is not entirely clear.⁸⁶

(iv.) ‘Free elections’. Normal elections were held, and even men not closely associated with the Marians could—and did—stand for election.

There are several reasons why scenarios (i.) and (ii.) seem unlikely. First, it requires a factional or semi-factional model of Roman politics: that there was a fixed, clearly-identifiable ‘Marian group’ which Cinna and Carbo drew their candidates from each year, and anyone outside this group was somehow ‘not allowed’ to stand. But as stressed in Chapter 2, this is not really how Rome’s fluid, individualist politics worked, even, most likely, in an unusual period

⁸⁴ Smith 2021: 34–5, 47–50.

⁸⁵ Smith 2021: 41–7; cf. already Bennett 1923: 59–60, 64.

⁸⁶ Lovano 2002: 68–9, 107–8.

like the *Cinnanum tempus*. It also leaves open the question of *how* Cinna and Carbo prevented others from standing: blunt threats and coercion are unlikely to explain the whole picture. Second, the political independence displayed by the tribunes of 84, who threatened to strip Carbo of his *imperium*, is difficult to explain under scenarios (i.) to (iii.), but unproblematic under (iv.). Third, it is questionable whether the Marians would be able—or indeed willing—to find enough candidates for all the offices that needed filling each year: six praetors, ten tribunes, four aediles, eight quaestors,⁸⁷ twenty-four military tribunes, and twenty-six minor magistracies.⁸⁸ This argument especially applies for Marius and Cinna at the end of 87: after seizing power, it seems unlikely that they had almost eighty ‘pre-approved’ candidates under their belt, ready to slot into the required offices. More likely, we should imagine electioneering during the *Cinnanum tempus* as an ongoing, two-way process: eligible candidates negotiating and renegotiating with one another and with the Marian leaders, creating a multiplicity of overlapping endorsements, alliances, and connections.⁸⁹

Finally, if we are willing to accept the arguments in the previous section about the relative normality of the *dominatio Cinnae*, then option (iv.) seems plausible, with caveats. The Marian leaders wanted to be viewed—and, it seems, *were* viewed—as legitimate authorities in a legitimate *res publica*. Therefore, although the political climate was conducive to allies and protégés of Marius, Cinna, or Carbo being elected, and although no one was likely to find success by being openly hostile towards this group, most likely there was nothing to prevent eligible politicians from standing for office if they wanted to.

Still, we should probably separate the consulship, which may have conformed to scenario (iii.), from the other magistracies. That is: it is easy to imagine healthy competition for the junior offices and probably also the praetorship, but no one daring or bothering to try their luck against Cinna and Carbo when they put themselves forward for the consulship each year. Presumably, Cinna and Carbo justified their repeated candidacies by citing the ongoing military threat: just like during the Cimbric invasion, continuity was needed to ensure stability against Sulla. And just like during Marius’ iterations, many contemporaries probably accepted this rationale, as Smith rightly argues.⁹⁰

⁸⁷ The number of quaestors elected per year is uncertain before Sulla’s dictatorship, but eight seems most likely; Pina Polo and Díaz Fernández 2019: 25–42.

⁸⁸ On these minor offices: Lintott 1999a: 137–44; Kondratieff 2022: 286–9.

⁸⁹ Smith 2021: 45–6 comes close to this, but still opts for scenario (i.).

⁹⁰ Smith 2021: 49–50.

Additionally, we may perhaps allow for a degree of change-over-time. In the climate of fear and violence in late 87, it is not hard to imagine that some eligible politicians would choose to withhold their candidatures; but when a degree of normalcy returned in the (sub-consular) elections for 85 and 84, these politicians came forward again and stood for office as normal. Perhaps a more coercive, fearful climate took hold once more in the elections for 83, as Carbo prepared Italy for Sulla's imminent invasion; likewise in the elections for 82, conducted in the midst of Civil War. But the opposite could also be true: in the face of a traitorous proconsul invading from the East, some members of the elite who had previously been 'neutral' may have become avowed, patriotic defenders of the *res publica* and flocked to Carbo's banner; Appian certainly believed as much (*BC*. 1.82).

If we accept that scenario (iv.) is a realistic possibility, then the question becomes: what did the electorate look like in these (semi-)free elections? This, finally, is where all the pieces fall into place. We have seen how the wider elite's voting habits changed in the late 2nd century, when they became more willing to vote for non-nobles such as Marius in response to the *nobilitas*' failures. It is entirely plausible, therefore, that the same was happening here: that the electoral oddities of the *Cinnanum tempus* were not the result of an enforced, top-down policy by the Marian leaders, but were propelled by the willing votes of the wider elite. No one denies that the *equites/boni* voted Marius his first six consulships on their own volition; why not the same for the *Cinnanum tempus*?

In short, it seems probable that when Marius and Cinna seized Rome in 87, their supporters in the wider elite—and especially the politicised *equites*—gladly came forward to vote them consuls for 86. This dynamic continued for Cinna and Carbo in 85–84 and for other politicians associated with Marius, such as his nephew Gratidianus. Meanwhile, other non-nobles sensed the *Zeitgeist* and put themselves forward as candidates; in the process, they likely emphasised their *humilitas* and *ignobilitas* in emulation of Marius. Many of these candidates probably earned the endorsement of Cinna and Carbo, who were naturally keen to maintain the political momentum they had inherited from Marius.

All this came, of course, at the expense of *nobiles*; in times gone by, they would have earned these spots by default. Some probably withdrew from politics entirely. Still, nothing prevented them standing for office or throwing their lot in with the Marian leaders; hence the presence of noble names in the *fasti* of these years, such as L. Flaccus (*cos.* 86), L. Scipio, or

L. Brutus Damasippus. But the overall result was a period that came to be associated with *humilitas*, *novitas*, and the prominence of *equites*. This, combined with the ‘massacre’ of 87, gave Sulla a cause to fight for. Not only would he avenge the *nobilissimi* murdered in 87; he would also restore the beleaguered *nobilitas* to what he believed was its rightful position of dominance in the *res publica*.

10.iv. Sulla Redux (83–81)⁹¹

After Sulla and Mithridates made peace in 85, a war of words with the Marians began.⁹² First, Sulla sent a simple report to the Senate on his military victories in the East (App. *Mithr.* 60). Later in the year, he sent a more combative letter promising to enact vengeance on his enemies and restore the refugees who had fled to him, but also offering peace to anyone who was guiltless, including the *novi cives* (BC. 1.77, quoted at 3.ii.e.). Although Appian’s abridged version does not mention it, this letter was probably the first time that Sulla equated the men murdered in 87 to *omnes nobilissimi* and the refugees to *maior pars nobilitatis* and/or the ‘semblance of a Senate’ (3.ii.a–b.); the *causa nobilitatis* was taking shape.

The Senate responded by sending envoys to Sulla; meanwhile, Cinna and Carbo began preparations for war. But when Cinna tried to take an army across the Adriatic in spring 84, he was murdered by his troops. Around the same time, Sulla sent a third letter to the Senate. Appian implies that it was never delivered because the envoys turned around after hearing of Cinna’s death (§1.79). But the Epitomator is clear that it was debated in the Senate, where Carbo derailed any hopes of peace (*Per.* 84).⁹³ In this letter, Sulla took the moral high-ground: if the Senate wished it, Sulla would allow the guilty Marians to go unpunished, but only if the refugees were guaranteed safety and his own property and priesthood were restored. Again, the focus on the refugees is important; we start to understand how Cicero in the year 80 could sum up Sulla’s cause as ‘restoring the *nobiles* to the citizenship’ (*Rosc. Am.* 149).

It seems Cinna’s death was an important turning-point. Plutarch attests that M. Crassus only left his hiding-place in Spain upon hearing about Cinna’s death. He sailed to Metellus

⁹¹ Sulla’s legislation as dictator, an important topic with a massive bibliography, has been omitted here, as it is not strictly relevant to explaining why the *nobiles* came to support him in 83–82. Recent discussions include Fündling 2010: 126–32; Steel 2014a; 2014b; 2018; Rosillo-López 2019c.

⁹² Full details: Frier 1971: 590–5; Ładoń 2013; Bispham 2018: 12–17.

⁹³ Cf. Frier 1971: 593–5, defending the Epitomator’s version.

Pius in Africa and then to Sulla in Greece (*Crass.* 6.1-2). As for Metellus, who had been operating as the *de facto* proconsul of Africa since late 87, he took Cinna's death as an opportunity to launch a revolt against the Marians, which was swiftly suppressed.⁹⁴ Both anecdotes suggest that Cinna's death was viewed as a momentous blow that had severely weakened the Marian *res publica*. We can imagine that many in Rome began to waver at this point, especially *nobiles*: if Sulla invaded, was it worth staying loyal to the *res publica*? And not only in Rome, since Sulla reassured the *novi cives* that their rights would be protected. Carbo's attempt to extract hostages from the Italian towns certainly suggests he had doubts about their loyalties (*Liv. Per.* 84).

Sulla landed at Brundisium in early 83, bringing civil war back to Italy.⁹⁵ According to our sources, this opened the floodgates for defections to Sulla (see 3.ii.c.); *nobilitas omnis*, as Livy described it (*Per.* 85). Metellus Pius was one of the first to arrive. A fragment of Cassius Dio highlights this as a significant moment: because of Metellus' high reputation and sense of justice, even those who had viewed Sulla with suspicion now decided that his cause was best (30–35, frg. 106; cf. *App. BC.* 1.80). Other known examples include the *consularis* L. Philippus, the ex-Marians P. Cethegus and Q. Afella, and of course young Pompey, who fought his way south from Picenum to join Sulla (3.ii.c., 3.iv.).

Doubtless there were many others who remain unrecorded: *nobiles*, senators, *equites*, and *boni* who had acquiesced to the Marian takeover and the prominence of the politicised *equites*, but who now jumped ship when faced with a proven general, at the head of a well-trained army, who was also trumpeting the cause of *dignitas*, *auctoritas*, and *nobilitas*. The *princeps senatus* L. Flaccus is a good example; last attested in 84, he suddenly reappears as a Sullan partisan in late 82 and was probably one of the many *nobiles* who defected in 83.⁹⁶

Sulla accepted all defectors, high and low, to encourage others to follow suit. The strategy yielded quick results when L. Scipio's army defected *en masse* during the conference at Teanum. All the while, Sulla was sending letters and pamphlets across Italy to espouse his cause. And much of the propaganda which he later pushed in the *Memoirs* was probably being

⁹⁴ *Liv. Per.* 84; Badian 1964b: 228–9.

⁹⁵ Full narratives: Sampson 2013: 116–44; Bispham 2018: 18–31.

⁹⁶ Badian 1964b: 229–30; Keaveney 1984: 138–40, 142–3; Hinard 1985a: 121–5.

circulated already at this stage:⁹⁷ that his men had sworn not to harm Italy;⁹⁸ that the destruction of the Capitoline Temple, which burned down on 6th July 83, was a sign of divine dissatisfaction with the current *res publica*;⁹⁹ that the treacherous conduct of Sertorius was to blame for the failure of the peace talks at Teanum;¹⁰⁰ that Sulla enjoyed the special favour of the gods and was destined to restore order to the *res publica*;¹⁰¹ and that he had *omnis nobilitas* or *flos nobilitatis* on his side and was working only to restore *dignitas* and *auctoritas* to the *res publica* (3.i–ii.).

Still, it is clear that many citizens stayed loyal to the Republic in the face of this renegade proconsul. In Rome, *equites* such as Cn. Titinius or Sex. Alfenus remained steadfast supporters of Carbo and the Marian leaders (3.i.b., 10.i.b.). Some may have joined the legions as officers; others contributed financially to the war effort (4.iii.e). Appian also insists on the hostility of Italy towards Sulla (*BC.* 1.82, 86), and it seems the Marians were able to raise numerous armies over the course of 83 and 82—perhaps over 200,000 soldiers, and mostly from the towns of Italy.¹⁰² A Diodorus fragment (38.12) also reports the enthusiasm that greeted the election of the younger Marius as consul for 82, with scores of veterans volunteering to fight for the son of their former commander.

To chip away at the Marians' support, we are told that Sulla came to a treaty (*foedus*) with the peoples of Italy (*Italici populi*) at the end of 83 or start of 82 (*Liv. Per.* 86). Quite what this *foedus* entailed is uncertain, but it is clear that Italy became deeply split between Sullans and Marians, as Photius asserts (*Diod.* 37.2.14). The divisions at Larinum, described by Cicero in the *pro Cluentio* (24–5), were no doubt representative of the picture elsewhere.¹⁰³ But the Samnite peoples remained loyal to the Marians, and Sulla promptly turned this to his advantage. Now, his invasion was not only a fight to overthrow *dominatio* and restore *nobilitas* to the *res publica*; it was also a fight for survival between Rome and her age-old enemy, the Samnites. To judge by the systematic way he massacred Samnite prisoners, Sulla probably

⁹⁷ Cf. in general Behr 1993: 89–100.

⁹⁸ *Plut. Sull.* 27.3; *Vell.* 2.25.1.

⁹⁹ *Plut. Sull.* 27.6; *Tac. Hist.* 3.72; Flower 2008: 82–5; Noble 2014: 195–200; Burgeon 2022.

¹⁰⁰ *App. BC.* 1.85; cf. Konrad 1994: 80–4; Strisino 2002.

¹⁰¹ Keaveney 1983c; Thein 2009; Assenmaker 2014: 228–34.

¹⁰² Gabba 1958: 212, 219; Brunt 1971: 442–5.

¹⁰³ Cf. Santangelo 2007: 73–7, 84–7; Thein 2016; Bispham 2018: 21–5.

refused to acknowledge their status as Roman citizens, since it depended on a hasty agreement made by the *hostes* Marius and Cinna back in 87.¹⁰⁴

After Sulla defeated the younger Marius at the Battle of Sacriportus in 82, the praetor L. Brutus Damasippus, acting on the consul's orders, initiated a second 'Marian massacre' in Rome. Only four victims are recorded: the *pontifex maximus* Q. Scaevola; L. Domitius Ahenobarbus (*cos.* 94); C. Carbo Arvina (*pr.* mid-80s); and P. Antistius (*aed.* 86). Antistius' death is unsurprising, as he was the father-in-law of Pompey, now a firm Sullan. Domitius and Carbo Arvina are more unexpected, as they were close relatives of leading Marians, but this only reflects the polarising nature of the conflict and the lack of clear-cut 'factional' loyalties.¹⁰⁵ Presumably there were other victims apart from these four, but probably not many. We can assume that all were targeted because they had advocated peace with Sulla, as Cicero implies for Scaevola (*Rosc. Am.* 33).

In any case, the important point is that these killings were received with horror by many at Rome. For the last four years, Cinna and Carbo had allowed a significant degree of political independence. But now, with Cinna dead, Sulla's victories mounting, and defections picking up pace, it seems the Marian leaders reverted to the strategy of 'political terrorism' that had defined the first weeks of the *dominatio Cinnae*. The outrage was especially pronounced at the death of Scaevola, the aged *pontifex maximus*, whose decapitated corpse was tossed into the Tiber (App. *BC.* 1.88; Oros. 5.20.4)—a shocking sacrilege against the chief priest of the *res publica*. Cicero's comments in the *pro Roscio*, written, of course, for an audience of Sullans, doubtless reflect how Sulla seized on this event in his propaganda: Scaevola's murder was the most disgraceful act that the *populus Romanus* had ever seen, signalling disaster and ruin for all citizens (*Rosc. Am.* 33). Sallust also makes Caesar denounce Brutus Damasippus in categorical terms and implies that when Sulla eventually killed him, his death brought widespread happiness (*laetitia*) to the Roman elite (*Cat.* 51.32-4).

Scaevola's death was probably the final turning-point for many wavering neutrals, particularly any *nobiles* who remained in Rome (cf. 3.ii.d.). Outrage at Damasippus' killings, plus a natural desire for self-preservation, now pushed them to declare for Sulla, who arrived

¹⁰⁴ Salmon 1964: 67–79; Martin 1989: 38–42; Seager 1994a: 191–2; Bispham 2018: 26–7, 31–3.

¹⁰⁵ Full sources: Bulst 1964: 327–8. Domitius was the uncle of Gnaeus, the Marian officer who defended Africa against Pompey. Carbo Arvina was the first cousin of the three-time consul.

in the capital only a few days later. How far this extended to the more ardent Marian supporters is uncertain; for instance, did Sex. Naevius defect to Sulla now, or had he already jumped ship earlier in the conflict? But it seems probable that many of the politicised elites again accepted the Marians' justifications of these killings and refused to abandon their support for the *res publica*; Alfenus and Titinius are again cases in point. Probably they joined Damasippus in fleeing Rome just before Sulla's arrival.

For our purposes, the rest of the war needs little comment. Sulla occupied Rome, Marian losses and defections continued, Carbo withdrew to Sicily. And the final throw of the dice, a march on the capital by the remaining Marians in alliance with the Samnites, was defeated by Sulla at the Battle of the Colline Gate on 1st November 82. After an initial bout of summary executions, including several thousand Samnite prisoners captured at the Colline Gate,¹⁰⁶ Sulla turned his attention to the Marian *equites*: the proscriptions.

As discussed previously (4.iii.e), innocent victims were doubtless caught up in these killings; we can imagine informants, bounty hunters, personal vendettas,¹⁰⁷ false denunciations, relatives betraying relatives,¹⁰⁸ slaves betraying masters, decapitations in the street, executions in the Forum, corpses and heads being brought to Sulla for inspection, and a good deal of confusion at first, not only in Rome but across Italy.¹⁰⁹ But on the whole, it was probably quite clear who the main supporters of Marius, Cinna, and Carbo had been—the informants would see to that—and Sulla must have remembered some of the long-standing supporters, such as Titinius, from the year 88. Therefore, it is likely that the majority of victims died for the 'right' reason, at least in the capital: continuing to give active support to the Marians without recanting after the cut-off point of mid-83. Whether they numbered in the hundreds or thousands is, however, an unsolvable problem (4.iii.d.).

Finally, the attitude of most *nobiles* to the proscriptions was probably one of firm approval. It seems there was consternation at first when Sulla's troops carried out their summary executions in the wake of the Colline Gate, as we hear of objections raised in the

¹⁰⁶ Assenmaker 2014: 240–52; Thein 2017.

¹⁰⁷ e.g. Oppianicus at Larinum; Cic. *Cluent.* 25.

¹⁰⁸ e.g. Catilina, who allegedly killed his brother and brother-in-law; Hinard 2011: 122.

¹⁰⁹ Hinard 1985a: 38–52; Keaveney 2005c: 126–34; Thein 2013; 2015; 2017. For the pan-Italian picture: Santangelo 2007; 2016a; Thein 2016; Bispham 2018: 31–5.

Senate by Q. Catulus and/or a certain C. Metellus.¹¹⁰ So Sulla drew up his first list, and after this point most *nobiles* were probably eager proponents of the proscriptions—and in many cases, prime beneficiaries. Cicero implies this in the *pro Roscio* (135–7), where he segues straight from extolling the *causa nobilitatis* and *felicitas L. Sullae* to praising the ‘brave men’ who fought for Sulla and were rewarded in the proscriptions. Likewise, Sallust’s Lepidus denounces families such as the Bruti, Aemilii, and Lutatii who were accomplices to Sulla’s tyranny, before confessing that he himself had profited from the proscriptions (*Hist.* 1.49.2–3, 18 R). Other noble profiteers are also attested, such as Catilina, Crassus, and L. Domitius (*cos.* 54).¹¹¹

It is not hard to understand this behaviour. For the last three decades, the established consular families had watched as their dominant—and in their minds rightful—position at the top of society was challenged, denied, and, in recent years, usurped by ‘lesser’ members of the elite. Sulla put a sword in their hands and gave them a chance for vengeance; it seems many jumped at this opportunity. Sulla’s victory was the victory of the nobility in more than name alone.

¹¹⁰ Plut. *Sull.* 31.1–2 (Metellus); Oros. 5.21.2 (Catulus).

¹¹¹ Plut. *Crass.* 6.6–7; Cass. Dio 41.11; Stothard 2022: chapter 6.

Conclusion

This study began with two simple observations. First, that Cicero, a contemporary observer, believed the First Civil War was fought between nobles and non-nobles. Second, that Sallust, a near-contemporary, also believed that opposition to *superbia nobilitatis* was the defining feature of politics before the Civil War.

From this starting-point, our investigation has meandered its way through several important beats. We have surveyed the Imperial tradition, which reflects the remnants of a ‘noble-centric’ narrative that likely goes back to Sulla and Sisenna. We have explored conditions during the *Cinnanum tempus*, when non-nobles seem to have enjoyed greater success than usual. We have overviewed the value-system of the *nobiles*, which was turned against them in public discourse in the Republic’s final period. And we have examined the events of the late 2nd century, which provide a plausible background as to why the societal consensus that underpinned the *nobilitas*’ dominance began to unravel in the decades before the Civil War.

The result has been a coherent, if sometimes overly neat narrative linking together Sallust’s *Iugurtha* and Cicero’s *pro Roscio*. The events of the late 2nd century—military setbacks, ambitious new men, jury disputes—alienated certain members of the wider elite from the traditional office-holding class, the *nobilitas*. These alienated (or ‘politicised’) men were probably not numerous; but in the tiny world of Roman politics, it only took a small core of determined elites to have a significant effect on the political landscape. With Drusus’ tribunate, the Social War, and the events of 88, this alienation became more and more pronounced. Therefore, when Marius seized power at the end of 87, this politicised core gave prominent support to him and his *de facto* successors, Cinna and Carbo, as well as, it seems, to other non-nobles who imitated Marius’ example. This explains why Sulla latched onto the idea of a *causa nobilitatis*; therefore, the First Civil War can be partially explained as an intra-elite conflict between nobles and non-nobles.

‘Sometimes overly neat’; ‘partially explained’. These caveats are necessary because monocausal explanations are never sufficient for a complex event on the magnitude of a civil war. Other dynamics, hidden by the inadequacy of the source material, were surely at play.

And because of space limitations, some aspects have been omitted here. For example, what was the attitude of the provincial elites to all this: does animosity against the *nobilitas* explain why many Asian elites welcomed Mithridates with open arms in 89/88?¹ And is there space for the non-elites? We established in Chapter 2 that most of Rome's elite-centric 'politics' was of little interest to most of her citizens. But the momentous events of the 80s were perhaps different; how aware, therefore, were ordinary Romans of the anti-noble sentiments that had become prevalent in certain sections of the wider elite? The army is particularly interesting. The striking number of mutinies which occurred in the 80s may reflect that the common soldiers had become alienated from the traditional politico-military elite, perhaps as a trickle-down result of the anti-*nobilis* discourse used by the likes of Varius (cf. 10.i.a.). Similarly, the willingness of Marius' veterans to come forward and enlist in the fight against Sulla (10.iv.) suggests hostility towards Sulla's *causa nobilitatis*, or at least loyalty to the alternate *res publica* that the Marians were championing. It could be argued, therefore, that a limited form of 'politicisation' also occurred in this decade among certain elements of the non-elites.

But as this study has tried to demonstrate, a noble-centric narrative goes some way towards explaining the dynamics of the First Civil War, especially the all-out warfare of 83–82. And in contrast to other models of the conflict (e.g. '*populares* versus *optimates*'), it is actually supported by evidence contemporary to the Civil War.

It is worth finishing by considering the position of the *victoria nobilitatis* in the wider narrative of the Republic's 'fall'. Recently, it has been suggested that the 'ideological monotony' which characterised political discourse in the Ciceronian era was the product of Sulla's victory; the idea being, it seems, that the trauma of the First Civil War made the post-Sullan elite regress into a lowest-common-denominator kind of politics that discouraged meaningful debate about 'issues'.² The emphasis on 'ideological monotony' seems misplaced: it is unlikely that the fundamental elements of Roman political discourse—Senate, *populus*, *libertas*, *res publica*—were much different before or after Sulla, especially since several of these elements are visible already in the *Rhetorica ad Herennium*.³ Nevertheless, in light of

¹ For provincial perspectives on the Mithridatic and Civil Wars, cf. Yarrow 2006; Santangelo 2007.

² Steel 2018: 236. Cf. already Badian 1970b: 28–31.

³ e.g. *Rhet. ad Her.* 4.47: everyone should cherish the *nomen senatus* and *equester ordo*; the Senate should lead the *civitas* with counsel; the magistrates should execute the Senate's wishes; and the *populus* should vote for the best measures and the most suitable men.

what we have explored in this study, there is certainly good reason to believe that Sulla's victory stamped out something quite important from Roman politics.

If our hypothesis is correct, the decades leading up to the Civil War saw more non-nobles willing to apply for higher offices and more members of the elite willing to vote for them. Both phenomena abruptly ended, it seems, with Sulla's dictatorship: the *fasti* show *nobiles* reaching higher office at greater percentages than ever before in the Republic's last generation. Certainly, the underlying tensions against the *nobilitas* remained; already in the year 81, a young lawyer chose to turn a property dispute into an 'us versus the *nobiles*' (6.i.b.), and Sallust felt the *nobilitas* was to blame for much that was wrong with Roman politics (6.ii.). But there was never again the same widespread, sustained support for non-nobles in the electoral sphere. After Sulla put the generation of Marian *ignobiles* and politicised elites to the sword, it seems the Republic returned to its 'default' setting of noble dominance.

At this point, it is helpful to bring in Meier's famous 'crisis without alternative'. Meier first expounded this theory in his 1966 book *Res publica amissa*. He expanded it in the preface to the 1980 edition as well as his 1982 biography of Caesar, translated into English in 1995.⁴

Meier's hypothesis can be summarised as follows. The Republican system had little capacity to tackle serious socio-economic 'issues'. This was the result of several factors, including: (i.) the routine, tralatitious nature of politics and the lack of permanent parties/factions, which prevented the development of long-term political strategies; (ii.) the profound attachment to *mos maiorum* and the *status quo*; (iii.) and in particular, the fact that no rival class existed in Roman society with the homogeneity or group consciousness needed to take over the act of 'governing' from the *nobilitas*. Indeed, the key constituencies in society—senators, *equites*, *boni*, and (in Meier's view) *plebs contionalis*—were unable to 'unthink' the *status quo* of a Republic led by the Senate and the consular families; as a more recent summary has put it, they remained 'intellectually and psychologically in thrall to the traditional political system'.⁵ As a result, although contemporaries were aware that something about the system was not working, and although many of them were at times very dissatisfied with it, they were unable to formulate a political alternative to the 'old order'. In fact, all

⁴ Meier 1980: xiv–lvii; 1995: esp. chapters 3 and 12; cf. 1990 for a concise summary.

⁵ Morstein-Marx and Rosenstein 2006: 627.

attempts to fix the system—and this especially means Sulla’s dictatorship—merely reinforced the *status quo* and worsened the overall crisis, until Octavian/Augustus stumbled upon a viable alternative: monarchy. In a sentence, therefore: no one wanted the Republic to fail (except possibly Caesar), but no one knew how to fix it.

Not every aspect of Meier’s argument stands up to scrutiny (e.g. *popularis ratio*; *plebs contionalis*; see Chapter 2 above). At times, his emphases are different to the ones explored here. But overall, the ‘crisis without alternative’ is a helpful way of conceptualising Sulla’s victory. When Sulla ‘restored’ the *res publica* in 81/80, he had no idea it would cease to exist three decades later. Presumably, he hoped his *victoria nobilitatis* would ensure the stability of the *res publica* for centuries to come. And after him, honest attempts were made to ‘fix’ aspects of the political system. A notable example is the *lex Aurelia* of 70, which finally ended the long-running jury dispute by creating a compromise arrangement of mixed juries that was accepted by both senators and *equites* (cf. 8.i.b.).

Nevertheless, by violently forcing a return to the ‘old order’—indeed, by fortifying the position of *nobiles* even more—Sulla left unresolved the problems that had caused the wider elite to become alienated from the *nobilitas*. Politics continued to revolve around short-term goals. The *nobiles* continued to be obsessed with competition and *gloria*, and this competition continued to destabilise politics. In fact, since many of the ‘rules of the game’ had been broken in the age of Marius and Sulla, these antagonistic tendencies were magnified in the 70s–50s in the form of excessive expenditure, rampant bribery, personal vendettas, and ultimately the routine employment of force in the political arena. Moreover, Rome’s primitive electoral system continued to reward incompetence: *nobiles* were able to reach positions of authority not because of talent or suitability for the task, but because of *commendatio maiorum* and a lack of immediate alternatives. Most *nobiles* continued to shun the warrior life that had created the patricio-plebeian *nobilitas*, with important campaigns now concentrated in the hands of a competent few such as Pompey. And the wider elite continued to feel that their priorities—*otium*, stability, financial prosperity—were not being upheld by the *nobilitas*; in fact, it seemed that certain *nobiles* were endangering these values with their increasingly self-destructive behaviour, Catilina being the most extreme example. Therefore, even if the outward phenomenon of non-nobles reaching the consulship ended after 81, the underlying dissatisfaction remained much the same, as our survey in Chapter 6 reflects. And as Mouritsen has argued, it seems likely that the extreme violence of Sulla’s *victoria nobilitatis* irreversibly

shook the trust of many *boni* in the leadership of the *nobiles*. The lack of an immediate alternative allowed the noble-led Republic to limp on until 50. But when Caesar crossed the Rubicon in 49, the alienation had reached such a point that few *equites* or *boni* came forward to defend the ‘old order’.⁶

Meier rightly identified Sulla’s dictatorship as a critical juncture in the ‘crisis without alternative’. But by focusing on the return to the ‘old order’, an important question may have been missed: was the *Cinnanum tempus* a viable ‘alternative’ to the Republic of the *nobiles*? On the one hand, there was no revolution under the Marians; it was a changing of the guard, not the political system. Yet if our hypothesis is correct, in this period men were not only willing to question the primacy of inherited prestige; more importantly, they were willing to act on this, which was the crucial difference between the pre- and post-Sullan eras. In a sense, therefore, we have exactly the kind of ‘unthinking’ process that allowed the formation of a political ‘alternative’: as important as hereditary prestige was, it was not as important as self-earned *virtus*.

If Sulla had fallen at Chaeronea or Orchomenus, if the *victoria nobilitatis* had never happened, and if the politicised elites were allowed to continue voting and acting in a manner that was profoundly different to what came before (and after), perhaps a new, more ‘meritocratic’ *nobilitas* would have emerged—one dominated not by the remote descendants of the heroes of the Samnite, Punic, and Hellenistic Wars, but where *virtus* and military experience were valued higher than *commendatio maiorum*. Perhaps this may have been enough to prolong the *libera res publica*, if it helped to mollify the alienation of the wider elite. In any case, by the strange constellation of a patrician proconsul, invading the fatherland at the head of a well-disciplined army, who also happened to formulate his victory as a *causa nobilitatis*, the result was a reinforcement of the noble-dominated *status quo*. For a period, there had been the possibility that some kind of political ‘alternative’ might develop. Sulla extinguished this possibility, and the ‘crisis without alternative’ continued

⁶ Mouritsen 2023: chapters 13–17, esp. 234–57 on the *boni*’s alienation from the post-Sullan *nobilitas*. Cf. Jehne 2017, for some sobering analysis of the *nobiles*’ incompetence in the final crisis of 51–49.

Appendix: the social origins of the consuls and praetors, 123–70 BCE

RE numbers are provided in brackets for all individuals. Evidence for consulships is taken for granted; see Broughton's *MRR* for sources. Because the praetorian *fasti* are more uncertain, each praetor has a footnote justifying their inclusion. Often this means citing *MRR* or Brennan's *The Praetorship in the Roman Republic*, but more explanation is given in some cases where the dates differ from Broughton/Brennan. As for descent, the nobility of some families is taken for granted (e.g. Caecilii Metelli); if in doubt, see *RE* or Badian 1990. Unless obvious (e.g. Marius), a footnote is provided for other individuals with justification of their social origins. See Chapter 4 for a fuller explanation of methodology (4.iv.).

123

Consuls:

Q. Caecilius Metellus Balearicus (<i>RE</i> 82)	Noble

T. Quinctius Flamininus (<i>RE</i> 47)	Patrician and noble

Praetors:

Sex. Iulius Caesar (<i>RE</i> 150) ¹	Patrician and noble

C. Servilius Vatia (<i>RE</i> 91) ²	Noble ³

122

Consuls:

Cn. Domitius Ahenobarbus (<i>RE</i> 20)	Noble

C. Fannius (<i>RE</i> 7)	Senatorial ⁴

¹ *MRR* 1.513.

² Date approximate (late 120s or early 110s); Brennan 2000: 2.903 n. 161.

³ The Servilii Vatae were undoubtedly *nobiles*; e.g. Cic. *Rab. perd.* 21; *Rosc. Am.* 15–16 (where *nobilissimi Servilii* = the Vatae). But unlike other noble Servilii, they were apparently plebeian.

⁴ Sumner 1973: 53–5; Badian 1990: 383.

Praetors:

C. Atinius Labeo Macerio (*RE* 10)⁵

Praetorian⁶

121

Consuls:

L. Opimius (*RE* 4)

Noble

Q. Fabius Maximus Allobrogicus (*RE* 110)

Patrician and noble

Praetors:

Sex. Pompeius (*RE* 17)⁷

Uncertain, but possibly senatorial⁸

120

Consuls:

P. Manilius (*RE* 17)

Senatorial, but possibly noble⁹

C. Papirius Carbo (*RE* 33)

Noble¹⁰

Praetors:

(M'.) Valerius Messalla (*RE* 248)¹¹

Patrician and noble

119

Consuls:

L. Caecilius Metellus Delmaticus (*RE* 91)

Noble

L. Aurelius Cotta (*RE* 99)

Noble

⁵ Stumpf 1985; Brennan 2000: 2.547; Ferrary 2000: 165 n. 21, 191.

⁶ Astin 1969.

⁷ Brennan 2000: 2.521–2, 858 n. 5.

⁸ Ought to be father of the *cos.* 89 (*RE* 45, whose filiation is Sex.f. Cn.n.). This branch was not closely related to the *cos.* 141's branch (*RE* 12); Sumner 1977; Zmeskal 2009: 214. But a senatorial father seems probable.

⁹ Sumner 1973: 62; Badian 1990: 384.

¹⁰ Cic. *De or.* 3.74 (*nobilissimus*). For the nobility of the plebeian Carbones: Gelzer 1969: 31–2; Afzelius 1938: 74–5; Badian 1990: 402 n. 12; *contra* Brunt 1982: 6, 8, 14.

¹¹ Date approximate (late 120s or early 110s); Syme 1955: 70–1; Brennan 2000: 2.903–4 n. 166.

Praetors:

C. Fannius (cf. <i>RE</i> 7) ¹²	Noble ¹³
Cn. Cornelius Sisenna (<i>RE</i> 373) ¹⁴	Praetorian, but possibly patrician and noble ¹⁵

118

Consuls:

M. Porcius Cato (<i>RE</i> 10)	Noble ¹⁶
Q. Marcius Rex (<i>RE</i> 91)	Praetorian, but possibly patrician and noble ¹⁷

Praetors:

C. Scribonius Curio (<i>RE</i> 9) ¹⁸	Praetorian ¹⁹

117

Consuls:

L. Caecilius Metellus Diadematus (<i>RE</i> 93)	Noble
Q. Mucius Scaevola ‘Augur’ (<i>RE</i> 21)	Noble

Praetors:

L. Licinius Murena (<i>RE</i> 121) ²⁰	Praetorian ²¹

¹² Date very approximate (before 118); Sumner 1973: 54; Brennan 2000: 2.904 n. 167.

¹³ Sumner 1973: 53; Zmeskal 2009: 121.

¹⁴ *MRR* 1.528 n. 2; Brennan 2000: 2.858 n. 7.

¹⁵ Should be grandson of *pr.* 183 (*RE* 375). Cf. below under Lucius (*RE* 374), *pr.* 78, for possibility of noble descent.

¹⁶ The Porcii Catones of the late 2nd and early 1st centuries were all descended from Marcus (*RE* 9), *cos.* 195; Gell. *NA.* 13.20.

¹⁷ Badian 1990: 402 n. 13.

¹⁸ Date approximate (c. 121 to 117); Sumner 1973: 68–9; *MRR* 1.521.

¹⁹ Sumner 1973: 68; Badian 1990: 391.

²⁰ Date very approximate; Brennan 2000: 907 n. 214.

²¹ Cic. *Mur.* 15.

116

Consuls:

C. Licinius Geta (<i>RE</i> 8)	Senatorial, but possibly noble ²²
Q. Fabius Maximus Eburnus (<i>RE</i> 111)	Patrician and noble

115

Consuls:

M. Aemilius Scaurus (<i>RE</i> 140)	Patrician and noble
M. Caecilius Metellus (<i>RE</i> 77)	Noble

Praetors:

P. Decius Subulo (<i>RE</i> 9) ²³	Senatorial ²⁴
Cn. Aufidius (<i>RE</i> 6, 7) ²⁵	Senatorial, but possibly praetorian ²⁶
Q. Fabius Labeo (cf. <i>RE</i> 92) ²⁷	Patrician and noble
M'. Sergius (<i>RE</i> 17) ²⁸	Probably patrician and noble ²⁹

114

Consuls:

M'. Acilius Balbus (<i>RE</i> 26)	Noble
C. Porcius Cato (<i>RE</i> 5)	Noble

²² No suggestion of *novitas*, so should be senatorial at minimum; Badian 1990: 384. Wiseman 2009: 33–58 seems to suggest a claim of descent from C. Licinius Stolo (*RE* 161), *cos.* 364. His arguments are speculative; nevertheless, descent from a consular Licinius is indeed probable.

²³ *MRR* 1.532.

²⁴ Badian 1956.

²⁵ Identity: Badian 1990: 392; Ferrary 2000: 182–5, the latter also moving Broughton's tentative date of *pr.* 107 (*MRR* 1.551) back several years.

²⁶ Several Aufidii are attested earlier in the 2nd century, including at least one praetor.

²⁷ Date very approximate; Brennan 2000: 2.907 n. 217. Presumably a grandson of homonymous *cos.* 183 (*RE* 91).

²⁸ Date very approximate; Brennan 2000: 2.908–8 n. 218.

²⁹ Like other Sergii in the Late Republic, probably a patrician and remote *nobilis*; cf. Brennan 2000: 2.745.

Praetors:

M. Papirius Carbo (<i>RE</i> 39) ³⁰	Noble

113

Consuls:

C. Caecilius Metellus Caprarius (<i>RE</i> 84)	Noble

Cn. Papirius Carbo (<i>RE</i> 37)	Noble

Praetors:

L. Calpurnius Piso Frugi (<i>RE</i> 97) ³¹	Noble

M. Porcius Cato Salonianus (<i>RE</i> 15) ³²	Noble

112

Consuls:

M. Livius Drusus (<i>RE</i> 17)	Noble

L. Calpurnius Piso Caesoninus (<i>RE</i> 88)	Noble

Praetors:

C. Sulpicius Galba (<i>RE</i> 51) ³³	Patrician and noble

111

Consuls:

P. Cornelius Scipio Nasica (<i>RE</i> 355)	Patrician and noble

³⁰ Date approximate (mid-110s); *MRR* 1.534; Sumner 1973: 59.

³¹ *MRR* 1.538; Brennan 2000: 2.498.

³² Date approximate (110s); Brennan 2000: 2.908 n. 224.

³³ Likely *praetorius* by 109, when he was exiled in the *quaestio Mamilia* (Cic. *Brut.* 127); c. 113/12 seems probable; Münzer, *RE* 4A.1.754–5; Sumner 1973: 73; Brennan 2000: 2.386–7.

L. Calpurnius Bestia (*RE* 23)

Probably noble³⁴

Praetors:

Q. Minucius Rufus (*RE* 56)³⁵

Noble

110

Consuls:

M. Minucius Rufus (*RE* 54)

Noble

Sp. Postumius Albinus (*RE* 45)

Patrician and noble

Praetors:

Ser. Cornelius Lentulus (*RE* 208b)³⁶

Patrician and noble

Q. Marcius Philippus (*RE* 81)³⁷

Noble

M. Pupius (*RE* 7, 8)³⁸

Probably senatorial, and possibly praetorian³⁹

109

Consuls:

Q. Caecilius Metellus Numidicus (*RE* 97)

Noble

M. Iunius Silanus (*RE* 169)

Patrician and noble (by blood)⁴⁰

³⁴ Sall. *Iug.* 85.15-17 strongly implies *nobilitas*. A link to the Calpurnii Pisones is therefore likely; Afzelius 1938: 59–60; Sumner 1973: 75; Badian 1990: 385; *contra* Brunt 1982: 8.

³⁵ Before 110/109; Brennan 2000: 2.904 n. 176.

³⁶ Date approximate (late 110s); Brennan 2000: 2.548, 745.

³⁷ Cic. *Balb.* 28 includes him as one of six *clarissimi viri* exiled in the 100s–90s, so presumably a *praetorius*; Brennan 2000: 905 n. 183. Since the other *clarissimi viri* were most active from 116 to 105, we can place his praetorship around 110.

³⁸ Identity: Shackleton Bailey 1991: 81; Evans 1994: 197. Appears at 3rd place in the *S.C. de agro Pergameno* (*RDGE* 12, line 24); this document used to be dated to 129, but nowadays the *communis opinio* places it in 101/100, e.g. Mattingly 1972; *MRR* 3.23–4; Evans 1994: 195–206; Brennan 2000: 2.671–3; Kay 2014: 66–9. Pupius' praetorship can therefore be placed about a decade earlier.

³⁹ Descent from Gaius (*RE* 3), *Ilvir* in 217, and/or Lucius (*RE* 5), *pr.* 183, seems plausible.

⁴⁰ Paternal grandson of T. Manlius Torquatus (*RE* 83), *cos.* 165; Badian 1990: 386.

Praetors:

Cn. Cornelius Scipio (<i>RE</i> 321) ⁴¹	Patrician and noble
A. Manlius (<i>RE</i> 12) ⁴²	Uncertain, but possibly patrician and noble ⁴³
C. Popillius Laenas (<i>RE</i> 19) ⁴⁴	Noble

108

Consuls:

Ser. Sulpicius Galba (<i>RE</i> 59)	Patrician and noble
(Q.?) Hortensius (<i>RE</i> 2) ⁴⁵	Noble ⁴⁶
M. Aurelius Scaurus (<i>RE</i> 215)	Praetorian ⁴⁷

107

Consuls:

L. Cassius Longinus (<i>RE</i> 62)	Noble
C. Marius (<i>RE</i> 14)	New man

Praetors:

T. Aufidius (not in <i>RE</i>) ⁴⁸	Senatorial, but possibly praetorian ⁴⁹
T. Albucius (<i>RE</i> 2) ⁵⁰	Probably new man ⁵¹

⁴¹ Date very approximate; Münzer, *RE* 4.1.1427; Brennan 2000: 2.909 n. 246.

⁴² Date approximate (before 108); Brennan 2000: 2.908–9 n. 233.

⁴³ The Manlii had both patrician/noble and plebeian/non-noble branches; the noble ones make a strong resurgence in the 1st century; cf. Taylor 1960: 229–30.

⁴⁴ Date approximate (before 108); Brennan 2000: 2.362, 768 n. 43.

⁴⁵ Either the father (= Lucius, *RE* 5) or uncle of the orator Q. Hortensius Hortalus (*RE* 13); he seems to have been elected *cos.* 108 but then prosecuted and condemned; Gruen 1968: 149–50; Badian 1990: 393. I have followed Broughton in tentatively opting for uncle; *MRR* 1.541–2 n. 2.

⁴⁶ The Hortensii of the Late Republic very likely claimed descent from Q. Hortensius (*RE* 7), *dict.* 287; Gelzer 1969: 32; Afzelius 1938: 69; 1945: 178.

⁴⁷ Badian 1990: 386.

⁴⁸ Governor of Macedonia in 107 or 106; Amela Valverde 2010.

⁴⁹ See under Cn. Aufidius (*RE* 6, 7), *pr.* c. 115, who is presumably a cousin or brother.

⁵⁰ Either 107 or 105; Gruen 1968: 171–2; Sumner 1973: 77–8.

⁵¹ First of only four attested Albucii, and the only one known to have held office; Wiseman 1971: 210–1.

Consuls:

Q. Servilius Caepio (<i>RE</i> 49)	Patrician and noble
C. Atilius Serranus (<i>RE</i> 64)	Noble

Consuls:

P. Rutilius Rufus (<i>RE</i> 34)	Probably praetorian ⁵²
Cn. Mallius Maximus (<i>RE</i> 13)	Probably senatorial, but possibly new man ⁵³

Praetors:

L. Bellienus (<i>RE</i> 5) ⁵⁴	Probably new man ⁵⁵
C. Billienus (<i>RE</i> Bellienus 3, 4) ⁵⁶	Probably new man ⁵⁷
L. Hortensius (<i>RE</i> 5) ⁵⁸	Noble
C. Memmius (<i>RE</i> 5, 3) ⁵⁹	Probably praetorian ⁶⁰
(–) Tremellius Scrofa (not in <i>RE</i>) ⁶¹	Praetorian ⁶²
P. Licinius Nerva (<i>RE</i> 135, 136) ⁶³	Praetorian ⁶⁴

⁵² Badian 1990: 387. Scholars often label him a *novus homo*, but Cicero never insinuates *novitas*.

⁵³ Clearly of humble rank; Cic. *Planc.* 12 (*ignobilis*). Yet Cicero also juxtaposes Mallius with C. Flavius Fimbria (*RE* 87) and pointedly refers to the latter as *novus homo*; this seems to speak against Mallius' *novitas* and suggests descent from previous senatorial Mallii (e.g. *RE* 5; *RE* 6; *RE* 10). But cf. Badian 1990: 403–4, opting for *novitas* nonetheless.

⁵⁴ Brennan 2000: 2.541.

⁵⁵ First attested Bellienus; Wiseman 1971: 217. Could easily be the brother (or cousin) of the similarly-named C. Billienus listed immediately below, as suggested by Nicolet 1974: 805.

⁵⁶ Brennan 2000: 2.548; Ferrary 2000: 189 n. 140.

⁵⁷ Cic. *Brut.* 175 indicates humble origins, and no other senatorial Billieni are known (although cf. L. Bellienus immediately above); Wiseman 1971: 217, cf. 119. Syme 1938: 123 n. 70 suggested an origin from Etruria or Picenum.

⁵⁸ Cic. *Verr.* 2.3.42. Date approximate, following Cichorius 1908: 338–40. Listed here separately from his putative brother Q. Hortensius (*RE* 2), *cos. elect* 108.

⁵⁹ The famous *tr. pl.* 111, who held a praetorship several years later; Brennan 2000: 2.523. Here moved to c. 105 to avoid his Macedonian governorship clashing with that of T. Aufidius (not in *RE*), *pr. c.* 107.

⁶⁰ Probably grandson/great-grandson of homonymous *pr.* 172 (*RE* 4).

⁶¹ Date very approximate; Brennan 2000: 2.909 n. 236.

⁶² Varr. *Rust.* 2.4.1–3; Brennan 2000: 2.909 n. 236.

⁶³ *MRR* 1.559, 3.124; *RRC* 1.306–7.

⁶⁴ Licinii Nervae held praetorships in 167 (*RE* 133), 166 (*RE* 131), and 143/2 (*RE* 130).

104

Consuls:

C. Marius (*RE* 14) (cos. II)

C. Flavius Fimbria (*RE* 87) New man⁶⁵

Praetors:

L. Caesius (cf. *RE* 4)⁶⁶ Probably new man⁶⁷

L. Licinius Lucullus (*RE* 103)⁶⁸ Noble⁶⁹

C. Cornelius (*RE* 17)⁷⁰ Uncertain, but possibly patrician and noble⁷¹

103

Consuls:

C. Marius (*RE* 14) (cos. III)

L. Aurelius Orestes (*RE* 181) Noble

Praetors:

L. Memmius (*RE* 11, 12)⁷² Probably praetorian⁷³

⁶⁵ Cic. *Planc.* 12, *Verr.* 2.5.181; Wiseman 1971: 231.

⁶⁶ Richardson 1986: 199–201; Brennan 2000: 2.499; *RRC* 1.312.

⁶⁷ First attested Caesius; Wiseman 1971: 219.

⁶⁸ Brennan 2000: 2.465, 478–9.

⁶⁹ Son of homonymous cos. 151; Plut. *Luc.* 1.1.

⁷⁰ Found at 4th place on *S.C. de agro Pergameno* (*RDGE* 12, lines 24–5), so should be praetor sometime in the previous years.

⁷¹ Could be a plebeian Cornelius (Evans 1994: 197) or a patrician/noble one, e.g. Corneli Cethegi (Mattingly 1972: 422; Brennan 2000: 2.671).

⁷² Discussions of the Memmii in *RE* and elsewhere (e.g. Sumner 1973: 85–7) tend to be very confused. *RE* 11 = Lucius, named at 5th place on *S.C. de agro Pergameno* (*RDGE* 12, line 25), which should be a praetorian position. *RE* 12 = Lucius, younger brother of Gaius (*RE* 5, 3), the famous *tr. pl.* 111 (Cic. *Brut.* 136). Most older works list *RE* 11 as the father of *RE* 12 and *RE* 5, on the assumption that the *S.C. de agro Pergameno* dates to 129. But accepting that the inscription dates to 101 or 100, the obvious solution is to make *RE* 11 and *RE* 12 identical; thus the praetorship should fall c. 104–102.

⁷³ See under his brother Gaius (*RE* 5, 3), *pr. c.* 105.

Consuls:

C. Marius (*RE* 14) (cos. IV)

Q. Lutatius Catulus (*RE* 7) Noble⁷⁴

Praetors:

C. Servilius (Vatia) (*RE* 12)⁷⁵ Probably noble

M. Marius (*RE* 22)⁷⁶ New man

(–) Vibius (*RE* 3)⁷⁷ Probably new man⁷⁸

Q. Valgius (*RE* 5a)⁷⁹ Probably new man⁸⁰

Consuls:

C. Marius (*RE* 14) (cos. V)

M'. Aquillius (*RE* 11) Noble

Praetors:

M. Plautius Hypsaeus (*RE* 22)⁸¹ Noble⁸²

L. Cornelius Dolabella (*RE* 138)⁸³ Patrician and noble

M. Porcius Cato (*RE* 11)⁸⁴ Noble

⁷⁴ Badian 1990: 387.

⁷⁵ *MRR* 1.568. From *praenomen* and dates, usually assumed to be a Servilius Vatia; Münzer, *RE* 2A.2.1764, 1777; Zmeskal 2009: 253.

⁷⁶ Brennan 2000: 2.499–500. Presumably younger brother of Gaius (*RE* 14), *cos.* 107, etc.; Wiseman 1971: 240.

⁷⁷ Tentative. Attested in Macedonia in *c.* 102, but could be either a governor or *legatus*; *MRR* 1.563, 3.220; Brennan 2000: 2.523.

⁷⁸ First certain attested Vibius; Wiseman 1971: 273.

⁷⁹ Tentative. Named at 6th place on *S.C. de agro Pergameno* (*RDGE* 12, line 25). This could be a *praetorius* position, or the start of the *aedilicii*; Brennan 2000: 2.672.

⁸⁰ First of only a few attested Valgii; Wiseman 1971: 269.

⁸¹ Eilers 1996; Brennan 2000: 2.547.

⁸² Should be son of homonymous *cos.* 125 (*RE* 21); Eilers 1996: 175–7.

⁸³ Governor in Spain by 99; Brennan 2000: 2.500.

⁸⁴ The *strategos* M. Porcius Cato mentioned on the *lex de provinciis praetoriis* (Crawford 1996: 1.239, lines 4–5) is clearly a recent magistrate, thus identifiable with the man attested at Gell. *NA.* 13.20.12 (= *RE* 11); Lintott 1976: 81; Brennan 2000: 2.471, 524–5; Drogula 2011: 91–2; *pace* Crawford 1996: 1.15, 260.

Consuls:

C. Marius (*RE* 14) (cos. VI)

L. Valerius Flaccus (*RE* 176) Patrician and noble

Praetors:

C. Servilius Glaucia (*RE* 65)⁸⁵ Probably senatorial, but possibly praetorian⁸⁶

(–) Fonteius (*RE* 2)⁸⁷ Praetorian⁸⁸

Consuls:

M. Antonius (*RE* 28) Senatorial, but possibly praetorian⁸⁹

A. Postumius Albinus (*RE* 32, 33, 34)⁹⁰ Patrician and noble

Praetors:

M. Iunius Silanus (cf. *RE* 170)⁹¹ Praetorian, but possibly patrician and noble⁹²

C. Sempronius Longus (*RE* 64, 6)⁹³ Noble⁹⁴

⁸⁵ *MRR* 1.575–6.

⁸⁶ Probably grandson of *RE* 64, an ambassador sent to Greece in 162 (*MRR* 1.443). The latter seems to be a highly-ranked so was possibly a recent *praetorius*.

⁸⁷ Father of Cicero's client M. Fonteius (*RE* 12), he was *legatus* by 91 (*MRR* 2.20, 23) and had certainly reached the praetorship (Cic. *Font.* 41). The generational gap (Marcus was *pr. c.* 76) as well as the likely identification with either the *monetalis* attested in 114/13 (*RE* 6; *RRC* 1.304–5) or the one attested in 108/7 (*RE* 8; *RRC* 1.316–17) suggest that this praetorship should be dated to *c.* 100.

⁸⁸ Cic. *Font.* 41.

⁸⁹ Badian 1990: 388. Included as a *novus homo* by van der Blom 2010: 179–80, 226–30, 264, 271–3, 284, 330, who argues that Cicero suppressed all mention of Antonius' *novitas*. This seems unrealistic and unnecessary.

⁹⁰ Identity: *MRR* 3.173; Badian 1984: 124–6; Rosenstein 1990: 197–8.

⁹¹ *RE* and *MRR* are very confused on the identifications of several Silani from this period. Following Eilers 1996; Ferrary 2000: 171–3, 192; Rafferty 2019: 168, I assign a M. Iunius Silanus as governor of Asia soon after 100 with a quaestor named Murena; *pace* Shackleton Bailey 1991: 76–7; Brennan 2000: 2.558; Pina Polo and Díaz Fernández 2019: 269–70, who take Murena to be a *cognomen* indicating adoption from the Murenæ into the Silani; cf. below, under *pr.* 77 (*RE* 170).

⁹² Could be paternal grandson/great-grandson of T. Manlius Torquatus (*RE* 83), *cos.* 165 (cf. Badian 1990: 386). If not, descent from M. Iunius Silanus (*RE* 167), *pr.* 212, seems clear.

⁹³ Brennan 2000: 2.906 n. 189.

⁹⁴ Sempronii Longi held consulships in 218 (*RE* 66) and 194 (*RE* 67).

98

Consuls:

Q. Caecilius Metellus Nepos (<i>RE</i> 95)	Noble
T. Didius (<i>RE</i> 5)	New man ⁹⁵

97

Consuls:

Cn. Cornelius Lentulus (<i>RE</i> 178)	Patrician and noble
P. Licinius Crassus (<i>RE</i> 61)	Noble

96

Consuls:

Cn. Domitius Ahenobarbus (<i>RE</i> 21)	Noble
C. Cassius Longinus (<i>RE</i> 57)	Noble

Praetors:

L. Sempronius Asellio (<i>RE</i> 18) ⁹⁶	Senatorial
M. Claudius Marcellus (<i>RE</i> 226) ⁹⁷	Noble

95

Consuls:

L. Licinius Crassus (<i>RE</i> 55)	Noble

⁹⁵ Might not be the first Didius to enter the Senate (e.g. *RE* 1, a tribune in 143), but Cicero considered him a firm *novus homo*; Cic. *Mur.* 17, *Planc.* 61; cf. Badian 1990: 404–5.

⁹⁶ Diod. 37.8.1–4 (also attesting his senatorial descent); *MRR* 2.10 n. 3. One or two years after Q. Mucius Scaevola (*RE* 22) was governor of Asia in c. 97.

⁹⁷ Senior *legatus* in Social War (App. *BC.* 1.40; Liv. *Per.* 73), so should be *praetorius*. Cic. *Font.* 24 (cf. Val. Max. 8.5.3) implies a *de repetundis* trial in mid-90s, so his praetorship probably falls c. 96; Badian 1964b: 44–5, 53; Brennan 2000: 2.777–8 n. 156.

Q. Mucius Scaevola ‘Pontifex’ (*RE* 22)

Noble

Praetors:

L. Aurelius Cotta (*RE* 100)⁹⁸

Noble

94

Consuls:

C. Coelius Caldus (*RE* 12)

New man⁹⁹

L. Domitius Ahenobarbus (*RE* 26)

Noble

Praetors:

C. Sentius (Saturninus) (*RE* 3)¹⁰⁰

Probably senatorial¹⁰¹

P. Cornelius Scipio Nasica (*RE* 351)¹⁰²

Patrician and noble

93

Consuls:

C. Valerius Flaccus (*RE* 168)

Patrician and noble

M. Herennius (*RE* 10)

Probably senatorial¹⁰³

92

Consuls:

C. Claudius Pulcher (*RE* 302)

Patrician and noble

⁹⁸ *MRR* 2.11, 12 n. 1.

⁹⁹ *Cic. Ver.* 2.5.181, *Mur.* 17, *De or.* 1.117; *Q. Cic. Comm. pet.* 11.

¹⁰⁰ *MRR* 2.12 (C. Sentius C.f. as *pr. urbanus* in 94), 15, 35. Cf. next footnote.

¹⁰¹ Syme 1964 made him a Sentius Saturninus and identified him with the Saturninus attested at *Cic. Planc.* 19. If true, this should provide senatorial descent; Brennan 2000: 2.910 n. 260.

¹⁰² Attested in Spain in 94/93; *Obseq.* 51; cf. *Cic. Brut.* 213, *De or.* 3.132. Either a praetorian governor (*MRR* 2.16 n. 2; Rafferty 2019: 170–1) or a *legatus* (Sumner 1973: 74; Brennan 2000: 2.502); if the latter, a praetorship before (or after) can still be inferred.

¹⁰³ His election was unexpected (*Cic. Brut.* 166, *Mur.* 36), but Cicero does not call him a *novus homo*. Instead, he probably came from a minor senatorial family; Wiseman 1971: 231; Badian 1990: 389.

M. Perperna (*RE* 5)

Noble¹⁰⁴

Praetors:

L. Lucilius (Balbus) (*RE* 8, 19)¹⁰⁵

Probably senatorial¹⁰⁶

L. Sentius (Saturninus) (*RE* 6)¹⁰⁷

Probably senatorial¹⁰⁸

P. Sextilius (*RE* 12)¹⁰⁹

Probably praetorian, but possibly noble¹¹⁰

Praetors at uncertain point before 91:

M. (Caecilius) Cornutus (*RE* 4)¹¹¹

Uncertain, but possibly senatorial¹¹²

L. Cornelius Lentulus (*RE* 194)¹¹³

Patrician and noble

P. Cornelius Lentulus (*RE* 203)¹¹⁴

Patrician and noble

C. Perperna (*RE* 2)¹¹⁵

Noble

(M.) Valerius Messalla (cf. *RE* 248)¹¹⁶

Patrician and noble

¹⁰⁴ Badian 1990: 389.

¹⁰⁵ Governor of Asia in mid-to-late 90s: *MRR* 2.27, 3.128; Ferrary 2000: 179, 193; Rafferty 2019: 172. Cf. next footnote.

¹⁰⁶ The Asian governor (*RE* 8) is commonly identified with L. Lucilius Balbus (*RE* 19), a celebrated jurist. If true, this should secure senatorial descent; Syme 1979: 1.283–4; Brennan 2000: 2.910 n. 256.

¹⁰⁷ *ILS* 8208 attests a L. Sentius C.f. as praetor; *RDGE* 19 (lines 5–6) provides a *terminus ante quem* of 80; and *RRC* 1.327–8 provides a moneyership in c. 101. Evans 1994: 214 therefore suggests *pr. c.* 92, based on the likely interval after the moneyership. Cf. next footnote.

¹⁰⁸ See C. Sentius (*RE* 3), *pr.* 94, who, by dates and filiation, is probably his older brother.

¹⁰⁹ Badian 1964b: 71–2; Brennan 2000: 2.542, 870 n. 136.

¹¹⁰ Probably son/grandson of P. Sextilius (not in *RE*), attested as praetor in mid-2nd century (*RDGE* 8, line 1); Badian 1980: 478. Brennan 2000: 747 suggests descent (or a claim of descent) from C. Sextilius (*RE* 6), *cos. trib.* 379. Given the rarity of the *gens*, this is not unfeasible.

¹¹¹ Cic. *Font.* 43: M. Cornutus as *praetorius* legate in Social War. Paired there with Sulla (*pr. c.* 97 or 93) and Cinna (*pr.* 90s), so should fall in 90s. Cf. next footnote.

¹¹² Münzer, *RE* 3.1.1200, supplied the *nomen* ‘Caecilius’ by comparison to two Caecilii Cornuti attested in the 50s and 40s (*RE* 43 and 45). Even if correct, no previous Caecilii Cornuti are known. Any connection to the Metelli can be ruled out; this leaves three miscellaneous ‘M. Caecilii’ in the early 2nd century (*RE* 15; *RE* 16; *RE* 50) who might provide senatorial ancestor(s).

¹¹³ Governor of Cilicia in mid-to-late 90s: Ferrary 2000: 179–82, 193; cf. Santangelo 2007: 29–30; *pace* Brennan 2000: 2.359, 378, making him identical with the homonymous *pr.* 88 (*RE* 195).

¹¹⁴ Included by App. *BC.* 1.40 as a senior legate in the Social War, so *praetorius* can be inferred. Some scholars have tried to swap his name for Q. Lutatius Catulus (*RE* 8), but this is unwarranted.

¹¹⁵ Like the previous individual, praetorship inferred from App. *BC.* 1.40. Presumably younger brother of *cos.* 92 (*RE* 5).

¹¹⁶ Inferred from App. *BC.* 1.40. *Praenomen* comes from the filiation of his probable son: M. Valerius Messalla M'.f. (*RE* 266), *cos.* 61.

P. Albius (cf. <i>RE</i> 2) ¹¹⁷	Probably senatorial ¹¹⁸
C. Caninius (Rebilus) (<i>RE</i> Suppl. 3.232) ¹¹⁹	Probably praetorian ¹²⁰
C. Iulius Caesar (<i>RE</i> 130) ¹²¹	Patrician and noble
C. Sextius Calvinus (<i>RE</i> 21) ¹²²	Noble ¹²³

91

Consuls:

L. Marcius Philippus (<i>RE</i> 75)	Noble
Sex. Iulius Caesar (<i>RE</i> 151)	Patrician and noble

Praetors:

(Q. or C.) Servilius (<i>RE</i> 29) ¹²⁴	Probably patrician and noble ¹²⁵
Q. Servilius Caepio (<i>RE</i> 50) ¹²⁶	Patrician and noble
L. Postumius (<i>RE</i> 13) ¹²⁷	Probably patrician and noble ¹²⁸
Ser. Sulpicius Galba (<i>RE</i> 60) ¹²⁹	Patrician and noble

¹¹⁷ Tentative; Evans 1994: 199; Brennan 2000: 2.906 n. 190.

¹¹⁸ Probably minor senatorial family: e.g. Albius (*RE* 2), *qu.* 120 (Cic. *De or.* 2.282).

¹¹⁹ Date very approximate; Münzer, *RE* Suppl. 3.232; Brennan 2000: 2.931 n. 518. Cf. next footnote.

¹²⁰ Probably a Caninius Rebilus, so grandson/great-grandson of *pr.* 171 (*RE* 8); Münzer, *RE* Suppl. 3.232.

¹²¹ Date very controversial; *MRR* 2.17, 19 n. 2, 3.105 (late 90s); Brennan 2000: 2.552–3, 555 (early 90s); Ferrary 2000: 175–79 (year 102); Rafferty 2019: 167 n. 72 (year 100).

¹²² *ILS* 4015; Cic. *Brut.* 130, *De or.* 2.246. His position in the *Brutus* suggests a praetorship in 90s; Sumner 1973: 77; *MRR* 3.198–9; Pina Polo and Díaz Fernández 2019: 319.

¹²³ Should be son of homonymous *cos.* 124 (*RE* 20).

¹²⁴ *MRR* 2.20. Liv. *Per.* 72 gives the *praenomen* Quintus, but Oros. 5.18.8 gives Gaius; either is possible.

¹²⁵ Depending on *praenomen* (see previous footnote), could belong to several branches of the noble Servilii, e.g. Caepiones, Vataie.

¹²⁶ Senior legate in Social War; *MRR* 2.28, 30, esp. App. *BC.* 1.40, 44; Liv. *Per.* 73. His prominent actions in 91 against M. Livius Drusus (*RE* 18) strongly suggest he was city praetor in that year; Münzer 1999: 277; *MRR* 2.24 n. 5; *contra* Sumner 1973: 116–17.

¹²⁷ *MRR* 2.26; Brennan 2000: 2.372, 383.

¹²⁸ Despite absence of recorded *cognomen*, probably a patrician/noble Postumius (e.g. Postumi Albini); Münzer, *RE* 22.1.897, 915.

¹²⁹ *MRR* 2.21, 24 n. 6.

Consuls:

L. Iulius Caesar (<i>RE</i> 142)	Patrician and noble
P. Rutilius Lupus (<i>RE</i> 26)	Uncertain, but possibly praetorian ¹³⁰

Praetors:

C. Cassius (<i>RE</i> 10) ¹³¹	Uncertain, but possibly noble ¹³²
A. Gabinius (<i>RE</i> 9, 8) ¹³³	Senatorial ¹³⁴
Sex. Pompeius (<i>RE</i> 18) ¹³⁵	Praetorian ¹³⁶
L. Calpurnius Piso Caesoninus (<i>RE</i> 89, cf. 98) ¹³⁷	Noble
P. Sextius (<i>RE</i> 9) ¹³⁸	Uncertain, but possibly noble ¹³⁹

Consuls:

Cn. Pompeius Strabo (<i>RE</i> 45)	Praetorian ¹⁴⁰
L. Porcius Cato (<i>RE</i> 7)	Noble

¹³⁰ Possibly related to the 'main' Rutilii, e.g. *pr.* 166 (*RE* 12). However, this remains uncertain as his filiation (L.f. L.n.) does not match their preferred *praenomina* (Publius and Gaius). Cf. Badian 1990: 389.

¹³¹ *MRR* 2.34, 38 n. 6, 42.

¹³² Could be a Cassius Longinus. However, never recorded with a *cognomen* and humbler Cassii are known (e.g. Cassius Sabaco at *Plut. Mar.* 5), so this remains uncertain.

¹³³ Senior legate in Social War, so *praetorius* can be inferred; Badian 1959b: 87–8; Brennan 2000: 2.377.

¹³⁴ Badian 1959b.

¹³⁵ Legate in 89, so possibly *praetorius*; Sumner 1977: 18, with n. 11.

¹³⁶ Sumner 1977; cf. Badian 1990: 389, on his brother Gnaeus (*RE* 45), *cos.* 89.

¹³⁷ *RE* and *MRR* are very confused on this man. We know that a L. Calpurnius Piso Caesoninus (= *RE* 89) was in charge of making weapons during the Social War (*Cic. Pis.* 87). We also know that a L. Calpurnius Piso held a magistracy with legislative powers in 90 (*FRH*, 'L. Cornelius Sisenna', F 38 and 71). Despite Münzer's attempts to identify the latter with the future *pr.* 74 (*RE* 98), the weapons-maker and legislator should be the same man; thus Syme 1955: 58, but the latter gets confused by misdating an inscription; cf. Eilers 1996: 181. Since Caesoninus was quaestor back in 103/100, his magistracy in 90 was presumably the praetorship.

¹³⁸ Date approximate; *MRR* 2.465; Alexander 1990: 56.

¹³⁹ Could be a Sextius Calvinus (i.e. son of *RE* 20, *cos.* 124), but Cicero's failure to specify a *cognomen* at *Brut.* 180 weighs against this.

¹⁴⁰ Badian 1990: 389.

Praetors:

C. Cosconius (<i>RE</i> 3) ¹⁴¹	Probably praetorian ¹⁴²
P. Gabinius (<i>RE</i> 13) ¹⁴³	Senatorial ¹⁴⁴
A. Sempronius Asellio (<i>RE</i> 17) ¹⁴⁵	Probably senatorial ¹⁴⁶
C. Cluvius (<i>RE</i> 2) ¹⁴⁷	Praetorian ¹⁴⁸
Q. Oppius (<i>RE</i> 20) ¹⁴⁹	Senatorial, but possibly praetorian ¹⁵⁰
L. Quinctius Rufus (<i>RE</i> 52) ¹⁵¹	Uncertain, but possibly patrician and noble ¹⁵²

88

Consuls:

L. Cornelius Sulla (<i>RE</i> 392)	Patrician and noble
Q. Pompeius Rufus (<i>RE</i> 39)	Noble ¹⁵³

Praetors:

Q. Ancharius (<i>RE</i> 2) ¹⁵⁴	Uncertain, but possibly new man ¹⁵⁵
(M.) Iunius Brutus (<i>RE</i> 51) ¹⁵⁶	Noble

¹⁴¹ *MRR* 2.85; Brennan 2000: 2.377.

¹⁴² Cosconii are first attested at the end of the 3rd century. M. Cosconius C.f. (*RE* 8), *pr. c.* 135, is probably *RE* 3's grandfather.

¹⁴³ Brennan 2000: 2.377–8.

¹⁴⁴ Badian 1959b: 87–9, 97.

¹⁴⁵ *MRR* 2.33.

¹⁴⁶ See Lucius (*RE* 18), *pr. c.* 96, who is probably his older brother; Brennan 2000: 2.211 n. 278.

¹⁴⁷ Before *c.* 88; Ferrary 2000: 188 (with n. 137), 193.

¹⁴⁸ Cluvii held praetorships in 178, 173 (*RE* 14), and 172 (*RE* 8).

¹⁴⁹ *MRR* 2.242, 3.152–3.

¹⁵⁰ Senatorial Oppii are attested as far back as the 5th century, including three praetors in the 2nd century (*RE* 2; *RE* 10; *RE* 32).

¹⁵¹ Before *c.* 88; Ferrary 2000: 188 (with n. 134), 193.

¹⁵² Since Rufus means 'red-head', this could indicate a claim of descent from noble Quinctii, who show a predilection for *cognomina* relating to hair (e.g. Cincinnatus, Barbatus, Crispinus); Brennan 2000: 2.931 n. 521. But this remains tentative, as many non-noble Quinctii are attested in 2nd and 1st centuries.

¹⁵³ Badian 1990: 389.

¹⁵⁴ *Praetorius* by 87, when he was murdered; Plut. *Mar.* 43.3; App. *BC.* 1.73. The interval between him and his homonymous son (*RE* 3), *tr. pl.* 59 and *pr.* 56, suggests that this praetorship was fairly recent, i.e. 89 or 88.

¹⁵⁵ First certain Ancharius. The 'Ancarius' mentioned by Lucilius (6.232 M) need not be a senator; besides, some scholars amend this to *angarius* (messenger), cf. the notes to the Loeb volume (*LCL* 329, 84–5).

¹⁵⁶ Plut. *Sull.* 9.2.

(–) Servilius (<i>RE</i> 3) ¹⁵⁷	Uncertain, but possibly noble ¹⁵⁸
L. Licinius Murena (<i>RE</i> 122) ¹⁵⁹	Praetorian
L. Cornelius Lentulus (<i>RE</i> 195) ¹⁶⁰	Patrician and noble
L. Hortensius (<i>RE</i> 6) ¹⁶¹	Noble

87

Consuls:

Cn. Octavius (<i>RE</i> 20, 21?)	Uncertain, but possibly praetorian ¹⁶²
L. Cornelius Cinna (<i>RE</i> 106)	Patrician and noble ¹⁶³
L. Cornelius Merula (<i>RE</i> 272)	Patrician and noble ¹⁶⁴

86

Consuls:

L. Cornelius Cinna (<i>RE</i> 106)	(<i>cos.</i> II)
C. Marius (<i>RE</i> 14)	(<i>cos.</i> VII)
L. Valerius Flaccus (<i>RE</i> 178)	Patrician and noble

85

Consuls:

L. Cornelius Cinna (<i>RE</i> 106)	(<i>cos.</i> III)

¹⁵⁷ Plut. *Sull.* 9.2.

¹⁵⁸ Could easily be a noble Servilius (e.g. Vatieae or Caepiones). But certainty is impossible in the absence of a *praenomen* or *cognomen*.

¹⁵⁹ Brennan 2000: 2.556–7.

¹⁶⁰ *Pr.* 88 or 87; Cic. *Arch.* 9. Separated here from homonymous *RE* 194 (see above, *pr.* 90s), although some scholars combine them.

¹⁶¹ Senior legate under Sulla in Greece/Asia, so *praetorius* can be inferred; Brennan 2000: 2.526–7.

¹⁶² Not, it seems, closely related to *cos.* 165 (*RE* 17) or *cos.* 128 (*RE* 18); see Badian 1990: 405–7 (notes 22 and 24). Remoter descent from Gnaeus (*RE* 16), *pr.* 205, is still possible among a minor line.

¹⁶³ Badian 1990: 390. On the patrician status of the Cinnae: *MRR* 2.30 n. 3.

¹⁶⁴ Badian 1990: 390.

Cn. Papirius Carbo (*RE* 38)

Noble¹⁶⁵

Praetors:

C. Fabius Hadrianus (*RE* 82, 81, 15)¹⁶⁶

Probably new man¹⁶⁷

Q. Sertorius (*RE* 3)¹⁶⁸

New man¹⁶⁹

M. Marius Gratidianus (*RE* 42)¹⁷⁰

New man (by blood)¹⁷¹

84

Consuls:

Cn. Papirius Carbo (*RE* 38)

(*cos.* II)

L. Cornelius Cinna (*RE* 106)

(*cos.* IV)

Praetors:

C. Papirius Carbo Arvina (*RE* 40)¹⁷²

Noble

(T.) Cloelius (*RE* 5)¹⁷³

Probably senatorial¹⁷⁴

83

Consuls:

L. Cornelius Scipio Asiaticus (*RE* 338)

Patrician and noble

¹⁶⁵ Son of *cos.* 113 (*RE* 37); Cic. *Fam.* 9.21.3.

¹⁶⁶ Praetorship: *MRR* 2.60, 69. Additional identifications: Münzer, *RE* 6.2.1771; Brennan 2000: 2.907 n. 217.

¹⁶⁷ No reason to suspect connection to noble Fabii, who rarely use *praenomen* Gaius. Family probably hailed from Brundisium; Wiseman 1971: 230; this origin, combined with the rarity of the *cognomen*, strongly suggest *novitas*.

¹⁶⁸ Konrad 1994: 74–6; Brennan 2000: 2.503.

¹⁶⁹ Hailed from Nursia; Wiseman 1971: 87, 260; Nicolet 1974: 1022–3; Spann 1987: 1–4.

¹⁷⁰ Asc. 84 C; Sumner 1973: 118–19.

¹⁷¹ Although adopted by his maternal uncle M. Marius (*RE* 22), *pr.* c. 102, his real father was Gratidius (*RE* 2), an *eques* from Arpinum; Shackleton Bailey 1991: 78; Zmeskal 2009: 186, with plate 38.

¹⁷² *Praetorius* when murdered in 82; *MRR* 2.67, esp. Vell. 2.26.2. Tribune in 90 (*MRR* 2.26), so this praetorship likely falls in mid-*Cinnanum tempus*. Some sources mistakenly call him the brother of Gnaeus (*RE* 38), the three-time consul, but actually they are first cousins; Zmeskal 2009: 206–7, with plate 47.

¹⁷³ A Cloelius is attested as a Marian *strategos* fighting Pompey in 83 (Plut. *Pomp.* 7.1). Presumably identical to the T. Cloelius who minted coinage as quaestor c. 98 (*RRC* 1.331–2). Plutarch's *strategos* probably indicates legate rather than *pr.* 83 (Brennan 2000: 2.380), but *praetorius* rank can still be inferred, especially given the interval since his quaestorship.

¹⁷⁴ Presumably son of *monetalis* T. Cloelius, dated to c. 128 (*RRC* 1.285), which might secure senatorial status. Family possibly hailed from Tarracina; Wiseman 1967.

C. Norbanus (*RE* 5)

New man¹⁷⁵

Praetors:

(–) Burrenus (*RE* Burrienus 1)¹⁷⁶

New man¹⁷⁷

M. Perperna Veiento (*RE* 6)¹⁷⁸

Noble¹⁷⁹

82

Consuls:

C. Marius (*RE* 15)

Noble

Cn. Papirius Carbo (*RE* 38)

(*cos.* III)

Praetors:

Q. Antonius Balbus (*RE* 41)¹⁸⁰

Probably senatorial¹⁸¹

C. Carrinas (*RE* 1)¹⁸²

Probably new man¹⁸³

L. Iunius Brutus Damasippus (*RE* 58)¹⁸⁴

Probably noble¹⁸⁵

¹⁷⁵ Although some scholars have doubted it (e.g. Evans 1987: 122–4), Münzer 1932 was likely correct that Norbanus was a new man; Hinard 1987: 89–92; 2008: 124–6.

¹⁷⁶ Cic. *Quinct.* 25, 30, 69. Originally listed in *RE* as ‘Burrienus’, but ‘Burrenus’ is better attested in the *MSS*; Shackleton Bailey 1991: 13.

¹⁷⁷ Only known holder of the name. Syme 1938: 123 n. 70; Gabba 1976: 235 n. 190 both suggested he was a recently-enfranchised Italian, hailing from Picenum or Etruria. Positive support for *novitas* may come from an obscure joke at Cic. *Q.Fr.* 2.11.3, which appears to indicate that Burrenus’ success in the Senate was despised by the *nobilitas*; Shackleton Bailey 1955: 36; 1991: 13; cf. Brennan 2000: 818 n. 12.

¹⁷⁸ *MRR* 2.68–9; Brennan 2000: 2.481.

¹⁷⁹ Either grandson of *cos.* 130 (*RE* 4) and/or son of *cos.* 92 (*RE* 5); this would be a short interval between father and son, but not impossible as the *cos.* 92 reached the consulship over a decade late (cf. Cass. Dio 41.14.5; Plin. *NH.* 7.48).

¹⁸⁰ *MRR* 2.67; *RRC* 1.379.

¹⁸¹ Only one other Antonius is securely attested with the *praenomen* Quintus: an ambassador sent to Asia in 190 (*RE* 33). This makes descent probable, but also rules out any close relationship to the ‘main’ Antonii, e.g. *cos.* 99.

¹⁸² *MRR* 2.67; Brennan 2000: 2.380.

¹⁸³ First of only a few Carrinates. Syme 1939: 90 with n. 4; Gabba 1976: 235 n. 190 both suggested he was a recently-enfranchised Italian, hailing from Etruria or Umbria; cf. Wiseman 1971: 222; Lomas 2004: 107 (Volaterrae).

¹⁸⁴ *MRR* 2.67.

¹⁸⁵ The *cognomen* ‘Damasippus’ is puzzling. But Münzer, *RE* 10.1.1025, was probably correct that it suggests a branch of the Iunii Bruti who, for whatever reason, had been saddled with a Greek nickname (as opposed to e.g. a *cognomen* signifying libertine descent).

Praetors at uncertain point during the *Cinnanum tempus*:

P. Albinovanus (<i>RE</i> 2) ¹⁸⁶	Probably new man ¹⁸⁷
C. Coelius Antipater (<i>RE</i> 6) ¹⁸⁸	Probably senatorial ¹⁸⁹
P. Cornelius Cethegus (<i>RE</i> 97) ¹⁹⁰	Patrician and noble
C. Fannius (<i>RE</i> 8) ¹⁹¹	Noble ¹⁹²
(–) Flavius Fimbria (<i>RE</i> 86) ¹⁹³	Noble ¹⁹⁴
Q. Lucretius Afella (<i>RE</i> 25) ¹⁹⁵	Uncertain, but possibly senatorial ¹⁹⁶
P. Magius (<i>RE</i> 10, cf. 8) ¹⁹⁷	New man ¹⁹⁷
M. Magius (<i>RE</i> 19, cf. 8) ¹⁹⁷	New man ¹⁹⁷
C. Marcius Censorinus (<i>RE</i> 43) ¹⁹⁸	Noble ¹⁹⁹
M. Marius Gratidianus (<i>RE</i> 42)	(<i>pr.</i> II)
C. Papirius Carbo (<i>RE</i> 34) ²⁰⁰	Noble

¹⁸⁶ Marian legate in 82 (*MRR* 2.71), but clearly high-ranking because he was one of the original twelve Marians exiled in 88: App. *BC.* 1.60. Therefore, *praetorius* rank can be inferred; Brennan 2000: 2.380–1.

¹⁸⁷ First of only three Republican Albinovani listed in *RE*, and could easily be identical to one (or both) of the other two (*RE* 1 and *RE* 3); cf. *MRR* 2.74 n. 8, 3.14; Shackleton Bailey 1991: 6. An origin from Lucania or Etruria has been suggested; Bulst 1964: 327; Wiseman 1971: 210; Katz 1975: 111.

¹⁸⁸ Marian *strategos* in 82 (App. *BC.* 1.91), so probably *praetorius*.

¹⁸⁹ Descent assumed from L. Coelius Antipater (*RE* 7), the 2nd century historian (and likely a senator), and/or L. Coelius (*RE* 1), *monetalis* 180s and legate 170; cf. Sumner 1973: 57.

¹⁹⁰ A famous defector to Sulla, he likely held the praetorship during the *Cinnanum tempus*; Sumner 1973: 106; Brennan 2000: 2.382.

¹⁹¹ Date very approximate; named at 1st place in a *S.C.* of 81 (*RDGE* 18), so a senior *praetorius*. The praetorship could easily pre-date the *Cinnanum tempus*.

¹⁹² Presumably son of either *cos.* 122 (*RE* 7) or *pr. c.* 119 (cf. *RE* 7); Münzer, *RE* 6.2.1991.

¹⁹³ Marian *strategos* in 82 (App. *BC.* 1.91), so probably a *praetorius*, especially since the Flavii Fimbriae were very prominent in the Marian cause.

¹⁹⁴ Presumably son of *cos.* 104 (*RE* 87); Zmeskal 2009: 123.

¹⁹⁵ Vell. 2.27.6 says Afella was a praetor under the Marians, but App. *BC.* 101 calls him an *eques* with no magistracies. Velleius' evidence is preferable; see Sumner 1973: 106–7, who highlights that if Afella spoke regularly at *contiones* (Cic. *Brut.* 178) then he probably held magistracies; cf. Brennan 2000: 2.384.

¹⁹⁶ Clearly quite humble (cf. Cass. Dio 30–5, frg. 108.1). Cic. *Brut.* 178 implies he was related to Q. Lucretius Vespillo (*RE* 35), a jurist, who was probably a son of the homonymous *aed.* 133 (*RE* 34); Sumner 1973: 106. Therefore, we might be dealing with a family of minor senators, but this is very tentative.

¹⁹⁷ Newly-enfranchised Italians; Vell. 2.16.1–3; Sumner 1970: 259–61; Katz 1976: 513–15; Brennan 2000: 2.913 n. 302.

¹⁹⁸ Marian *strategos* in 82 (*MRR* 2.72) and had served under Cinna in 87 (App. *BC.* 1.71), so probably held a praetorship inbetween.

¹⁹⁹ Marcii Censorini held consulships in 310 (*RE* 98) and 149 (*RE* 46).

²⁰⁰ *Praetorius* by 80/79, when he was put in charge of Volaterrae by Sulla; Gran. Lic. 36.8 Cr; Val. Max. 9.7.3. Both sources call him a brother of the Marian leader Cn. Carbo (*RE* 38), but first cousin is more likely; Shackleton

A. Postumius Albinus (*RE* 35)²⁰¹

Patrician and noble

81

Consuls:

M. Tullius Decula (*RE* 34)

Probably senatorial²⁰²

Cn. Cornelius Dolabella (*RE* 134)

Patrician and noble

Praetors (increased from six to eight by Sulla):

C. Annius (*RE* 9)²⁰³

Noble²⁰⁴

Cn. Cornelius Dolabella (*RE* 135)²⁰⁵

Patrician and noble

M. Minucius Thermus (*RE* 64)²⁰⁶

Probably noble²⁰⁷

Sex. Nonius Sufenas (*RE* 53)²⁰⁸

Probably new man, but possibly senatorial²⁰⁹

C. Claudius Nero (*RE* 247)²¹⁰

Patrician and noble

L. Fufidius (*RE* 4, 3)²¹¹

Probably new man²¹¹

Bailey 1970; Zmeskal 2009: 354, with plate 47. Often listed as *pr.* 81 (e.g. *MRR* 2.76), but a praetorship in the *Cinnanum tempus* seems more probable: first, because the praetorian college of 81 is already quite full (Brennan 2000: 2.389); and second, because it is *prima facie* more likely that a close relative of the Marian leader held office during the *Cinnanum tempus*. Either way, a defection to Sulla in 83/82 can be presumed, possibly after Brutus Damasippus had murdered his cousin Carbo Arvina (*RE* 40).

²⁰¹ Marian *strategos* in 82 (*App. BC.* 1.93), so probably a *praetorius*, especially considering the interval since his moneyership of c. 96 (*RRC* 1.333–5).

²⁰² A *monetalis* M. Tullius (*RE* 11) is dated to c. 120 (*RRC* 1.297), which suggests the family were minor senators; Wiseman 1971: 109; Evans 1987: 122.

²⁰³ Brennan 2000: 2.505–6; *RRC* 1.381–6.

²⁰⁴ His filiation is T.f. T.n., so presumably a son of Titus (*RE* 78), *cos.* 128, and grandson of Titus (*RE* 64), *cos.* 153.

²⁰⁵ *Cic. Quinct.* 30–1.

²⁰⁶ Brennan 2000: 2.557.

²⁰⁷ Plausibly great-grandson of the only consular Minucius Thermus: Quintus (*RE* 65), *cos.* 193.

²⁰⁸ Münzer, *RE* 17.1.901; Brennan 2000: 2.917 n. 349.

²⁰⁹ Sulla's nephew. No previous Nonii are attested for certain, so he could easily be a new man; e.g. Taylor 1960: 237–8; Wiseman 1971: 245. But a possible relative is the tribune-elect murdered by Saturninus and Glaucia in 101, who is variously attested as Nonius (*App. BC.* 1.28; *Plut. Mar.* 29.1), Nunnus (*Liv. Per.* 69; *Val. Max.* 9.7.3), Ninnius (*Flor.* 2.4.1), or Nunius (*Oros.* 5.17.3). This might indicate a minor senatorial family; Gruen 1995b: 179 n. 62.

²¹⁰ *Pr.* 81 or 80; Konrad 1989: 124; Brennan 2000: 2.557.

²¹¹ *RE* 4 = a humble lieutenant whom Sulla raised to the praetorship in 81 or 80; Münzer, *RE* 7.1.201; Konrad 1989: 122–5; Brennan 2000: 2.506. *RE* 3 = the dedicatee of M. Aemilius Scaurus' autobiography who reached the praetorship at some point; *Cic. Brut.* 112–13; *Plin. NH.* 33.21. Although many scholars have made *RE* 3 the father of *RE* 4, I follow Konrad 1989 in identifying them as the same (cf. Brennan 2000: 2.353); in which case, he should be a new man.

Consuls:

L. Cornelius Sulla Felix (*RE* 392) (cos. II)

Q. Caecilius Metellus Pius (*RE* 98) Noble

Praetors:

C. Claudius Marcellus (*RE* 214)²¹² Noble

M. Domitius Calvinus (*RE* 44)²¹³ Noble²¹⁴

M. Fannius (*RE* 15)²¹⁵ Noble

L. Manlius (*RE* 30)²¹⁶ Probably patrician and noble²¹⁷

Consuls:

P. Servilius Vatia Isauricus (*RE* 93) Noble

Ap. Claudius Pulcher (*RE* 296) Patrician and noble

Praetors:

L. Faberius (*RE* 2)²¹⁸ Probably new man²¹⁹

Q. Calidius (*RE* 5)²²⁰ Probably senatorial²²¹

²¹² Brennan 2000: 2.483–4.

²¹³ Brennan 2000: 2.506.

²¹⁴ Afzelius 1945: 162; Brennan 2000: 917 n. 354.

²¹⁵ Cic. *Rosc. Am.* 11–12.

²¹⁶ *Pr.* 80 or 79; Brennan 2000: 2.506–7, 575.

²¹⁷ Although plebeian/non-noble Manlii are attested (e.g. *RE* 61, *tr. pl.* 107), he probably descends from the patrician/noble Manlii (e.g. Torquati, Vulsones) who suddenly reappear after Sulla's victory.

²¹⁸ Date very approximate; named at 1st place in *S.C.* of 78 (*RDGE* 22, line 4). Praetorship could easily fall in *Cinnanum tempus* (or earlier), but we cannot know.

²¹⁹ One of only two known Faberii. Wiseman 1971: 230 suggests the combination of rare name and tribe (Sergia) implies recent enfranchisement from the Marsi or Paeligni.

²²⁰ *MRR* 2.83.

²²¹ Probably son of M. Calidius (*RE* 3), *monetalis* c. 117; *RRC* 1.300.

Consuls:

M. Aemilius Lepidus (<i>RE</i> 72)	Patrician and noble
Q. Lutatius Catulus (<i>RE</i> 8)	Noble

Praetors:

L. Cornelius Sisenna (<i>RE</i> 374) ²²²	Praetorian, but possibly patrician and noble ²²²
(–) Terentius Varro (cf. <i>RE</i> 82) ²²³	Noble ²²⁴
C. Valerius Triarius (<i>RE</i> 363) ²²⁵	Uncertain, but possibly new man ²²⁶

Consuls:

D. Iunius Brutus (<i>RE</i> 46)	Noble
Mam. Aemilius Lepidus (<i>RE</i> 80)	Noble

Praetors:

(M.?) Iunius Silanus (<i>RE</i> 77) ²²⁷	Noble ²²⁸
Sex. Peducaeus (<i>RE</i> 5) ²²⁹	Probably senatorial ²³⁰

²²² The famous historian; *MRR* 2.86. Rawson 1979: 328 believed the Sisennae were enfranchised Etruscans who adopted the *nomen* Cornelius, but the evidence cited is underwhelming. Instead, given the historian's support for Sulla's noble *causa*, it seems probable that he belonged to a struggling branch of the noble Corneli. Sulla's own family offers a good parallel: like the Sisennae, the Sullae appear in the praetorian *fasti* around the year 200 bearing a *cognomen* previously unattested among the patrician Corneli; but in the Sullae's case, we know for certain that they had a consular ancestor (P. Cornelius Rufinus, *cos.* 302, 277). A similar situation can be assumed for the Sisennae.

²²³ Tentative; Brennan 2000: 2.558.

²²⁴ Descent from Gaius (*RE* 83), *cos.* 216, can be assumed; Gruen 1996b: 165.

²²⁵ Found as governor or legate in Sicily in 78; Brennan 2000: 2.494–5. Even if only legate, a praetorship can be presumed in the following years as he is next found as senior legate under L. Lucullus in 73–67 (Asc. 19 C).

²²⁶ First of only a few known Triarii. The family is also attested at Fundi; Wiseman 1971: 269; Gruen 1996b: 176.

²²⁷ Plin. *NH.* 2.100. Pace Münzer and Broughton, he must be distinguished from the M. Iunius Silanus attested on an inscription on Priene (listed here as *pr. c.* 99); cf. Eilers 1996; Ferrary 2000: 171–3.

²²⁸ Either son of Marcus (*RE* 169), *cos.* 109, and/or grandson of Decimus (*RE* 161), *pr.* 141, who was born into the noble Manlii.

²²⁹ Brennan 2000: 2.484–5.

²³⁰ Presumably son of homonymous *tr. pl.* 113 (*RE* 4).

76

Consuls:

Cn. Octavius (*RE* 22) Noble²³¹

C. Scribonius Curio Burbuleius (*RE* 10) Praetorian²³²

Praetor:

M. Iunius Iuncus (*RE* 84)²³³ Uncertain, but possibly new man²³⁴

P. Rutilius Nudus (*RE* 30)²³⁵ Probably noble²³⁶

M. Fonteius (*RE* 12)²³⁷ Praetorian²³⁸

75

Consuls:

L. Octavius (*RE* 26) Noble²³⁹

C. Aurelius Cotta (*RE* 96) Noble²⁴⁰

Praetors:

M. Claudius Marcellus (*RE* 227)²⁴¹ Noble

C. Claudius Glaber (cf. *RE* 165)²⁴² Uncertain, but possibly noble²⁴³

²³¹ Sumner 1973: 115; Badian 1990: 392, 407 n. 24.

²³² Son of *pr. c.* 118 (*RE* 9); Cic. *De or.* 2.98, *Brut.* 122–4. Cf. Shackleton Bailey 1986: 256–7.

²³³ *MRR* 2.98, 100 n. 6. Attested as both ‘Iunius’ and ‘Iuncus’, but Ward 1977 argued for combining them.

²³⁴ First known Iuncus. Gruen 1996b: 512 assumes *novitas*.

²³⁵ Inferred from senior legateship in 74; Münzer, *RE* 1A.1.1268.

²³⁶ From name and date, instinctively looks like a son of P. Rutilius Rufus (*RE* 105), *cos.* 105; Münzer, *RE* 1A.1.1268.

²³⁷ Mid-70s; *MRR* 2.104, 109 n. 6; Brennan 2000: 2.509–11.

²³⁸ Cic. *Font.* 41.

²³⁹ Sumner 1973: 114–6; Badian 1990: 407 n. 24.

²⁴⁰ Badian 1990: 392.

²⁴¹ *Praetorius* by 75: named at 1st place on *S.C.* of 73 (*RDGE* 23, line 7), ahead of C. Licinius Sacerdos (*RE* 154), *pr.* 75. Münzer, *RE* 3.2.2760 identified him with the M. Marcellus attested as *aed.* 91, in which case his praetorship could fall much earlier. Alternatively, he could be identical to *RE* 226, listed above as *pr. c.* 96. But certainty is impossible.

²⁴² *Praetorius* by 75: named at 2nd place on *S.C.* of 73 (*RDGE* 23, line 7) ahead of C. Licinius Sacerdos, *pr.* 75. Münzer, *RE* 3.2.2724 identified him with the Claudius Glaber (*RE* 165) who, as *pr.* 73, lost to Spartacus, but the latter must be a brother or cousin; Taylor 1960: 176 n. 22, 204; Gruen 1996b: 170.

²⁴³ He and his putative brother (*RE* 165) are the only attested Claudii Glabri. But since ‘Glaber’ means ‘bald/hairless’, it is possible that their father/grandfather was a noble Claudius nicknamed ‘the bald’. In particular, the Marcelli and Nerones use the right *praenomen* (Gaius) and belong to the right tribe (Arnensis).

M. Caesius (<i>RE</i> 9) ²⁴⁴	Uncertain, but possibly new man ²⁴⁵
C. Licinius Sacerdos (<i>RE</i> 154) ²⁴⁶	Senatorial ²⁴⁷
L. Turius (<i>RE</i> 2) ²⁴⁸	Uncertain, but possibly senatorial ²⁴⁹

74

Consuls:

L. Licinius Lucullus (<i>RE</i> 104)	Noble ²⁵⁰
M. Aurelius Cotta (<i>RE</i> 107)	Noble ²⁵¹

Praetors:

M. Antonius Creticus (<i>RE</i> 29) ²⁵²	Noble ²⁵³
L. Calpurnius Piso Frugi (<i>RE</i> 98) ²⁵⁴	Noble
P. Coelius (<i>RE</i> 2) ²⁵⁵	Senatorial, but possibly noble ²⁵⁶
C. Verres (<i>RE</i> 1)	Senatorial ²⁵⁷

²⁴⁴ Cic. *Verr.* 2.1.130; *MRR* 3.44; also *RDGE* 23 (line 8), with Badian 1963: 135; Brennan 2000: 2.918 n. 369.

²⁴⁵ Since his filiation is M.f. (as attested at *RDGE* 23, line 8), he cannot be a son of L. Caesius (cf. 4), *pr.* 104. *Novitas* is therefore probable.

²⁴⁶ *MRR* 2.97.

²⁴⁷ Asc 82 C confirms that he was neither a *novus homo* nor noble.

²⁴⁸ *MRR* 2.97, 3.209–10; Gruen 1996b: 176.

²⁴⁹ One of only four known Turii. However, one of them, Lucius (*RE* 1) was defended in court by the elder Cato, who later published the speech. This might indicate that *RE* 1 was a noteworthy person and perhaps suggests senatorial rank.

²⁵⁰ Plut. *Luc.* 1.1.

²⁵¹ Badian 1990: 392.

²⁵² *MRR* 2.101–2.

²⁵³ Son of *cos.* 99; Plut. *Ant.* 1.1.

²⁵⁴ *MRR* 2.102.

²⁵⁵ Cic. *Verr.* 2.1.130.

²⁵⁶ Could descend from several senatorial Coelii, including the *cos.* 94 (*RE* 12), although nephew is commonly suggested; e.g. Gruen 1995b: 165.

²⁵⁷ Verres' father was clearly a senator (e.g. Cic. *Verr.* 2.2.102), although we have no idea which offices he reached.

73

Consuls:

M. Terentius Varro Lucullus (*RE* Licinius 109) Noble²⁵⁸

C. Cassius Longinus (*RE* 58) Noble

Praetors:

(–) Cossinius (*RE* 2)²⁵⁹ Probably new man²⁶⁰

Q. Arrius (*RE* 7, 8)²⁶¹ Probably new man²⁶²

(–) Claudius Glaber (*RE* 165)²⁶³ Uncertain, but possibly noble²⁶⁴

P. Varinius (*RE* 1)²⁶⁴ Probably new man²⁶⁵

Cn. Manlius (*RE* 21)²⁶⁶ Probably patrician and noble²⁶⁷

72

Consuls:

L. Gellius (Poplicola) (*RE* 17) Senatorial²⁶⁸

Cn. Cornelius Lentulus Clodianus (*RE* 216) Patrician and noble

Praetors:

Cn. Tremellius Scrofa (*RE* 5)²⁶⁹ Praetorian²⁷⁰

²⁵⁸ Born a Lucullus and grandson of *cos.* 151 (*RE* 102); Badian 1990: 392.

²⁵⁹ Either praetor or legate when sent to fight Spartacus in 73; but even if legate, could still be *praetorius*; *MRR* 2.110; Brennan 2000: 2.431–2, 913 n. 314.

²⁶⁰ Wiseman 1971: 227; Nicolet 1974: 855–7 with n. 4; Gruen 1996b: 176.

²⁶¹ *MRR* 2.109, 3.25; Sumner 1973: 130.

²⁶² First certain Arrius and apparently of lowly birth (*Cic. Brut.* 243: *infimo loco natus*); Wiseman 1971: 214.

²⁶³ *MRR* 2.109, 3.54. Cf. above on the *pr.* ≥ 75, his putative brother.

²⁶⁴ *MRR* 2.110; Gruen 1996b: 173 n. 40.

²⁶⁵ Only male Varinius in *RE*; Wiseman 1971: 270.

²⁶⁶ *Liv. Per.* 96; Brennan 2000: 2.432.

²⁶⁷ Patrician/noble Manlii are known to use Gnaeus as a *praenomen*, but not plebeian Manlii; Gruen 1996b: 166.

²⁶⁸ Evans 1980.

²⁶⁹ *Pr.* late 70s; Brennan 2000: 2.575–6. Varro (*Rust.* 2.4.3) attests praetorian descent.

71

Consuls:

P. Cornelius Lentulus Sura (<i>RE</i> 240)	Patrician and noble
Cn. Aufidius Orestes (<i>RE</i> 32)	Noble (by birth) ²⁷⁰

70

Consuls:

Cn. Pompeius Magnus (<i>RE</i> 31)	Noble
M. Licinius Crassus (<i>RE</i> 68)	Noble

Praetors:

L. Titius (<i>RE</i> 14) ²⁷¹	Probably senatorial ²⁷²
M. Mummius (<i>RE</i> 9) ²⁷³	Uncertain, but possibly noble ²⁷⁴
(–) Antistius Vetus (<i>RE</i> 46) ²⁷⁵	Senatorial, and possibly noble ²⁷⁶
A. Manlius Torquatus (<i>RE</i> 70) ²⁷⁷	Patrician and noble
Q. Pompeius Bithynicus (<i>RE</i> 25) ²⁷⁸	Noble ²⁷⁹

²⁷⁰ Badian 1990: 392; Shackleton Bailey 1991: 67.

²⁷¹ *Pr.* 70s; Val. Max. 8.3.1, with Brennan 2000: 919–20 n. 338.

²⁷² Numerous previous Titii are attested, including several who could be senators (e.g. *RE* 6; *RE* 22; *RE* 23; *RE* 33). This probably reflects a minor senatorial family; Gruen 1996b: 171.

²⁷³ Cic. *Verr.* 2.3.123.

²⁷⁴ Although rejected by some scholars (e.g. Gruen 1996b: 176), nothing prevents him being a grandson/great-grandson of L. Mummius (*RE* 7a), *cos.* 146, along a minor line.

²⁷⁵ *Pr.* 70 or 69; *MRR* 2.132, 136 n. 7; Brennan 2000: 2.514.

²⁷⁶ Numerous senatorial Antistii are known over the centuries, including a consular tribune in 379: Lucius (*RE* 11); cf. Taylor 1960: 192.

²⁷⁷ In Africa by 69; *MRR* 2.133; Brennan 2000: 2.545.

²⁷⁸ Tentative; possibly held praetorship in late 70s; Gruen 1996b: 165 n. 5; Brennan 2000: 913–14 n. 315.

²⁷⁹ Should be a grandson of Quintus (*RE* 12), *cos.* 141; Badian 1963: 138–9; Gruen 1996b: 165.

‘Conservative’ count: full data						
	Noble	Praetorian	Senatorial	New man	Uncertain	Total
123–108	43	6	6	0	2	57
107–100	13	6	3	9	1	32
99–92	22	3	7	2	1	35
91–87	16	5	4	0	7	32
86–82	13	0	3	9	1	26
81–70	37	4	9	6	7	63
Total	144	24	32	26	19	245

‘More speculative’ count: full data						
	Noble	Praetorian	Senatorial	New man	Uncertain	Total
123–108	48	6	3	0	0	57
107–100	14	8	0	10	0	32
99–92	24	2	7	2	0	35
91–87	20	8	3	1	0	32
86–82	13	0	4	9	0	26
81–70	43	3	9	8	0	63
Total	162	27	26	30	0	245

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