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QUA RE QUI POSSUM NON ESSE POPULARIS:
**THE REPRESENTATION OF *POPULARES* IN THE LATE ROMAN
REPUBLIC.**

by

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by Research

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Abstract

The terms *popularis* and *optimate* have been employed in both ancient and modern literature to interpret late Roman Republican politics. The purpose of this work is to express the diversity and change of the *popularis* label from 133 to 88 B.C. as a consequence of developing political practices. A chronological assessment of five key *popularis* tribunes in this period; Ti. Sempronius Gracchus, G. Sempronius Gracchus, L. Appuleius Saturninus, M. Livius Drusus and P. Sulpicius Rufus determines the variation in political methodologies exploited by these men in response to an *optimate* opposition. An assessment of Cicero's works then considers how the discrepancies exhibited by these politicians could be manipulated for oratorical advantage. This subsequently reveals the perception of pre-Sullan *populares* in the time of Cicero, a generation later. This work ultimately aims to demonstrate the individualistic nature of late Republican politicians, the evolution of political practice in the period and the diverse employment of political labels in contemporary sources.

Acknowledgments

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Introduction

The nature of *populares* and *optimates* has been a focus of debate traceable back to the first century B.C.¹ The flexible nature of these expressions, in particular *popularis*, resulted in unstable and incomplete definitions of the key terms. This issue is succinctly demonstrated by the numerous interpretations provided within *The Oxford Latin Dictionary*. These range from genuine popularity to outlining a social group and political position.² The Latin term *popularis* and its Greek equivalent *demotikoi* became an established label following the tribunate of Ti. Sempronius Gracchus in 133 B.C.³ Alongside the term *optimate* and its approximate Greek parallels *dynatoi* or *plousioi*, the *popularis* concept helped to form the view of Rome as a neatly divided political system.⁴ This led to the grouping of individuals by their political aims, a trend that permeated both ancient and modern literature. This dissertation addresses the movement away from the generalised viewpoint in modern literature, stressing the need for a detailed approach when dealing with politicians of the late Roman Republic. This will show that *popularis* tribunes from 133 to 88 B.C. did not wholly subscribe to a single generic trend and that they exhibited distinctive traits in their magistracies as a reaction to *optimate* policies. Following this discussion, an assessment will be made concerning Cicero's exploitation of the various connotations of the term *popularis*. This was employed alongside examples of past tribunes to engage with contemporary politicians such as P. Clodius Pulcher.

¹ Cic. *Leg. agr.* 2.9 provides the quotation for the title of this dissertation, while an extended discussion of *populares* and *optimates* can be found in Cic. *Sest.* 96ff.

² Glare, P. G. W. *The Oxford Latin Dictionary*. Vol. 2. (Oxford: Clarendon Press, 1968), 1544-5.

³ de Ste. Croix, G. E. M. *The Class Struggle in the Ancient Greek World: from the Archaic Age to the Arab Conquests*. (London: Gerald Duckworth & Company Limited, 1981), 341; Badian, E. "Optimates, Populares." In *The Oxford Classical Dictionary*, edited by S. Hornblower, A. Spawforth, & E. Eidinow, 1042-1043. (Oxford: Oxford University Press, 2012), 1042.

⁴ Warre Cornish, F., ed. *A Concise Dictionary of Greek and Roman Antiquities*. (London: John Murray, 1898), 443; de Ste. Croix, G. E. M. *The Class Struggle in the Ancient Greek World: from the Archaic Age to the Arab Conquests*. 340, although there is a difficulty in ascribing Greek terms to Roman politics as a result of the different political models employed in these cultures, see Thuc. 3.70-83. The political groupings are most explicit in Münzer, F. *Roman Aristocratic Parties and Families*. (Translated by Thérèse Ridley. London: The John Hopkins University Press, 1999).

The year of Tiberius Gracchus' tribunate (133 B.C.) has traditionally been assigned as the starting point for studies concerned with the collapse of the Roman Republic. It was considered a time that formed the catalyst for an evolution of political practice.⁵ This was halted by Sulla's legislation (82 to 80 B.C.), which drew a conclusion to the age of reform and momentarily incapacitated *popularis* strategies.⁶ This political transformation can be seen as either the cause or a symptom of decline, but it is perceptible that a crisis had taken hold of Rome in this period.⁷ 133 B.C., therefore, formed the foundation of Roman political activity during its most tumultuous era, with the nature of *popularis* strategies experiencing continual redefinition up to the Sullan constitutional changes. The age of reform consequently requires detailed analysis, as the variation in political practices is crucial to understanding the emergence and development of a distinct *popularis* label. This provided Cicero with an ideal tool for exploitation within his later works.

Literature Review

A literature review of modern scholarship, in the case of this work, is divided into four sections. The first section accounts for original theories concerning Roman politics, largely dependent on party systems or inflexible personal relationships. The second element highlights a departure from this view, with current literature asserting the fluidity of politics. The third section summarises interpretations regarding the specific use of the term *popularis*, while the fourth division deals with the perception of *optimates*. This provides a

⁵ App. *B Civ.* 1.1.2; Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy*. (London: Cornell University Press, 1978), 11; Dillon, M., and L. Garland. *Ancient Rome: From the Early Republic to the Assassination of Julius Caesar*. (Abingdon: Routledge, 2005), 405; Keaveney, A. *The Army in the Roman Revolution*. (London: Routledge, 2007), 2; Taylor, L. R. "Forerunners of the Gracchi." *The Journal of Roman Studies* 52 (1962), 19. This viewpoint is opposed by Badian, E. *Foreign Clientelae, 264-70 BC*. (Oxford: Clarendon Press, 1958), 168 who stresses the actions of Scipio Aemilianus in Spain.

⁶ App. *B Civ.* 1.59; Keaveney, A. "Crisis with Alternative - The Reformers of the Roman Republic." In *Italians on the Land: Changing Perspectives on Republican Italy Then and Now*, edited by A. Keaveney & Louise Earnshaw-Brown, 1-10. (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 4: there was a lack of reformative measures associated with *populares* in the post-Sullan era, justifying the name of this period.

⁷ Taylor, L. R. "Forerunners of the Gracchi." 27; Jehne, M. "Methods, Models, and Historiography." In *A Companion to the Roman Republic*, edited by N. Rosenstein, & R. Morstein-Marx, translated by R. Morstein-Marx, & B. Wolkow, (Oxford: Blackwell, 2010), 8 provides an evaluation of the use of crisis rather than revolution.

rounded view of the Republic and an understanding of the concepts associated with relevant political labels, while asserting the value of an individualistic investigation of Republican politicians.

Original Models of Republican Politics

Over a century ago, Theodor Mommsen's *The History of Rome* emphasised the importance of the aristocracy and the magistracies that they held throughout their political careers.⁸ Following this work, Mommsen studied the function of law in the Republic, with static legal values recognised as providing the backbone of the state.⁹ Although his ideas have since been disputed, a study of Roman politics cannot ignore the major contributions that Mommsen made to the subject. A challenge to Mommsen was first presented by Matthias Gelzer who proposed a structure of relationships amongst the aristocracy and between the elite and those lower down the social hierarchy. These relationships of *amicitia* and *clientela* were perceived to steer politics and were considered to be the dominating factor in political activity.¹⁰ Friedrich Münzer then argued that Gelzer's views lacked strength and magnified the relationships of *amicitia* and *clientela* to create a system of parties within Roman politics. His concept envisaged these groups, headed by dominant family members, as capable of spanning generations.¹¹ Although this view has been subject to scepticism, the concept of categorising individuals was an important consideration when inspecting the period under discussion. Ronald Syme then formed his study, *The Roman Revolution*, in a further demonstration of the nature of *amicitia* and *clientela*.¹² Finally, Lily Taylor attempted to amalgamate the studies of Mommsen, Gelzer, Münzer and Syme. She achieved this through the recognition of a neutral senator, who did not directly belong to a party, but whose political support depended upon personal relationships developed between himself and his

⁸ Mommsen, T. *The History of Rome*. (1911, Translated by W. P. Dickson. 5 vols. London, 1996).

⁹ Mommsen, T. *Römisches Staatsrecht*. (Hirzel, 1887-8, Cambridge: Cambridge University Press, 2010).

¹⁰ Gelzer, M. *The Roman Nobility*. (1921, translated by R. Seager. Oxford: Blackwell, 1969), 115-116, 139.

¹¹ Münzer, F. *Roman Aristocratic Parties and Families*.

¹² Syme, R. *The Roman Revolution*. (Oxford: Clarendon Press, 1939).

associates. A final idea of Taylor's, concerning the nature of *populares*, set out that the division from the *optimates* depended upon ideological values. This included the assertion of the people's right to influence government, versus the claim that the senate's authority should be upheld.¹³ Ideology, rather than the methodology, was seen as the means to achieve legislative measures. This determined the definition of the *popularis* and optimate labels.

Building on this framework, Howard Scullard envisaged Roman politics as increasingly dominated by a *popularis* versus optimate struggle, most notably after 123 B.C. This, he claimed, resulted in the decline of party-like structures.¹⁴ He characterised *populares* as men forced into their actions by political opponents. Most crucially, however, Scullard disagreed with Taylor and suggested that it was the methods employed by politicians that defined them as a *popularis* or an optimate. Adding to this, Peter Brunt showed the increasing importance of urban and military force in relation to the Roman political climate.¹⁵ Ernst Badian enhanced the interpretation of *clientelae*, illustrating how this could be applied to foreign communities, rather than simply being viewed as an isolated practice.¹⁶ Brunt then confirmed the political importance of the Italian and allied involvement in political events of the late Republic, supplementing Badian's assertions.¹⁷ Brunt also expanded upon the understanding of political interrelations, demonstrating the diverse range of meanings associated with ties of *amicitia*. He then investigated the varied practical application of *amicitia* in politics, in a progression of the understanding put forward by Taylor and Syme.¹⁸ Finally, Erich Gruen established the complexity of Roman politics and focussed on

¹³ Taylor, L. R. *Party Politics in the Age of Caesar*. (Berkeley: University of California Press, 1949).

¹⁴ Scullard, H. H. *Roman Politics, 220-150 BC*. (Oxford: Clarendon Press, 1951).

¹⁵ Brunt, P. A. "The Army and the Land in the Roman Revolution." *The Journal of Roman Studies* 52 (1962), 75; Brunt, P. A. "The Roman Mob." *Past & Present* 35 (1966), 3.

¹⁶ Badian, E. *Foreign Clientelae, 264-70 BC*.

¹⁷ Brunt, P. A. "Italian Aims at the Time of the Social War." *Journal of Roman Studies* 55 (1965), 93-4.

¹⁸ Brunt, P. A. "'Amicitia' in the Late Roman Republic." *Proceedings of the Cambridge Philological Society* 11 (1965), 1, 7, 20.

interrelating personalities and legislation.¹⁹ He demonstrated that the history of Rome could not be attributed to a narrow circle of politicians and must instead consider the diverse factors expressed above. These writers provided a clear indication of the intricate nature of Roman politics, with an emphasis placed on key themes such as *amicitia* and *clientela*. This could then be expanded to include the wider populace and external populations. Although these trends offered an important consideration for understanding the context in which *populares* and *optimates* functioned and developed, they cannot comprehensively demonstrate our understanding of political activity within the Roman Republic.

Alternative Models of Republican Politics

More recent scholarship has sufficiently indicated that an individualistic approach is beneficial to our assessment of Roman politics. Although the above concepts were not completely discounted from discussion, progress was made in bringing the political scene under closer inspection. This resulted in opposition to the previously accepted models that provided rigidity and predictability. Christian Meier marked the beginning of a divergence of opinion regarding the party-political model of Republican politics.²⁰ He distinguished between unique and regular political practices, stating that *popularis* politicians appeared principally in exceptional circumstances. This implied that *populares* pursued their ambitions following support generated by aggravated situations.²¹ Meier favoured an interpretation that demonstrated the complexity of interrelations between aristocrats, using this to show that the political environment was capable of being rearranged in a multitude of ways, fashioning unpredictable political outcomes. He claimed to have destroyed the theories put forward by Syme, Scullard, Badian and Taylor and subsequently abandoned their models. Although his criticism of prosopographical approaches was not without justification, the

¹⁹ Gruen, E. S. *The Last Generation of the Roman Republic*. (Berkeley: California University Press, 1974).

²⁰ Meier, C. *Respublica Amissa*. (Wiesbaden: Franz Steiner, 1966), 174-7.

²¹ Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. (London: The University of North Carolina Press, 1999), 146-9 agrees with Meier and shows that later *populares* such as Clodius excelled in aggressively generating and maintaining these circumstances.

complete abandonment of previous models was an exaggerated reaction. The movement away from this idea, however, provided an alternative perspective for analysing *populares* and *optimates*. In an article on *populares* in the *Realencyclopädie*, Meier agreed with Scullard and stated that *populares* were defined by their methodology.²² Another step away from the traditional models came with Fergus Millar's assertion of the democratic nature of the Republic. Millar claimed power rested more with the people and the popular assemblies than had previously been recognised, supporting the Polybian view of the Republic,²³ while John North demonstrated the dangers of a Polybian analysis.²⁴ These views were cautiously reconciled by Henrik Mouritsen, who recognised the political potential of the masses.²⁵ He attempted to compromise between the traditional views of senatorial dominance and the debate between Millar's and North's ideas. This was achieved by recognising the symbolic value of popular involvement in politics, but attributing it to a different level of abstraction than the political mechanisms employed by the state. By asserting the Polybian view of the Republic, Millar provided a new platform for judging the actions of *populares* and *optimates*, enhancing the view of *populares* as those who were linked by their political approach. Finally, Brunt, in *The Fall of the Roman Republic: And Related Essays*, dealt with diverse topics that spanned the Roman Republic. This followed the attack by Meier, which reduced the importance of rigid party-like structures and incorporated an adaption of previously published articles to reflect this.²⁶ His conclusion, although by no means wholeheartedly in agreement with Meier, adopted similar themes. He claimed that Roman politics was a fluid system that had not been accounted for in previous scholarship. Furthermore, he supposed

²² Meier, C. "Populares." In *Realencyclopädie der Classischen Altertumswissenschaft Supplement 10* (1965), 549.

²³ Polyb. 6.11; Millar, F. *The Crowd in Rome in the Late Republic*. (Michigan: The University of Michigan Press, 2002), 1.

²⁴ North, J. A. "Democratic Politics in Republican Rome." *Past & Present* 126 (1990), 8. Millar, F. "Politics, Persuasion and the People before the Social War (150-90 B.C.)." *The Journal of Roman Studies* 76 (1986), 9 and Millar, F. "The Political Character of the Classical Roman Republic, 200-151 B.C." *The Journal of Roman Studies* 74 (1984), 1-2 show Polybius to be an important source in our understanding of the Roman constitution.

²⁵ Mouritsen, H. *Plebs and Politics in the Late Roman Republic*. (Cambridge: Cambridge University Press, 2001), 15.

²⁶ Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. (Oxford: Clarendon, 1988), 443-502.

that popular politics was predominantly based on the support derived from bills presented to the people. This created questions apropos of both the ideology and methodology of politicians. From this sample of work, a change of perspective in the final decades of the twentieth century can be discerned. Ideas favouring an account of individuals, over all-encompassing models, have been adopted. This has been continued into the twenty-first century by the works of scholars such as Mouritsen and Millar. Aside from Meier's ambitious claim, however, there has not been a total rejection of the traditional models. They are still to be considered, just with less authority than before. The concept of *populares* versus *optimates* therefore maintained its importance, although an increasingly individualistic approach has been associated with the assessment of these terms. This provides a starting point for this study, with an assertion of the distinctive nature of *popularis* tribunes building on the works of scholars such as Meier, Millar and Brunt.

Popularis Assessments

Following the development of a progressively individualistic evaluation of Republican politics, there has been a focussed reconsideration of the term *popularis*. Through the assessment of this term, its use and representation, the following works developed our understanding of the nature of *populares*. Luciano Perelli enhanced the idea of *populares* as distinctive individual politicians who adhered to a general movement, but did not constitute a continual feature of political action. An analysis of the beneficiaries of *popularis* action demonstrated an attempt to come to terms with the motives and outcomes of popular legislation. Further to this, political violence was attributed to the overzealous actions of the supporters of these politicians, rather than being incited by the individuals themselves.²⁷ This reaffirmed the idea of the period as one dominated by the struggle between *populares* and *optimates*, yet also portrayed a sympathy towards the democratic aspects of *populares*.

²⁷ Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. (Turin: Paravia, 1982), 136.

Nicola Mackie added to this, exploring the idea that the Roman populace could identify a true *popularis* rather than an individual working for selfish means.²⁸ The key themes of *popularis* legislation were described as grain provision, land distribution, debt relief and the protection of the people's constitutional interests.²⁹ Tellingly, Mackie identified that *populares* were most successful in times of economic strife, implying that they relied upon stress as a catalyst for the success of their legislation. This agreed with Meier's claims regarding exceptional situations and their impact upon politics. Finally, Margaret Robb focussed on the use of the term *popularis* within literature. The work showed the diverse nature of the label; it could represent a tradition, strategy or ideology.³⁰ This study rejected the concept of *populares* forming a group and reasserted the individual nature of the term. Furthermore, Robb demonstrated that all political terms had positive connotations, but these representations could be distorted to achieve a political advantage. These specific works stressed the need to treat *populares* as a complex issue, rather than as an all-encompassing label throughout Republican political history. They also confirmed the potential benefits of a study regarding the developing nature of *populares*.

Optimate Assessments

According to Valentina Arena, *optimates* subscribed to the concept of preserving the *status quo* of the Republic, using the concept of *libertas* as a rationale.³¹ Chaim Wirszubski showed that this was exploited differently by *populares*, who claimed *libertas* as the justification for enhancing popular sovereignty. *Optimates* were viewed as individuals who subscribed to a comparatively stable and restrictive interpretation of *libertas*, even if they did not form a

²⁸ Mackie, Nicola. "'Popularis' Ideology and Popular Politics at Rome in the First Century B. C." *Rheinisches Museum für Philologie* 135 (1992), 51.

²⁹ Mackie, Nicola. "'Popularis' Ideology and Popular Politics at Rome in the First Century B. C." 61.

³⁰ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. (Stuttgart: Franz Steiner Verlag, 2010), 14.

³¹ Arena, V. *Libertas and the Practice of Politics in the Late Roman Republic*. (Cambridge: Cambridge University Press, 2012), 170.

fixed political group.³² Wirszubski's previous work complemented Arena's interpretation and demonstrated that the concept of *libertas* was a restrained level of freedom, moderate in nature and wholly applicable to optimate ideals.³³ A clear aim of *optimates* was identified by Walter Lacey; they strove to achieve recognition and fame through their opposition to dangers facing the state, endeavouring to be perceived as working selflessly.³⁴ Francisco Pina Polo demonstrated that the suppression of potential tyrants was a key attribute of both *optimates* and an *optimus civis*.³⁵ This allowed for the interpretation of an optimate as an individual, regardless of social status, who took positive steps to secure the traditions of the Republic. Robb then stated that the use of the term optimate, especially in Ciceronian rhetoric, allowed for a distortion to occur.³⁶ This showed that these terms formed an element of the political discourse of the period and defined a political strategy rather than the genuine beliefs of the politicians. This suggestion could also be inferred to apply to *populares*, providing an interesting angle for the assessment of these expressions. Robin Seager identified *optimates* as those who subscribed to a set of principles that were incompatible with *popularis* activity.³⁷ This was expanded by Brunt to show that *optimates* adhered to a policy of senatorial dominance, as it complemented their class interests and ensured for the preservation of power.³⁸ These works demonstrated that optimate traditions, despite a few complications, could be recognised more straightforwardly than their *popularis* counterparts. Due to the consistent methods and ideologies projected, a more static concept was identifiable.

³² Wirszubski, Ch. *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*. (Cambridge: Cambridge University Press, 1950), 8.

³³ Wirszubski, Ch. *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*. 7.

³⁴ Lacey, W. K. "Cicero, Pro Sestio 96-143." *The Classical Quarterly* 12 (1962), 70.

³⁵ Pina Polo, F. "The Tyrant Must Die: Preventive Tyrannicide in Roman Political Thought." In *Repúblicas y Ciudadanos: Modelos de Participación Cívica en el Mundo Antiguo*, edited by S. F. Marco, F. Pina Polo, & J. Remesal Rodríguez, 71-101. (Barcelona: Universitat de Barcelona, 2006), 75.

³⁶ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 35.

³⁷ Seager, R. "Cicero and the Word Popvlaris." *The Classical Quarterly* 22 (1972), 329.

³⁸ Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 53.

Summary of Modern Literature

Drawing this literature review to a close, it becomes evident that a change in the perception of Republican politics has been experienced. A trend developed, with an adaptation of rigid party structures resulting in an increasingly flexible model of Republican politics. A focus on popular sovereignty was established, which in turn saw *populares* become viewed as individuals rather than conformers within a party. The methods and political endeavours of *populares* varied, resulting in a series of politicians who acted uniquely. This indicated that confining these men to a generalised political label was restrictive. It did not fully represent either the politicians involved, or the term they were associated with. From the above works, it is apparent that an assessment of *populares* as a developing trend, in line with our increasingly fluid understanding of the Roman Republic, will build upon the recently established revisionist views. This provides further insight into the evolving nature of the *popularis* label and demonstrates the compatibility of this adaptable concept within a flexible political model.

Structure and Methodology

This dissertation begins with a chronological re-evaluation of five key *popularis* tribunes, with an assessment of politicians from Ti. Sempronius Gracchus through to P. Sulpicius Rufus. An analysis of these individuals, regarding their methods and political initiatives, allows for a progressive understanding of the political label they became associated with. Through the identification of consistencies, deviations and the cause of fluctuations in political trends, an increasingly changeable understanding of the term *popularis* will be developed. The distinctive nature of the label will be reinforced through an analysis of the diverse ways in which these men were represented in Ciceronian discourse. This approach allows us to define the term *popularis* as a label that primarily expressed an adherence to a loose political strategy, as opposed to a fixed ideological standpoint, while also revealing its relation to optimate activity. Through a systematic assessment of *popularis* tribunes, the unique

aspects of their political activities will represent the change and adaptable nature of the *popularis* label. This demonstrates that it cannot accurately define personas,³⁹ methods and ideological standpoints throughout Republican history. When followed by an evaluation of the Ciceronian use of the word *popularis*, alongside examples of past tribunes, the recognition of the term's diversity and its consequent exploitation will be demonstrable. This will provide a contextualised analysis of the term and assert its value in both the ancient and modern understanding of Republican politics.

³⁹ The use of a persona, rather than genuine motive, was a valuable analytical tool introduced by A. Russell during the seminar "Facing the Roman Republic: Prosopographical Approaches: Playing the Radical? The Tribunate of the Plebs and Young Men's Changing Self-Presentation in Republican Politics."

1. Tiberius Sempronius Gracchus

133 B.C. is widely accepted to be the catalyst for the transformation of Republican politics.¹

The events of the period saw the emergence of a distinct *popularis* trend. Although activities resembling *popularis* characteristics had occurred prior to this date,² Tiberius Gracchus exhibited a coordinated and sustained use of political tactics that formed the basis of the *popularis* label.³ Our primary sources vary regarding the interpretation of Tiberius and his actions; Cicero in particular viewed him as seditious.⁴ Later sources such as Appian, Plutarch and Florus recognised an element of justice, altruism or patriotism in a revisionist view of the events.⁵ This has led to an inconclusive understanding of Tiberius and blurred the analysis of his actions in relation to *popularis* tactics. Through an evaluation of Tiberius' methods, the emergence of a political scheme is demonstrable. This provided a strategic and ideological blueprint for later *popularis* activity.

Early Life and Career

Education

Tiberius' upbringing provided an important foundation for later *popularis* trends. There was a direct correlation between the events in his early life and the political tactics utilised during his tribunate. Tiberius' education, overseen by his ambitious mother, provided a foundation for the ideological justifications behind *popularis* methods.⁶ Tiberius' close connection to

¹ Sall. *Iug.* 42; Vell. Pat. 2.3.3; Last, H. "Tiberius Gracchus." In *The Cambridge Ancient History: The Roman Republic 133-44 B.C.*, edited by S. A. Cook, F. E. Adcock, & M. P. Charlesworth, 1-39. (Cambridge: Cambridge University Press, 1932), 1; Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy*. 11; Keaveney, A. *The Army in the Roman Revolution*. 2; Boren, H. C. "Numismatic Light on the Gracchan Crisis." *American Journal of Philology* 79 (1958), 140; Dillon, M., and L. Garland. *Ancient Rome: From the Early Republic to the Assassination of Julius Caesar*. 405, 410; Stockton, D. *The Gracchi*. (London: Clarendon Press, 1979), 36-7; Crawford, Michael H. *The Roman Republic*. (Atlantic Highlands: Hassocks: Harvester Press, 1978), 98.

² Livy. 2.41; Cic. *Brut.* 97; Cic. *Sest.* 103; Plut. *Ti. Gracch.* 8.4.

³ Polyb. 2.21; Cic. *Sen.* 11; Cic. *Brut.* 57; Livy. 21.63; Taylor, L. R. "Forerunners of the Gracchi." 20: G. Flaminus Nepos, as tribune in 232 B.C., had used similar tactics but was not subject to a comparable literary coverage. The vast source material available for Tiberius thus secured 133 B.C. as the major focal point for studying the emergence of a *popularis* tradition.

⁴ Cic. *Brut.* 103.

⁵ App. *B Civ.* 1.11; Plut. *Ti. Gracch.* 9.2; Flor. 2.2.

⁶ Plut. *Ti. Gracch.* 8.5; Russell, D. A. "On Reading Plutarch's Lives." In *Essays on Plutarch's Lives*, edited by B. Scardigli, 75-95. (Oxford: Clarendon Press, 1995), 82 questions the validity of this story, considering Plutarch wrote to portray instances of character and the inevitability of an individual's actions. Regardless of Plutarch's

Greek tutors resulted in a willingness to challenge the norms of political activity, through ideological debate, in the pursuit of legislative success.⁷ Plutarch claimed that Tiberius' personality was predominantly a product of his schooling, rather than natural virtues, evincing the Hellenistic influence behind his implementation of *popularis* strategies.⁸ Tiberius' education demonstrated that *popularis* tactics originated as an inventive political tool. The application of ideological devices was guided by an outside perspective, which recognised previously unidentified weaknesses in the political system. It was a tactic with great abrasive potential, designed to test the resoluteness of the current constitution. The contentious nature of the political tactic, steered by the application of ideological debate, provided a defining feature of Tiberius' *popularis* concept.

Military and Political Experience

Supplementing the controversial ideas introduced during his education, Tiberius demonstrated a tendency to respond to hazardous situations by breaching the norms of political engagement. This trend was wholly compatible with his later actions as tribune and established a pattern that influenced the development of his *popularis* strategy. As quaestor in 137 B.C. Tiberius served in Spain, under C. Hostilius Mancinus, in a disastrous military campaign.⁹ An army under the command of Hostilius Mancinus faced annihilation at the hands of the tribes of Numantia. Tiberius was specifically requested by the Numantines to forge a treaty.¹⁰ Following the formulation of the Numantine Treaty, Tiberius realised that the tribe possessed the record tablets from his quaestorship and revisited them to request

motives, it is an indication of the levels of ambition within the family and cannot be wholly unrepresentative. Cornelia was particularly influential over her sons due to the death of Tiberius Gracchus the Elder: Tac. *Dial.* 28.4; Plut. *Ti. Gracch.* 1.3.

⁷ Plut. *Ti. Gracch.* 14, 20.2-4; Cic. *Brut.* 104.

⁸ Plut. *Ti. Gracch.* 1.5; Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy.* 19.

⁹ Cic. *Har. Resp.* 43; Plut. *Ti. Gracch.* 5.1.

¹⁰ Plut. *Ti. Gracch.* 5.3: This was a result of his high regard among the Numantine soldiery, in addition to his father's relationship with the tribes in Spain. While it was not compulsory for the commander to take the lead role in military negotiations, it was not a frequent occurrence: Plut. *Mar.* 10; Plut. *Sull.* 3.

their return.¹¹ The Numantines offered Tiberius the chance to reclaim his property, while he feasted with them, in events reminiscent of a patron-client relationship.¹² This was a reversal of the status that his father previously achieved and represented an element of political naivety by Tiberius.¹³ Although Tiberius' rationale may have been reasonable, his actions led to a deterioration in his political standing. His application of unorthodox actions and failure to consider potential negative consequences paralleled his later actions as tribune. This heavily influenced the perception of his *popularis* strategy as an abrasive political concept and asserted that extraordinary political approaches formed a key element of his scheme.

The senate provided the catalyst for the implementation of *popularis* tactics. Following Tiberius' return to Rome, they faced a predicament. They could not accept the Numantine Treaty due to wider military implications in Spain, yet it would have been problematic to punish Tiberius due to his newfound popularity with the masses.¹⁴ Scipio Aemilianus saved Tiberius, with only Hostilius Mancinus directly punished.¹⁵ Scipio Aemilianus made no attempt to salvage the Numantine Treaty, however, resulting in a cooling of relations between himself and Tiberius.¹⁶ This mirrored trends seen in previous generations.¹⁷ The senate, influenced by Scipio Aemilianus, had collectively snubbed Tiberius and consequently paved the way for the implementation of *popularis* strategies. Tiberius was now motivated by a need for political resuscitation. He was prepared to apply his education and willingness to breach political norms to achieve this. The desire for an overwhelming political impact, in

¹¹ Plut. *Ti. Gracch.* 6.1; Gwyn Morgan, M., and John A. Walsh. "Ti. Gracchus (TR. PL. 133 B.C.), The Numantine Affair, and the Deposition of M. Octavius." *Classical Philology* 73 (1978), 202: this may have been to prove to his peers in Rome that no underhand deals had been made.

¹² Plut. *Ti. Gracch.* 6.3

¹³ Plut. *Ti. Gracch.* 5.3.

¹⁴ Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy.* 65; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* (Vol. I. London: Melthuen, 1931), 108: he received widespread support from the relatives of the saved soldiers.

¹⁵ Vell. Pat. 2.1; Plut. *Ti. Gracch.* 7; Cic. *Caecin.* 98; Cic. *De or.* 1.181, 1.238, 2.137: Mancinus was stripped of his rank and forced to return to Numantia, while Tiberius' position in the senate was now completely owed to Scipio Aemilianus, which was a blow to his honour.

¹⁶ Plut. *Ti. Gracch.* 7.4: this animosity was supposedly encouraged by the sophists Tiberius associated with.

¹⁷ Livy. 38.52; Gell. *NA.* 6.19.6; Cic. *Prov. Cons.* 18; Stockton, D. *The Gracchi.* 23-4: the marriage between Tiberius Gracchus the Elder and Cornelia was potentially a result of reconciliation.

response to senatorial opposition, formed a further aspect of Tiberius' *popularis* scheme. The senate had unwittingly created an ideal environment for radical political strategies to be tested, demonstrating that *popularis* tactics were born of a perceived need to react to the antagonistic decisions of the senate.

The Tribunate of 133 B.C.

The Initial Land Proposal

Having secured election to the tribunate of 133 B.C., Tiberius' continued the themes of his early career. With assistance from numerous prominent politicians, including Ap. Claudius Pulcher, M. Fulvius Flaccus, P. Licinius Crassus and P. Mucius Scaevola, Tiberius proposed a land reform.¹⁸ This fundamentally re-established the Licinian-Sextian legislation of 367 B.C.,¹⁹ sustaining the trend of Tiberius acting on advice from respected minds of the age. Tiberius' initial *popularis* focus augmented Hellenistic theoretical ideas with Roman legislative concerns. A land reform was to become closely tied to a *popularis* agenda, but its origins did not represent the revolutionary actions of a lone figure. Within this framework, Tiberius had acted as a figurehead for the interests of a political coalition. He had seeded *popularis* ideas but had not yet typified the radical and seditious politician associated with the label. This established that the reformative trait of Tiberius' *popularis* scheme was instigated by alternative sources. Tiberius, therefore, was a tool for achieving the legislative objectives of a broader group, cementing his later tribunician activities as a strategic movement.

Tiberius' initial legislation expected a sacrifice from the elite and was designed to achieve a beneficial result for the state as a whole, demonstrating an altruistic aspect to his legislation.

¹⁸ Plut. *Ti. Gracch.* 4.1, 9: Appius Claudius Pulcher was Tiberius' father-in-law. Simply recognising the need for change within society cannot mark these men out as *populares*. They used Tiberius for a fundamental aspect of *popularis* practice, the open display opposition to the elite, whereas Scaevola in particular acted in a behind-the-scenes approach. Meier, C. "Populares." 569 asserts the overt techniques in *popularis* strategy.

¹⁹ Livy. 6.35; Plut. *Ti. Gracch.* 8; App. *B Civ.* 1.8-9; Earl, D. C. *Tiberius Gracchus: A Study in Politics.* (Brussels: Latomus, 1963), 27: despite the law having never officially ceased to exist.

With senatorial support he had established the ideological basis for *popularis* strategy; the redistribution of privileges to benefit the wider interests of the state. His moderate proposal stated that the *ager publicus*, held by individuals who exceeded legislative limits, was to be confiscated and redistributed to the rural poor, who were in greater need.²⁰ This countered the increasing problem of poverty among the Roman citizenry, caused by an increase in *latifundia*,²¹ which placed stress on the economic and military strength of the state.²² Through the inclusion of conciliatory measures,²³ Tiberius' law was an adaptation and enhancement of previous legislative activity.²⁴ It was a proposal focussed on increasing human, rather than economic, wealth.²⁵ It provided military security to the state and an increased labour force for the elite to utilise.²⁶ This typified the focussed and altruistic nature of Tiberius' initial *popularis* scheme. A basis of future *popularis* activity had been established, but it had been conducted in a restrained manner and was endorsed by sections of the senate. The original strategy, with Tiberius acting as part of a broader group, consequently represented forward-thinking and limited legislative activity, rather than defining a scheme of revolutionary ideas and contentious methods.

²⁰ App. B Civ. 1.11 stated that the land restriction was to be five hundred *iugera*, plus two hundred and fifty *iugera* for each son in the family, while Livy. Per. 58 claimed that the limit was set to one thousand *iugera*. Shatzman, Y. *Senatorial Wealth in Roman Politics*. (Brussels: Latomus, 1975), 14: the *ager publicus* has been tentatively estimated to comprise of three million *iugera* before Tiberius' tribunate.

²¹ App. B Civ. 1.7; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 111; Astin, A. E. *Scipio Aemilianus*. (Oxford, 1971), 161; an attempt to number the amount of slaves in Italy has been made by Brunt, P. A. *Italian Manpower 225 B.C. - A.D. 14*. (Oxford: Clarendon Press, 1971), 121-30, 347, while Rosenstein, Nathan S. *Rome At War: Farms, Families, and Death in the Middle Republic*. (London: University of North Carolina Press, 2004), 12 rejects the estimates. The original view, contrary to Rosenstein's revisionist analysis, has been reinstated by Keaveney, A. *The Army in the Roman Revolution*. 16.

²² Crawford, Michael H. *The Roman Republic*. 102; Earl, D. C. *Tiberius Gracchus: A Study in Politics*. 33, although Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. 82 stresses that this view has come under increasing scrutiny. Astin, A. E. *Scipio Aemilianus*. 165 shows that economic stress was present due to increasing urbanisation, as a direct result of rural poverty, combined with a discontinuation of extensive public constructions that had artificially prevented the economy from stagnating.

²³ Vell. Pat. 2.2.2 was alone in claiming he proposed citizenship for all of Italy. App. B Civ. 1.11 showed a grant of legal possession, while a further concession was made to those with sons in the family. Cic. *Leg. agr.* 2.81 asserted that the *ager Campania* was excluded due to its value and fertility.

²⁴ Riddle, J. M. *Tiberius Gracchus: Destroyer or Reformer of the Republic?* (Lexington: Heath, 1970), 42.

²⁵ App. B Civ. 1.11.

²⁶ While the military issue was the key aspect to be addressed, an increased work force would have allowed *latifundia* owners to exploit a rising demand for jobs to bring down seasonal labour costs.

Tiberius began to expand upon his legislative and ideological interests, combining them with the first application of unorthodox political methods. Anticipating opposition to his proposal from the elite,²⁷ Tiberius followed the provision of the *lex Hortensia* of 287 B.C.²⁸ He took his bill straight to the *concilium plebis*, thus avoiding the senate.²⁹ Although this was technically legal, Tiberius would have been fully aware that his actions circumvented tradition. The method ensured that Tiberius received minimal legitimate opposition but risked alienating majorities within the senate.³⁰ Tiberius had used the first example of antagonistic methods to drive his law forward. The recognition of the poorer rural citizens' ability to legislate effectively on state matters, without the need for senatorial support, demonstrated a core aspect of Tiberius' strategy. Tiberius' association with the *popularis* label, therefore, was influenced predominantly by his courting and exploitation of rural interests to create a specific coalition of voting tribes that could overpower legislative proceedings.

M. Octavius and Senatorial Opposition

As a result of a growing political confrontation, Tiberius and his opposition utilised additional political strategies in the pursuit of favourable outcomes. These methods remained within constitutional boundaries, enhancing the understanding of *populares* and *optimates* as concepts defined primarily by the practical approaches employed. M. Octavius, a tribunician colleague of Tiberius, was entrusted by the senate to oppose the agrarian bill.³¹ Tiberius' proposal was a certainty to be passed in the popular assembly, but Octavius used his veto to

²⁷ Plut. *Ti. Gracch.* 9.3; App. *B Civ.* 1.10. While the elite opposition is understandable, as political success depended upon wealth, a criticism can be made. If Tiberius and his colleagues acknowledged the presence of a problem, then the rest of the upper class would have been able to. The unwillingness of the elite to make changes that would hinder their lifestyle must therefore be seen as short sighted and selfish.

²⁸ Develin, R. "'Provocatio' and Plebiscites. Early Roman Legislation and the Historical Tradition." *Mnemosyne* 31 (1978), 58: this ensured that all plebeian legislation was binding on Roman citizens, while the senate did not have to give prior approval to a bill.

²⁹ App. *B Civ.* 1.12; Plut. *Ti. Gracch.* 11; Konrad, C. F. "From the Gracchi to the First Civil War (133-70)." In *A Companion to the Roman Republic*, edited by N. Rosenstein, & R. Morstein-Marx, 167-189. (Oxford: Blackwell, 2006), 168: Tiberius could not guarantee a favourable majority in the senate.

³⁰ The use of the *concilium plebis* would have been particularly upsetting to the senate, as it excluded patrician involvement and greatly hindered elite influence on proceedings.

³¹ Cic. *Sest.* 103; App. *B Civ.* 1.10-12; Plut. *Ti. Gracch.* 10.2: he was approached for the task by many influential men, while he had concerns over his land holdings.

prevent the proceedings.³² In response to this, Tiberius enforced a distant precedent, the *justitium*, to prevent any official functions from taking place until the measure was voted on.³³ While the opposition had used a traditional and accepted form of stonewalling, Tiberius had employed a far more tenuous counterstroke, demonstrating the emerging nature of his strategy.³⁴ Tiberius' actions ensured that the *popularis* label was initially associated with the use of contentious or distant political devices to achieve an immediate and overwhelming legislative advantage. Furthermore, the nature of optimate politics had begun to surface as a concept reliant on tradition and uncompromising opposition. While both perspectives were influenced by ideology and personal interests, the employment of diverse political methods provided the crucial distinction between the two labels.

The Second Land Proposal

In a continuation of provocative methods and the resulting progression of *popularis* trends, Tiberius withdrew his initial proposal and brought forward a bill that was less favourable to the elite.³⁵ This echoed previous trends of aggressively responding to difficult political situations and demonstrated how Tiberius' experiences as a youth impacted upon the implementation of *popularis* politics. Tiberius pushed for his legislation to be passed, but Octavius once again used his veto, enhancing the concept of *optimates* as those who employed unwavering opposition in response to *popularis* threats.³⁶ Violent scenes were narrowly avoided, with Tiberius heeding the advice of two consulars, Manlius and Fulvius, who persuaded him to finally take the bill to the senate.³⁷ This appearance in the senate,

³² App. *B Civ.* 1.12; Plut. *Ti. Gracch.* 10.1-3; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 120: while there was a possibility that the veto was used to avoid legislative activity completely, it can also be seen as a tool to provide a period for consideration, with initial vetoes common in legislative proceedings.

³³ Plut. *Ti. Gracch.* 10.5.

³⁴ Oman, C. W. C. *Seven Roman Statesmen of the Later Republic: The Gracchi, Sulla, Crassus, Cato, Pompey, Caesar*. (London: Arnold, 1902), 33: this may have alienated some of his more moderate supporters.

³⁵ Plut. *Ti. Gracch.* 10.3. Tiberius was attributed with bringing forward this bill alone. This indicated that his methods may have lost him support from moderate backers.

³⁶ App. *B Civ.* 1.12.

³⁷ Plut. *Ti. Gracch.* 11; App. *B Civ.* 1.12 attributed this to a potentially larger number of people, claiming it was the leading citizens who were involved.

however, became little more than an attack on Tiberius and his endeavours, demonstrating the close tie between senatorial authority and optimate ideals.³⁸ It was a provocative optimate act when considering the snub Tiberius had experienced over the Numantine Treaty. This provided a contributing factor to the progression of his *popularis* strategy. Both *populares* and *optimates*, therefore, were defined in this period by their deliberately hostile employment of political tactics. This lack of compromise ensured that reactionary political agendas were to be enhanced and adapted. The emerging tactics associated with each label was in response to the opposition's techniques, creating a cycle of political confrontation that encouraged antagonistic values.

Reinforcing the trend of employing increasingly belligerent political methods, Tiberius returned to the *concilium plebis* armed with an ideological argument. He claimed that Octavius had failed to act in the interests of the people, as an elected tribune was theoretically supposed to do. The people should, therefore, be able to remove him from office.³⁹ Tiberius initiated the voting and Octavius was deposed from his magistracy.⁴⁰ While ideological assertions, concerning the role of a tribune and the sovereignty of the people, formed a rationale behind *popularis* activity, it was the legislative element that provided the innovative and provocative component of Tiberius' strategy. This action was a turning point in Republican politics as it undermined accepted constitutional practice.⁴¹ Previously, no

³⁸ App. B Civ. 1.12.

³⁹ Scullard, H. H. *A History of the Roman World from 753 to 146 B.C.* (London: Melthuen, 1964), 101-1: this was as they had been the body that had originally conferred the magistracy, in the good faith that they would be represented. This marked the beginning of a constitutional battle that was to prevail for decades, as the adaptable nature of the constitution was deemed to be a contributing factor to the success of the state. Cic. Verr. 3.209 showed that tradition was also respected, ensuring that a solution to this new constitutional question needed to be established. Linderski, J. "The Pontiff and the Tribune: the Death of Tiberius Gracchus." In *Roman Questions II*, by J. Linderski, 88-114. (Stuttgart: Franz Steiner Verlag, 2002), 88; Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. 85 states that it was this assertion of the democratic nature of the Republic that formed a key aspect of Tiberius' tribunate. I agree that it formed an element of the strategy, but I believe that the methods used, rather than the ideological justification, form the crucial aspect of Tiberius' tribunate.

⁴⁰ Plut. *Ti. Gracch.* 12; App. B Civ. 1.12; Livy. *Per.* 58; Cic. *Leg.* 3.24.

⁴¹ App. B Civ. 1.12 used this event to show the emergence of a chaotic scene rather than a difficult situation, while Astin, A. E. *Scipio Aemilianus*. 215; Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy*. 180-1 demonstrates the interpretation of this event as a turning point.

Roman had been punished while in office for the actions during his magistracy.⁴² Tiberius had sacrificed a cornerstone of the Republican constitution to eliminate resistance and bring forward his desired legislation. The redistribution of constitutional power to the people undermined the authority of elected magistrates, typifying the uncompromising and aggressive nature of Tiberius' *popularis* scheme. Although his legislative endeavours were supplemented by ideological debate, his tactics provided further motive for the *optimates* to respond aggressively. When assessing this incident alongside events at the previous senatorial meeting, the spiral of reactionary political attacks was an undeniable factor in the emergence of increasingly volatile *popularis* and optimate trends.

Enforcement of the Legislation

Tiberius then altered his approach, discarding his ideological assertions after successfully overcoming optimate opposition. Having utilised radical political techniques to pass the second proposal, he returned to ostensibly traditional practices with the election of a triumviral commission to implement his designs.⁴³ This showed the inconsistent and sporadic nature of Tiberius' *popularis* concept; it did not require a continually antagonistic approach. It was simply a tool to advance legislative interests. Tiberius, his brother Gaius and his father-in-law Claudius Pulcher were entrusted with overseeing the distribution of land.⁴⁴ The unprecedented action of being a commissioner of his own bill, combined with the grant of *imperium* on a theoretically permanent basis, demonstrated a huge award of power to an unbalanced group by the populace.⁴⁵ Tiberius had created a precedent of self-

⁴² Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 126; Riddle, J. M. *Tiberius Gracchus: Destroyer or Reformer of the Republic?* 21: this deed was even more bemusing when considering that Octavius had not broken any laws. It also introduced a problem to the constitutional system: if the assembly that voted to remove this magistrate was composed of an unrepresentative group, could this still be considered a judgement in the interest of the whole populace?

⁴³ Livy. 3.1.6: triumviral commissions had been a longstanding feature of political and legislative enforcement.

⁴⁴ App. *B Civ.* 1.13; Plut. *Ti. Gracch.* 13; Vell Pat. 2.2.3.

⁴⁵ Cic. *Leg. agr.* 2.21; Stockton, D. *The Gracchi*. 52; Last, H. "Tiberius Gracchus." 29, using their inclusion in the *Lex Acilia* of 122 B.C. to evidence the grant of *imperium*, while showing that the law provided for annually elected commissioners, although there was no restriction on the number times an individual could be re-elected. This was even more unbalanced when considering the family ties between each commissioner.

involvement for later politicians to follow, while showing that *popularis* ideas could simultaneously apply to numerous politicians.⁴⁶ Later imitators could now create a powerful magistracy through the façade of an agrarian bill, cementing agrarian measures as a key political endeavour for future *populares*.⁴⁷ Tiberius had broken tradition and potentially the law, to create a position of power that relied solely on the people, in an escalation of *popularis* activity.⁴⁸ With this action, he had demonstrated that *popularis* ideology was only necessary in the face of optimate opposition, evincing the supplementary nature of ideological assertions.

In response to the actions Tiberius had engaged in, he experienced persistent opposition from within the senate. The *optimates* continued their obstructive approach and imposed financial constraints on the commissioners.⁴⁹ Money was also prevented from aiding the new landowners.⁵⁰ This provided further justification for the growth of Tiberius' *popularis* approach. He again found an unprecedented solution to this obstruction, with the emergence of the will of Attalus III of Pergamum. Tiberius allocated the money within the will to the agrarian law in order to allow new landowners to invest in their property.⁵¹ This created worrying precedents; the populace were now involved in matters of foreign policy and had gained control of the distribution of finances, two traditional prerogatives of the senate.⁵² Further to this, the Italians and allies were displeased with their land being subject to Roman jurisdiction.⁵³ Tiberius had damaged foreign relations and impeded the authority of the senate in his determination to enforce his legislation.⁵⁴ The actions confirmed that

⁴⁶ Livius Drusus the Elder, in 122 B.C., was noted as actively refusing to participate in his own measures, demonstrating that Tiberius behaved in a manner that was testing constitutional boundaries.

⁴⁷ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 116.

⁴⁸ Cic. *Leg. agr.* 2.8.

⁴⁹ Plut. *Ti. Gracch.* 13.2.

⁵⁰ Last, H. "Tiberius Gracchus." 30.

⁵¹ Livy. *Per.* 58; Plut. *Ti. Gracch.* 14.1.

⁵² Last, H. "Tiberius Gracchus." 31.

⁵³ This was the beginning of the Italian problem, which became a political minefield that would endure for decades.

⁵⁴ Dillon, M., and L. Garland. *Ancient Rome: From the Early Republic to the Assassination of Julius Caesar*. 405.

the *popularis* strategy Tiberius employed was a gradual formation in response to challenging political situations. Tiberius had, by this point, combined the key elements of *popularis* tactics; the obdurate use of ideological arguments and distant precedents, to advance the legislative power of the poorer citizenry and overcome optimum opposition. The insensitivity and narrow considerations of this scheme, however, were demonstrated by the unintentional introduction of the Italian problem onto the Roman political agenda.

Re-Election and Death

A crucial advance in Tiberius' political methods was his recognition of the possibility for an unprecedented consecutive tribunician magistracy.⁵⁵ This confirmed that Tiberius had appreciated the full legislative potential of the office, while it addressed a major shortcoming of his agrarian bill; the durability of its implementation. It also provided Tiberius with personal security due to the sacrosanctity of the magistracy.⁵⁶ When it became clear that the rural populace would not attend the vote because of the harvest season, he turned to the urban populace for support, suggesting measures to suit their needs.⁵⁷ A wide ranging programme of reform was to be introduced, including military service regulation and the reformation of law courts, demonstrating that *popularis* initiatives were not limited to agrarian schemes.⁵⁸ This strategic development was a direct result of the need for a consecutive magistracy and was established as a reaction to the current political climate. *Popularis* methods were therefore not consistently subject to long-term planning and could

⁵⁵ Plut. *Ti. Gracch.* 16, although later politicians, such as Saturninus and Clodius, were able to maintain their influence without the need for consecutive magistracies.

⁵⁶ Gell. *NA.* 2.13.5; App. *B Civ.* 1.13.

⁵⁷ App. *B Civ.* 1.14; Mouritsen, H. *Plebs and Politics in the Late Roman Republic.* 82; Brunt, P. A. "The Roman Mob." 7 show how the urban populace could have remained influential in legislative and electoral matters despite theoretically being limited to four of the thirty-five voting tribes.

⁵⁸ Plut. *Ti. Gracch.* 16; Pobjoy, M. "Epigraphy and Numismatics." In *A Companion to the Roman Republic*, by N. Rosenstein, & R. Morstein-Marx, 51-80. (Oxford: Blackwell, 2010), 59-60 shows there was a suspicion that this programme of reform was backdated by Gaius Gracchus to achieve his own political agenda. Lintott, A. W. "Political History, 146-95 B.C." In *The Cambridge Ancient History: The Last Age of the Roman Republic, 146-43 B.C.* 69 states that these new proposals were understandable, considering the difficulties Tiberius was likely to face in mobilising the rural populace and his need to appeal to the urban masses, a sufficient argument to entertain the possibility of these reforms being put forward at this time.

be applied to broader interpretations. This ensured for flexibility in the exploitation of *popularis* concepts in later political endeavours.

In a final advancement of optimate tactics during the year, Tiberius' opposition utilised proactive behaviour. Fulvius Flaccus approached Tiberius at the voting and warned him that he was in danger. Tiberius signalled this to the crowd by pointing to his head.⁵⁹ This was exploited by his opposition, who claimed he was asking for a crown, thus playing on the inherent Roman fear of kings.⁶⁰ After a heated exchange amongst the senators, P. Cornelius Scipio Nasica Serapio emerged to lead the opposition to Tiberius.⁶¹ Tiberius was beaten to death along with many of his supporters, with their bodies thrown into the Tiber.⁶² Scipio Nasica would later become a key optimate example for Cicero, demonstrating that they were defined fundamentally by their opposition to radical political actions and adherence to traditional ideology.⁶³ This sequence of events was the culmination of both *popularis* and optimate approaches during 133 B.C. Tiberius had utilised ideology to justify radical political methods and achieve legislative results. His opposition had initially attempted to stall his work through influence and magisterial authority, only to resort to their own ideological assertions and the first instance of political violence in Republican history. These advances were a direct response to the conflicts of interest and methods used by opposing politicians, with the cycle only halted through the proactive and unprecedented use of force by the *optimates*. The introduction of violence into Roman politics initially defined an optimate approach, but it encouraged the expansion of aggressive *popularis* schemes.

⁵⁹ Plut. *Ti. Gracch.* 18-19.

⁶⁰ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 140.

⁶¹ App. *B Civ.* 1.16.

⁶² App. *B Civ.* 1.16; Plut. *Ti. Gracch.* 19.6; Vell. Pat. 2.2.3.

⁶³ Cic. *Phil.* 8.13.

Aftermath

The *optimates* developed their proactive strategies following the assassination of Tiberius. A court was established to punish those who had supported Tiberius.⁶⁴ These were conducted by P. Popillius Laenas, with the support of the senate, in a clear suppression of the people by the aristocracy.⁶⁵ Many Gracchan supporters were put to death, without receiving a fair trial, in an attempt to sever the legislative power behind strategy that Tiberius had established.⁶⁶ This heavy handed tactic prevented any immediate threat from re-emerging, but was a natural source of resentment for those threatened by such actions. This reaction demonstrated the willingness of the senate to resort to harsh measures to maintain political control. It also evinced the weakness of optimate short-sightedness, as the generated antipathy could be harnessed by future politicians. The *optimates* had highlighted major flaws in initial *popularis* techniques but also encouraged others to adapt the concept, as the constitutional power of the strategy had not been curtailed. Optimate approaches to the removal of *popularis* politicians and their supporters therefore achieved a short term advantage but allowed for the re-creation of *popularis* activities in the future.

Evaluation

The emergence of a *popularis* strategy in 133 B.C. and the subsequent development of this concept during Tiberius Gracchus' tribunate was a result of numerous interrelating factors. Early influences ensured that Tiberius was well-educated and able to apply ideology and political theory to debates. The senate then provided him with the opportunity to utilise this approach by damaging his political standing after the events in Numantia. At first, the guidance of experienced politicians ensured that a narrow agrarian scheme was introduced in a manner that tested, but did not disrupt, the constitution. This was designed to achieve altruistic results for the Roman citizenry, alongside the resuscitation of Tiberius' career.

⁶⁴ Sall. *Iug.* 31.7; Plut. *Ti. Gracch.* 20.3-4; Val. Max. 4.7.1.

⁶⁵ Stockton, D. *The Gracchi.* 91.

⁶⁶ Plut. *Ti. Gracch.* 20.2-3.

Throughout the year, however, it became clear that a powerful political strategy had been recognised. Appeals to the poor rural citizenry, supplemented by the exploitation of ideological assertions and constitutional ambiguities, achieved overwhelming power in legislative proceedings. Faced with senatorial opposition, Tiberius escalated these tactics, creating political precedents such as the removal of magistrates from office. Following continued opposition from the *optimates*, Tiberius resorted to the innovative method of assigning funds intended for the Roman treasury to his own schemes. This resulted in the people acquiring power that had previously rested with the senate. The implementation of the agrarian reform also introduced the Italian problem to Roman politics, which would endure as a key political concern for decades. Seeing that his actions had provoked the senate, Tiberius developed his strategy further, attempting a consecutive term in office supported by a wider scheme of reform. This demonstrated the formation of *popularis* strategy; it was an unintentional and unplanned tactic, differentiated from optimate politics primarily by the methods used. It was born of a lack of compromise and a vast knowledge of legal precedents. These political trends were reciprocated by the *optimates*, who developed their own devices but did nothing to discourage Tiberius from expanding his own designs. Tiberius could not have foreseen the consequences of his actions, yet it is undeniable that anyone wishing to follow a *popularis* path now had a reference point for the creation of a potent political strategy. His actions revealed the creation of a narrow and antagonistic *popularis* agenda, which progressed as a reaction to optimate obstruction.

2. Gaius Sempronius Gracchus

The next key individual to implement a comprehensive *popularis* strategy was Gaius Gracchus, who was credited with surpassing Tiberius in natural ability.¹ Gaius emerged to represent the popular cause after other politicians failed to have an impact using comparable tactics in the wake of his brother's tribunate.² Tiberius' actions and methods, despite his desire to better the state, had created a number of political and constitutional issues.³ These were recognised by Gaius, who attempted a revised *popularis* strategy to counter Tiberius' shortcomings. Gaius' jurisdicitive endeavours lack a precise chronology due to limitations in our primary sources, however the introduction of a considerably broader legislative programme established a progression of *popularis* trends in response to the events of 133 B.C.⁴ Through a thematic assessment of Gaius' actions, the evolution of *popularis* methods to form an increasingly refined political strategy is demonstrable.

Key Events between the Gracchi

A number of incidents occurred between the tribunes of the Gracchi, which assist with the contextualisation of Gaius' actions. The events ushered in a new era of political activity and instigated the progression of *popularis* tactics. The citizenry had experienced suppression and death during the trials held by Popillius Laenas. In addition to this, Scipio Nasica passed away during exile in 132 B.C., Claudius Pulcher died in approximately 130 B.C, while Scipio Aemilianus perished in 129 B.C.⁵ Gaius married into the family of Licinius Crassus, cementing further familial ties to those involved in Tiberius' schemes.⁶ The deaths of numerous leading

¹ Plut. *Ti. Gracch.* 2.3; Cic. *Brut.* 125.

² Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 193: Fulvius Flaccus had recently failed with an enfranchisement initiative.

³ Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* (Cambridge: Harvard University Press, 1968), 79.

⁴ Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 79-80.

⁵ App. *B Civ.* 1.18; Livy. *Per.* 59; Plut. *Ti. Gracch.* 21.3; Plut. *C. Gracch.* 10.4.

⁶ Plut. *C. Gracch.* 15.4; Stockton, D. *The Gracchi.* 89: Licinius Crassus was brother to Mucius Scaevola, who had been influential in the events of 133 B.C. Despite the establishment of family ties, Scaevola appears to have taken no part in the actions concerning Gaius.

politicians destabilised the political scene, prompting modifications to political practices to exploit this change. This opened the path for Gaius' interpretation of *popularis* politics. The progression of *popularis* tactics, in response to an uncertain political situation, reinforced the perception of the label as a tool that could be utilised for legislative success in times of political uncertainty.

The agrarian commission remained a focus of political debate and influenced the progression of *popularis* and *optimata* trends. The triumviral commission continued to work after the death of Tiberius, with no attempts made to repeal the law.⁷ The senatorial opposition, however, did not refrain from interference and instigated legislative modifications to the original scheme. Following complaints from the Italians and allies, regarding the commissions' intrusion on land they had presumed to be theirs, Scipio Aemilianus moved against the agrarian scheme.⁸ In 129 B.C. he achieved the transferral of the commission's authority to an individual of consular rank, C. Sempronius Tuditianus.⁹ This impeded the work of the original commissioners, as they could achieve little under the management of a senior magistrate.¹⁰ This was a continuation of *optimata* proactivity and demonstrated a willingness to utilise legislative measures, alongside consular authority, to oppose *popularis* ideas. In order for the commission to succeed, it became clear that the Italians and allies needed to be sympathetic to their cause. The concept of a citizenship grant was consequently established as a *popularis* focus.¹¹ The agrarian law and its implementation, therefore, had numerous impacts. It provided the *optimates* with the opportunity to

⁷ Last, H. "Gaius Gracchus." In *The Cambridge Ancient History: The Roman Republic 133-44 B.C.*, edited by S. A. Cook, F. E. Adcock, & M. P. Charlesworth, 40-101. (Cambridge: Cambridge University Press, 1932), 40; Gaius Gracchus, Papirius Carbo and Fulvius Flaccus executed this law from 130 to 122 B.C.

⁸ App. *B Civ.* 1.18-19; Livy. *Per.* 59. Keaveney, A. *Rome and the Unification of Italy.* (2nd. Bristol: Phoenix, 2005), 60 demonstrates that Tiberius' legislation had the potential to breach previous foreign treaties.

⁹ App. *B Civ.* 1.19; Stockton, D. *The Gracchi.* 93: his swift departure to a war evinced his unwillingness to undertake this assignment due to its complexity.

¹⁰ Stockton, D. *The Gracchi.* 93; Reiter, W. L. "M. Fulvius Flaccus and the Gracchan Coalition." *Athenaeum* 56 (1978), 132; Astin, A. E. *Scipio Aemilianus.* 239-40; Badian, E. *Foreign Clientelae, 264-70 BC.* 176.

¹¹ Keaveney, A. *Rome and the Unification of Italy.* 60; Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* (London: Melthuen, 1935), 51.

challenge *popularis* schemes through legislative adjustments. It also directly influenced future *popularis* policies, with the emergence of an enfranchisement policy. Political strategies and the legislative interests associated with *populares* and *optimates* had consequently expanded as a reaction to Tiberius' inclusion of foreign concerns in Roman legislative endeavours.

The agrarian commission ensured that tensions were high between Rome and her neighbours. This impacted upon legislative policies and led to abrasive actions. In anticipation of the citizenship proposal by Fulvius Flaccus, consul of 125 B.C., M. Junius Pennus introduced a law that expelled all aliens from Rome in 126 B.C.¹² Fulvius Flaccus' promised actions raised allied expectations, but Junius Pennus' expulsion and the delegation of Fulvius Flaccus to a command in Gaul prevented the proposal from reaching the voting process.¹³ This marked a further success of proactive optimate tactics in defeating reactionary *popularis* schemes. With this failure, Fregellae revolted and was crushed by the praetor L. Opimius, continuing the senatorial endorsement of violence in response to political threats.¹⁴ Constitutional questions were also raised in this period, with G. Papirius Carbo failing in an attempt to introduce the formal acceptance of successive tribunician magistracies in 131 B.C.¹⁵ These events showed that foreign and domestic issues were prevalent in Republican politics as a consequence of Tiberius' legislation. The utilisation of legislative endeavours to address political difficulties had been continued, however violence had been escalated as an optimate reaction to political threats. Increased tension and the palpable need for change to counter domestic and foreign matters therefore provided the catalyst for the development of *popularis* tactics during Gaius Gracchus' upcoming

¹² Cic. *De off.* 3.47; Val. Max. 9.5.1; App. *B Civ.* 1.21, 34; Stockton, D. *The Gracchi*. 95; Keaveney, A. *Rome and the Unification of Italy*. 60-1: Fulvius Flaccus hoped his legislation would nullify the resistance to the agrarian commission and settle complex legal issues that arose from cross-state interactions.

¹³ Plut. *C. Gracch.* 15.1; App. *B Civ.* 1.21, 34.

¹⁴ Livy. *Per.* 60.

¹⁵ Livy. *Per.* 59; Last, H. "Gaius Gracchus." 61: it seems likely that a law to this effect was passed shortly after.

magistracies, asserting the impact of testing circumstances on the expansion of political proceedings.

Early Career

Gaius' early career was based in Sardinia.¹⁶ His time as quaestor facilitated his emergence as a *popularis* and the expansion of political tactics. During his time in Sardinia, Gaius demonstrated his military ability and fair distribution of justice, mirroring his brother's feats in Africa and Numantia.¹⁷ These early similarities were recognised and feared by the *optimates*. They attempted to stall Gaius' political aspirations by ordering the commander of Sardinia to remain in the area for another year.¹⁸ Gaius saw through the ploy and returned to Rome, stung by the challenge to his political aspirations.¹⁹ This showed the influence of senatorial slights in encouraging the re-emergence of *popularis* strategies.²⁰ This was consistent with the events seen with Tiberius. It demonstrated that optimate policies failed to prevent aggrieved individuals from utilising retaliatory methods should they reach a position of influence. This reinforced the cyclical nature of *popularis* and optimate development and showed how optimate policies could encourage the employment of increasingly abrasive *popularis* tactics.

Upon arrival in Rome, Gaius was again attacked, in a continuation of preventative optimate techniques. Gaius was tried in court by his opponents, who accused him of participating in the revolt of Fregellae.²¹ Gaius used this as a platform to enhance the perception of

¹⁶ Garnsey, P., and D. Rathbone. "The Background to the Grain Law of Gaius Gracchus." *The Journal of Roman Studies* 75 (1985), 22-3.

¹⁷ Plut. *C. Gracch.* 2.1; Roskam, G. "Ambition and Love of Fame in Plutarch's Lives of Agis, Cleomenes, and The Gracchi." *Classical Philology* 106 (2011), 219: the nature of Plutarch's writing and the focus on comparison, means that the style of the source influences our understanding of events, rather than the actual content. This ensured that Tiberius' life echoed throughout the events concerning Gaius, demonstrating the impact that our sources have on our understanding of relevant trends.

¹⁸ Plut. *C. Gracch.* 1.3-2.3; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 196: this was not uncommon, but it was convenient for the *optimates* that a quaestor was also required to stay with the commander during this time, which would have stalled Gaius' tribunician aspirations.

¹⁹ Plut. *C. Gracch.* 2.4.

²⁰ Plut. *C. Gracch.* 1.1-2: Gaius was preparing for a political career despite withdrawing from public life as a result of his brother's death. Plutarch stated that he harboured resentment for this.

²¹ Plut. *C. Gracch.* 3.1.

populares. During his judicial speeches he stressed common attributes with his brother. He also cited the lavish lifestyle enjoyed by Romans in Sardinia, compared to his own generosity, to enhance his support from the poorer citizenry.²² In addition to this, Gaius immediately declared himself as a candidate for the upcoming tribunate, utilising the judicial attack as a means to achieve widespread sympathy and political advancement.²³ With these actions, Gaius showed himself as capable of manipulating political and legal situations, while emphasising his altruism. An assertion of *popularis* values, through association with his brother's ideals, elevated Gaius to a position of greater political power.²⁴ Gaius' comparison with his brother established a key *popularis* tactic and heavily influenced the altruistic elements of his political strategy.

The Tribunate of 123 B.C.

Retrospective Attacks and the Creation of a *Popularis* Tradition

Gaius secured election to the tribunate of 123 B.C. as a result of the rural support that arose from his association with Tiberius.²⁵ His first year as tribune saw him act unchecked, as no opposing tribune such as M. Octavius had been secured.²⁶ The diverse legislative programme that Gaius was able to implement ensured that *popularis* tactics were expanded to form an intricate programme of reform. The first trend that Gaius initiated was a focus on retrospective attacks, notably on the optimate actions associated with Tiberius' tribunate. In a response to the courts overseen by Popillius Laenas in 132 B.C., Gaius ensured that any future capital trials for a citizen could not take place without the authority of the popular assembly.²⁷ This law was hugely successful; Popillius Laenas withdrew into voluntary exile, while no similar courts were implemented after the proposal's enactment.²⁸ Gaius had

²² Plut. *C. Gracch.* 2.5; Gell. *NA.* 15.12.

²³ Plut. *C. Gracch.* 3.1.

²⁴ Bernstein, A. H. *Tiberius Sempronius Gracchus: Tradition and Apostasy.* 20: the emulation of ancestral examples comprised a large basis of Roman educational thought.

²⁵ App. *B Civ.* 1.21.4-5; Plut. *C. Gracch.* 2.3-3.1: this was despite opposition from many prominent senators.

²⁶ Stockton, D. *The Gracchi.* 98 argues that his reforms marked a new constitution.

²⁷ Cic. *Rab. Perd.* 12; *Cat.* 4.10 disagreed with Plut. *C. Gracch.* 4 regarding the detail of the law.

²⁸ Plut. *C. Gracch.* 4.2; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 82.

removed a key opponent, protected himself from the actions used against Tiberius' supporters and gained widespread popular support for his ideological assertion of the people's rights in the face of optimate wrongdoings.²⁹ Gaius' initial attack, therefore, was subtler than Tiberius' and served to attach Gaius to his brother's cause. Gaius had demonstrated that association with past *populares* significantly influenced the attainment of political support. The concept of righting past wrongs was also introduced, adding to the motive of political retribution seen with the initial implementation of *popularis* strategies. The creation of a positive *popularis* tradition formed a powerful device to be exploited for achieving political advancement, while the vengeful aspect of Gaius' legislation allowed for an escalation of aggressive methods, evincing a broadening of *popularis* strategy.

In a further reflective action and an enhancement of the *popularis* tradition, Gaius proposed that any magistrate who had been deposed from office by the popular assembly should be ineligible for further magistracies.³⁰ This law was ostensibly an attack on Octavius and an aggressive act designed to achieve retribution for his brother. A subtler motive, however, can be discerned. Through the proposal, Gaius allowed for his brother to be remembered as the victim of illegal actions, rather than as a dangerous radical politician. This reinforced the perception of *populares* as a force for positive change.³¹ The withdrawal of the bill, supposedly after the intervention of his mother, implied that Gaius used this as a symbolic warning to potential opponents.³² The law legitimised the Tiberius' actions and ensured that Gaius was continued to be seen as championing the popular cause through his ideological assertion of the people's rights. The events concerning Tiberius, therefore, were used to

²⁹ This tactic was to become an enduring theme, replicated by Clodius in 58 B.C. with the *lex Clodia de capite civis Romani*. This was an attack on his optimate opponent Cicero: Cic. *Sest.* 25; Vell. *Pat.* 2.45; Plut. *Cic.* 32; Plut. *Pomp.* 48.6; App. *B Civ.* 2.15; Livy. *Per.* 103; Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher.* 153; Pina Polo, F. *The Consul at Rome.* (Cambridge: Cambridge University Press, 2011), 279.

³⁰ Plut. *C. Gracch.* 4.1-2.

³¹ Stockton, D. *The Gracchi.* 117.

³² Plut. *C. Gracch.* 4.2; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire.* (Cambridge: Cambridge University Press, 1962), 61-2.

consolidate Gaius' position and acted as a precursor to the continuation of *popularis* tactics.³³ Gaius had adjusted *popularis* strategies to portray his brother favourably, allowing Tiberius to be used as a contemporary and more applicable precedent than the justifications relied upon in 133 B.C. This demonstrated a progression of *popularis* ideological assertions, which facilitated the advancement of legislative tactics in the existing political environment.

Legislation favouring the Urban and Rural Citizenry

Having protected himself from potential attacks and reinforced his brother's actions as a justifiable precedent, Gaius expanded his *popularis* strategies to broaden his support. He aimed to achieve a wider political backing than Tiberius, supplementing his support from the rural citizenry by courting the favour of the urban masses. This allowed Gaius to utilise votes from four additional tribes in the *comitia tributa* and *concilium plebis*, which could prove crucial in legislative matters.³⁴ To gain support, he introduced an unprecedented law that obliged the state to purchase grain in bulk, allowing for a monthly sale to all citizens at a subsidised price.³⁵ The legislation, passed after recent disruptions to Rome's grain supply, provided a stable market and security against the need to make purchases at inflated prices in times of increased need.³⁶ The law was portrayed as large scale bribery of the populace by cynical contemporary opinion,³⁷ yet numerous factors suggest that this was a more considered law. Limitations were placed on the distributions; the modest subsidies would not have relieved the poor of the need to work, while a monthly sale ensured that it was the

³³ Bannon, Cynthia J. *The Brothers of Romulus: Fraternal Pietas in Roman Law, Literature, and Society*. (Chichester: Princeton University Press, 1997), 96-7, 127, 135: family members could work together in public life, pooling their economic and political interests. Gaius utilised fraternal *pietas* to create his public image and enhance *popularis* designs, while the Claudii demonstrated close familial ties in politics a generation later.

³⁴ Brunt, P. A. "The Roman Mob." 7 shows that there was potential for the urban populace to be present in more than the four designated urban tribes. This would have been invaluable, especially when considering that the four urban tribes had the most members and therefore a more diluted voted. Loewenstein, Karl. *The Governance of Rome*. (The Hague: Nijhoff, 1973), 112: in times of poor attendance, even a small number of voters from a rural tribe could have a huge impact on legislative outcomes. The two voting assemblies were practically identical, except the *concilium plebis* forbade patrician involvement.

³⁵ App. *B Civ.* 1.21.5; Cic. *Sest.* 103; Plut. *C. Gracch.* 5.2; Livy. *Per.* 60.

³⁶ Garnsey, P., and D. Rathbone. "The Background to the Grain Law of Gaius Gracchus." 23; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 206.

³⁷ Cic. *Sest.* 103.

urban populace who benefitted primarily.³⁸ With this reform, Gaius continued the measured and altruistic approach of his brother, but applied it to a different audience. This won Gaius popularity from the poorer urban citizenry, at the direct expense of his political rivals and at a financial cost to the state. This expansion of *popularis* politics, to amalgamate support from a broader legislative force, exhibited a progression in political thinking. The altruism present during 133 B.C. had been maintained, but the focus on a wider audience demonstrated an enlargement of *popularis* strategies in response to the shortcomings of Tiberius' strategy.

In a sustained attempt to win support from the poorer citizenry, Gaius' continued to develop his *popularis* agenda. He proposed changes for those in the military,³⁹ fixing the enlistment age at seventeen and providing state funding for soldier's clothing.⁴⁰ This alleviated debt within the soldiery, improved living conditions and ensured for an effective and standardised fighting force. While this provided Gaius with support from numerous voting tribes, it also had the potential to provide a physical presence to bolster legislative actions.⁴¹ This helped to neutralise the threat of optimate violence.⁴² These laws demonstrated Gaius' considered *popularis* strategy, designed to bring urban and rural citizenry into a political coalition. Gaius cemented a dominant position in politics through continued exploitation of poorer voters in

³⁸ Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. 99: the elite opposed this law on the basis it would encourage the plebs to avoid working, which I disagree with. I follow Stockton, D. *The Gracchi*. 126-7 who claims that the nature of the subsidies were not enough to replace employment. Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 206 shows it was impractical for the rural populace to travel to Rome solely for this event, consequently limiting their involvement in this law.

³⁹ Hopkins, K. *Conquerors and Slaves*. (Cambridge: Cambridge University Press, 1978), 33 demonstrates the importance of the military in winning over the masses, as 7-9% of the male citizen population were enlisted at this time.

⁴⁰ Plut. *C. Gracch.* 5.1; Stockton, D. *The Gracchi*. 137: these clauses appear to be part of a wider set of legislation, with further proposals such as the reduction in length of service also a possibility.

⁴¹ Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. 114 shows the potential use of mob violence while Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 245 stresses the impact of riots on politics.

⁴² Millar, F. *The Crowd in Rome in the Late Republic*. 125.

the popular assemblies. This evinced a more encompassing political strategy than the one formed by Tiberius, which increased the legislative potential of the political figurehead.

In a final attempt to exploit strategic voters, Gaius introduced an agrarian reform, in an amendment to his brother's legislation.⁴³ The scope of the law is unclear, but it was likely to have returned the powers of the original agrarian commission, previously depleted by Scipio Aemilianus' intrusion.⁴⁴ This achieved the revitalisation of the agrarian bill and again linked Gaius directly to his brother. This reinforced his position as a figurehead for the people's interests and secured their longstanding support. The advancement of rural interests demonstrated a continuation of *popularis* strategy and marked Gaius as a clear inheritor of Tiberius' ideas. By amalgamating the needs of the poorer rural and urban classes, Gaius had created a powerful voting bloc in the popular assemblies, in an expansion of *popularis* methods.

Constitutional Changes and Equestrian Involvement

To finance increased state expenditure, as a result of his legislation, Gaius reorganised the Asian taxation system.⁴⁵ This broadened *popularis* interests to include affluent citizens and demonstrated that *popularis* tactics could be applied to legislation that impacted upon all social classes. While the law could have been portrayed as a positive compromise in government, it was instead represented as an attack on the senate's political rights in the provinces. Gaius gained equestrian support through an overt appeal to their interests. They were already crucial to the administrative and economic tasks of government, but were now introduced as a political force.⁴⁶ Appealing to this group allowed for the exploitation of a

⁴³ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 209.

⁴⁴ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 209.

⁴⁵ Cic. *Verr.* 2.3.12; Badian, E. *Foreign Clientelae, 264-70 BC*. 184; Mackay, C. S. *Ancient Rome: A Military and Political History*. (Cambridge: Cambridge University Press, 2004), 112: the taxation rights were auctioned in Rome, under the supervision of the censors. The costs were then redeemed in the provinces by the *publicani*.

⁴⁶ Hopkins, K. *Death and Renewal: Sociological Studies in Roman History*. (London: Cambridge University Press, 1983), 35, while Shatzman, Y. *Senatorial Wealth in Roman Politics*. 199 shows that introducing the *equites* into politics provided a counter-weight to senatorial power, in an assertion of the Polybian view of the Republic, rather than as a result of sympathy with equestrian interests. Tatum, W. J. *The Patrician Tribune: Publius*

further voting bloc in the *comitia tributa*; while these prosperous voters were also influential in the *comitia centuriata*, which dealt with elections for higher offices.⁴⁷ This showed that Gaius' scheme recognised the short term benefits of legislative power and had considered the impact that he could make in a later magistracy. *Populares*, therefore, could combine near and far-sighted schemes under a single legislative proposal. The permeable nature of the equestrian and senatorial classes allowed Gaius to appeal to those who had not attained senatorial rank. This showed *popularis* tactics to be centred on an erosion of the authority of the higher magistracies, rather than an assertion of the economic and ideological rights of the citizenry.⁴⁸ This action ensured that Gaius' altruistic measures could continue, while it increased the opportunity to gain wider voting support. By uniting diverse groups within the Republic, Gaius had shown that a core focus for his agenda was to become a figurehead for an extensive coalition that could challenge senatorial authority through the *comitia tributa*. This action demonstrated that Gaius' *popularis* strategy followed a logical and premeditated course, which had recognised the shortcomings of his brother and responded accordingly, through a systematic and rapid expansion of legislative beneficiaries.

Gaius confirmed the redefinition of *popularis* strategy as focussed primarily on attacking senatorial tradition. In a strike against senatorial custom, Gaius ensured that future provincial commands were to be decided and broadcast prior to the elections.⁴⁹ This law addressed a point of principle, but it also limited the senate's capacity to negatively impact upon a magistrate's time in office.⁵⁰ Despite some level of alteration available, the allocation

Clodius Pulcher. 135 asserts that the equestrian role in politics was to remain a key factor in politics down to Cicero's time.

⁴⁷ Voting in the *comitia centuriata* was undertaken according to financial status.

⁴⁸ Hopkins, K. *Death and Renewal: Sociological Studies in Roman History*. 44 demonstrates the permeability of the elite classes in Rome.

⁴⁹ Sall. *Iug.* 27; Cic. *Prov. cons.* 2.

⁵⁰ Stockton, D. *The Gracchi*. 131; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 223: the senate, however, could instead anticipate an election result and put forward a poor command as a pre-emptive strike.

of politicians to specific commands became a lottery.⁵¹ As such, Gaius' scheme was potentially self-defeating when trying to limit senatorial controls. Nonetheless, it achieved a recognition of the potential for the senate to slight an elected magistrate through an unjust allocation of provincial commands. Gaius had compromised the power of the senate and demonstrated that the only group he actively sought to alienate were the *optimates*, whose position was heavily tied to their control of the higher magistracies. The rebranding of *popularis* strategies, to be defined by its opposition to senatorial authority, conflicted with Tiberius' predominantly altruistic approach. This adjustment allowed for a broader legislative programme that could effectively utilise antagonistic methods alongside an increased support base. It allowed altruism to remain a focus of Gaius' *popularis* scheme, but ensured that it did not constitute the only justification for the strategy, in an expansion of ideological assertions.

Constructive Reforms

Having secured support from both the poorer citizenry and *equites*, Gaius turned to constructive measures. This maintained the perception of *populares* as men who worked for the greater good of the state and continued the themes instigated by Tiberius. Italian colonies were established, designed to regenerate Italy as a commercial centre and solve issues of urban overcrowding and unemployment.⁵² Further to this, Gaius supported the *lex Rubria*, which secured a colony at the site of Carthage named Junonia.⁵³ This was an enhancement of Tiberius' ideas, as overseas colonies were unprecedented. It also showed that Gaius was prepared to use magisterial colleagues in an attempt to push *popularis* strategies forward. Supporting the colonisation, road construction was introduced to boost

⁵¹ Lintott, A. W. "Political History, 146-95 B.C." 80; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 223.

⁵² App. *B Civ.* 1.23.1; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate*. 225; Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 62; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC*. 79.

⁵³ Plut. *C. Gracch.* 10.2; Vell. Pat. 1.15.4; Oros. 5.12; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC*. 80; Stockton, D. *The Gracchi*. 133: it was designed to ease the urban problems that had been recognised, while working alongside the recently reintroduced agrarian reform.

employment, increase trade and promote the political involvement of distant communities, while aiding the transportation of grain.⁵⁴ Gaius assigned himself control of the financial administration, which allowed for a stimulation in expenditure.⁵⁵ This helped to raise Rome out of the economic depression that had been present during Tiberius' tribunate.⁵⁶ These constructive measures showed Gaius' *popularis* strategy to have culminated with an attempt to solve an issue facing Rome. His *popularis* successes in winning over the people and *equites*, in opposition to the *optimates*, allowed Gaius to address a problem that his brother had died for. This reiterated the altruistic and reformative nature of his political designs, which had been achieved through the adjustment of Tiberius' *popularis* strategy to utilise a wider support base and transparent aggression towards optimate interests.

The Tribunate of 122 B.C.

Creation of a Political Coalition

Gaius was overwhelmingly elected into a consecutive tribunate.⁵⁷ Further to Gaius' appointment, Fulvius Flaccus took the unprecedented step of becoming tribune, despite being a former consul.⁵⁸ This confirmed a shift of political power to the tribunician magistracy and a recognition of the influence the office now held over legislative proceedings. Furthermore, the moderate G. Fannius was supported to the consulship, in an attempt to prevent senatorial opposition.⁵⁹ These actions established that *popularis* trends had been expanded to involve an increased number of political figureheads, in a development of the methods used to pass the *lex Rubria*. This allowed for numerous individuals to be simultaneously identifiable with the interests of the people, to counter the

⁵⁴ Plut. *C. Gracch.* 6-7; App. *B Civ.* 1.23.1; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 80.

⁵⁵ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 229; Laurence, Ray. *The Roads of Roman Italy: Mobility and Cultural Change.* (London: Routledge, 1999), 40 states that the contractors were under obligation to Gaius, thus increasing political support from wealthier sections of society.

⁵⁶ Boren, H. C. "The Urban Side of the Gracchan Economic Crisis." In *The Crisis of the Roman Republic*, by R. Seager, 54-68. (Cambridge: W. Heffer & Sons Limited, 1969), 66.

⁵⁷ Plut. *C. Gracch.* 8.2: despite the fact he may not have desired the position, or even have been an official candidate.

⁵⁸ App. *B Civ.* 1.24.1; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 230.

⁵⁹ Plut. *C. Gracch.* 8.2; Reiter, W. L. "M. Fulvius Flaccus and the Gracchan Coalition." 141: Fannius cannot be seen a supporter, but rather a moderate who was the best option available.

expected surge in optimate opposition. This showed the influence of Tiberius' shortcomings on Gaius' adjusted *popularis* scheme, with magisterial support designed to supplement an increased backing from eligible voters.

Judicial Legislation

Having secured the support of a widespread audience in his first tribunate, Gaius introduced a proposal designed to elevate his equestrian backing.⁶⁰ In a continuation of schemes associated with his brother, Gaius reintroduced the concept of transferring judicial courts from the senate to the *equites*.⁶¹ This extended the *equites'* governmental influence and ensured they became a crucial group to appeal to through politics and legislation.⁶² The transferral secured the goodwill of the equestrians by taking advantage of a divide between the elite groups over public contracts.⁶³ It also capitalised on recent examples of judicial malpractice to remove another privilege of the senate.⁶⁴ While the political elements to this scheme were profound, it allowed the state to combat negligence effectively within provincial administration. Non-senatorial individuals now became liable to prosecution under the new legislation.⁶⁵ This meant that a wider collection of people could be held accountable for misconduct and demonstrated that an interest in effective governmental practice could be combined with proposals appealing to equestrian interests. Despite safeguards made against the judicial malpractices, the *equites* were able to exploit the courts

⁶⁰ Brunt, P. A. "The Equites in the Late Republic." In *The Crisis of the Roman Republic: Studies in Political and Social History*, edited by R. Seager, 83-117. (Cambridge: Heffer Barnes & Noble, 1969), 114 shows that the chronology of events is unclear, however, it is likely that this occurred at the beginning of Gaius' second tribunate due to the administrative commitments he had at the end of his first tribunate.

⁶¹ Tac. *Ann.* 12.60; App. *B Civ.* 1.22; Vell. Pat. 2.6.3. Gaius' initial plan may have been to integrate *equites* into the senate and it was conjectured that he fell back onto his recorded judicial proposal when the former idea was opposed: Livy. *Per.* 60; Bringmann, K. *A History of the Roman Republic*. (Translated by W. J. Smyth. Cambridge: Polity Press, 2007), 160.

⁶² Badian, E. *Publicans and Sinners; Private Enterprise in the Service of the Roman Republic*. (Oxford: Basil Blackwell, 1972), 57.

⁶³ Badian, E. *Publicans and Sinners; Private Enterprise in the Service of the Roman Republic*. 58.

⁶⁴ App. *B Civ.* 1.22.

⁶⁵ Sherwin-White, A. N. "The Lex Repetundarum and the Political Ideas of Gaius Gracchus." *The Journal of Roman Studies* 72 (1982), 19.

and put pressure on provincial governors.⁶⁶ This enabled them to maximise their taxation profits at the expense of the provincial governor's reputation and welfare of the province.⁶⁷ Additionally, the *equites* could protect their own class through favourable judicial decisions, clearly showing Gaius' preference for equestrian interests over senatorial tradition. This courting of equestrian favour, in direct competition to senatorial interests, was a key theme for Gaius' political strategy. It defined the label as one influenced by tactical opposition to senatorial privileges, in an attempt to attain overwhelming legislative support from a broader demographic.

Later in the year, following growing tension between himself and the senate, Gaius supported a bill by M. Acilius Glabrio to transfer the courts entirely to the *equites*.⁶⁸ With this, Gaius expanded upon the tactics used alongside Rubrius to increase his support amongst the *equites*. This created an unbeatable voting coalition within the popular assemblies.⁶⁹ Gaius had introduced widespread reforms to benefit extensive sections of society at the expense of the senate through sympathetic magisterial colleagues. This method ensured that he had the necessary backing to focus on the next stage of his legislative programme and asserted that the courting of equestrian interests was a key theme of Gaius' *popularis* strategy. This confirmed that the pursuit of strategic legislative support from an expansive support base, through hostility towards optimate interests, defined Gaius' *popularis* stance as a more aggressive and calculated approach than his brother's scheme.

⁶⁶ Sherwin-White, A. N. "The Lex Repetundarum and the Political Ideas of Gaius Gracchus." 21-23: the integration of courts into Roman legal practice effectively removed the people from judicial functions, as previously all cases would have been conducted in the assemblies.

⁶⁷ Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 57.

⁶⁸ Balsdon, J. P. V. D. "The History of the Extortion Court at Rome." In *The Crisis of the Roman Republic*, by R. Seager, 132-150. (Cambridge: W. Heffer & Sons Limited, 1969), 148.

⁶⁹ Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 93.

Enfranchisement Legislation

Having secured the support of the masses and *equites*, alongside the placement of sympathetic magistrates into office, Gaius attempted to use his support to introduce a major reform, in a pattern that mirrored his first tribunate. He proposed the enfranchisement of the Latins and the grant of Latin rights to the Italians, along with the introduction of the Italian and allied right to *ius provocationis*.⁷⁰ This bill was not in the interests of any of his support groups, however, as it was instead designed to fix a growing issue within the state, demonstrating a continuation of the reformative ideals associated with his brother. As a result of this proposal, Gaius lost magisterial support, evinced by the outright opposition of Fannius.⁷¹ Support from the populace also slumped, as their citizenship rights would have been diluted amongst many newcomers, most notably in voting procedures and eligibility for the grain subsidy.⁷² Having lost support from across the demographic, Gaius' position was the weakest to date. He was no longer considered an invincible political force.⁷³ Consequently, the opposition struck; Fannius introduced a law that banned all allies from coming within five miles of Rome, in schemes reminiscent of Pennus' actions.⁷⁴ M. Livius Drusus, a tribune sympathetic to optimate causes, also emerged at this moment to veto the proposal.⁷⁵ Gaius' plan thus failed through lack of support and the magnitude of opposition. Despite Gaius having achieved so much support, his second attempt at altruistic reform had been unsuccessful. *Popularis* tactics could therefore suffer crushing defeats if the politician miscalculated the nature and extent of his support. As soon as a measure that compromised the interests of the support base was introduced, the people refused to support it. This

⁷⁰ App. *B Civ.* 1.23.1; Mouritsen, H. "Caius Gracchus and the "Cives Sine Suffragio"." *Historia* 55 (2006), 425: this was a milder version of the law proposed by Flaccus in 125 B.C, who had simply proposed a blanket citizenship offer.

⁷¹ Plut. *C. Gracch.* 12.1; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 235; Lintott, A. W. "Political History, 146-95 B.C." 83: whom Gaius had considered to be at least indifferent to his proposal.

⁷² Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 65.

⁷³ Bringmann, K. *A History of the Roman Republic.* 164.

⁷⁴ Plut. *C. Gracch.* 12.1; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 236.

⁷⁵ App. *B Civ.* 1.23. Also known as Livius Drusus the Elder, father to the tribune of 91 B.C.

failure epitomised the issue with *popularis* strategy to date; it relied heavily upon a wide audience, with diverse interests, who lacked the altruism of their political figurehead.⁷⁶ This demonstrated that the *popularis* strategies created by Gaius were limited in their capacity to achieve legislative success for an external demographic. An altruistic *popularis* scheme was consequently only successful if it was applied to a substantial group capable of exercising overwhelming voting power.

Constitutional Amendments

Following this blow to his support, Gaius reacted by advancing further legislation to salvage his position. He proposed that votes within the *comitia centuriata* should be ordered by lot.⁷⁷ This was a further attack on senatorial privileges, in an attempt to re-secure the support of the people and *equites*.⁷⁸ While the need for a resuscitation in support influenced his *popularis* designs in this instance, Gaius may also have used this as a forward-thinking strategy, as consular elections took place in this assembly. This would have allowed him to exploit his equestrian support, as a consequence of his unrelenting attacks on the senate and continue a *popularis* agenda at a later date.⁷⁹ The legislation was not passed, however, as Livius Drusus attacked Gaius' previous bills at this time.⁸⁰ Gaius' attempt at regaining support had failed and he now had to defend his position rather than undertake further attacks on the senate. The extent of Gaius' opposition showed that *popularis* tactics were primarily a source of attack, ill-suited to a defensive approach. This fragility of *popularis* tactics, once support and trust had been lost, showed that there was no certainty of regaining a previously dominant position. It also provided ample opportunity for the opposition to take positive action against an individual. This sudden decline in support showed *popularis* strategy to be

⁷⁶ This is a characteristic of democracy in general, although a consideration that Gaius had failed to account for.

⁷⁷ Sall. *Iug.* 27.3.

⁷⁸ Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 50.

⁷⁹ Lintott, A. W. "Political History, 146-95 B.C." 80.

⁸⁰ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 238; Lintott, A. W. "Political History, 146-95 B.C." 80.

a tool with which to achieve explosive legislative support, but at the risk of losing it just as rapidly to optimate opposition.

Optimate opposition through Livius Drusus the Elder

Optimate resistance came in an innovative form and expanded upon the veto used by M. Octavius in 133 B.C. Livius Drusus, with the backing of Gaius' senatorial opposition,⁸¹ suggested an extended colonial programme, designed to appeal to more supporters, outbidding Gaius for support.⁸² Having seen so much promised, the people willingly accepted Livius Drusus' proposal, despite the covertly disingenuous nature of his offer.⁸³ Further to this, protection was offered to Latins on military service, who were to be exempted from flogging.⁸⁴ This was a shrewd move; it secured Latin support, but did not include them in the enfranchisement. This suggested an alternative method of allied appeasement, opposing Gaius' insistence that citizenship was the only solution.⁸⁵ The colonisation programme ensured that Drusus had gained the support of the people and had not immediately alienated them when he sought Latin backing. *Popularis* designs could therefore be implemented insincerely to achieve optimate successes. The *optimates* appreciated the need to appeal to a vast number of people on political issues. They had accepted the need to outbid *populares* for tribal support, rather than simply in-fighting amongst themselves.⁸⁶ Through Drusus' capable opposition, the political backing that Gaius had constructed in his first year in office had begun to crumble and had been turned to work against *popularis* interests.⁸⁷ The opposition, therefore, had utilised pseudo-*popularis* tactics to bring about the failure of *popularis* interests. The support of the masses was shown to be a powerful but fragile political strategy. It could be exploited with a façade of ideological

⁸¹ Reiter, W. L. "M. Fulvius Flaccus and the Gracchan Coalition." 141.

⁸² App. *B Civ.* 1.23; Plut. *C. Gracch.* 8.3.

⁸³ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 239.

⁸⁴ Lintott, A. W. "Political History, 146-95 B.C." 83.

⁸⁵ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 243.

⁸⁶ Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 95.

⁸⁷ Plut. *C. Gracch.* 8.4.; Suet. *Tib.* 3: his effectiveness earned him the title of 'the Senate's champion'.

interests, as long as the magisterial figurehead was seen to be advancing the interests of the voters, asserting the predominantly strategic nature of the scheme.

Junonia and the Loss of Support

In a response to optimate threats, Gaius left Rome to oversee the founding of the colony at Carthage.⁸⁸ Removing himself to Africa to oversee a popular bill and accordingly regain support, when considering the fate of his brother following attempts to overthrow Octavius, demonstrated that Gaius' practical decisions were also influenced by Tiberius' shortcomings.⁸⁹ However, the delegation of control to Fulvius Flaccus, a man who was disliked amongst the senate and distrusted by the people, was poorly conceived.⁹⁰ Fulvius Flaccus failed to keep Livius Drusus at bay in Rome, while reports of ill omens concerning Junonia filtered back to Rome.⁹¹ Gaius returned to Rome to salvage the situation after seventy days.⁹² If he had lost his position on the colonial commission he would be open to prosecution the next year.⁹³ He failed to win over the people. They had been offered so much recently that his promises failed to have an impact upon them.⁹⁴ Gaius shifted his focus onto the poorest classes in Rome, moving his residence to below the forum.⁹⁵ He promulgated laws of unknown content to benefit these people and used force to dismantle a stand for a gladiatorial contest to enable the poor to see the event.⁹⁶ This first use of *popularis* violence, at the time of least support, demonstrated innovation as a reaction to the danger of Gaius' position.⁹⁷ Livius Drusus' outmanoeuvre of Gaius showed that *popularis*

⁸⁸ Livy. *Per.* 60; App. *B Civ.* 1.24.1.

⁸⁹ Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire.* 75.

⁹⁰ Plut. *C. Gracch.* 10.3; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 244.

⁹¹ Plut. *C. Gracch.* 11.1; App. *B Civ.* 1.24.2; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 244: these were seeded by Scipio Aemilianus' previous comments that nothing would grow where Carthage once stood.

⁹² Plut. *C. Gracch.* 11.2.

⁹³ Holmes, T. R. *The Roman Republic and the Founder of the Empire.* (Oxford: Clarendon Press, 1923), 29: Gaius would have held no other official position and therefore would not have enjoyed immunity from prosecution.

⁹⁴ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 245.

⁹⁵ Plut. *C. Gracch.* 12.1.

⁹⁶ Plut. *C. Gracch.* 12.3; Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 246.

⁹⁷ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 247.

techniques could work contrary to *popularis* interests despite the attempts Gaius had made to improve the political blueprint established by his brother. The optimum use of these tools showed that *popularis* politics were defined as a strategy rather than an ideology. The introduction of ad hoc violence during a time of desperation also demonstrated the use of an increasingly volatile trend that would be adopted by both *populares* and *optimates* in response to threatening situations.

Re-Election and Death

Gaius was not elected tribune for a third consecutive year. His reforms came increasingly under threat when Opimius, a direct opponent to Gaius, was elected to the consulship.⁹⁸ The founding of the colony at Junonia was opposed by a tribune following the reports of ill omens.⁹⁹ Gaius tried to face this action, despite having no legal avenues available to him.¹⁰⁰ Furthermore, at a *contio*, a follower of Opimius spoke provocatively to Gaius and was murdered by his supporters.¹⁰¹ Gaius sought to disperse the hostile environment, but these events showed the increasing polarity of Republican politics.¹⁰² This was a result of *popularis* and *optimata* reactions and a failure of the accepted practice of changing magistrates annually. These irreconcilable views developed into overt and unpredictable violence, in a trend that would escalate with the continuation of the political struggle. The senate was in session when the funeral parade of the murdered man went past, causing the senate to demand an explanation from Gaius.¹⁰³ He and Fulvius Flaccus, fearing for their safety, took up arms with their followers at the Aventine Hill to defend themselves.¹⁰⁴ Opimius

⁹⁸ Plut. *C. Gracch.* 12.4-13.1: there was a suspicion of dishonesty in preventing Gaius' election.

⁹⁹ Plut. *C. Gracch.* 13.1; Oman, C. W. C. *Seven Roman Statesmen of the Later Republic: The Gracchi, Sulla, Crassus, Cato, Pompey, Caesar.* 78: Junonia was the target of this attack, as the corn measures or removal of benefits to the *equites* would have rekindled support for Gaius, driving momentum back towards the *popularis* Gracchus.

¹⁰⁰ Greenidge, A. H. J. *A History of Rome During the Later Republic and Early Principate.* 284, while Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica.* 114-5 shows that the support Gaius had achieved lacked organisation and therefore the ability to oppose the nobles.

¹⁰¹ App. *B Civ.* 1.25; Plut. *C. Gracch.* 13.3; Cic. *Cat.* 1.4; Cic. *Phil.* 8.14.

¹⁰² App. *B Civ.* 1.25.

¹⁰³ Plut. *C. Gracch.* 14.

¹⁰⁴ App. *B Civ.* 1.26.1; Livy. *Per.* 61.

responded to this physical presence and used this situation to call the senate to take action to defend the state. The first *senatus consultum ultimum* was implemented.¹⁰⁵ This stated that Opimius must do whatever was necessary to return the state to normality, even if he acted outside of recognised legal boundaries.¹⁰⁶ After the failure of diplomatic action, Gaius and Fulvius Flaccus were attacked by Opimius, who easily routed the *popularis* supporters, demonstrating an increasingly organised use of the violence implemented by Scipio Nasica against Tiberius Gracchus.¹⁰⁷ Fulvius Flaccus was killed, along with many supporters, while Gaius committed suicide after fleeing the scene, having seen his force destroyed.¹⁰⁸ This established that the development of *popularis* tactics could still be thwarted by violence instigated by the senate. A major failing of *popularis* strategy, despite its short-term legislative successes, had yet to be addressed, while the *optimates* had enhanced their aggression with the introduction of the *senatus consultum ultimum*.

Aftermath

After Gaius' death, Opimius was brought to trial for his breach of Gaius' laws concerning the rights of citizens, whom he had imprisoned.¹⁰⁹ He was defended by Papirius Carbo,¹¹⁰ a defector from the *populares*, and was subsequently acquitted. This legitimised the *senatus consultum ultimum* and secured a powerful optimate tactic. Following this, Popillius Laenas was recalled from exile, cementing the victory over Gaius' legislation.¹¹¹ With Gaius dead and his proposals halted, it is unsurprising that Livius Drusus' plans likewise faded into obscurity.¹¹² Papirius Carbo was prosecuted in 119 B.C., but the senate had regained the upper hand and no damaging judicial decision was made.¹¹³ In 106 B.C., Q. Servilius Caepio

¹⁰⁵ Plut. *C. Gracch.* 14.3; Livy. *Per.* 61.

¹⁰⁶ Mitchell, T. N. "Cicero and the Senatus "consultum ultimum"." *Historia* 20 (1971), 48.

¹⁰⁷ App. *B Civ.* 1.26; Plut. *C. Gracch.* 16.1; Hillard, T. "Graffiti's Engagement. The Political Graffiti of the Late Roman Republic." 109: this permanently changed the political landscape of the Republic.

¹⁰⁸ App. *B Civ.* 1.26; Plut. *C. Gracch.* 17.1-2.

¹⁰⁹ Livy. *Per.* 61.

¹¹⁰ Cic. *De or.* 106.

¹¹¹ Cic. *Brut.* 128.

¹¹² Keaveney, A. *Rome and the Unification of Italy.* 48.

¹¹³ Cic. *Brut.* 159.

altered the legislation concerning juries, returning some privileges to the senate.¹¹⁴ The use of trials and the recall of exiles showed that having dealt with the threat of Gaius, the *optimates* could utilise traditional methods to reinforce their position.

Evaluation

From the events concerning Gaius Gracchus, it is evident that he adjusted *popularis* tactics to secure wider legislative support and prolonged political success. When assessing his first tribunate, he had begun the year by legitimising the actions of his brother through the creation of a positive *popularis* tradition. This safeguarded his own position and acted as a deterrent to potential opposition. He was overwhelmingly successful in bringing the poorer citizenry and *equites* into a political coalition that allowed him to dominate legislative activity. The multitude of laws, aimed at reducing traditional privileges of the senate, demonstrated the systematic attainment of political backing at senatorial expense. This allowed Gaius to exploit a powerful voting bloc in the popular assemblies to implement a reformative legislative programme. Opposing senatorial traditions to achieve altruistic reform, rather than forwarding altruistic proposals and consequently challenging the senate, showed Gaius had reversed the concept his brother had implemented to achieve a broader and more effective *popularis* strategy. When Gaius moved onto a genuine reform, designed to solve a potential external crisis, his support deserted him in favour of Livius Drusus, who prised away backing by offering better terms to the people. Gaius was unable to recover from the loss of support and Livius Drusus, representing the *optimates*, confirmed that the people could be used to forward optimate ideals. This evinced the power of *popularis* tactics regardless of who exploited them. With failing support, Gaius' downfall was cemented with the passing of a *senatus consultum ultimum*. This legitimised Opimius' actions in violently

¹¹⁴ Hardy, E. G. "Notes on the Lex Judiciaria of G. Gracchus, The Lex Servilia of Caepio and the Lex Thoria." *The Journal of Philology* 32 (1912), 100 states it was likely that it was fully returned to the senate, while Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 110-111 shows a senatorial involvement. Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 155 states a mixed court was possible and Pina Polo, F. *The Consul at Rome*. 120 speaks of a rebalancing, in line with Brunt.

removing both Gaius and Fulvius Flaccus. From the events of the period, *popularis* strategies can be seen to have developed in both scope and direction; new forces were brought into political play, while reforms were designed to reach all sections of the state. Ultimately this evolution was not enough to secure long-term success. It instead reaffirmed that the power Tiberius had first utilised was yet to be harnessed effectively for enduring political success. Optimate strategies had again evolved to provide effective opposition.

3. Lucius Appuleius Saturninus

The next phase in the evolution of the *popularis* label occurred between 104 and 100 B.C. Republican politics witnessed a coalition of magistrates, united by Saturninus, in scenes reminiscent of Gaius Gracchus' second tribunate. While *popularis* activity had been present between the Gracchi and Saturninus, the politicians lacked a clear legislative vision. This limited the development of the *popularis* concept.¹ Saturninus' innovative strategies, political partnerships and subsequent legislation resulted in a redefinition of the *popularis* label. Of the three individuals who partook in the political coalition, only G. Marius was subject to a biography by Plutarch, with assessment of Saturninus and G. Servilius Glaucia confined to alternative historical accounts.² Due to the lack of a biography and an absence of moralisation around Saturninus' actions, our primary sources portray him as little more than a mediocre politician.³ However, through an analysis of the salient political events a conscious employment and progression of Gracchan principles is perceptible. The distinctive trends that Saturninus exhibited displayed a coherent political strategy designed to improve upon the tactics introduced by the Gracchi.

The Foundation of a Political Alliance

Marius' Tribunate of 119 B.C.

During Marius' tribunate in 119 B.C., he forged himself a reputation as a man who acted in the interests of the Republic. He demonstrated a willingness to appeal to popular interests, while also maintaining a position of political neutrality. This made him a potential ally for Saturninus. As tribune, Marius introduced legislation to prevent voting interference. He adjusted voting procedures by narrowing galleries leading to the voting enclosures.⁴ This

¹ Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. 118.

² Tac. *Ann.* 3.27; Evans, R. J. *Questioning Reputations: Essays On Nine Roman Republican Politicians*. (Pretoria: Unisa Press, 2003), 99.

³ Cic. *Brut.* 224; Plut. *Mar.* 14.7, 28.5 changed his mind from an influential politician to a rabble rouser. Evans, R. J. *Questioning Reputations: Essays On Nine Roman Republican Politicians*. 101-3: the exclusion of Saturninus and Glaucia from biography resulted in modern scholarship focussing on Saturninus over Glaucia.

⁴ Plut. *Mar.* 4.2; Lintott, A. W. "Political History, 146-95 B.C." 86.

asserted a point of principle regarding the honesty of voting and ensured Marius was seen to champion the people's interests. In a parallel with traditional optimate views, however, he opposed a grain law.⁵ These actions meant that Marius would not compromise his political standpoint should he choose to ally himself with men such as Saturninus. He could also claim to be acting in the interests of the state.⁶ This allowed for a celebrated military leader to enhance and influence the tactics employed by Saturninus and encouraged the emergence of violence as a key *popularis* tactic.

Glaucia's Tribune of 104 B.C.

The chronology of the events concerning Glaucia is disputed, with his tribunician actions attributed to either 104 or 101 B.C.⁷ In this magistracy, Glaucia exhibited distinct *popularis* trends, forming common ground between Marius, Saturninus and himself. Glaucia ensured that judicial cases were to be heard twice, with a final decision to be made only after the second hearing.⁸ Additionally, Latins who successfully prosecuted someone under this law were to be granted citizenship.⁹ Finally, and of most importance, Glaucia reversed the legislation of Servilius Caepio in 106 B.C., ensuring that the courts were again fully manned by *equites*.¹⁰ These actions reaffirmed that the battle over judicial courts remained a political focus for both *populares* and *optimates*. They demonstrated that Italian and Latin causes also remained integral to the political scene. Through the reintroduction of equestrian jurors, Glaucia overturned the senate's short-lived monopoly over judicial matters and secured equestrian support for himself. The continuation Gaius Gracchus' policies did not

⁵ Plut. *Mar.* 4.4.

⁶ Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica*. 127.

⁷ Stockton, D. *From the Gracchi to Sulla: Sources for Roman History, 133-80 B.C.* (London: Lactor 13, 1981), 86 states 104 B.C. as the most likely date.

⁸ Cic. *Verr.* 2.1.26; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 110-11: previously, trials could be reheard an unlimited amount of times, with the proceedings deliberately prolonged in an attempt to prevent a final decision by some parties.

⁹ Cic. *Balb.* 54.

¹⁰ Cic. *Rab. Perd.* 20; Cic. *Brut.* 224.

represent a shift in the nature of a *popularis*, but facilitated the formation of a political coalition with Saturninus and the development of the political tactic.

Saturninus' Quaestorship of 104 B.C.

In 104 B.C., Saturninus was quaestor at Ostia, a port crucial to the provision of grain to Rome. Hostile senatorial engagements at this time provided the stimulus for Saturninus' emergence as a *popularis*. The grain supply to Ostia had faltered, so the senate replaced Saturninus with an influential optimate, M. Aemilius Scaurus.¹¹ This allowed the *optimates* to claim the credit for remedying the grain shortfall.¹² The senate had extended the preventative tactics used against Gaius Gracchus to win support from the urban masses. Furthermore, Saturninus had been slighted during a term in office, rather than suffering from a pre-emptive measure.¹³ Saturninus, regardless of his previous political sympathies, reacted by engaging in *popularis* activity to seek revenge against this senatorial injustice.¹⁴ The decision to slight an ambitious magistrate had again facilitated the development of an antagonistic political strategy. Saturninus consequently held little regard for senatorial tradition and authority, which allowed for a development of the *popularis* strategy. The optimate willingness to snub Saturninus ensured that he was prepared to use intensified methods to achieve his political aims. This resulted in a mutation of *popularis* tactics into a ruthless and exploitative political tool.

¹¹ Cic. *Font.* 24; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 107: Aemilius Scaurus was *princeps senatus* and an influential optimate leader. His optimate stance and advocacy of senatorial authority was understandable when considering his title, as he was naturally reliant on senatorial tradition to maintain his status.

¹² Cic. *Har. resp.* 43; Cic. *Sest.* 39; Diod. Sic. 36.12; Last, H. "The Enfranchisement of Italy." In *The Cambridge Ancient History: The Roman Republic 133-44 B.C.*, edited by S. A. Cook, F. E. Adcock, & M. P. Charlesworth, 158-210. (Cambridge: Cambridge University Press, 1932), 165: this shortfall would have been resolved regardless of the senatorial actions, with the situation exploited for political gain by the *optimates*.

¹³ The power of urban support to implement optimate political agendas had been recognised and would have been especially apparent after the actions of Livius Drusus the Elder.

¹⁴ Cic. *Har. resp.* 43; Cic. *Sest.* 39. The decision to attack Saturninus must either be because he was considered weak enough to slight, or because he had previously shown his potential *popularis* ideas.

The Tribune of 103 B.C.

Refocussing the *Popularis* Strategy

Following his treatment at Ostia, Saturninus successfully sought election to the tribunate of 103 B.C. This year in office was used to create a *popularis* formula that contrasted with the ideals of the Gracchi. The first noticeable change that Saturninus introduced was a narrowing of political interests to exclude Italian and allied claims.¹⁵ There is a lack of literary evidence to suggest any involvement by Saturninus on behalf of foreign communities.¹⁶ Numismatic evidence portraying a link between Saturninus and the Italians has also been proven to be inadequate.¹⁷ Saturninus had unmistakably chosen to focus his *popularis* strategy on eligible voters who could directly enhance his short-term political position. This was a marked change from previous *popularis* strategies and asserted that the tactical attainment of voting blocs was the backbone of Saturninus' strategy. The ideological and far-reaching aspects of the Gracchan *popularis* scheme had been sacrificed to create a potent strategy. Saturninus had a clear policy of who to ingratiate and had consciously avoided the situation that Gaius Gracchus had fallen victim to. He had created a concentrated *popularis* formula designed purely for political impact rather than state reform, representing a shift in the moral basis of *popularis* strategy.

Exploitation of Judicial Trials

Further to Saturninus' employment of a narrower support base, he displayed an awareness of who to attack, in a continuation of Gaius Gracchus' assault on senatorial authority. Utilising the equestrian controlled courts, Saturninus undertook the prosecution of G. Mallius Maximus for his failures when fighting against the Cimbri in 105 B.C.¹⁸ This was an

¹⁵ Keaveney, A. *Rome and the Unification of Italy*. 76.

¹⁶ Crawford, Michael H. "Saturninus and the Italians." *Classical Philology* 64 (1969), 38, while Keaveney, A. *Rome and the Unification of Italy*. 77 shows a lack of motive for involving himself with these people.

¹⁷ Crawford, Michael H. "Saturninus and the Italians." 37: the main argument being that the Italians did not use Saturninus on any of their own coinage during the social war, in opposition to Rowland Jr., Robert J. "The Italians and Saturninus." *Classical Philology* 64 (1969), 39.

¹⁸ Gruen, E.S. *Roman Politics and the Criminal Courts, 149-78 BC*. 165 argues for it to have been Saturninus as the prosecutor, despite the unclear evidence. It certainly matches the expected actions of the tribune.

adoption of traditional optimate techniques designed to achieve widespread military following for his *popularis* cause.¹⁹ A further trial took place, with Saturninus' tribunician colleague G. Norbanus prosecuting Servilius Caepio, who was also culpable for the defeat against the Cimbri and the plundering of a temple at Tolosa.²⁰ Two tribunician colleagues attempted to stave off this prosecution with their veto, but were forcibly driven off.²¹ These two trials, through retribution for the military incompetence of the nobility, demonstrated an appeal to the soldiery. Saturninus and Norbanus had plainly recognised the potential of military veterans in securing legislative change. They would also be invaluable should violent scenes continue to permeate political matters. The use of force to prevent a veto established that an ideological assertion was not a necessary component of a *popularis* strategy when it was dependent upon the use of violence. The sacrifice of an ideological element demonstrated a shift in the nature of the *popularis* label; under Saturninus it solely represented a political tool.

Supporting Marius

To advance his political strategy, Saturninus sought to ingratiate Marius and his loyal veterans. This marked the beginning of a relationship that would endure for the next half a decade.²² The veteran support was designed to exploit the proven effectiveness of force to influence proceedings. It also protected Saturninus from the violent downfalls of the Gracchi. To win Marian support, Saturninus used his supporters to create a seemingly widespread demand for Marius' re-election to the consulship.²³ Marius pretended he did not desire the position, allowing him to be seen as acting selflessly.²⁴ This permitted Marius

¹⁹ This paralleled the actions of Livius Drusus the Elder, who had used traditional *popularis* tactics to achieve an optimate success.

²⁰ Livy. *Per.* 67; Oros. 5.15.

²¹ Cic. *De or.* 2.197.

²² Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire.* 106.

²³ Plut. *Mar.* 27-8; Ryan, Francis X. *Rank and Participation in the Republican Senate.* (Stuttgart: Franz Steiner Verlag, 1998), 130: the tribunician elections occurring prior to the consular vote allowed tribunes to actively influence the proceedings, cementing the tribune as the core power in the political coalition.

²⁴ Plut. *Mar.* 14.7.

to achieve political success and a continuation of his state-serving reputation, while Saturninus gained the support of Marian veterans for his later endeavours.²⁵ The use of veteran support, combined with the use of a consular ally, demonstrated both a continuation and development of Gaius Gracchus' strategy. Instead of the reliance on a fragile combination of the citizenry and foreign communities, Saturninus had focussed his support into a cohesive group of citizens, which was supplemented with magisterial support. He had created a narrower and focussed strategy lacking an altruistic element, in a progression of Gracchan models. The new methods served to combine a legislative and physical force to achieve political success. *Popularis* strategy had therefore shifted to become an exploitative political tool rather than a reformative tactic.

The African Land Bill

Saturninus then adopted the longstanding *popularis* interest in land distribution, emulating the concerns of the Gracchi. The application of this legislation exclusively to the soldiery confirmed a narrowing of Gaius' *popularis* formula. Saturninus had reached a level of legislative support that was superior to Tiberius', but had detached Gaius' ineffective collaboration with the Italians and allies. Saturninus established a land grant for those returning from military service.²⁶ Marian veterans were used to drive away M. Baebius, who attempted to veto the bill.²⁷ The settlement included one hundred *iugera* of land in Africa, a noticeable increase in the size of the allotments under Gracchan legislation.²⁸ This verified the need for *populares* to maintain mass support through increasingly generous measures. The methods employed in this instance were comparable to the successes of Norbanus during the trial of Servilius Caepio and established an innovative approach to avoid the

²⁵ Livy. *Per.* 69; Plut. *Mar.* 29.1; Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica.* 114-5; Evans, R. J. *Gaius Marius: A Political Biography.* (1st. Pretoria: University of South Africa, 1994), 117; Brunt, P. A. *The Fall of the Roman Republic: And Related Essays.* 254-5: an organised force capable of utilising violence was now a key requirement for *popularis* legislative success with veterans a powerful political tool.

²⁶ This became necessary following Marius' enlistment of the *capite censi*.

²⁷ Suet. *De vir. ill.* 73. Baebius was a tribunician colleague of Saturninus.

²⁸ Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire.* 108.

constitutional obstacle of the veto. As no veto had been issued, the legislation was theoretically valid.²⁹ This act legitimised violence as a means to achieve *popularis* goals and reversed the previous trend of *populares* suffering from forceful actions. The passage of this bill demonstrated a proactive use of violence in *popularis* politics, to prevent rather than circumvent a veto, to counter the failings of the Gracchi. Saturninus, therefore, had developed a strategy that utilised an effective support base and appropriate methods to achieve legislative advances. His approaches avoided the need to compromise the interests of a vast support base and allowed Saturninus to focus on appealing to the interests of specific voting blocs. This ensured that his narrower political agenda was not susceptible to the shortcomings of Gaius Gracchus.

The *Maiestas* Law

Saturninus rebranded *popularis* tactics with the final legislative endeavour commonly attributed to 103 B.C. Rather than by-passing constitutional tradition to achieve a political advantage, he introduced a mechanism of the state fully compatible with *popularis* methods, a permanent court concerned with *maiestas*.³⁰ This was a vague phrase that encompassed actions damaging to the prestige of the Roman people and state, which approximately translated to treason.³¹ The court was manned by *equites*, in line with the Glaucian legislation and was designed to replace the cumbersome processes of *perduellio* trials.³² It allowed for individual military failures to be prosecuted. Magistrates who opposed *populares*, such as Octavius in 133 B.C., could also be brought to trial more effectively.³³ This allowed an ambitious individual to exploit the widespread demand for an unpopular or

²⁹ Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." *Athenaeum* 55 (1977), 152.

³⁰ Cic. *De or.* 2.107.

³¹ Chilton, C. W. "The Roman Law of Treason under the Early Principate." *The Journal of Roman Studies* 45 (1955), 73; Balsdon, J. P. V. D., and A. Lintott. "Maiestas." In *The Oxford Classical Dictionary*, edited by S. Hornblower, A. Spawforth, & E. Eidinow, 888-889. (Oxford: Oxford University Press, 2012), 888-9: later, this would include actions against the Emperor.

³² Cic. *De or.* 2.199; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 108: this helped to avoid the danger of a veto.

³³ Lintott, A. W. "Political History, 146-95 B.C." 96.

unsuccessful individual to be prosecuted.³⁴ This secured the good will of the wider citizenry at the expense of senatorial authority.³⁵ The implementation of a new process, rather than manipulation of old practices, demonstrated that Saturninus was a methodical and forward thinking politician. The ideals of Gaius Gracchus had been emulated, but applied to unconventional measures. He achieved *popularis* success through the instigation of favourable processes and utilised judicial trials as an effective method of political attack. Saturninus, by the end of his first tribunate, had narrowed the political support base a *popularis* required, but expanded upon the methods available to the politician to create a potent political strategy.

Inter-Tribunate Events

The False Gracchus

Despite not pressing for a consecutive tribunate, Saturninus was able to remain integral to state politics and enhanced the nature of his *popularis* methods.³⁶ In 102 B.C., Saturninus supported the cause of a freedman, Equitius, who claimed to be the son of Tiberius Gracchus.³⁷ The censors refused to recognise his status as citizen and rioting ensued.³⁸ Saturninus resurrected the ideals of Tiberius Gracchus through his association with Equitius to generate support for current *popularis* causes.³⁹ This use of *popularis* tactics was a continuation of Gaius' initiative. Using it outside of a magistracy showed that *populares* could rely on symbolism to achieve enduring support even when they were unable to directly influence legislative measures. This demonstrated that *populares* could create a power structure that did not require a continuing magistracy. In response to these events, the

³⁴ Logically, only the supporters of the culpable politician would be opposed to a prosecution.

³⁵ Lintott, A. W. "Political History, 146-95 B.C." 96: although at later dates this court was used to prosecute violent tribunes.

³⁶ Owing to the lack of outright constitutional breaches, there was no need to seek a further magistracy and political immunity from prosecutions.

³⁷ Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 108: or potentially put forward the man himself to achieve his own goals.

³⁸ Cic. *Sest.* 101.

³⁹ Last, H. "The Enfranchisement of Italy." 166-7; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 109.

censor Q. Caecilius Metellus Numidicus attempted to remove Saturninus from the senatorial roll.⁴⁰ To avoid this disastrous situation, Saturninus utilised his widespread support and instigated another riot.⁴¹ The capability of the people to override decisions of prestigious magistrates was reaffirmed.⁴² Violence had yet again been utilised by Saturninus in order to achieve a desired political outcome, in an increasingly prevalent ingredient in *popularis* approaches. Saturninus' opposition found this tactic insurmountable, reaffirming the strength of forceful *popularis* methods over ideological debates.

The Mithridatic Embassy and Saturninus' Trial

In 101 B.C. Saturninus attacked senatorial prestige in a unique manner and instigated a further clash between *popularis* and optimate strategies. Acting in a deliberately antagonistic manner, Saturninus insulted a member of a visiting embassy representing Mithridates.⁴³ This was designed to highlight bribery as a potential element for the senate's relationship with this embassy.⁴⁴ It also displayed Saturninus' disapproval of senatorial foreign policy.⁴⁵ These actions aligned Saturninus with the interests of the citizenry and showed that unique political engagements could be exploited by a *popularis* to achieve support outside of a magistracy. As a consequence of this action Saturninus was faced with prosecution on a capital charge.⁴⁶ Saturninus responded by rousing the populace, using the threat of violence to secure his acquittal.⁴⁷ Physical aggression had again allowed an individual without a magistracy to influence governmental proceedings. However, it had now been applied to judicial measures as well as legislative matters. The prosecution also provided an incentive for Saturninus to achieve the tribunate the following year, as he had a new found source of resentment to exploit. This demonstrated how optimate antagonism

⁴⁰ App. *B Civ.* 1.28; Cic. *Sest.* 101: Glaucia was also subject to this attack.

⁴¹ Cic. *Sest.* 101.

⁴² Last, H. "The Enfranchisement of Italy." 167.

⁴³ Diod. Sic. 36.15.

⁴⁴ Last, H. "The Enfranchisement of Italy." 168.

⁴⁵ Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 168.

⁴⁶ Diod. Sic. 36.15.

⁴⁷ Diod. Sic. 36.15.

could backfire when not applied ruthlessly. The use of violence was prevalent again, in an amplification of previous optimate trends to achieve *popularis* successes. If a *popularis* figurehead was willing to escalate the levels of force, he had a powerful weapon with which to counter optimate strategies. This allowed him to control political events without needing to apply ideological or altruistic ideals to his endeavours.

The Tribune of 100 B.C.

Creation of a Political Coalition

In a continuation of previous trends, Saturninus achieved the tribunate alongside sympathetic magistrates, with Glaucia attaining the praetorship and Marius elected as consul.⁴⁸ The election of Saturninus proved more difficult than had been expected and was only secured after the murder of a competitor, A. Nunnius.⁴⁹ This was the first use of assassination to further *popularis* interests, comparable to optimate trends seen with the Gracchi. The coalition was designed to remove a common enemy, Metellus Numidicus, who had displayed opposition to all three men previously.⁵⁰ Saturninus' oratorical skills, combined with his and Glaucia's popularity with the masses and the support from Marian veterans, enabled these three men to override state mechanisms.⁵¹ This demonstrated the development of a cohesive and multidimensional *popularis* tactic, enhanced through violence, to secure political objectives and appease specific sectors of society.⁵² The all-encompassing *popularis* strategy of Gaius Gracchus had been adapted to create an approach heavily reliant upon magisterial and citizen support, reinforced by physical presence, in pursuit of a vengeful political goal.

⁴⁸ Broughton, T. R. S. *The Magistrates of the Roman Republic*. (Vol. 1. New York: The American Philological Association, 1951), 574.

⁴⁹ Livy. *Per.* 69; *App. B Civ.* 1.28; *Plut. Mar.* 29.1.

⁵⁰ Evans, R. J. "Metellus Numidicus and the Elections for 100 B.C." *Acta Classica* 30 (1987), 65.

⁵¹ Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 89; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 169; Keaveney, A. *Rome and the Unification of Italy.* 77.

⁵² Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica.* 134.

Colonial Programmes

Utilising the dominant power of the political coalition, Saturninus extended his previous policy of land grants to include colonisation, combining the ideas of the Gracchi. His law demonstrated an exploitation of his powerful legislative position to form favourable legal precedents. Colonies in Sicilia, Achaea and Macedonia were founded using the money looted from Tolosa.⁵³ Marius was given the power to create a limited number of citizens in each colony, ensuring for increased support amongst those who desired enfranchisement.⁵⁴ This grant of citizenship reinforced Marius' previous actions, which were legally dubious at best, and served to expand the coalition's immediate support base.⁵⁵ This minor concession to Italian and allied interests was designed to increase support for the political union, while not distancing the Roman citizenry, comparable to the actions of Livius Drusus the Elder. This legislation, therefore, adhered to previous political trends, while introducing a new legislative concept. The promotion of foreign enfranchisement was a risky strategy and was reflected in Saturninus' cautious development of his tactics. The success of this measure, however, added to the tactical voting support the coalition had already achieved. This broadened the scope of Saturninus' *popularis* strategy and demonstrated a recognition that allied interests were an important factor in attaining long-term support. Saturninus had understood that Gaius Gracchus' *popularis* concept was not flawed in its designs, but in the speed with which it was enacted. In order for *populares* to achieve diverse support, it had to be built up gradually and only after having secured unwavering support from the citizenry, who provided the source of immediate legislative power.

Agrarian Interests

Having established the *popularis* ability to form legal precedents, Saturninus used his dominant position to enact further legislation, including innovative clauses favourable to

⁵³ Cic. *Balb.* 48; Oros. 5.15.

⁵⁴ Cic. *Balb.* 48.

⁵⁵ Plut. *Mar.* 28.2: he had previously enfranchised a cohort of Umbrian auxiliaries.

popularis designs. He proposed that land in the Po valley was to be redistributed.⁵⁶ In addition, all senators were required to swear an oath to uphold the law.⁵⁷ The requirement of an oath was a clear slight to senatorial authority and exploited the popular mistrust of the senatorial body.⁵⁸ Rural citizens had to be brought in to enact the bill, demonstrating a fracture in the support base achieved by Saturninus.⁵⁹ This bill was opposed by the *optimates* through the declaration of troubling religious portents.⁶⁰ This was an innovative method of opposition and the beginning of a political trend in response to Saturninus' *popularis* strategy.⁶¹ Only Metellus Numidicus refused to swear the oath, after a demonstration of reservation by Marius.⁶² Saturninus forced Metellus Numidicus into exile, with Marius' consular position used to proclaim that Metellus Numidicus was to be symbolically refused fire and water.⁶³ This demonstrated that through an innovation to traditional *popularis* schemes, Saturninus had secured the removal of one of his bitterest enemies. This confirmed that personal motives had become a legitimate element of *popularis* strategies. It established that a proactive *popularis*, when exploiting widespread legislative and magisterial support, was capable of overriding state tradition and the preventative influence of optimate policies.

The Grain Bill

Saturninus concluded his legislative programme with a continuation of traditional *popularis* enactments. The reintroduction of a grain law to provide corn for the urban populace offered

⁵⁶ This land had previously been occupied by the Cimbri, whom Marius had defeated.

⁵⁷ App. *B Civ.* 1.30; Plut. *Mar.* 29.

⁵⁸ Evans, R. J.. *Questioning Reputations: Essays On Nine Roman Republican Politicians.* 128.

⁵⁹ App. *B Civ.* 1.30; Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica.* 132: the urban plebs resisted Saturninus' actions as they resented the favouritism he was showing to other areas of society.

⁶⁰ App. *B Civ.* 1.30.

⁶¹ Lintott, A. W. "Political History, 146-95 B.C." 100; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 153: the later annulment of this bill was not due to religious reasons, demonstrating it was applied in a weak manner.

⁶² Plut. *Mar.* 29; Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 91; Last, H. "The Enfranchisement of Italy." 170. This could have been a result of a fracture in the relationship between Marius and Saturninus as a result of his actions, or used to dupe Metellus Numidicus into a vulnerable position.

⁶³ App. *B Civ.* 1.31; Plut. *Mar.* 29.4-7.

a further challenge to the *optimates*.⁶⁴ The quaestor Q. Servilius Caepio, who was in charge of the treasury, argued that it was not possible to fund such a plan. The senate consequently passed a decree stating that anyone attempting to fulfil this law would be acting against the interests of the people.⁶⁵ This assertion of senatorial authority, designed to appear as altruistic, aimed to break up Saturninus' political backing and deter legislative support. Saturninus pushed ahead with his law and Servilius Caepio forcefully broke up the voting.⁶⁶ The senate had adopted the ideological arguments that Saturninus had disregarded, in the hope of gaining political leverage. Servilius Caepio utilised this to justify violence as a preventative measure, rather than as a last ditch response. Optimate tactics, therefore, had been reconsidered. A blend of ideological and forceful actions had eventually provided an effective barrier to Saturninus' political designs towards the end of his time at the forefront of Republican politics.

Re-Election and Death

Towards the end of Saturninus' second tribunate, Marius distanced himself from the political coalition. He had provided land for his veterans and had become increasingly uncomfortable with the methods employed by his allies.⁶⁷ The removal of Saturninus' veteran support allowed for traditional optimate tactics to be employed more effectively against him. Saturninus and Glaucia decided to seek protection through a further magistracy. Glaucia attempted to gain the consulship,⁶⁸ while Saturninus aimed for another year as tribune, to be held alongside Equitius.⁶⁹ To secure election, C. Memmius, an opponent of Saturninus, was murdered. These events were reminiscent of Saturninus' previous electoral action and

⁶⁴ Auct. *ad Her.* 1.21; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 111: the reintroduction of this measure would suggest that the law made by Gaius had fallen victim to a previous, unrecorded, attack.

⁶⁵ Auct. *ad Her.* 1.21.

⁶⁶ Auct. *ad Her.* 1.21.

⁶⁷ Livy. *Per.* 69; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 113.

⁶⁸ App. *B Civ.* 1.32; Cic. *Brut.* 224; Lintott, A. "Political History, 146-95 B.C." 101: despite this being contrary to the *lex Annalis* of 180 B.C.

⁶⁹ Cic. *Brut.* 224; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 113.

reasserted that violence had become the defining feature of his strategy.⁷⁰ *Popularis* tactics of the past had become warped and had been fully exploited to achieve self-interested political success. In response to this murder and the loss of Marian support, the senate united to oppose Saturninus and his allies. A *senatus consultum ultimum* was passed, with Marius granted the power to remove his former allies.⁷¹ Having peacefully secured the surrender of Saturninus and Glaucia after hostile scenes in the city, Marius imprisoned them in the senate house, indicating that he was hoping to deal with the men through judicial measures.⁷² The crowd, however, took it upon themselves to attack Saturninus, Glaucia and a number of their supporters, stoning them to death.⁷³ The ambiguity of Saturninus' relationship with Marius, and Marius' decision to withdraw his veteran support, was a major factor in the downfall of the coalition. The removal of this key element facilitated the use of traditional optimate techniques to eliminate the magistrates permanently.⁷⁴ This downfall mirrored trends seen with the Gracchi. It showed that Saturninus' *popularis* strategy had been influential primarily due to veteran support. Saturninus' failure to maintain this support reduced the effectiveness of his strategy. While the key ingredient to *popularis* designs had been realised, the volatility of this tactic had not been overcome, which inhibited the achievement of its full potential.

Aftermath

After the death of Saturninus and Glaucia, the *optimates* were able to reassert their control of political proceedings through further legislation. Rather than repeal Saturninus' entire legislative programme, the senate chose to ignore some of the laws. Consequently, the colonisation scheme was put on hold.⁷⁵ The recent judicial changes remained untouched,

⁷⁰ App. *B Civ.* 1.32; Oros. 5.17; Suet. *Iul.* 12.1.

⁷¹ Cic. *Rab. Perd.* 20; Livy. *Per.* 69; Plut. *Mar.* 30.3; App. *B Civ.* 1.32; Oros. 5.17; Cic. *Cat.* 1.4; Cic. *Phil.* 8.15; Vell. *Pat.* 2.12.6; Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire.* 113: this evinced his outright opposition to his former colleagues and his decision to side with the senate.

⁷² App. *B Civ.* 1.32.

⁷³ App. *B Civ.* 1.32; Oros. 5.17.

⁷⁴ Perelli, L. *Il Movimento Popolare Nell'ultimo Secolo Della Repubblica.* 137.

⁷⁵ Lintott, A. W. "Political History, 146-95 B.C." 102.

ensuring that future political fights were to take place in this environment.⁷⁶ Metellus Numidicus was eventually recalled from exile in 98 B.C.,⁷⁷ while the two consuls of 98 B.C., Q. Caecilius Metellus Nepos and T. Didius, passed the *lex Caecilia Didia*, permitting the invalidation of laws due to religious obstruction.⁷⁸ This provided a crucial optimate tool and ensured that religion was to become entangled in future engagements between *populares* and *optimates*. This showed that optimate tactics could successfully regain control of the political environment and expand their methods after the forceful removal of a *popularis* figurehead.

Evaluation

The years involving Saturninus demonstrated a number of changes to *popularis* tactics. Saturninus shied away from engaging with foreign interests, allowing himself to create a cohesive backing from eligible voters. By avoiding the Italian problem, Saturninus ensured that his support did not fracture. Although the implementation of land and grain laws remained a constant legislative theme, there was a broadening of aggressive methods to include the use of violence and judicial trials. This led to a change in the court system and the establishment of *maiestas* trials, a mechanism of the state tailored for *popularis* exploitation. Saturninus focussed on a narrowing base of political support, preferring to utilise an expansion of aggressive methods. The *popularis* techniques used by Saturninus represented a movement towards proactive and innovative designs. Ideological assertions were sacrificed to create an exploitative strategy dependent upon cohesive and influential voting support. The use of violence to bypass constitutional barriers must surely be the

⁷⁶ Cic. *Rab Perd.* 9; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 184; Gruen, E. S. "Political Prosecutions in the 90's B. C." *Historia* 15 (1966), 32. This was exploited by the *optimates*, who prosecuted Sextus Titius for possessing an image of Saturninus in his house, demonstrating an indirect form of *damnatio memoriae* employed by the senate to re-secure political dominance.

⁷⁷ App. *B Civ.* 1.33; Oros. 5.17; Plut. *Mar.* 31.1; Livy. *Per.* 69.

⁷⁸ Gruen, E. S. "Political Prosecutions in the 90's B. C." 37; Lintott, A. W. "Political History, 146-95 B.C." 102; Stewart, R. *Public Office in Early Rome: Ritual Procedure and Political Practice.* (Ann Arbor: University of Michigan Press, 1998), 110 shows that the grouping of legislative endeavours under a single vote violated augural procedure and therefore came under this law. This would be crucial in the tribunate of Livius Drusus the Younger.

greatest impact of Saturninus' magistracies; he had recognised the potential of this tactic and turned it against the senate. Despite Saturninus eventually falling victim to violence, he had shown the power of force in achieving substantial political success, without the need for an ideological *popularis* assertion. Once Saturninus lost his association with Marius and his veterans, he could no longer dominate political proceedings. The senate responded effectively with the implementation of the *senatus consultum ultimum*. This showed that the difference between Saturninus and the Gracchi was the attainment of an organised physical presence. Without this, Saturninus' scheme suffered from the same limitations as previous *populares* and could be dealt with in a comparable manner.

4. Marcus Livius Drusus

Livius Drusus implemented a multifaceted political strategy during his tribunate in 91 B.C. As a wealthy politician and capable orator, he instigated a programme of reform designed to meet longstanding issues facing the state.¹ Some credit Drusus with attempting the most reasoned and moderate scheme of reform,² while conversely, he has been attacked for presenting an ill-judged programme doomed to failure.³ Drusus was influenced by previous *populares*, with his development of a scheme designed to encompass important voting sectors.⁴ His reformative nature corresponded with that of Tiberius Gracchus; the diversity of his laws were comparable to Gaius Gracchus; while the methods utilised to instigate his legislation were a simulation of Saturninus' tactics. Paradoxically, he was attributed with being the champion of the senate at this time, indicating the influence of his father, who opposed Gaius Gracchus.⁵ This amalgamation of *popularis* tactics for optimate designs resulted in an evolution of political strategy and an adjustment in the perception of the *popularis* label.

The Influence of Judicial Malpractice

In 92 B.C. a significant legal case took place that greatly influenced Drusus. The equestrian controlled courts convicted P. Rutilius Rufus of provincial extortion despite his unquestionable innocence.⁶ This decision transparently established that the *equites* were

¹ Diod. Sic. 37.10; Cic. *Off.* 1.108; Cic. *Brut.* 222; Gabba, E. *Republican Rome, the Army and the Allies*. (Translated by P. J. Cuff. Oxford: Blackwell, 1976), 70.

² Seymour, P. A. "The Policy of Livius Drusus the Younger." *The English Historical Review* 29 (1914), 417; Gabba, E. *Republican Rome, the Army and the Allies*. 131.

³ Salmon, E. T. *Samnium and the Samnites*. (Cambridge: Cambridge University Press, 1967), 338.

⁴ von Ungern-Sternberg, J. "The Crisis of the Republic." In *The Cambridge Companion to the Roman Republic*, edited by H. I. Flower, 89-110. (Cambridge: Cambridge University Press, 2004), 96-7; Keaveney, A. *Rome and the Unification of Italy*. 88.

⁵ Diod. Sic. 37.10; Cic. *De or.* 1.7; Cic. *Mil.* 7; Sall. *Ad Caes.* 2.6.3-4. For the debate regarding the authenticity of the *Epistulae ad Caesarem senem* see Last, H. "On the Sallustian *Svasoriae*." *The Classical Quarterly* 17 (1923), 100; Nisbet, R. G. M. "The *Invectiva* in *Ciceronem* and *Epistula Secunda* of Pseudo-Sallust." *The Journal of Roman Studies* 48 (1958), 32 who argues against the authenticity of the letters, which has become the accepted view. McDonough, C. J. "Statistical Tests and the "*Epistulae ad Caesarem senem*." "*Mnemosyne* 35 (1982), 339 shows that statistical analysis was inconclusive.

⁶ Livy. *Per.* 70; Vell. Pat. 2.13; Cic. *Brut.* 115; Badian, E. "Livius Drusus, Marcus." In *The Oxford Classical Dictionary*, edited by S. Hornblower, A. Spawforth, & E. Eidinow, 852. (Oxford: Oxford University Press, 2012),

willing to abuse their judiciary powers to achieve unchecked control of provincial taxation.⁷ This undermined the foundations of the state, as it compromised the power of senatorial officials in provincial affairs.⁸ Drusus was convinced to remedy this issue by his powerful political allies L. Licinius Crassus and M. Aemilius Scaevola.⁹ The unjust nature of the trial and Drusus' family connections to Rutilius Rufus provided further motivation.¹⁰ This provided Drusus with a reason to rebalance the powers within the Republic. The continuing theme of righting past wrongs,¹¹ coupled with familial connections, influenced the rebranding of the *popularis* label and cemented judicial reform as a key element of Drusus' legislative endeavours.

The Tribunate of 91 B.C.

Court Reform

Having witnessed the trial of Rutilius Rufus, Drusus initiated a major reform to prevent further injustices.¹² In line with optimate trends, he proposed the transferral of judicial privileges away from the *equites*.¹³ Unfortunately, our sources disagree regarding the actions implemented by Drusus. Velleius stated that he restored the courts to the senate.¹⁴ Livy claimed that a shared control of the courts was put forward,¹⁵ while Appian asserted that there was a transferral of the courts to the senate alongside an expansion of the

852; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC*. 209: Rutilius Rufus was uncle to Livius Drusus.

⁷ Mackay, C. S. *The Breakdown of the Roman Republic: From Oligarchy to Empire*. 120; Seymour, P. A. "The Policy of Livius Drusus the Younger." 418: this could be achieved by securing the support of provincial governors through the threat of prosecution, although Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 152 shows this was not as common as expected.

⁸ Kallet-Marx, R. "The Trial of Rutilius Rufus." *Phoenix* 44 (1990), 123.

⁹ Cic. *Dom.* 50; Gruen, E. S. "Political Prosecutions in the 90's B. C." 64; Kallet-Marx, R. "The Trial of Rutilius Rufus." 138: both men were of consular rank with Licinius Crassus and Aemilius Scaevola influential in persuading Drusus to attempt a court reform.

¹⁰ Val. Max. 2.10.5: Rutilius' innocence was demonstrated by his unwillingness to return to Rome, having received a hero's welcome in exile, ironically in the very province he supposedly extorted.

¹¹ Albeit in this instance against the equestrian order, rather than the senate.

¹² Keaveney, A. *Rome and the Unification of Italy*. 87; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC*. 207.

¹³ Diod. Sic. 37.10; Cic. *De or.* 1.7; Cic. *Mil.* 7; Sall. *Ad Caes.* 2.6.3-4.

¹⁴ Vell. Pat. 2.13.

¹⁵ Livy. *Per.* 71.

senatorial order to include three hundred of the most prestigious *equites*.¹⁶ These views are not wholly irreconcilable and it seems likely that Drusus restored the senatorial monopoly of the criminal courts in alignment with Appian.¹⁷ Drusus implemented his father's tactics, using his tribunician magistracy to enhance the power of the state, with the expectation that all parties would make concessions.¹⁸ This was a reversal of Gaius Gracchus' and Saturninus' policies, in a combination of *popularis* tactics and optimate principles. His use of the tribunate demonstrated an understanding of the tactical advantage the office provided, while his approach to the *equites* showed that aggression could be applied to a varied audience. With this action, Drusus enhanced the trend of seeking retribution for previous political wrongdoings and confirmed that this was a legitimate justification for utilising *popularis* methods.

Recognising the effectiveness of violence as a legislative tool, Drusus employed Saturninus' *popularis* tactics to inflict a further penalty on the equestrians. He made the *equites* liable to prosecution for bribery.¹⁹ This condition was a 'piggybacking' proposal, which ran alongside the bill to change the composition of the courts. This was forbidden by the *lex Caecilia Didia* of 98 B.C.²⁰ The contradiction of legal procedure was countered by the use of force, evincing the power of this method.²¹ Drusus used this tactic to nullify the judicial power of the *equites* and revive senatorial dominance of the courts. This demonstrated an adoption of *popularis* legislative techniques and emphasised the tactical, rather than ideological, nature of the label. Using *popularis* concepts, Drusus had undone the work of prominent *populares* such as Gaius Gracchus and Saturninus. This reasserted the parallels

¹⁶ App. *B Civ.* 1.35.

¹⁷ Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 239; Weinrib, E. J. "The Judiciary Law of M. Livius Drusus." *Historia* 19 (1970), 418; Seymour, P. A. "The Policy of Livius Drusus the Younger." 422.

¹⁸ Seymour, P. A. "The Policy of Livius Drusus the Younger." 422.

¹⁹ Cic. *Clu.* 153; Cic. *Rab Post.* 16; App. *B Civ.* 1.35: previously they had been exempt.

²⁰ App. *B Civ.* 1.35; Cic. *Dom.* 20.53.

²¹ Suet. *De vir. ill.* 66; Last, H. "The Enfranchisement of Italy." 180; Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 97: Drusus threatened Q. Servilius Caepio with being thrown off the Tarpeian Rock.

between Drusus and his father, and demonstrated how familial influences could impact upon both *popularis* and *optimata* trends.

Drusus' compromised judicial reform, however, resulted in opposition from both senatorial and equestrian angles. This proved the dangers of a reformative, rather than exploitative, use of *popularis* tactics. The senate contained a minority resistance, headed by the consul L. Marcus Philippus, who opposed the dilution of the senatorial ranks with equestrian stock.²² Drusus also incurred resentment from the *equites*. Some would have benefitted from their introduction into the senate, the rest, however, would have been destroyed as a political force.²³ Drusus had chosen a path of absolute compromise, in line with Tiberius Gracchus' initial ideas. However, he had failed to replicate the position of Saturninus who had a clear concept of who to support and oppose. Due to these actions, Drusus found himself in a problematic position. He could not rely on the steadfast backing of either the senate or *equites*, demonstrating that Drusus' use of *popularis* tactics was ill-suited to reformative measures when diluted by compromise. Drusus had shown that although violence was an effective legislative tool, it was not capable of securing enduring political support without a law-making programme designed to benefit a specific sector of society.

Charitable Schemes

Developing a transparently *popularis* stance in reaction to the opposition he had generated, Drusus promoted charitable schemes to win the backing of the poorer citizenry.²⁴ This showed how *popularis* proposals could emerge as a result of an urgent need for support, rather than as a premeditated concept at the beginning of a magistracy. Drusus

²² Cic. *De or.* 3.1; Seymour, P. A. "The Policy of Livius Drusus the Younger." 419-20; Last, H. "The Enfranchisement of Italy." 180.

²³ App. *B Civ.* 1.35; Badian, E. "Livius Drusus, Marcus." 852; Marsh, Frank Burr. *A History of the Roman World from 146 to 30 B.C.* 95-6; Gruen, E. S. *Roman Politics and the Criminal Courts, 149-78 BC.* 208-9.

²⁴ Last, H. "The Enfranchisement of Italy." 178.

implemented a colonisation programme, again passed by utilising violence.²⁵ This bill achieved widespread support, and formed a link between the citizenry and Drusus' remaining senatorial support, who both recognised that they could achieve favourable legislation from their support of Drusus.²⁶ Unsurprisingly, the Italians and allies were troubled by this arrangement, as their possession of land was again subject to the threat of an agrarian scheme.²⁷ This led to the Umbrians and Etruscans marching on Rome to express their displeasure, supposedly encouraged by Marcius Philippus.²⁸ Drusus, with his colonisation programme, had resorted to traditional *popularis* strategies to keep his reformative programme alive, but had encouraged further opposition in the process. Parts of the senate, *equites*, and neighbouring communities were all suspicious of his aims and lacked enthusiasm for his policies. The poorer citizenry had become Drusus' only reliable support group.²⁹ This showed how a *popularis* stance could develop from challenging political situations, in response to pervasive opposition, in a continuation of tactical rather than ideological assertions.

In addition to the agrarian legislation, a grain law was implemented to appease the urban citizenry.³⁰ This was a continuation of *popularis* trends and reinforced Drusus' support from the poorer voters to counter the affluent opposition he had unwittingly generated. This action was directly comparable to that of Gaius Gracchus and Saturninus, confirming that grain subsidisation was an enduring *popularis* method for securing widespread favour. The

²⁵ Livy. *Per.* 71; Flor. 2.5; Suet. *De vir. ill.* 66; App. *B Civ.* 1.35: this was based upon previous laws that had yet to be put into effect. If these refer to Saturninus' designs, it would have won him a veteran backing. Marcius Philippus was recorded as a direct victim of this force.

²⁶ Seymour, P. A. "The Policy of Livius Drusus the Younger." 423.

²⁷ Brunt, P. A. "Italian Aims at the Time of the Social War." 94; Keaveney, A. *Rome and the Unification of Italy.* 89, especially as many may have lost illegally gained citizen rights under the *lex Licinia Mucia* of 95 B.C. and were increasingly vulnerable to losing land.

²⁸ App. *B Civ.* 1.36; Keaveney, A. *Rome and the Unification of Italy.* 81: although the *lex Licinia Mucia* of 95 B.C. had countered illegal citizenship claims, it was not an expulsion act and could not prevent against this action the Umbrian and Etruscan action.

²⁹ Seymour, P. A. "The Policy of Livius Drusus the Younger." 423.

³⁰ Livy. *Per.* 71.

willingness of Drusus to win support, despite the economic risks to the treasury,³¹ showed that large-scale bribery of the masses had become a legitimate tool for political success.³² Drusus had reaffirmed that the masses had predictable demands that could be exploited to secure legislative support. *Popularis* methodologies of the past had been emulated to create a base of support, to ensure Drusus could persist with his legislative programme. This showed that *populares* could emerge as both a forward thinking political tactic, or as the reactionary development of a safety net for failed reformers.

The Italian Problem

Having won support from the poorer citizenry, Drusus turned his attention to appeasing the Italians and allies. This created a support base similar to Gaius Gracchus and demonstrated that the poorer citizenry were not considered a substantial enough backing for a reformative *popularis* programme.³³ The Italians wanted a citizenship grant to gain a share of the political rights that they had helped to secure through military involvement.³⁴ This was an enduring demand, which had previously met with unanimous Roman opposition.³⁵ In an attempt to avoid alienating the citizenry, Drusus initially kept his foreign associations from public knowledge, showing that he had learnt from the limitations of Gaius' scheme. His involvement with foreign causes, however, was revealed through his awareness of an assassination attempt on Marcius Philippus.³⁶ Further to this, a supposed oath between

³¹ The risks were shown by the devaluation of coinage: Shatzman, Y. *Senatorial Wealth in Roman Politics*. 205 attributes this to Livius Drusus, although Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 158 shows that this debasement likely came later, perhaps in 88 or 87 B.C.

³² Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 75: while Gaius Gracchus was criticised for supposedly bribing the masses with a grain law, he had recognised a genuine problem of urban poverty and sought to remedy it. Drusus had simply expanded upon popular legislation to gain further support for legislation that the masses were not particularly concerned with.

³³ Vell. Pat. 2.14.

³⁴ Diod. Sic. 37.2.15; Strab. 5.4.2; Vell. Pat. 2.15.

³⁵ Gabba, E. *Republican Rome, the Army and the Allies*. 86: the Italians saw this as their final chance to achieve their diplomatic aims. David, J. *The Roman Conquest of Italy*. (Oxford: Blackwell Publishers, 1996), 140: it was becoming increasingly difficult for the Romans to avoid enfranchisement as the differences between Rome and her neighbours were becoming increasingly blurred. Brunt, P. A. "Italian Aims at the Time of the Social War." 107: the Roman tradition of refusing to acquiesce under pressure ensured that this demand was met with little sympathy.

³⁶ Suet. *De vir. ill.* 66: whom he tried to protect.

Drusus and the Italians became public knowledge, which would have created a client-like relationship between Drusus and an entire nation.³⁷ This would have hypothetically allowed Drusus to exploit their vast voting power upon enfranchisement. This showed that a *popularis* scheme appealing to foreign communities could emerge through the need to generate political support. This resulted from the limitations of a compromising legislative programme and the opposition this encouraged. The involvement of foreign communities in *popularis* designs, therefore, was not a result of altruistic measures, but a necessity resulting from a lack of available alternatives. This affirmed the strategic and reactive nature of Drusus' scheme, and the inadequacies of *popularis* tactics in achieving reformative and compromising measures.

The enfranchisement was the last major reform attempted by Drusus.³⁸ The measure failed to convince the masses, *equites*, or senate of its worth.³⁹ This emphasised *popularis* tactics as a successful exploitative concept, rather than a tool for balanced reform. As a result of widespread opposition, it is unsurprising that there is no evidence to suggest that this bill ever made it to discussion in *contiones*.⁴⁰ Drusus had replicated the support base of Gaius Gracchus and the forceful tactics Saturninus to achieve similar aims to that of Tiberius Gracchus, but his failure epitomised the limitations of *popularis* strategies when used in a conciliatory manner. Compromise was not a viable option; different interest groups failed

³⁷ Diod. Sic. 37.11; Keaveney, A. *The Army in the Roman Revolution*. 75, although P. A. *The Fall of the Roman Republic: And Related Essays*. 102-3 raises questions regarding the authenticity of Diodorus' claims.

³⁸ App. *B Civ.* 1.35 conjectured that this was the key issue Drusus wished to solve most during his magistracy, although Diod. Sic. 37.10; Vell. Pat. 2.13; Livy. *Per.* 70-1 and Seymour, P. A. "The Policy of Livius Drusus the Younger." 417 claims it was the judicial courts he was most interested in. Seymour, P. A. "The Policy of Livius Drusus the Younger." 420; Keaveney, A. *Rome and the Unification of Italy*. 88; Badian, E. "Livius Drusus, Marcus." 852; Gabba, E. "Rome and Italy: The Social War." In *The Cambridge Ancient History: The Last Age of the Roman Republic, 146-43 B.C.*, edited by J. A. Crook, A. Lintott, & E. Rawson, 104-128. (Cambridge: Cambridge University Press, 1994), 112: Drusus waited for his conciliatory measures to pass before refocusing his attentions.

³⁹ Harris, W. V. *Rome in Etruria and Umbria*. (Oxford: Clarendon Press, 1971), 223; Brunt, P. A. *The Fall of the Roman Republic: And Related Essays*. 148; Keaveney, A. *Rome and the Unification of Italy*. 76: the masses would have had to share their citizenship privileges with the newly enfranchised populace, the *equites* risked suffering economically, while the senate were unlikely to compromise on an issue that they had opposed for three decades when there was no real pressure to change their mind.

⁴⁰ Millar, F. "Politics, Persuasion and the People before the Social War (150-90 B.C.)." 10.

to see the advantages of securing common interests. Drusus was consequently unable to exploit any group for a political advantage. *Popularis* strategy, therefore, needed to have clear concept of who to ingratiate and who to attack. Drusus had failed to appreciate this, demonstrating the naivety in his political ideals and the limitations of his reformative *popularis* strategy.

Annulment of Laws

Having failed to pass the enfranchisement law, Drusus' senatorial opposition attacked. Led by Marcius Philippus, they confronted all of his previous legislation.⁴¹ There were many justifications to invalidate the legislation, including the use of force, yet the senate cited infringements of the *lex Caecilia Didia*.⁴² Drusus' legislation was declared to be not binding on the Roman people, asserting religion as a viable legislative obstruction.⁴³ Drusus did not attempt to counter this, appreciating that he had alienated all of his support. He merely stated that Rome would suffer for its short-sightedness and unwillingness to compromise.⁴⁴ This was the first example of the senate repealing a reformer's legislation prior to a tribune's death, and demonstrated the weakness of Drusus' position. *Popularis* tactics had been proven to work only as if there was an unambiguous and appreciative recipient of the legislation. It was effective in advancing and exploiting the desires of specific voting groups, but it could not effect positive change across the whole of the Roman society. By revitalising the approach of 133 B.C., Drusus had shown conclusively that it was a flawed design, rather than an individual failure by Tiberius Gracchus.

⁴¹ Diod. Sic. 37.10; Salmon, E. T. "The Cause of the Social War." *Phoenix* 16 (1962), 115.

⁴² Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 150; Last, H. "The Enfranchisement of Italy." 183.

⁴³ Diod. Sic. 37.10; Vell. Pat. 2.13.2.

⁴⁴ Diod. Sic. 37.10.

Death

Drusus had accepted defeat, but his legislative failure was compounded by assassination, in a parallel with the downfall of previous *populares*.⁴⁵ This was the first occasion where the senate were not directly accountable, demonstrating that his attempts to restore senatorial dominance were still respected.⁴⁶ Drusus' final words, asking when Rome would see another citizen such as himself, proved to be telling.⁴⁷ Rome would never see another reformer in the mould of Drusus. Drusus' death marked the end of the peaceful struggle for enfranchisement. He had shown that *populares* could not act in the interests of the state, but only to the advantage of a segment of the voting population. His interpretation of *popularis* politics was in response to his alienation of senatorial and equestrian voters, and a naïve amalgamation of Gracchan ideals and Saturninus' methods. Although Drusus had unmistakably recognised effective elements of the previous *popularis* schemes, he failed to apply these with conviction due to his insistence on compromise. He lacked the single-minded approach that had allowed Saturninus to utilise forceful methods effectively and showed that this exploitative method could not afford to be compromised by virtuous political ideals.

Aftermath

After his death, Drusus continued to have an impact on court proceedings. In a response to the events of the year, Q. Varius Hybrida instigated a court to bring to justice those who were suspected of aiding allied opposition to Rome.⁴⁸ This included a redefinition of *maiestas*, aligning this term with equestrian political interests, and was used to condemn three of Drusus' supporters.⁴⁹ This demonstrated equestrian retribution, and indicated that Drusus

⁴⁵ Livy. *Per.* 71; Vell. Pat. 2.14; App. *B Civ.* 1.36.

⁴⁶ Although there was suspicion of Marcus Philippus due to his longstanding opposition.

⁴⁷ Vell. Pat. 2.14.

⁴⁸ App. *B Civ.* 1.38.

⁴⁹ Gruen, E. S. "The Lex Varia." *The Journal of Roman Studies* 55 (1965), 73; Seager, R. "Lex Varia de Maiestate." *Historia* 16 (1967), 37, 42-3: this is supported by the fact that in 89 B.C. Varius was condemned under his own law. He was unlikely to have aided the allies.

had failed to curb judicial malpractice. Judicial misconduct, therefore, was an enduring issue that had yet to be resolved effectively. Drusus' compromising nature had failed to break the cycle of antagonistic political measures, allowing political problems to persist and influence the continuation of *popularis* and optimate methods at a later date.

The failure of Drusus saw the Italians' last hope of peaceful enfranchisement evaporate. They consequently resorted to rebellion in order to claim the citizenship.⁵⁰ This demonstrated that exponentially aggressive action could achieve a political result, even after the death of the political figurehead. The allied actions drove the senate and equestrians into a union, ironically achieving the alliance that Drusus had sought originally.⁵¹ After a year, those who remained loyal to Rome were granted citizenship.⁵² The conclusion of the war was secured through the enfranchisement of the rebels.⁵³ Drusus' death had provided the catalyst for achieving the results he had initially set out to secure as tribune. The nature of Drusus' reform was proven to be forward thinking, but poorly executed. This asserted that possessing a genuinely reformative motive was not enough to succeed, and was not compatible with the tactics that Saturninus had introduced in his rebranding of the *popularis* agenda.

Evaluation

Livius Drusus attempted to apply *popularis* to reformative programmes, in efforts that drew parallels with Tiberius Gracchus. His implementation of violence displayed Saturninus' influence, while the repealing of his laws on religious grounds demonstrated an effective method of optimate opposition. Drusus, however, had also shown that careful and considerate compromises were not a viable method of achieving legislative success. He had attempted to use *popularis* tactics as a branch of his agenda, rather than as the main

⁵⁰ App. B Civ. 1.38.

⁵¹ Gabba, E. "Rome and Italy: The Social War." 114.

⁵² App. B Civ. 1.49.

⁵³ Cic. Arch. 10: under the *lex Plautia Papiria* of 88 B.C.

approach, and had consequently succeeded in alienating members from many politically important groups. *Popularis* strategy at the moment of Drusus' death epitomised hasty activity, a sudden burst of support, followed by a crushing and fatal blow. Drusus also witnessed the repeal of his laws, rather than the senate acting posthumously, implying that the compromising aspect of his judicial programme was seen as a weakness. *Populares*, therefore, could not succeed if they tried to cater for everyone. Drusus' conciliatory attitude was incompatible with his methods. His own version of *popularis* politics had failed precisely because of his unwillingness to oppose a specific political group. Drusus' altruism, when using an unsuitable and exploitative tactic, was the downfall of his designs.

5. Publius Sulpicius Rufus

Sulpicius Rufus delivered the final expansion of *popularis* trends in the period under discussion.¹ His tribunate in 88 B.C. bridged the gap between the Social and Civil Wars.² He advanced political strategies in response to a difficult post-war environment.³ The majority of our sources stress the tribune's transformation into an immoral and revolutionary character.⁴ Cicero, however, has been noted to be remarkably lenient in Sulpicius' portrayal.⁵ Sulpicius, therefore, was not necessarily an inherently destructive character. Rather, he was an individual with clear aims and an understanding of effective political methods. Sulpicius started his tribunate identifiable with optimate aims but transferred to a *popularis* stance later in the year. He did not allow ideological beliefs to influence his politics, unlike the Gracchi or Livius Drusus. Instead, he developed upon the methods of Saturninus to create a formidable political strategy. Consequently, Sulpicius provided an ideal conclusion to the assessment of *popularis* trends in the age of reform. His actions completed the transformation of the *popularis* label from an antagonistic but altruistic concept to an exploitative and aggressive political tactic.

Pre-Tribunician Reputation

Sulpicius' political background implied that he did not intend to employ the *popularis* tactics that he became synonymous with originally, demonstrating that he was adept at manipulating a range of political strategies. His rhetorical gifts and position of legate in the

¹ Val. Max. 6.5.7; Mattingly, H. B. "The Consilium of Cn. Pompeius Strabo in 89 B.C." *Athenaeum* 53 (1975), 265: only Valerius named Sulpicius as a Rufus, while all other sources referred to him as P. Sulpicius.

² Lintott, A. W. "The Tribunate of P. Sulpicius Rufus." *The Classical Quarterly* 21 (1971), 442.

³ Salmon, E. T. *Samnium and the Samnites*. 371; Holmes, T. R. *The Roman Republic and the Founder of the Empire*. 47: Sulpicius transferred from patrician to plebeian status in order to implement his designs. Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. 95 rejects this, which I agree with. Lintott, A. W. "The Tribunate of P. Sulpicius Rufus." 451 shows that financial problems were facing the state, along with the inevitable social frictions that arose from Italian enfranchisement.

⁴ Vell. Pat. 2.18; Plut. *Mar.* 34-5; Plut. *Sull.* 8; App. *B Civ.* 1.56; Livy. *Per.* 77; Val Max. 6.5.7; Lintott, A. W. "The Tribunate of P. Sulpicius Rufus." 442: this was due to the bias within Sulla's memoirs, which formed the basis of our surviving ancient accounts of the period.

⁵ Cic. *Leg.* 3.20; Cic. *Cat.* 3.24; Chapman, C. M. "Cicero and P. Sulpicius Rufus (Tr. Pl. 88 B.C.)." *Acta Classica* 22 (1979), 63: Cicero was sympathetic, using Sulpicius' name without elaborating on his deeds.

Social War ensured that he was likely to become a notable politician.⁶ His links to men such as Q. Pompeius Rufus, due to be consul in 88 B.C., indicated that Sulpicius would work in the interests of the senate.⁷ A further indication of his pro-optimate political agenda was his close relationship with Livius Drusus the Younger.⁸ Both men were followers of Licinius Crassus,⁹ who had envisaged a programme of reform begun by Drusus and continued by Sulpicius at a later date.¹⁰ This optimate beginning established conclusively that the *popularis* label had transformed into political tool that did not rely on preconceived ideological beliefs.

The Tribunate of 88 B.C.

Optimate Beginnings and the *Popularis* Transition

Sulpicius' initial optimate stance was substantiated by the oligarchic support he received at the tribunician elections. This support influenced Sulpicius' upcoming actions and demonstrated that a forceful optimate approach could effectively counter a *popularis* threat. Sulpicius opposed G. Julius Caesar Strabo's attempt to gain the consulship.¹¹ His candidacy was technically illegal, drawing comparisons with Glaucia, because he had not gained the

⁶ Cic. *De or.* 1.30; Cic. *Har. resp.* 41; Cic. *Brut.* 203, 304, 333; Asc. 66C.

⁷ Cic. *Amic.* 2.

⁸ Cic. *De or.* 1.25-26.

⁹ Cic. *De or.* 1.25; Tempest, K. *Cicero: Politics and Persuasion in Ancient Rome*. (London: Continuum International Publishing Group, 2011), 26: Crassus was consul of 95 B.C. and a celebrated orator of his age, whose pupils included Cicero.

¹⁰ Badian, E. "Quaestiones Variae." *Historia* 18 (1969), 481; Badian, E. *Foreign Clientelae, 264-70 BC*. 230; Keaveney, A. "What Happened in 88." *Eirene* 20 (1983), 53: Sulpicius continued the political thoughts of Livius Drusus. Mitchell, T. N. "The Volte-Face of P. Sulpicius Rufus in 88 B.C." *Classical Philology* 70 (1975), 197 claims that these two would have been major characters in the next generation of *optimates* had they survived.

¹¹ Diod. Sic. 37.2.12; Cic. *Brut.* 226; Cic. *Har. resp.* 43; Asc. 25C. The date of this event is debated, with Badian, E. "Quaestiones Variae." 481f stating it was for the consulship of 88 B.C. and Katz, B. "Caesar Strabo's Struggle for the Consulship - and more." *Rheinisches Museum für Philologie* 120 (1977), 53-55 explaining how Caesar Strabo may have feasibly expected to succeed against Sulla. Lintott, A. W. "The Tribunate of P. Sulpicius Rufus." 446-9; claims it to be for the consulship of 87 B.C. but understood Badian's logic, while Keaveney, A. "Pompeius Strabo's Second Consulship." *The Classical Quarterly* 28 (1978), 240 dates it to the consulship of 86 B.C., but recognises that there was evidence that Caesar Strabo wanted the Mithridatic command in Plut. *Mar.* 34. By combining the assertions in Katz and Plutarch, I believe this event refers to the consulship of 88 B.C.

praetorship previously.¹² This made Caesar Strabo a direct competitor to L. Cornelius Sulla.¹³ Caesar Strabo used violence to push his magisterial claim, which Sulpicius successfully opposed with force.¹⁴ Sulpicius' opposition was a reinforcement of senatorial tradition and the *cursus honorum*, in line with optimate convention.¹⁵ Sulpicius had shown that Caesar Strabo's exploitation of violence, although a powerful tool, could not guarantee a *popularis* electoral success. For a politician to be successful, he must utilise overwhelming force to leave his opponents incapable of a response. Therefore, the ruthless political strategy of Saturninus had to be continually expanded to overpower opposition. *Popularis* tactics, when lacking a progressive element, formed an ineffectual strategy that could be easily opposed.

In a continuation of his optimate agenda, Sulpicius vetoed the proposed return of exiles. This reinstated the preventative aspect of optimate politics and asserted the fragility of a *popularis* approach that failed to bypass constitutional barriers. Although the identity of the exiles has been debated, a consensus has emerged regarding their *popularis* links and enmity towards Sulla.¹⁶ Sulpicius had shown a consistent sympathy towards Sullan causes. This was designed to supplement the support from Pompeius Rufus and secure a cohesive consular support base.¹⁷ Sulpicius' peaceful opposition also demonstrated that effective optimate methods had been established to respond to *popularis* tactics. *Populares*, therefore, were required to continually adapt their strategy in order to be successful. This asserted the

¹² Cic. *Har. resp.* 43; Asc. 25C; Mitchell, T. N. "The Volte-Face of P. Sulpicius Rufus in 88 B.C." 199: unless he had been granted a concession by the senate to do so, which was not unprecedented. Luce, T. J. "Marius and the Mithridatic Command." *Historia* 19 (1970), 190: his desire to achieve the consulship was due to the availability of the Mithridatic command for a consul of 88 B.C.:

¹³ Keaveney, A. *Sulla, The Last Republican*. 2nd. (London: Routledge, 2005), 47; Steel, C. E. W. *The End of the Roman Republic 146 to 44 BC: Conquest and Crisis*. (Edinburgh: Edinburgh University Press, 2013), 91.

¹⁴ Quint. *Inst.* 6.3.75; Asc. 25C.

¹⁵ Luce, T. J. "Marius and the Mithridatic Command." 191; Keaveney, A. *Rome and the Unification of Italy*. 172.

¹⁶ *Auct. ad Her.* 2.45. Those exiled under the *lex Varia* were likely to have been the subjects: Seager, R. "Sulla." In *The Cambridge Ancient History*, by J. Crook, A. W. Lintott, & E. Rawson, 165-207. (Cambridge: Cambridge University Press, 1994), 165; Keaveney, A. *Rome and the Unification of Italy*. 172. Gruen, E. S. "The Lex Varia." 72; Badian, E. "Quaestiones Variae." 487 shows that if this were the case, then Sulpicius should have done the reverse of what is reported. His justification that the exiles were banished without a trial does not tally with our understanding of the *lex Varia* and the subsequent *quaestio*. Badian agrees, however, on the *popularis* nature of the exiles, despite his scepticism regarding their relationship to the *lex Varia*.

¹⁷ Seager, R. "Sulla." 166; Keaveney, A. *Sulla, The Last Republican*. 47; Keaveney, A. "What Happened in 88." 53.

strategic nature of the label, and justified the recognition of key *populares* as those who were innovative in their designs.

Sulpicius placed himself in a strong optimate position through his initial tribunician actions. He had worked in favour of the oligarchy, wielding both violent and constitutional tools to achieve desired political outcomes. His misjudgement of consular interests, however, led to the instigation of a reactionary *popularis* scheme. Although Cicero portrayed Sulpicius as getting carried away with *popularis* tactics, a transformation in the political environment may have prompted this change.¹⁸ Sulpicius sought support for his own legislative activities, but neither consul showed an interest in his schemes.¹⁹ Sulpicius, hurt by this perceived disloyalty, sought alternative legislative support. Sulpicius turned to Marius, securing his *popularis* links for the remainder of his magistracy.²⁰ This emphasised *popularis* techniques as a reactionary strategy, inspired by senatorial rebuffs. Sulpicius' switch to *popularis* strategies, after his transparently optimate actions, showed that the *popularis* label had become devoid of ideological ties.

Debt and Exile Legislation

Sulpicius began his *popularis* agenda by introducing two minor laws. These achieved a widespread support base from the poorer populace, to counter his diminished consular backing. This reasserted that *popularis* schemes were defined by the pursuit of tactical support groups in opposition to the authority of higher magistracies. The first legislative endeavour concerned the debt of senators. It punished those who breached strict financial

¹⁸ Cic. *Har. resp.* 43.

¹⁹ Keaveney, A. "What Happened in 88." 53; Powell, J. G. F. "The Tribune Sulpicius." *Historia* 39 (1990), 449; Keaveney, A. *Sulla, The Last Republican*. 47; Chapman, C. M. "Cicero and P. Sulpicius Rufus (Tr. Pl. 88 B.C.)." 64; Badian, E. "Quaestiones Variae." 485, while Lintott, A. W. "The Tribunate of P. Sulpicius Rufus." 448 and Mitchell, T. N. "The Volte-Face of P. Sulpicius Rufus in 88 B.C." 199 claims that there was a rift developing during Sulpicius' opposition to Caesar Strabo.

²⁰ App. *B Civ.* 1.55; Livy. *Per.* 77; Vell. Pat. 2.18; Plut. *Sull.* 8.1, while Keaveney, A. "What Happened in 88." 53-4 shows Marius to be an ideal ally at this time due to his Italian links and the potential for his followers to be used in violent political confrontations. Further to this, Marius now had a means with which to achieve the Mithridatic command.

controls by removing them from the senate.²¹ This can be interpreted as a move to appeal to the poorer populace on a point of principle.²² The second legislative measure was the introduction of a law to recall exiles.²³ This was remarkably similar to the law Sulpicius had previously opposed.²⁴ Sulpicius seemingly adjusted the legal terminology in order to make it his own work.²⁵ This secured the return of men who were opponents of Sulla, in a shift of policy that now showed sympathies with the Marian cause.²⁶ These two laws exemplified the modification of Sulpicius' political approach, which was designed to gain political backing regardless of its source. He had interpreted *popularis* strategies as a means to an end, to be exploited as an alternative approach to his initial optimate actions.

The Enfranchisement Law

Sulpicius' major reform concerned the distribution of the newly enfranchised Italians into the voting tribes.²⁷ The reassignment of the recently enfranchised citizens was designed to enhance their voting power. This adhered to the core *popularis* trend of creating and exploiting tactical voting blocs. Sulpicius proposed that the new citizens should be distributed between all thirty five tribes, rather than being confined to a limited number of voting groups.²⁸ This aimed to make the new citizens impossible to distinguish from the old, outnumbering the original voters and providing an ideal legislative support base.²⁹ These

²¹ Plut. *Sull.* 8.2; Seager, R. "Sulla." 202: it would appear that Sulpicius himself was guilty of breaching this law.

²² Shatzman, Y. *Senatorial Wealth in Roman Politics*. 269; Keaveney, A. "What Happened in 88." 55; the notion that it was directed at Sulla is doubted.

²³ *Auct. ad Her.* 2.45; Livy. *Per.* 77.

²⁴ Powell, J. G. F. "The Tribune Sulpicius." 456; Lewis, R. G. "P. Sulpicius' Law to Recall Exiles, 88 B. C." *The Classical Quarterly* 48 (1998), 195.

²⁵ *Auct. ad Her.* 2.28.

²⁶ Keaveney, A. *Sulla, The Last Republican*. 48; Gruen, E. S. "The Lex Varia." 72-3.

²⁷ App. *B Civ.* 1.56; Last, H. "The Enfranchisement of Italy." 204; Keaveney, A. *Sulla, The Last Republican*. 48; Flower, H. I. *Roman Republics*. (Princeton: Princeton University Press, 2010), 91 although Livy. *Per.* 77; Vell. Pat. 2.18; Plut. *Mar.* 33-4; Plut. *Sull.* 7-8 stressed the importance of the Mithridatic command.

²⁸ App. *B Civ.* 1.55; Livy. *Per.* 77; Seager, R. "Sulla." 165; Lewis, R. G. "Appian B. C. I, 49, 214 "dechateyontes": Rome's new tribes 90-87 B.C." *Athenaeum* 46 (1968), 275-6, 291; Meier, C. *Caesar*. (London: Fontana Press, 1982), 75; Konrad, C. F. "From the Gracchi to the First Civil War (133-70)." 179: these had been specifically designed to accommodate the new citizens in an attempt to limit their political influence.

²⁹ Last, H. "The Enfranchisement of Italy." 203; Badian, E. *Foreign Clientelae, 264-70 BC*. 232; Lewis, R. G. "Appian B. C. I, 49, 214 "dechateyontes": Rome's new tribes 90-87 B.C." 274; Powell, J. G. F. "The Tribune Sulpicius." 451: although they would have taken time to be enrolled.

new voters had been recognised as a replacement for the urban and rural voting blocs that previous *populares* had courted.³⁰ The *equites* supported this proposal, as they had now accepted that this new demographic could prove useful in putting pressure on the senate.³¹ Sulpicius sought to provide equality within the Roman citizenship to achieve mass support for himself and Marius through the unification of equestrian and enfranchised interests. *Popularis* tactics had been redefined through a major shift in the focus of the strategy. In this instance, the new support would not act as a supplementary backing. Instead, it would be a battering ram capable of overpowering legislative procedures in the popular assemblies.

There was widespread opposition to this proposal. Urban violence ensued, while the consuls announced a public holiday to peacefully prevent tribunician activity.³² This provided the catalyst for Sulpicius' escalation of violent measures. He surrounded himself with six hundred young equestrians and three thousand armed men, whom he referred to as his 'anti-senate'.³³ This protected Sulpicius from the violence that secured the downfall of the Gracchi and Saturninus and acted as a physical deterrent to any opposition.³⁴ This demonstrated a progression of *popularis* themes with the creation of a more organised forceful approach. The use of a public holiday showed a peaceful attempt to oppose the *popularis* legislation, indicating that the *optimates* had opted to use unorthodox constitutional barriers rather than escalate the spiral of violence.

³⁰ Keaveney, A. *Rome and the Unification of Italy*. 173: it was telling that Sulpicius did not introduce any of the traditional *populares* laws concerning grain or land distribution.

³¹ Meier, C. *Caesar*. 76: despite initial concerns regarding the impact on equestrian monopolisation of public contracts.

³² App. *B Civ.* 1.55-6; Seager, R. "Sulla." 169; Powell, J. G. F. "The Tribune Sulpicius." 450; Keaveney, A. *Sulla, The Last Republican*. 49; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 157. Keaveney, A. "What Happened in 88." 57 shows the debate between the use of a *feriae* or a *justitium*, with an analysis of Appian and Plutarch resulting in an assertion of the use of a *feriae*.

³³ Plut. *Mar.* 35; Plut. *Sull.* 8.2, although this is doubted by Badian, E. "Quaestiones Variae." 485; Evans, R. J. *Questioning Reputations: Essays On Nine Roman Republican Politicians*. 146; Scullard, H. H. A. *From the Gracchi to Nero: A History of Rome From 133 B.C. to A.D. 68*. 69.

³⁴ Seager, R. "Sulla." 168; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 157.

The declaration of a public holiday was unsuccessful. It provoked further *popularis* violence and demonstrated that a disproportionate optimate response permitted the progression of *popularis* tactics. Sulpicius took his men into a meeting summoned by the consuls and demanded the withdrawal of the holiday.³⁵ There was a clash in the Forum and the son of Pompeius Rufus was killed.³⁶ Sulla was forced to seek refuge in the house of Marius. It would appear that he then struck a deal to save his life, in return for lifting the public holiday.³⁷ After this event, Sulla immediately left Rome to reach his army at Nola who were preparing for the Mithridatic War.³⁸ This allowed Sulpicius to control legislative proceedings with violence and secured the passage of his enfranchisement bill.³⁹ However, it was now certain that Pompeius Rufus would be uncooperative due to the damage that had been inflicted upon his family.⁴⁰ This ensured that Marius would have to rely upon a proconsular appointment to the Mithridatic command.⁴¹ This demonstrated the developing impact of *popularis* violence. Previously, it had been a tool used to either enforce or block a premeditated legislative proposal. It had now proved to be the catalyst for a change of political concepts, resulting in Sulla's reversal of the public holiday.

³⁵ App. *B Civ.* 1.56.

³⁶ App. *B Civ.* 1.56; Livy. *Per.* 77; Vell Pat. 2.18.

³⁷ Plut. *Sull.* 8; App. *B Civ.* 1.56; Seager, R. "Sulla." 169; Keaveney, A. *Sulla, The Last Republican.* 49; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 158.

³⁸ App. *B Civ.* 1.56; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 158; Last, H. "The Enfranchisement of Italy." 205. Lintott, A. W. "The Tribune of P. Sulpicius Rufus." 445: the rationale behind this action is debated, as it left Sulpicius and Marius in a very strong position in Rome. It seems likely that at this point Sulla was prepared to use force against Rome and wished to secure the loyalty of the soldiery.

³⁹ Seager, R. "Sulla." 169; Keaveney, A. *Sulla, The Last Republican.* 50; Keaveney, A. "What Happened in 88." 60 states that violence was likely used to pass this measure as there is no evidence show a change of mind by the rest of the populace.

⁴⁰ Lintott, A. W. "The Tribune of P. Sulpicius Rufus." 452; Keaveney, A. "What Happened in 88." 62 shows that it was unlikely that Pompeius Rufus was also deposed from his consulship, although the Greek used in Plut. *Sull.* 8.4 is unclear in this instance.

⁴¹ Oros. 5.19; Lintott, A. W. "The Tribune of P. Sulpicius Rufus." 452; Powell, J.G. F. "The Tribune Sulpicius." 453: rather than a further consulship and subsequent military appointment, as Pompeius Rufus was likely to refuse to acknowledge Marius' candidature for the next consulship. Orosius, however, is the only source to claim this detail.

The Mithridatic Command

The resulting major legislative event of the year was the transferral of the Mithridatic command to Marius.⁴² This attacked Sulla's consular authority in an unprecedented manner and established a broadening of *popularis* legislation to encompass military affairs. With Sulla absent, Sulpicius instigated the measure utilising support from the new citizens and *equites*. This event, although not anticipated to be the major action in Sulpicius' year as tribune, was crucial due to its impact on longstanding precedents for assigning commands.⁴³ Sulla now faced a second defeat at the hands of Sulpicius and Marius, which would all but signal the end of his political career.⁴⁴ *Popularis* tactics had escalated the confrontation between Sulla and Marius, who both enjoyed widespread support. This legislation facilitated the beginning of the first Civil War.⁴⁵ Antagonistic *popularis* tactics had therefore developed from a contentious method of altruistic reform to a self-interested political tactic and a provocation of war.

Sulla's March on Rome and Sulpicius' Death

Sulla's reaction was unprecedented. He marched his army against Rome in an exponential increase of political violence.⁴⁶ This signalled the downfall of *popularis* approaches in the age of reform, and confirmed that the spiral of political decline could only be arrested by decisive and crushing optimate actions. Sulla convinced his troops that Marius was likely to replace them, depriving the original soldiers of the right to plunder.⁴⁷ Further to this, Sulla claimed that Sulpicius had attacked him personally, as well as challenging his consular

⁴² Livy. *Per.* 77; Diod. Sic. 37.29.2; Vell. Pat. 2.18.5-6; Val. Max. 9.7; Plut. *Mar.* 35; Plut. *Sull.* 8; App. *B civ.* 1.56; Flor. 2.9.6.

⁴³ Steel, C. E. W. *The End of the Roman Republic 146 to 44 BC: Conquest and Crisis.* 93 states that the earliest possible precedent for Sulpicius' actions was with Scipio Africanus in 210 B.C.

⁴⁴ Keaveney, A. *Sulla, The Last Republican.* 50; Seager, R. "Sulla." 169.

⁴⁵ Badian, E. *Foreign Clientelae, 264-70 BC.* 230.

⁴⁶ App. *B Civ.* 1.57; Livy. *Per.* 77.

⁴⁷ App. *B civ.* 1.57, although Carney, T. F. "The Flight and Exile of Marius." *Greece & Rome* 8 (1961), 99 states this was unlikely as Marius had extensive links in Asia to the *publicani*, which would have been heavily damaged by any plundering. App. *Mith.* 22; Livy. *Per.* 78: Mithridates, however, had wiped out a large proportion of the *publicani* population during the massacre of 88 B.C.

position.⁴⁸ Sulla's action was a declaration of civil war for the first time in Republican history.⁴⁹ The unexpected and extraordinary nature of Sulla's decision was demonstrated by the reaction of his officers, with all but one leaving him.⁵⁰ Sulla entered Rome with his army, took the city and summoned the senate the next day to declare Marius, Sulpicius and ten key supporters as enemies of the state.⁵¹ This was the first known *hostis* declaration of its kind.⁵² Having fled the city, Sulpicius was betrayed by a slave and was the only fatality amongst those declared a *hostis*.⁵³ Sulla had created an effective precedent for removing a violent tribune and had retrospectively asserted the legitimacy of his declaration of a public holiday. The use of the *hostis* declaration was an optimate advancement on the use of the *senatus consultum ultimum*, as it was applicable to situations incompatible with the *senatus consultum ultimum*.⁵⁴ The *optimates* had instigated a devastating and innovative blow to tribunician power, with Sulpicius the last *popularis* in the age of reform to pay the ultimate price for his political endeavours.

Aftermath

Having secured his position in Rome, Sulla declared Sulpicius' legislation invalid.⁵⁵ This restored Sulla to the Mithridatic command.⁵⁶ Further to this, during Sulla's later dictatorship, measures were implemented to cripple the power of tribunes, reducing them to an empty shell magistracy.⁵⁷ This ensured that the decades of violent political struggles had been halted.⁵⁸ These measures were complex, and suggest that Sulla had previously considered

⁴⁸ Levick, B. M. "Sulla's March on Rome in 88 B.C." *Historia* 31 (1982), 508.

⁴⁹ Last, H. "The Enfranchisement of Italy." 205.

⁵⁰ App. *B Civ.* 1.57; Keaveney, A. "What Happened in 88." 64: it was the officers from the nobility that deserted Sulla.

⁵¹ App. *B Civ.* 1.60; Keaveney, A. "What Happened in 88." 70: this small number of men was compatible with Sulla's declaration that he was saving Rome from tyrants, rather than using an army for personal matters.

⁵² Bauman, R. "The "hostis" Declarations of 88 and 87 B.C." *Athenaeum* 51 (1973), 270.

⁵³ Livy. *Per.* 77; Val. Max. 6.5.7; Plut. *Sull.* 10.1; App. *B civ.* 1.60; Asc. 64C; Bauman, R. "The "hostis" Declarations of 88 and 87 B.C." 271 shows that Vell. Pat. 2.19.2 was the only source to give a differing version of events.

⁵⁴ Bauman, R. "The "hostis" Declarations of 88 and 87 B.C." 270, 277; Smith, R. E. "The Use of Force in Passing Legislation in the late Republic." 158.

⁵⁵ Livy. *Per.* 77; Plut. *Sull.* 34; App. *B civ.* 1.59.

⁵⁶ Seager, R. "Sulla." 172.

⁵⁷ App. *B Civ.* 1.59.

⁵⁸ Goldsworthy, A. K. *Caesar: The Life of a Colossus*. (London: Phoenix, 2007), 71.

changes to the constitution. They had not been made on a whim and demonstrated an optimum recognition of the need for constitutional adjustments to protect political practices.⁵⁹ The legislation passed during Sulla's dictatorship marked a temporary end to *popularis* methods. The events of 88 B.C. revealed how an antagonistic approach initially linked with altruism could become warped into a political tactic that had eventually facilitated civil war.

Evaluation

Sulpicius' tribunate provided the conclusion to *popularis* tactics in the age of reform. Having begun his tribunate associated with optimum ideals, Sulpicius shifted politically, demonstrating that *popularis* tactics had become a political tool to be exploited. His debt law evinced a willingness to act in a manner that reflected the wishes of the people, while his legislation concerning the exiles was *popularis* because it was designed solely to oppose the optimum Sulla. The major law that Sulpicius had anticipated was the enfranchisement law. This expanded upon the initiative of seeking support from a broad spectrum of the populace and employed a new demographic to instigate legislative change. The transfer of the Mithridatic command showed that tribunician legislation could be used to adjust longstanding precedents concerning military affairs and indicated that violence was an acceptable feature of legislative procedures. Sulla, however, in his opposition to Sulpicius, displayed that opponents of *populares* could also use diverse methods in politics. These included the introduction of a public holiday and the previously unthinkable action of leading an army against Rome. The reforms of Sulla's dictatorship marked the end of tribunician power in the age of reform, but Sulpicius had shown the extent to which a political agenda could develop. It had begun as a strategy influenced by altruistic ideology and evolved into an exploitation of political tactics. Although *popularis* tactics continued in the next

⁵⁹ Keaveney, A. "What Happened in 88." 74.

generation with the likes of Clodius, the age of reform had provided the environment for the evolution of a political strategy.

6. The Past in the Present: Marcus Tullius Cicero and Publius Clodius Pulcher

The final chapter of this study considers Cicero's oratorical use of pre-Sullan *popularis* tribunes. The political environment experienced by Cicero was not drastically different from the age of reform. Tribunician powers were reinstated in 70 B.C., while politician's motives had remained largely unchanged.¹ Cicero, in his pursuit of political success, expanded upon his natural talents to become a celebrated public speaker.² Oratory was therefore a weapon to be exploited in the pursuit of political accomplishments.³ Cicero undertook extensive rhetorical training, which allowed for oratorical flexibility and facilitated the employment of numerous persuasive tools.⁴ This included the exploitation of legal and historical precedents.⁵ Cicero's works are extensively used to recreate the events of the late Roman Republic.⁶ These works are full of misrepresentation, however, as historical authenticity was compromised to achieve a specific goal within his speeches.⁷ Rather than questioning the details of Cicero's argument, this chapter explores why Cicero employed historical examples in his works and what this reveals about *popularis* and optimate themes in the late Roman Republic.

¹ Livy. *Per.* 97; Paterson, J. "Politics in the Late Republic." In *Roman Political Life 90 BC - AD 69*, edited by T. P. Wiseman, 21-44. (Exeter: A. Wheaton & Co. Ltd., 1985), 37.

² Plut. *Cic.* 2.2; Wiedemann, T. *Cicero and the End of the Roman Republic*. (London: Bristol Classical Press, 1994), 83.

³ Rawson, E. *Cicero: A Portrait*. (Bristol: Bristol Classical Press, 1983), xiv.

⁴ Plin. *HN.* 7.117: Cicero's pursuit of academic advancement was admired by contemporaries including C. Julius Caesar.

⁵ Clarke, M. L. *Rhetoric At Rome: A Historical Survey*. (London: Cohen & West, 1953), 76.

⁶ Hopwood, K. "Smear and Spin: Ciceronian Tactics in De Lege Agraria II." In *Cicero On the Attack: Invective and Subversion in the Orations and Beyond*, edited by J. Booth, 71-104. (Swansea: Classical Press of Wales, 2007), 76 shows a heavy reliance on Cicero to recreate and evidence historical events in the late Roman Republic. This results in a cyclical use of data.

⁷ Lintott, A. W. *Cicero As Evidence: A Historian's Companion*. (Oxford: Oxford University Press, 2008), 3; MacKendrick, P. L. *The Philosophical Books of Cicero*. (London: Duckworth, 1989), 21: demonstrated by his changing representations of the Gracchi.

Quantitative Data

Cicero used the term *popularis* more frequently in his speeches than in his letters.⁸ The label had various meanings, which was clarified by the context within which it appeared.⁹ In public correspondence, *popularis* most frequently denoted popularity (22%). Other meanings included the whole population (20%), the attainment of genuine popularity (18%) and action in popular interests (17%).¹⁰ Explicit references to specific tribunes, according to my own research, were present in predominantly political speeches. There was, however, significant use of historical examples in pertinent judicial discourse. In contrast to public speeches, key *popularis* tribunes rarely featured in private correspondence. They were explicitly mentioned two hundred and seventeen times in orations, yet just fifty one times in private letters.¹¹ Of the tribunes mentioned throughout Cicero's corpus of work, Clodius was unsurprisingly dominant due to his direct relevance to the politics of the day (37%). Tiberius was the next frequently cited (14%), Gaius experienced a similar number of references (13%),¹² while Saturninus (13%) was mentioned ahead of Sulpicius (9%) and Livius Drusus (7%). This was influenced by Saturninus' relevance in the *Pro Rabirio Perduellionis*, Drusus' more ambiguous political stance and Cicero's personal connections to Sulpicius.¹³ Cicero favoured Gracchan examples in his oratory, reaffirming the two brothers as key *popularis* models. This aligns with Plutarch's decision to subject the two to biography. The Gracchi, therefore, were the most notable politicians associated with the emergence and employment of *popularis* trends.

⁸ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 70.

⁹ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 182-184 cites each use with their intended meaning.

¹⁰ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 70-1.

¹¹ Clodius comprised thirty eight references.

¹² The brothers as a pair consisted of 7% of the sample.

¹³ Stockton, D. *Cicero: A Political Biography*. (London: Oxford University Press, 1971), 12; Chapman, C. M. "Cicero and P. Sulpicius Rufus (Tr. Pl. 88 B.C.)." 69: Atticus had a connection to Sulpicius, while Cicero had a personal experience of Sulpicius' oratory.

Rhetorical Techniques

'No Naming'

Quantitative data is skewed by the conscious avoidance of specifically naming an individual.

'No naming' could result from a difference in status between the speaker and his subject, out of affection for the individual, or conversely out of hostility for the target of a rhetorical attack.¹⁴ The use of a person's name in a speech achieved a heightened sense of aggression.¹⁵ Declining to name an individual or subject was a key theme in Cicero's letters, but it was also employed within his speeches.¹⁶ In the *Pro Sestio*, Cicero implicitly named Clodius, A. Gabinius and L. Calpurnius Piso successively.¹⁷ In both the *Post Reditum in Senatu* and *Post Reditum ad Quirites*, Clodius was mentioned only indirectly.¹⁸ The lack of direct naming in the post-exile speeches can be attributed to Cicero's uncertainty over his position in the senate. Once Cicero secured a stronger position, he chose to name Clodius numerous times in *De Domo Sua*, demonstrating contempt for his enemy.¹⁹ While the technique of 'no naming' would undoubtedly expand the sample of references to *popularis* tribunes, the explicit mention of individuals remains a crucial area for analysis due to the increased potency of the rhetorical attack. The study of explicit references explores the use of past *populares* in circumstances where Cicero was in a strong position. As a result, he was able to reveal perceptions of contemporary political trends. 'No naming' must be a recognised aspect of oratory, but it cannot detract from the analysis of explicit references.

¹⁴ Adams, J. N. "Conventions of Naming in Cicero." *The Classical Quarterly* 28 (1978), 145.

¹⁵ Steel, C. E. W. "Name and Shame? Invective Against Clodius and Others in the Post-Exile Speeches." In *Cicero on the Attack: Invective and Subversion in the Orations and Beyond*, edited by J. Booth, 105-128. (Swansea: Classical Press of Wales, 2007), 107.

¹⁶ Cic. *Phil.* 7.15; Cic. *Verr.* 5.4; Cic. *Prov. cons.* 6; Cic. *Leg. Man.* 60; Cic. *Leg. agr.* 1.21; Cic. *Clu.* 99f; Cic. *Pis.* 90; Canter, H. V. "Irony in the Orations of Cicero." *The American Journal of Philology* 57 (1936), 460; Adams, J. N. "Conventions of Naming in Cicero." 161.

¹⁷ Cic. *Sest.* 15ff.

¹⁸ Steel, C. E. W. "Name and Shame? Invective Against Clodius and Others in the Post-Exile Speeches." 116.

¹⁹ Steel, C. E. W. "Name and Shame? Invective Against Clodius and Others in the Post-Exile Speeches." 123.

Invective

Further to 'no naming', the utilisation of invective was critical to Cicero's speeches. Literally translated, 'invective' is defined as a cavalry charge, evincing the aggression of the technique, which was recognised as a legitimate form of political and judicial attack.²⁰ Cicero first applied invective in the *Pro Roscio*, whereby he attacked Chrysogonus, a freedman of Sulla.²¹ Further examples included the *In Verrem*, *In Catilinam*, *In Pisonem* and the *Philippicae*.²² There were many uses of invective; a milder form involved undermining an individual,²³ while Cicero also attempted to show a person as unique in wickedness,²⁴ or surpassing all others in evil.²⁵ Outright insults were also used, although often in a restrained manner designed to imply disreputability rather than as a prolonged personal attack.²⁶ Finally, irony was used to indicate 'disapprobation, censure, contempt or scorn'.²⁷ This was used by Cicero in all of its styles, from cutting sarcasm to a light hearted use of the technique.²⁸ Invective ultimately aimed to persuade the audience, be it senators or the wider citizenry, that the speaker's claims were true.²⁹ Information used in this style must therefore be treated with caution, as the technique was largely based around rhetorical conventions rather than historical truths.³⁰ An important consideration when assessing Cicero's use of *popularis* tribunes in his

²⁰ Powell, J. G. F. "Invective and the Orator: Ciceronian Theory and Practice." In *Cicero on the Attack: Invective and Subversion in the Orations and Beyond*, edited by J. Booth, 1-24. (Swansea: Classical Press of Wales, 2007), 2-5.

²¹ Booth, J. "Introduction: Man and Matter." In *Cicero on the Attack: Invective and Subversion in the Orations and Beyond*, edited by J. Booth, ix-xiv. (Swansea: Classical Press of Wales, 2007), ix.

²² Booth, J. "Introduction: Man and Matter." ix; Watson, L. "Invective." In *The Oxford Classical Dictionary*, edited by S. Hornblower, A. Spawforth, & E. Eidinow, 740. (Oxford: Oxford University Press, 2012), 740.

²³ Powell, J. G. F. "Invective and the Orator: Ciceronian Theory and Practice." 2 cited the *Pro Murena* as an example of this.

²⁴ Cic. *Vat.* 17f.

²⁵ Cic. *Verr.* 5.11f.

²⁶ Plut. *Iul.* 4.4; Edwards, C. *The Politics of Immorality in Ancient Rome*. (Cambridge: Cambridge University Press, 1993), 63-5; Powell, J. G. F. "Invective and the Orator: Ciceronian Theory and Practice." 18: such as the accusation of effeminacy, which was linked to social, political and moral weakness.

²⁷ Canter, H. V. "Irony in the Orations of Cicero." 459.

²⁸ Canter, H. V. "Irony in the Orations of Cicero." 457.

²⁹ Watson, L. "Invective." 740.

³⁰ Rundell, W. M. F. "Cicero and Clodius: The Question of Credibility." *Historia* 28 (1979), 301.

works must therefore be whether it was employed as a persuasive tool, which could indicate a false representation of ideals and characters.

Historical Examples

Finally, and of most importance to this study, was Cicero's employment of historical examples. These were designed to encourage an audience to support Cicero. This technique was used in early Greek literature,³¹ although it was viewed by Hellenic culture as a less effective argumentative device.³² Due to the Roman's reverence for their past, however, historical examples were a powerful tool to use on an audience.³³ Cicero and Quintilian both attested to the potency of this tool.³⁴ Three types of historical examples were employed in Cicero's works; historical, imaginary and mythological.³⁵ These examples were usually presented as a comparison, with historical examples having the most impact with rhetorical theorists.³⁶ A common feature of these examples was bringing the past into the present, asserting its relevance, and then using it to predict the future.³⁷ This was often coupled with a moral argument, a key element of Roman oratorical engagement.³⁸ Historical examples consequently formed a persuasive argument that revealed a moral judgement of *popularis* trends from Cicero's optimate viewpoint. Therefore, these can be used to recreate the core themes of both political labels.

Tribunician Representations

Past *populares* were subject to both praise and negative reflections in Cicero's works. These examples could then be applied to a positive or negative character assessment of a

³¹ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. Diss. State University of New York, (Buffalo, 1993), 1.

³² Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. 6.

³³ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. 12.

³⁴ Cic. *Brut.* 145, 167; Quint. *Inst.* 5.11.

³⁵ Brinton, A. "Cicero's Use of Historical Examples in Moral Argument." *Philosophy & Rhetoric* 21 (1988), 169.

³⁶ Brinton, A. "Cicero's Use of Historical Examples in Moral Argument." 174.

³⁷ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. ii; MacKendrick, P. L. *The Philosophical Books of Cicero*. 21.

³⁸ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. 12; Kennedy, G. "The Rhetoric of Advocacy in Greece and Rome." *The American Journal of Philology* 89 (1968), 426.

contemporary figure. This variation in representation can be attributed to the political or judicial circumstance that Cicero was facing, while his political views developed with the progression of his career.³⁹ The use of past *popularis* tribunes, from a predominantly optimate source, demonstrated how Cicero could exploit inconstant representations of these politicians to reinforce his chosen perspective. Cicero's fluctuating assessment of *populares* provided an insight into his optimate values and allowed for the assessment of *popularis* and optimate ideals in relation to the contemporary political scene.

Positive Representations

Cicero praised each of the pre-Sullan tribunes in his works, focussing on their natural ability as orators. The Gracchi were spoken of favourably, with Tiberius described as a man with great strength of character and the talent to match this.⁴⁰ Gaius, equally, was so gifted that his speeches were studied as rhetorical models.⁴¹ As a pair, they were compared with men such as Cato, Laelius and Africanus, who all possessed a wide range of skills, including oratory, which added to their authority and virtue.⁴² Saturninus was credited with being the best radical speaker to follow the Gracchi,⁴³ while Livius Drusus was referred to as an orator of great weight.⁴⁴ Furthermore, Sulpicius was deemed so persuasive that he could make people forget their loyalty and support him.⁴⁵ Within Cicero, rather unsurprisingly, a celebration of oratorical talent is observable. This was an attempt to justify the political power the *populares* achieved. There is, however, limited praise of their political endeavours.⁴⁶ Cicero admired their talents, but lacked respect for their political agendas, viewing them as challenges to the *mos maiorum* that he considered intrinsic to Roman

³⁹ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. 155: Cicero displayed an increasing tendency to identify with optimate ideals after his consulship as he was no longer an outsider in the senate.

⁴⁰ Cic. *Har. resp.* 41.

⁴¹ Cic. *De or.* 1.154; Cic. *Brut.* 110.

⁴² Cic. *De or.* 1.38; Cic. *Inv. rhet.* 1.3.5.

⁴³ Cic. *Brut.* 274.

⁴⁴ Cic. *Brut.* 182, 222.

⁴⁵ Cic. *Har. resp.* 41.

⁴⁶ Cic. *Leg. Man.* 2.10.

success.⁴⁷ Through Cicero's prioritisation of attributes over actions, an optimate view of *populares* as talented but misguided individuals emerged. Had they channelled their abilities differently, they would have been good politicians and beneficial to the state in Cicero's view.⁴⁸ *Populares*, therefore, came to notoriety as a consequence of their actions rather than their natural merits. They became identified with the political label as a result of their particularly antagonistic methods, which distinguished them from other politicians of the era.

In a further attempt to portray *populares* positively, Cicero justified their actions, citing reasonable motives that influenced their political course. Tiberius was credited with possessing a virtuous nature and desire to strengthen to state,⁴⁹ while Gaius was shown to have been inspired by his brother's death.⁵⁰ Saturninus was motivated by his treatment as quaestor,⁵¹ while Drusus was encouraged to fight in the interests of the senate.⁵² Sulpicius, however, was treated delicately as having gotten carried away with the use of *popularis* tactics.⁵³ Cicero, therefore, appeared apologetic rather than angry, as if he regretted that their talents were not put to better use.⁵⁴ The *populares* were portrayed as good men who had either acted in unfortunate circumstances or who had particularly strong motives for their actions.⁵⁵ This sympathetic approach, however, may not be fully representative of Cicero's views. Despite disagreeing with *popularis* methods used to effect change,⁵⁶ Cicero

⁴⁷ Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations*. 294, 302.

⁴⁸ Murray, R. J. "Cicero and the Gracchi." *Transactions and Proceedings of the American Philological Association* 97 (1966), 297.

⁴⁹ Cic. *Leg. Man.* 2.10.

⁵⁰ Cic. *Har. resp.* 43.

⁵¹ Cic. *Har. resp.* 43.

⁵² Asc. 21C, 69C.

⁵³ Cic. *Har. resp.* 43; Mitchell, T. N. *Cicero, the Ascending Years*. (London: Yale University Press, 1979), 64; Stockton, D. *Cicero: A Political Biography*. 12: his sympathy may have been a result of personal experience of Sulpicius' oratory or their mutual link with Atticus.

⁵⁴ Murray, R. J. "Cicero and the Gracchi." 293.

⁵⁵ These unique reasons asserted the infrequent appearance of key *populares*. Very few had such motives, so when considering that there were ten annually elected tribunes and only five key *popularis* surges occurred in two generations, it is impossible that *populares* constituted a faction.

⁵⁶ Cic. *Brut.* 103.

could not claim to disapprove of their actions and expect support from those who benefitted from *popularis* legislation. Cicero consequently sidestepped this issue by finding excuses for their actions, dodging the difficult political questions. Cicero's optimate stance, therefore, allowed for concessions to be made to the past *populares*, disguising his disapproval of their political aims. Although optimate representations of *populares* may initially appear to be sympathetic, there was an underlying motive for this.⁵⁷ By holding a conservative middle ground, Cicero maintained his political beliefs and consequent support from the *equites* and senate. He also preserved common ground with the wider citizenry, which could be exploited for political advantage. The prevailing perception of *populares*, according to Cicero, was a disjointed series of politicians who became defined by their particularly innovative, progressive or aggressive actions. Although it contradicted optimate values, Cicero utilised this perception to achieve support for his own cause.

Negative Representations

Cicero did not always represent the tribunes positively. He attributed many negative aspects to their careers.⁵⁸ The resentment of kings in Rome was a trait that defined the Roman constitution.⁵⁹ Cicero used this to attack individuals, claiming that they had attempted to attain regal powers or had exhibited tyrannical behaviour. Tiberius suffered this fate at the hands of Cicero.⁶⁰ This demonstrated the optimate fear of *popularis* methods alongside the optimate value of looking to the past to assert political authority. *Popularis* strategies were represented as kingly, attesting to their radical nature and the static beliefs that *optimates* articulated within political discourse. Through this technique, Cicero defined the *popularis* and optimate struggle as an individual using unprecedented or antagonistic methods to oppose the *status quo* of the Republic. Through the attribution of kingly characteristics to

⁵⁷ Murray, R. J. "Cicero and the Gracchi." 296: Cicero was generally pleased with the action taken against such men, regardless of the use of violence.

⁵⁸ Livius Drusus was the notable exception to this theme due to his optimate backing.

⁵⁹ Brunt, P. A. *Social Conflicts in the Roman Republic*. (London: Hogarth Press, 1986), 81.

⁶⁰ Cic. *Rep.* 2.49; Cic. *Luc.* 13-15; Cic. *Amic.* 41.

populares, which by definition implied a lone character, Cicero conclusively showed that *popularis* politicians were considered to be individual politicians of note who did not form an enduring faction within the Republican political environment.

A further accusation levelled against *popularis* tribunes was their role in the destruction of the state. Both Tiberius and Gaius were attacked for this.⁶¹ This destruction was a reference to the revolutionary tactics implemented by the brothers, which upset the balance of the state and threatened optimate authority. An accusation of damage was not made purely in the interest of the state, but rather to protect Cicero's own position as he depended upon senatorial authority to achieve his political position.⁶² This view of *populares* again ensured that their methods were the key concern, as these afforded a greater threat to optimate authority than the legislation the politicians sought to implement. Here, therefore, we see an optimate view *populares* as deliberately destructive, rather than politicians utilising pioneering methods to achieve progressive measures for the state. The expansion of *popularis* tactics thus resulted in the recognition of a notable *popularis*. The fear of the destructive nature of *populares* directly attested to the potency of their political tactics and affirmed that it was the methods employed by a politician that defined him as a *popularis*.

In addition to the attacks against tribunes for their destructive nature, Cicero also condemned their abuse of constitutional powers. Tiberius' downfall was attributed to his desire for an unprecedented consecutive term in office.⁶³ Saturninus was shown to have used violence excessively,⁶⁴ while Sulpicius was said to have tried to rob the tribunician office of its honour during his magistracies.⁶⁵ These statements again have perceptible optimate values. The attack on the norms of a sacred office, which disrupted the accepted hierarchy

⁶¹ Cic. *Fin.* 4.24.65-6; Cic. *Leg.* 3.24.

⁶² Stinger, P. M. *The Use of Historical Example as a Rhetorical Device in Cicero's Orations.* 284-5: in *De Haruspicum Responso* Cicero identified himself as synonymous with the Republic.

⁶³ Cic. *Cat.* 4.4.

⁶⁴ Cic. *Rab. Perd.* 5.20, 12.35.

⁶⁵ Cic. *De or.* 3.11.

of the *cursus honorum*, was a significant threat to optimate political power due to its reliance on consular authority. This had become increasingly undermined by tribunician activity. This cemented the view of *populares* as men defined by their political approaches, who disregarded the power of higher magistracies.

A negative rationale behind *popularis* actions was also provided. They were portrayed as incapable of making logical decisions. Had they seen sense, they would naturally have aligned with optimate ideology and methods. Saturninus in particular was depicted as a mad and wicked character.⁶⁶ He had compromised the ideals of the original *populares* to create a corrupt and dangerous form of the political strategy. The employment of this attack showed that Cicero and his optimate allies felt threatened by the introduction of forceful strategies. They accordingly sought to discredit their source in order to preserve their position in the state. This attack was not so much a representation of *populares* and their mental state, but rather an assertion that *optimates* were reasonable and reliable. Preservation of the *status quo*, rather than the use of progressive political tactics, provided a safer option for the Republic and meant that the people should align themselves with *optimates*. Furthermore, singling out Saturninus as particularly wicked, due to his progression of *popularis* tactics, demonstrated that the escalation and progression of political methodologies asserted him as a key *popularis* example. *Populares* could not represent a constant feature of the Republic and were instead recognised as intermittent attempts to breach constitutional norms through the advancement of antagonistic actions. In a shift from previous assertions, Cicero also claimed that the talent of later *populares* was not exceptional. Sulpicius supposedly looked impressive because of the lack of talented opposition.⁶⁷ This allowed the *optimates* to create a cyclical argument to enforce their view

⁶⁶ Cic. *Rab. Perd.* 7.22.

⁶⁷ Cic. *Brut.* 333; Cic. *Orat.* 106.

that the *populares* should not be supported. If *populares* lacked the necessary mental capacity or ability, they resorted to dishonest methods and became destructive to achieve a dominant political position. This devastation created an environment for more politicians who lacked the natural ability to thrive. *Populares*, therefore, caused political decline. This was arrested, rather than enhanced, by optimate reactions. The only sensible option was to persevere with optimate values to preserve a reasonable level of ability and political thought in the Republic. This again represented *populares* as defined by the methods they employed, while reflecting the stable nature of optimate beliefs in defence of constitutional threats.

As a result of the above attacks, Cicero claimed that the violent removal of *populares* was justified and beneficial to the Republic. Even the Gracchi, whose talent Cicero refrained from attacking, suffered this fate.⁶⁸ Cicero actively encouraged people to oppose future *populares* in his defence of Rabirius,⁶⁹ while Sulla was praised for taking reasonable steps to overcome the threat of Sulpicius.⁷⁰ Cicero's optimate values demonstrated his belief that violence was a reasonable method by which to oppose *populares* due to the significant threat they posed. Their violent removal demonstrated an optimate belief rather than a balanced assessment of *populares*. *Optimates* and *populares*, despite using similar tactics, were defined by the manner with which they were employed. Violence as a preventative measure was compatible with optimate beliefs, however, the *popularis* exploitation of force to effect change was deemed reckless and dangerous.

Creating a Perception of Optimate Superiority

In addition to the employment of tribunes to present *popularis* and optimate themes, Cicero used them to praise other optimate individuals, reinforcing optimate beliefs. Scipio Nasica, who instigated the murder of Tiberius Gracchus, was honoured for his role in the killing

⁶⁸ Cic. *Off.* 2.43.

⁶⁹ Cic. *Rab. Perd.* 7.22-24, 10.31.

⁷⁰ Mitchell, T. N. *Cicero, the Senior Statesman*. (London: Yale University Press, 1991), 3.

despite lacking any magisterial authority.⁷¹ Cicero compared this political ‘victory’ with the military achievements of Scipio Aemilianus in Numantia.⁷² Scipio Nasica, according to Cicero, acted in the popular interest when he took these actions and should be celebrated.⁷³ Furthermore, Opimius, who instigated the downfall of Gaius Gracchus, was granted the same status as Scipio Nasica.⁷⁴ His exile was even excused as a judicial conspiracy according to Asconius.⁷⁵ Through these declarations, Cicero clearly displayed *populares* as threats to the Republic, whose removal by any means was morally justifiable. The subsequent punishment of *optimates* was not only unjust, but undesirable, according to Ciceronian thought. This reinforced the concept of the political struggle with the *popularis* political anomaly being curtailed by enduring optimate values.

Metellus Numidicus was also portrayed as an example of how one could gain glory, in Cicero’s eyes, through opposition to *populares*. Metellus Numidicus opposed Saturninus multiple times.⁷⁶ He placed the interests of the state above his own personal position, a direct contrast to accusations levelled at *populares*.⁷⁷ He had acted selflessly, risking exile, to oppose a threat to the Republic, drawing parallels with the actions of Scipio Nasica and Opimius. Metellus Numidicus’ opposition to Saturninus clearly demonstrated this Ciceronian thought and reinforced the perception that a significant sacrifice was required to counter the threat of notable *populares*. This set them apart from other politicians, as it would not have been feasible to suffer political exiles on an annual basis. *Populares*, therefore, cannot have been a constant trend, as the optimate reaction would have to be adjusted significantly to oppose a constant faction.

⁷¹ Cic. *Phil.* 8.13; Cic. *Brut.* 108, 212.

⁷² Cic. *Off.* 1.76.

⁷³ Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 92: this potentially made him a *popularis*, although this would represent ideology rather than political strategy.

⁷⁴ Cic. *Phil.* 8.14.

⁷⁵ Asc. 17C.

⁷⁶ Cic. *Sest.* 37, 101.

⁷⁷ Lacey, W. K. “Cicero, Pro Sestio 96-143.” 70.

Cicero, agreeing with the necessity of sacrifice for the greater good, used himself as an example for the positives of optimate opposition to the contemporary *popularis* Clodius. A similar theme of self-inflicted punishment was attributed to Cicero's exile,⁷⁸ while the respect with which he was held in Rome after his departure was shown through only Clodius' close followers daring to attack his house.⁷⁹ Cicero used the example of Fulvius Flaccus, associate of Gaius Gracchus, who had his house treated in a similar way, but who Cicero felt was an unfair comparison.⁸⁰ Cicero thus used examples of tribunes and their associates to place himself in a position of superiority. He commanded respect from the people, demonstrated by the treatment of his house, and had acted in accordance with the ideals of Metellus Numidicus. Cicero consequently showed himself to epitomise the values of an optimate. He believed that he should be celebrated alongside other heroic opponents such as Scipio Nasica, Opimius and Metellus Numidicus. Cicero, using this technique, cemented his political position by association with past *optimates* and put forward the idea that *optimates* were treated with more respect than comparable *populares*.

Undermining Contemporary *Populares*

Cicero's use of tribunician examples also formed an attack on contemporary *populares*. The declining political standards in Cicero's time formed a key theme in his work and were explicitly mentioned through the use of past examples. Firstly, T. Labienus, who brought forward the charge against G. Rabirius for the murder of Saturninus, was represented poorly in comparison to Gaius Gracchus.⁸¹ On a personal level, Labienus was attacked for his supposed grief for an uncle, who was murdered alongside Saturninus, but who Labienus had never met.⁸² Cicero claimed that this must mean that the loss exceeded the grief suffered

⁷⁸ Cic. *Prov. cons.* 17.41.

⁷⁹ Cic. *Dom.* 108.

⁸⁰ Cic. *Dom.* 102.

⁸¹ Rawson, E. *Cicero: A Portrait*. 66-7: this course of action was devised initially by Caesar. Stockton, D. *Cicero: A Political Biography*. 92-3 shows it to be a warning against the use of the *senatus consultum ultimum*.

⁸² Cic. *Rab. Perd.* 4.14.

by Gaius, who was motivated to follow the politics of Tiberius after his brother's death.⁸³ Politically, Labienus was also considered inferior, with Cicero claiming that had Labienus' methods been a legitimate *popularis* strategy, then Gaius would have used them.⁸⁴ Labienus was even accused of going against the laws set out by Gaius, so he was a false *popularis* and cannot have been a friend of the people.⁸⁵ These examples showed Gaius as a good *popularis* model, in order to show Labienus as a pale imitation. Traditional *popularis* examples, in this instance, created an angle for Cicero to attack his opponent. It confirmed Cicero's impression of the Republic as a state declining in standards. This, in his view, was directly linked to the prevalence of *popularis* activity.

P. Servilius Rullus was also subject to a similar attack. Cicero claimed that Servilius Rullus with his actions in bringing forth a land law, meant that he was far removed from the modesty and justice of Tiberius Gracchus.⁸⁶ His land law included the Campanian land, which the Gracchi and Sulla, both known for their generosity, had refrained from handing out.⁸⁷ He must, therefore, be a flawed person, as he would have otherwise followed the examples set by esteemed past *populares* and *optimates*.⁸⁸ Cicero depicted the popular legislation of Servilius Rullus as threatening to the state. It was also cited as a fine example of misrepresentation to the people.⁸⁹ This tactic was cunning, it won over the crowd he was talking to, thus depriving his opponent of support and claiming it for himself.⁹⁰ Cicero could not change the past, so he chose to exploit it. He formed an idealised image of *populares*, in order to detract from the appeal of contemporary politicians such as Servilius Rullus. This

⁸³ Cic. *Rab. Perd.* 4.14.

⁸⁴ Cic. *Rab. Perd.* 4.14.

⁸⁵ Cic. *Rab. Perd.* 4.11-12; Rawson, E. *Cicero: A Portrait.* 68.

⁸⁶ Cic. *Leg. Man.* 2.31.

⁸⁷ Cic. *Leg. Man.* 2.81.

⁸⁸ Rawson, E. *Cicero: A Portrait.* 65; Stockton, D. *Cicero: A Political Biography.* 84: Cicero's praise of these men was influenced by the fact he was talking directly to the people and needed to win support, in addition to his primary motive of discrediting Rullus.

⁸⁹ Stockton, D. *Cicero: A Political Biography.* 88; Habicht, C. *Cicero the Politician.* (London: John Hopkins University Press, 1990), 30.

⁹⁰ Cicero, *Comment. Pet.* 53. This cost Cicero no more than a possible dip in support from optimate politicians, who he could then reassure of his true optimate motives.

showed that the ideological elements to original *popularis* designs such as altruism, generosity and legislative balance, had since been corrupted, attesting to *popularis* involvement in the political decline of the Republic.

In a severe example, L. Sergius Catiline was portrayed as a threat to the Republic that far exceeded the menace the Gracchi had posed.⁹¹ Cicero claimed that Tiberius undermined the state slightly,⁹² while Catiline was trying to utterly destroy the Republic. Tiberius was killed for his relatively minor actions,⁹³ so Catiline should suffer an equal fate.⁹⁴ Tiberius undermined the state constitutionally, while Catiline aimed to burn Rome and murder citizens.⁹⁵ Further to this, Cicero demonstrated the honour that the Gracchan opponents achieved, maintaining that he would not hesitate from acting in a similar manner against Catiline.⁹⁶ Through his use of tribunician examples, Cicero achieved multiple aims; he portrayed Catiline as a genuine threat to the Republic, outstripping past revolutionaries. He simultaneously pushed for a swift and lethal punishment in accordance with precedents. This reasserted the declining nature of politics, but also displayed the continuity in optimate strategies when dealing with emerging *popularis* threats.

Attacking Publius Clodius Pulcher

Clodius was subject to a prolonged and sustained attack, throughout numerous speeches, due to his direct opposition to Cicero.⁹⁷ The most intense period of Ciceronian attacks took place after his return from exile.⁹⁸ Cicero did not exercise restraint in his attacks, even

⁹¹ Smith, R. E. *Cicero the Statesman*. (Cambridge: Cambridge University Press, 1966), 111: the Catiline Speeches were published three years after the events and likely to have been subject to adjustment.

⁹² Murray, R. J. "Cicero and the Gracchi." 293: the crimes Tiberius supposedly committed were softened here by Cicero to make Catiline seem worse.

⁹³ Other examples include Cic. *Cat.* 1.4 referring to Gaius Gracchus and Cic. *Cat.* 4.4 referring to Saturninus.

⁹⁴ Cic. *Cat.* 1.3.

⁹⁵ Cic. *Cat.* 4.4.

⁹⁶ Cic. *Cat.* 1.29.

⁹⁷ Rawson, E. *Cicero: A Portrait*. 97; Smith, R. E. *Cicero the Statesman*. 117: after the Bona Dea scandal, Cicero testified against Clodius, which may be explained by the fact that Cicero took more offence at the action as the festival had previously been conducted in his own house.

⁹⁸ Steel, C. E. W. "Name and Shame? Invective Against Clodius and Others in the Post-Exile Speeches." 105.

altering the facts of a case to facilitate further criticisms.⁹⁹ The result was an unrepresentative view of Clodius, closer to a caricature than reality.¹⁰⁰ The Gracchi and Saturninus were used as examples of genuine *popularis* behaviour, whose actions contrasted with Clodius, as he had to resort to bribery.¹⁰¹ While the Gracchi were linked to Clodius as sources of discord,¹⁰² they did not need to stoop to monetary incentives to gain the support that they achieved. This made them far superior individuals and politicians. Saturninus had admittedly used army veterans for political motives, but Clodius was far worse as he used common gangs for a political agenda which had no reasonable motive.¹⁰³ In a further attack on Clodius, he was scorned for his attempts to gain popularity, when even Livius Drusus, supported by Licinius Crassus and Aemilius Scaurus, had failed to gain enough for his political endeavours.¹⁰⁴ Past tribunes were therefore used to oppose Clodius on many levels; his personal capabilities, his political motives and methods, alongside his popularity with the people. This attested to Cicero's assertion of declining political standards, with Clodius portrayed as proof of this. Optimate concepts, therefore, were far-reaching, with historical examples used to cement an attack against politicians striving to emulate the *popularis* style in contemporary politics.

Evaluation

Ciceronian uses of *popularis* historical examples were diverse and designed to achieve multiple aims. Cicero praised and criticised tribunes, often using their examples to enhance or detract from the reputation of a contemporary figure. Through the use of these instances, past *populares* were subject to interpretation through Cicero's optimate principles, revealing trends concerning both *popularis* and optimate political ideals. *Populares* were seen as a

⁹⁹ Lintott, A. W. *Cicero As Evidence: A Historian's Companion*. 34: Cicero changed the time of the attack to make it appear that Clodius had planned to kill Milo.

¹⁰⁰ Rundell, W. M. F. "Cicero and Clodius: The Question of Credibility." 328.

¹⁰¹ Cic. *Sest.* 105.

¹⁰² Robb, M. A. *Beyond Populares and Optimates: Political Language in the Late Republic*. 87.

¹⁰³ Cic. *Sest.* 38-9.

¹⁰⁴ Cic. *Dom.* 50.

sporadic and radical threat to the state. This resulted from their use of extraordinary political tactics, rather than for their moral reasoning. *Optimates*, meanwhile, reflected on the past as an idealised form of government and attempted to recreate actions of eminent politicians to arrest the perceptible political decline. Cicero portrayed *optimates* as the foundation of the Republic, who were relied upon to oppose the revolutionary and dangerous processes that were associated with *populares*. Clodius was particularly subject to Ciceronian attacks, due to the rivalry between these two individuals. He took the brunt of political and personal attacks, often with historical examples included to provide weight to Cicero's argument. Ultimately, Cicero was an expert orator who used historical examples to his advantage in numerous situations. While it is apparent that Cicero was flexible with his projected views of *popularis* tribunes, the values associated with *popularis* and optimate ideals were still portrayed in his works. This provided a large body of information for the assessment of these political labels and conclusively showed the individualistic and strategic nature of *popularis* tribunes in both the age of reform and contemporary Ciceronian politics.

Conclusion

The political trends associated with *populares* evolved during the age of reform. *Popularis* ideals were adapted, distorted and exploited for political and legislative gains. This impacted upon our perception of the label, which emerged predominantly within judicial and political discourse. Our understanding of Republican politics has adopted increasingly fluid models since the works of Mommsen. This general pattern applied to *populares*, with the term now understood to represent politicians who employed a diverse range of political methodologies. This variation was ideal for manipulation in persuasive arguments and contributed to the imprecise definition of *populares*. Rather than merely attributing common themes derived from *popularis* strategies to politicians, we should endeavour to understand how these trends developed and what influenced this change. This dynamic interpretation of *populares* facilitated an assessment of Cicero's exploitation of the term, which subsequently revealed his perception of political trends in the past and in a contemporary political environment.

Popularis politics became identified as a comprehensive strategy following 133 B.C. When considering Tiberius' prevalence in Cicero's application of *popularis* historical examples, it is apparent that Gracchus founded the *popularis* concept. Inspired by senatorial slights prior to his magistracy, Tiberius utilised a manipulation of theoretical debate to justify his tribunician actions. This increasingly stretched the constitutional limits of the Republic, but was applied to a restricted legislative scheme. The passage of his agrarian reform, utilising strategic rural voting blocs and an unprecedented application of tribunician power, was designed to solve the recognised problem of poverty. This had numerous undesirable secondary impacts, which disrupted all areas of society. Tiberius' assertion that the elite were required to sacrifice land to secure long term prosperity, influenced by prominent senatorial colleagues, underlined his altruistic stance but also introduced the Italian problem into politics. This became a contentious and unresolved political issue that facilitated the

expansion of *popularis* and optimate strategies. The *popularis* agenda came to fruition, therefore, with Tiberius acting as a revolutionary figurehead for a group of reformative senators. The inability to compromise on legislative matters, coupled with an increasingly antagonistic approach, resulted in a fractious relationship between Tiberius and his opposition. This resulted in the development of a reactionary optimate trend. Due to his narrow reformative programme, Tiberius enjoyed an influential but ultimately inadequate support base. The *optimates*, headed by Scipio Nasica, were able to assassinate Tiberius and curtail his legislative endeavours. Tiberius, motivated by the need for retribution, had adopted a powerful but fragile strategy in his attempt at altruistic reform. The limitations of his methods were revealed by his opposition, who then failed to prevent the re-emergence of his strategy at a later date. This ensured for a continuation and development of *popularis* and optimate trends in the age of reform.

Gaius Gracchus, inspired by the nature of his brother's downfall, developed upon Tiberius' concepts. He recognised the potency and vulnerabilities of initial *popularis* concepts and replaced Tiberius' narrow reformative programme with diverse legislation. This included judicial reforms and a grain subsidy to achieve equestrian and urban support. Gaius implemented a colonial measure in a progression of Tiberius' agrarian law, attaining widespread rural support. The introduction of the *equites* and urban masses, to complement the support of the rural plebs, created a tactical legislative coalition that overpowered senatorial influence. Gaius also adopted a leading role in his political group, rather than acting as a figurehead for other senators, allowing him to achieve legislative measures without the need for stifling compromise. This concept formed a cornerstone for later *popularis* strategies. Crucially, Gaius achieved a consecutive tribunate, prolonging his political influence while remaining within an annually elected magistracy. He used this time to tackle the Italian problem, but this alienated his legislative support. The *optimates* capitalised on Gracchus' loss of support through the innovative actions of Livius Drusus the

Elder, who outbid Gaius for mass support. This deterioration in popular backing was combined with the unprecedented *senatus consultum ultimum*, which Opimius used to legitimise Gaius' assassination. Gaius developed upon the concepts instigated by his brother to create an expanded strategy, redefining *popularis* methods through his opposition to a senatorial clique, rather than by favouring a narrow demographic group. However, he failed to anticipate an increased magnitude of response from his opposition. Gaius demonstrated an improvement in the practical implementation of *popularis* tactics, but optimate reactions asserted the continued fragility of reformative *popularis* schemes.

Saturninus made significant adaptations to *popularis* strategies following a senatorial snub during his quaestorship. He formed a political alliance with Glaucia and Marius to achieve widespread popular support through legislative measures, magisterial support and association with a celebrated general. Notably, he avoided tackling the Italian problem, instead focussing his legislative interests on eligible voters. This created a concentrated support base when compared to Gaius Gracchus and increased the potency of Saturninus' strategic voting bloc. In an innovative use of violence, Saturninus implemented judiciary, corn and colonial laws. This attained support from throughout the population and demonstrated the effectiveness of a forceful approach. Saturninus only opposed specific senatorial interests, avoiding issues that could fracture his support base, in a continuation and development of Gaius' strategy. This demonstrated that transparent aggression was capable of succeeding where subtle altruism had failed. The use of force to circumvent constitutional barriers also displayed a crucial political development. Saturninus, however, could not safeguard the longevity of the political alliance. Marius broke the coalition and Saturninus was killed after the reintroduction of the *senatus consultum ultimum*. Saturninus, motivated by revenge, had recognised effective and redundant aspects of the Gracchan scheme. He replaced ideologies with violence to create a potent *popularis* strategy. This

shift allowed for an exploitative rather than reformative approach and marked a significant change in the nature of *populares*.

Livius Drusus the Younger used the violent element of Saturninus' *popularis* techniques to enhance a compromising reformative programme, in a throwback to the ideals of the Gracchi. With widespread senatorial backing, Drusus forcefully introduced reforms to neutralise questionable equestrian activity in the courts. He returned judicial control to senators and expanded senatorial eligibility in an attempt to appease the *equites*. He then proposed charitable schemes to win support from the poorer populace. The compromising nature of the reform, however, resulted in opposition from within the senate, equestrian and foreign communities. Relying upon support from the poorer citizenry, Drusus attempted to fix the Italian problem through widespread enfranchisement. This would have generated a vast new voting bloc to be exploited, to counteract his diminished support base. His attempts failed when his remaining backing jealously protected their citizenship. Drusus was deprived of all his voting support as he failed to explicitly favour a voting group. His failings saw him witness the annulment of his legislation, followed shortly afterwards by his murder. This led to the Social War and eventual allied enfranchisement. The reinvigoration of altruistic and compromising actions had shown the continuing fragility of original *popularis* tactics, even when supplemented by the violent approach of Saturninus. Applying *popularis* tactics to optimate interests, alongside the potential creation of a new voting bloc, demonstrated a progression of *popularis* thought as a tactical reaction to a fading support base. This asserted that *populares* focussed primarily on the attainment of overwhelming political and legislative influence, which could be supplemented with a violent approach to oppose or promote the interests of a specific sector of society.

Sulpicius was the final major tribune to develop *popularis* practice in the age of reform. Having initially followed an optimate policy, he allied himself with Marius after the

disintegration of friendly relationships with consular allies. This resulted in Sulpicius subscribing wholeheartedly to a *popularis* strategy. Utilising organised violence to counter constitutional barriers, Sulpicius demonstrated how a tribune could overcome the authority of higher magistracies. Having won widespread support from the poorer citizenry through the introduction of two minor reforms, Sulpicius used Marian veterans to forcefully pass legislation that distributed the newly enfranchised citizens throughout the voting tribes. In return, Sulpicius transferred the Mithridatic command to Marius, in a further slight to Sulla's magisterial authority. Sulpicius' optimate beginnings, coupled with his use of violence and political alliances, demonstrated that *popularis* strategies had evolved into an exploitative and aggressive strategy. This was designed to propel a political career, rather than to generate an altruistic and reformatory programme. Further to this, a *popularis* was defined predominantly by his opposition to a senatorial clique, rather than his advancement of a demographic's interests, in a continuation of the trend seen since Gaius Gracchus.

The diverse nature of *populares* was exploited as a rhetorical tool by the likes of Cicero. While his assessment of these individuals was heavily influenced by his optimate outlook, the praise and scorn directed at these individuals reveals trends in both past and contemporary politics. The increasingly aggressive nature of politicians, who willingly adapted *popularis* techniques and incorporated violence to fulfil selfish means, resulted in the Ciceronian concept of declining political standards. *Populares* were portrayed as proactively violent and disruptive individuals, rather than a continuous faction, who opposed the traditional values of the senate. This resulted in political rivals defining themselves as *optimates* to oppose the *popularis* threat. In addition to a display of values, *populares* were used by Cicero as historical examples to win him support in his judicial and political speeches. The diversity of these individuals, and the potential to attribute both positive and negative traits to their politics, allowed Cicero to use a broad armoury of rhetorical tools to detract

from his contemporary opponents. Cicero, therefore, not only defined *populares* and *optimates*, but manipulated people's perception in order to achieve a political result.

The nature of *populares* shifted over time. It experienced an evolution of practice as a reaction to optimate opposition, creating a cyclical development of political strategies. *Populares* began as a movement designed to bend constitutional rules to achieve a beneficial result for the state. This subsequently fell victim to the uncompromising nature of the opposition, who did not wish to sacrifice their short term interests in return for the long term wellbeing of the Republic. This selfishness led to an exponential increase in political violence and the nature of *populares* became warped to adapt to this development. Violence was introduced as a tool that could be utilised by both political outlooks, while the selfless element of *popularis* reform was discarded once the fragility of a compromising strategy became apparent. *Populares* could only attain political support if an explicit demographic group were beneficiaries and were not expected to make concessions. A strategy influenced initially by ideology and altruism thus evolved into an approach designed to achieve an overwhelming legislative and political influence. The potential for genuine reform became a secondary element of the agenda. While politicians from Tiberius Gracchus through to Sulpicius were all described as *populares*, very little linked the first and last *popularis* in the age of reform. It must be strongly asserted that these men were individuals, who formed their own strategies that was underpinned by a loose political scheme that experienced adaptation throughout the age of reform. This was exploited by Cicero in his speeches, who identified the various traits of these politicians and utilised them to create a favourable reaction. While it is helpful to group these politicians to provide a generalised historical analysis, trusting in the blanket term of *populares* is impractical when recognising the fluid state of the Republic. Under no circumstance should one *popularis* be assumed to relate wholly to another, as all of these men had different intent, personas, methods and results.

Practically applying this knowledge may prove beneficial in advancing our understanding of the late Roman Republic. Through this work, the fluidity of Republican politics has been asserted. As a general theme, it is one that should be recognised and stressed to students of Roman history. The individual nature of this study enhances the idea of Rome as a political environment full of diversity, change and unexpected occurrences. This assists in the understanding of circumstances surrounding turning points in the history of Roman civilisation. It was at times a chaotic environment, influenced by chance factors, which could be exploited by revolutionary politicians. Although the broad *popularis* and *optimatus* labels retain value in creating a general perspective, the individual nature of politicians is undeniable. The recognition of this may encourage the study of Roman history as a practice that increasingly focusses on figures that were not subject to an ancient biography, thus broadening our knowledge of the period. The use of historical examples in Cicero's works also demonstrates a further value of literary evidence in relation to Roman politics. Although this has been covered extensively, it is still useful for developing our understanding of the Roman Republic when considering new angles and approaches. I hope that stressing the value of this material encourages others to follow in the footsteps of scholars such as Robb, who have modernised the use of Cicero's works and its application to Roman history.

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