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Leadership *and* Initiative  
*in* Late Republican  
*and* Early Imperial Rome

*Edited by*

Roman M. Frolov

&

Christopher Burden-Strevens

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## LIST OF ABBREVIATIONS

AMNG 3.2	Gaebler, H. (1935) <i>Die antiken Münzen Nord-Griechenlands. Die antiken Münzen von Makedonia und Paionia</i> , Bd. 3.2, Berlin.
CIL	(1863–) <i>Corpus Inscriptionum Latinarum</i> , Berlin.
FRH	Beck, H. & Walter, U. (2001–2004) <i>Die Frühen Römischen Historiker</i> (2 vols.), Darmstadt.
FRHist	Cornell, T. J. <i>et al.</i> (eds.) (2013) <i>Fragments of the Roman Historians</i> (3 vols.), Oxford.
ILLRP	Degrassi, A. (ed.) (1965) <i>Inscriptiones Latinae Liberae Rei Publicae</i> , 2 <sup>nd</sup> ed., Firenze.
ILS	Dessau, H. (ed.) (1892–1906) <i>Inscriptiones Latinae Selectae</i> (5 vols.), Leipzig.
InscrIt	(1931–) <i>Inscriptiones Italiae</i> , Roma.
OLD	Glare, P. G. W. (ed.) (2012) <i>Oxford Latin Dictionary</i> , 2 <sup>nd</sup> ed., Oxford.
ORF <sup>4</sup>	Malcovati, M. (ed.) (1976) <i>Oratorum Romanorum Fragmenta Liberae Rei Publicae</i> (2 vols.), 4 <sup>th</sup> ed., Torino.
RDGE	Sherk, R. K. (1969) <i>Roman Documents from the Greek East</i> , Baltimore.
RE	Wissowa, G. <i>et al.</i> (eds.) (1893–1978) <i>Paulys Realencyclopädie der classischen Altertumswissenschaft</i> , Stuttgart.
RRC	Crawford, M. H. (1974) <i>Roman Republican Coinage</i> (2 vols.), Cambridge.
SEG	(1923–) <i>Supplementum Epigraphicum Graecum</i> .
SNG Alpha Bank 1	(2000) <i>Sylloge Nummorum Graecorum: Greece 2. The Alpha Bank Collection: Macedonia I, Alexander I – Perseus</i> , Athens.
SNG München	(1968–) <i>Sylloge Nummorum Graecorum: Deutschland. Staatliche Münzsammlung München</i> , 28. Vols., Berlin.
Syll. <sup>3</sup>	Dittenberger, W. (ed.) (1915–24) <i>Sylloge Inscriptionum Graecarum</i> , 3 <sup>rd</sup> ed., Leipzig.

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## Introduction\*

Roman M. Frolov

... it is they (the consuls) who present envoys to the Senate. They also draw up the agenda of issues requiring the Senate's prompt attention, and are entirely responsible for carrying out the Senate's decrees. Moreover, it is their job to see to all matters of state that require validation by the People, in the sense that they convene assemblies, present bills, and preside over the People's decision-making.<sup>1</sup>

Political initiative may be seen as an essential aspect of leadership. Initiative can be defined, in the round, as the ability to begin a political action rather than simply to respond to it. Whether being the initiator of an action is the “only role, the unique role, of the leader,” depends on a specific situation, but this function is always present.<sup>2</sup>

Identifying the “beginning” of action famously played a prominent role in Hannah Arendt's political philosophy. She argued that the semantics of the Greek words ἄρχειν and πράττειν (cf. the Latin *agere* and *gerere*), “with which to designate the verb ‘to act’,” originally mirrored two aspects of action. While the verb ἄρχειν meant “to begin,” “to lead,” and finally “to rule,” πράττειν stood for “to achieve” and “to finish” a course of action. The beginner, the leader, starts an enterprise and, if he finds support from his peers, the enterprise can be carried through. But “the words designating the beginning of action became specialized in meaning, at

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\* This text owes much to Uwe Walter's opening remarks at the conference “Taking the Lead in Late Republican and Early Imperial Rome: Office, Agency & Initiative” held in Bielefeld in July 2019 (co-organized by Christopher Burden-Strevens and myself). The conference, from which many chapters of this volume originate, was generously sponsored by the Alexander von Humboldt Foundation (as part of my project supported through the Alexander von Humboldt Research Fellowship for Postdoctoral Researchers, under the supervision of Tassilo Schmitt and Uwe Walter) and the University of Kent (by the agency of Christopher Burden-Strevens). The research for this introduction was also supported by the Russian Presidential Grants Council (Project No. MK-287.2021.2). I would like to thank Catherine Steel for her comments on the earlier ideas pertaining to this text and Alexander Yakobson for his reflections on a later version. I am especially grateful to the co-editor of this volume, Christopher Burden-Strevens, for his invaluable help with the introduction at each stage of its preparation and for making the whole enterprise possible.

<sup>1</sup> Polyb. 6.12.1–4: ... εἷς τε τὴν σύγκλητον οὗτοι (οἱ ὕπατοι) τὰς πρεσβείας ἄγουσι. πρὸς δὲ τοῖς προειρημένοις οὗτοι τὰ κατεπεύγοντα τῶν διαβουλίων ἀναδιδοῦσιν, οὗτοι τὸν ὅλον χειρισμὸν τῶν δογμάτων ἐπιτελοῦσι. καὶ μὴν ὅσα δεῖ διὰ τοῦ δήμου συντελεῖσθαι τῶν πρὸς τὰς κοινὰς πράξεις ἀνηκόντων, τούτοις καθήκει φροντίζειν καὶ συνάγειν τὰς ἐκκλησίας, τούτοις εἰσφέρειν τὰ δόγματα, τούτοις βραβεύειν τὰ δοκοῦντα τοῖς πλείοσι (trans. R. Waterfield).

<sup>2</sup> Burns 2003, 172.

least in political language.” So, ἄρχειν “came to mean chiefly ‘to rule’ and ‘to lead’ when it was specifically used.” Thus, “the role of the beginner and leader ... changed into that of a ruler ...”<sup>3</sup> The non-routine individual action that Arendt envisages here relates to the formation of institutional structure and politics in general, whereby her philosophical idea may acquire the capacity to serve as an historical explanatory device.

While drawing extensively on ancient Greek history, Arendt never investigated the application of her concept to Roman politics. The above-cited fragment of Polybius’ constitutional digression demonstrates the Roman consuls’ significance as leaders in the state precisely by underlining their unique ability to initiate political action and, therefore, their capacity to take the lead and to rule. The Senate and the People were powerful in their own ways, but under normal circumstances they were unable to act independently from magistrates, or, at least, to initiate a formal procedure without the executive being involved.

While Polybius’ constitutional analysis at large has been understood as having a complex connection with the actual practice of politics, it has, in fact, been followed by the standard modern approach to leadership and political initiative in Rome, whereby the executive (both republican magistrates and *mutatis mutandis* the first emperors) are envisaged as proactive political actors, whereas the People, individual elite non-magistrates, and sometimes even the Senate are understood as mostly passive and reactive ones.

Over a century ago, this principle served as Theodor Mommsen’s justification for beginning his *Römisches Staatsrecht* with the magistrates. Both the Senate’s and the People’s assembly “were able to act only in cooperation with the magistracy, and a decision of the convened council or the convened members of the citizen community was, at the same time, a magistrate’s act.”<sup>4</sup> The ability to act (“handeln”) is used here as a criterion for arranging research material. The Senate and the People as institutions could function formally only in response to what a magistrate had to suggest. In contrast to this, a magistrate was capable of acting independently. Even when he cooperated with the Senate and the People, it was he who, as it were, pushed the “on” button of the political process on behalf of them all.

Jochen Bleicken challenged the preponderance of magistracy in Mommsen’s system by referring to the Senate’s control over political initiative: “The Senate, as every student of Roman history is aware, still clearly stood at the center of political life in Rome; all initiative

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<sup>3</sup> Arendt 1958, 178, 189–92, here at 189; Arendt 1968, 165–71.

<sup>4</sup> Mommsen 1887, 3.

emanated from it; all state authority concentrated in it.”<sup>5</sup> The Senate was, indeed, unable to act on its own, but it practically controlled magistrates’ formal use of legislative initiative.<sup>6</sup> Only with (and because of) the Gracchi did the potential for the genuinely independent initiative of magistrates on the basis of their legal powers start developing.<sup>7</sup> However, Bleicken’s widening of the notion of political initiative to include senatorial effective control over magistrates’ formal action did not apply to the agency of the Roman People in their assemblies.<sup>8</sup>

Commenting on Fergus Millar’s distinct approach, John North pointed out that, among other major issues, Millar’s work raised the “question of initiative” in republican Rome, in other words, the question about “who controls the agendas.”<sup>9</sup> But since Millar emphasized precisely the formality of the People’s power and sovereignty, he had to admit the significance of the fact that “the assemblies (like the Senate) had no fixed agenda or dates of meeting, and could be called only by a magistrate; they could also only vote on matters which a magistrate put before them.”<sup>10</sup> North, too, thinking in terms of formal initiative, concluded that “the Roman system left all political initiative with the families of the ruling elite.” Only they could be elected to office, and “only office-holders had the powers needed to conduct meetings, to put decisions to the vote or to carry out any of the actions implied by the voting of the *comitia*.”<sup>11</sup> Similarly, for instance, Jeffrey Tatum, while embracing Millar’s emphasis on popular *libertas* being “sanctioned by law and by custom,” points out that “it is perverse to question the aristocratic locus of political initiative and activity in Rome.”<sup>12</sup> Jerzy Linderski puts this in a nutshell: “popular sovereignty without popular legislative initiative is mere fiction. Not by chance did Mommsen begin his discussion of the Roman constitution with the *magistratus*.”<sup>13</sup>

Such an approach continues to underpin the most recent and innovative studies. Thus, Henrik Mouritsen, who repeatedly uses the term “initiative” to describe the workings of Roman republican politics, observes that popular assemblies were “entirely controlled by their leaders

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<sup>5</sup> Bleicken 1975, 25.

<sup>6</sup> Bleicken 1975, 306–9, 312, n. 136. In this connection, cf. also Kunkel 1972, 16–7.

<sup>7</sup> Bleicken 1975, 318. Cf. also Grote in this volume.

<sup>8</sup> Cf., e.g., Bleicken 1975, 320.

<sup>9</sup> North 2002, 5.

<sup>10</sup> Millar 2002, 140.

<sup>11</sup> North 2002, 6.

<sup>12</sup> Tatum 1999, 10.

<sup>13</sup> Linderski 1982, 276.

and allowed no independent initiative,”<sup>14</sup> because proposals could not emerge from the meetings themselves.<sup>15</sup> Mouritsen describes the same phenomenon in an opposite way by referring to the assemblies’ “passive role” and their “lack of active input.”<sup>16</sup>

This view is largely a result of the reduction of political initiative to just *formal* initiative, especially legislative, with but one exception for the special role of the Senate. Moreover, even when the aspects of informal politics are analyzed, it has been argued that, for instance, political violence in assemblies originated effectively with magistrates, happened essentially at their instigation, with the crowds’ subsequent reaction and response. Violence first took place within the institutional structure controlled by public officials. It then spread outside of it, but this did not change the fact that magistrates had been the true instigators of the violent divide and the only real actors possessing initiative.<sup>17</sup>

This collection challenges the assumption that political initiative in Rome rested entirely with the executive (whether dependent on the Senate or otherwise). Not neglecting the various procedures and the fundamental values and conventions through which republican magistrates and later *principes* were able and, indeed, were expected to take the lead, this volume proposes a new, more integrated, approach to initiative and, therefore, to leadership and power in Rome. While the initiative of the executive is important and can be seen as “business as usual,” a normal case, or as a starting or a reference point, it does not account for all the ways in which the ability to set a political action in motion manifested itself.

After repeating an observation that, in republican Rome, the (common) People never acquired the *right* of initiative (“das Recht der Initiative”), Christian Meier immediately notes that the same was true for the members of the equestrian order.<sup>18</sup> And yet they, as Meier also demonstrates, *were* able to influence the political agenda significantly. In fact, even magisterial leadership by definition could not work without “co-actors” being constantly involved in “a process of communicative interaction” (see Hölkeskamp in this volume). Whether, and to what extent, the actual content of such politics could be influenced (even if not formulated) by these “co-actors” is another question; but it is already notable that in some cases it becomes difficult

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<sup>14</sup> Mouritsen 2017, 34.

<sup>15</sup> Mouritsen 2017, 16. This argument has been evoked repeatedly, see, e.g., Vanderbroeck 1987, 128; Badian 1990, 470, n. 20; North 2006, 266.

<sup>16</sup> Mouritsen 2017, 17. See Yakobson in this volume for a pointed engagement with these assertions.

<sup>17</sup> David 2013/2020. In this connection, see also Hurlet 2019 for the argument that in the Roman Republic public opinion was more reactive than a proactive phenomenon.

<sup>18</sup> Meier 1966, 109.



for us to distinguish between what started as the initiative “from above” and as that “from below” (cf. Yakobson in this collection). Looking, on other hand, at the leadership of individual members of the elite who were *not* magistrates, it can be argued that a powerful non-magistrate, such as Pompeius, with immense prestige and financial resources, did not even need an office for himself if he could rely on a friendly magistrate equipped with the formal right of initiative.<sup>19</sup> This poses a question as to how some members of the elite could influence political agendas despite not being public officials, and how the control over political initiative at large, including informal initiative, evolved with the advent of the *princeps*.

### **1. Exploring Leadership as Initiative in Roman Politics**

In the scholarship on the Roman Republic, references to “political initiative,” “taking the lead,” and similar notions to describe the ability to “begin” a political enterprise, are both ubiquitous and accidental. General studies on the Roman constitution and political culture, of course, elucidate which specific powers and practices allowed an official to initiate specific actions.<sup>20</sup> However, the use of “initiative” and cognate concepts, though helpful, remains isolated, unsystematic, and demands further discussion. For instance, Andrew Lintott has observed that the “superiority of the consul in both middle and late Republic lay in his possession of the initiative both at home and abroad.” He then moves on to specify that foreign embassies could not neglect to approach the consuls, the Senate addressed them in times of crisis, and the plebeian tribunes were hardly able to restrain them.<sup>21</sup> Yet some of these latter examples evidently say more about the initiative of *other* actors than about the consuls as such. But one may ask: is such a differentiation even worth making? Indeed, it can be said that the ability of higher magistrates to take initiative does not require much comment, or that the need for other actors to approach the consuls already demonstrates the latter’s leading role in the state. However, cases such as that of the consul C. Claudius Marcellus in December 50 BCE (who without senatorial approval charged Pompeius with protecting Rome against Caesar), suggest that it is not so evident when even the consuls were expected to act entirely “on their own.” On the other hand, each office, including even the more junior ones, such as the *triumvir monetalis* (as shown by Burden-Strevens in this volume), provided an array of powerful means to incumbents wishing to establish or enforce their political persona by becoming proactive.

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<sup>19</sup> Walter 2014b, 110.

<sup>20</sup> See, e.g., Lintott 1999; Mouritsen 2017; Walter 2017a; also Hölkeskamp 2011.

<sup>21</sup> Lintott 1999, 106.

Turning to popular initiative, the notion of private initiative has proved to be especially indispensable in the analysis of republican public order. Wilfried Nippel underlines “the inherent tension between the legal priority of the magistrate’s initiative and the immanent right of citizens to intervene” under extreme circumstances.<sup>22</sup> Scholars have appreciated the fact that the Roman state relied substantially on private initiative in any case because magistrates were simply not sufficiently numerous.<sup>23</sup> Popular collective behavior, riots, and non-magisterial political gatherings have been carefully investigated, as has the role of political leaders on all levels.<sup>24</sup> Plebeian agency has recently attracted more interest.<sup>25</sup> As Karl-Joachim Hölkeskamp sums up, in this “bottom-up” approach, the *plebs* should no longer be considered just as a passive recipient (“passiver Adressat”) but rather must be seen as an autonomous actor.<sup>26</sup> But asking more explicitly who started and who followed may give us a new perspective. Consider, for instance, a report that, in 74 BCE, the statues of the aedile M. Seius were erected in recognition of the fact that he supplied the People with a cheap grain (Plin. *HN* 18.16). Since the “statues were located in the center of the city,” they “are less likely to have been set up through a popular initiative” than those erected earlier to Gratidianus, responsible for a popular monetary reform in 85 BCE (his statutes, by contrast, were probably located in the *compita*).<sup>27</sup> The statues of Seius were, therefore, “erected on the initiative of the elite,” who did not want to lose it again to the non-elite (as had happened in the Gratidianus case) and so this time themselves “took on the active role.”<sup>28</sup> But if this initiative was a reaction in anticipation, and ahead of, the inevitable popular initiative and was aimed to fully meet (or even surpass) popular expectations,<sup>29</sup> to what extent did it remain “elite,” even though the measure as such could even be called proactive? Similarly, it has hardly ever been asked whether some “official” *contiones*, in fact, took place because private citizens acted *sua sponte*, “on their own initiative.”<sup>30</sup> In such a scenario the magistrate formally “convenes” the meeting – and this fact is what is usually

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<sup>22</sup> Nippel 1995, 79.

<sup>23</sup> E.g., Vanderbroeck 1987, 22.

<sup>24</sup> See, e.g., Vanderbroeck 1987; O’Neill 2003; Mueller 2004.

<sup>25</sup> Logghe 2017; Knopf 2019.

<sup>26</sup> Hölkeskamp 2019, 13. Cf. 29: “der *populus Romanus* spielte ... keineswegs passive Rolle.”

<sup>27</sup> Rosillo-López 2018, 83.

<sup>28</sup> Knopf 2019, 127.

<sup>29</sup> Cf. Knopf 219, n. 85.

<sup>30</sup> But cf. Virlouvet 1985, 68. For *sua sponte*, cf. Livy 34.5.3: *ut in dubio poneret utrum id quod reprenderet matronae sua sponte an nobis auctoribus fecissent* (women’s meetings against the *lex Oppia* in 195 BCE). Note also that *auctor* here clearly implies an initiator (on the terminology, see also below).

reported in our sources – yet the initiative to meet belongs not to him, but to the citizens who assembled in the first place and demanded a magistrate’s sanction (or action).<sup>31</sup> Even legislative initiative was not necessarily something that the magistrates enjoyed just by themselves. Thus, Appian claims that the members of the equestrian order asked the tribune Quintus Varius to bring forward the *lex Varia de maiestate* in 90 BCE (App. *B Civ.* 1.37).<sup>32</sup>

It is perhaps most conspicuous that references to “informal” initiative are hardly used in the debate on the political culture of the *res publica*,<sup>33</sup> even though some of the strategies available for those outside of the political class to initiate communication rather than solely to respond have been elucidated.<sup>34</sup> The significance of the “popular demands” which prompted office-holders to act has been only briefly underlined by Alexander Yakobson in relation to legislative initiatives.<sup>35</sup> In this volume, Yakobson undertakes a more in-depth analysis of the issue, while Kit Morrell and Katarina Nebelin explore in their contributions some of the incentives originating from the actors (both elite and non-elite) based outside of Rome in their attempts to influence the political agenda formally controlled by the magistrates in the city.

Turning to the Senate’s initiative, some recent work has asked explicitly and productively how senators might formulate specific proposals in the Senate,<sup>36</sup> and how the Senate as a whole operated, in active and reactive phases, at different points during the political year.<sup>37</sup> But we may widen these questions to encompass the “senatorial aristocracy” more broadly (including senatorial women, investigated by Osgood and Webb in this volume), to understand the factors

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<sup>31</sup> The hints to such a combination are not so rare in our ancient sources, see, e.g., Livy 22.7.6–8 (...*concursum in forum populi est factus ... et cum frequentis contionis modo turba in comitium et curiam versa magistratus vocaret, tandem haud multo ante solis occasum M. Pomponius praetor “pugna” inquit “magna victi sumus”*). Who “convened” the *contio* at which the praetor made his announcement? On this occurrence, see also Schmitt in this volume.

<sup>32</sup> Even though, according to Gruen 1968, 219, n. 26, “Appian’s statement, *BC*, 1.37, that the *lex Varia* was an all-out equestrian attack on the senatorial oligarchy is clearly refuted by the facts.”

<sup>33</sup> Cf. short remarks in Jehne 2011, 69–70 and Jehne 2017, 542 on *auctoritas* as the ability to take *formal* initiatives in the Senate and in popular assemblies.

<sup>34</sup> Cf. especially Morstein-Marx 2012 on political graffiti in Rome.

<sup>35</sup> Yakobson 2006, 397–8. More recently Logghe 2016, 111–2, 124–5, 138–44 has made a pronounced emphasis on the proactivity of the plebeians but he is interested in how non-elites prompted specifically the plebeian tribunes’ formal initiative.

<sup>36</sup> Bonnefond-Coudry 1989, 475–520.

<sup>37</sup> Steel 2015, 146. Cf. now also Hölkeskamp 2020, esp. 185–6, for the senators as *auctores* in the sense “originators” (“Urheber”) or “initiators” (“Veranlasser”).

which shaped the contribution towards public policy by the most senior members of the ruling elite (see Steel's contribution on consulars), to explore the agency of elite "supporters" of the major actors such as the triumvirs (see Mitchell's contribution in this volume), or to look into various "intermediate" positions between *privati* and *magistratus*. The role of magistrates-elect has been elucidated with reference to them assuming "leadership in day-to-day politics" based on their possession of some formal rights of incumbent magistrates or with reference to their informal initiative, effective by virtue of the expectation that they would soon enter office.<sup>38</sup> However, the political initiative of the holders of other "intermediate" or "transitional" positions between *privati* and *magistratus*, such as the promagistrates in the sphere *domi*, have not been investigated (see Frolov in this volume). Another possibility to go beyond the study of the political initiative of the sitting magistrates is to account for the elite actors with the potential for future political agency (the *iuventus*, as Evan Jewell has shown in a conference paper and will investigate in more detail in his forthcoming book).<sup>39</sup>

Although not hitherto a matter of special interest, the notion of initiative has nevertheless helped scholars to describe the way in which republican institutions changed at the end of the Republic. Thus, exploring the case of the tribunes Epidius Marullus and Caesetius Flavus, whose actions provoked a fierce reaction from the dictator Caesar, Martin Jehne points out that Caesar could not bear "the independent initiative of the officials who put him in a bad light."<sup>40</sup> Bleicken argued that the powers of the *triumviri rei publicae constituendae* in the sphere *domi* were not exceptionally extensive but still sufficed to retain the initiative that could be used to enforce their decisions,<sup>41</sup> while Frederic Vervaet asserts that "the *lex Titia* had temporarily transferred the *summum imperium auspiciumque*, the supreme command and right of initiative in all public affairs, from the consuls to the plenipotentiary new magistracy it had created."<sup>42</sup>

The principate, too, poses fruitful ground for discussing the ways in which political action might be initiated in ancient Rome: its very formation from Augustus on can be envisaged as a series of initiatives that "started something new." As David Potter has argued recently, when "given a choice between creating new systems and practices, or not, Augustus

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<sup>38</sup> Pina Polo 2013 & 2016 (formal rights); Frolov 2018 (informal initiative).

<sup>39</sup> Jewell forthcoming. His paper entitled "Rome's Next Generation: Youth Agency from the Late Republic to the Augustan Age" was presented at the Bielefeld conference from which this volume emerges.

<sup>40</sup> Jehne 1987, 421.

<sup>41</sup> Bleicken 1990, 59.

<sup>42</sup> Vervaet 2010, 89.

tended to go for it.”<sup>43</sup> Jean Béranger has explored the ideology of the *privatus* who takes initiative to save the Republic and Augustus’ appropriation of this idea in his *Res Gestae*.<sup>44</sup> A complex appropriation, given that, as Christopher Burden-Strevens reminds us, “the Senate’s initiative is continually emphasised” in the *Res Gestae* at the same time – a recurring note that is mimicked in Dio’s later representation.<sup>45</sup> Jean-Louis Ferrary shows that Augustus then tried to secure for himself the control over the political initiative within the city of Rome even without holding a magistracy.<sup>46</sup> However, as Yakobson argues in a recent paper on the grain shortage in 22 BCE, in the early years of the principate, the Roman crowd “apparently thought that there was still room, in the Roman state, for a real political initiative from below.”<sup>47</sup> Morrell has emphasized another connection between Augustan system and the earlier republican experience in terms of initiative: in some cases, “Augustan reforms seem to have drawn on or continued republican initiatives,”<sup>48</sup> which thereby served “as a means of anchoring innovation.”<sup>49</sup>

In what may be considered as an attempt to replicate Augustus’ methods,<sup>50</sup> Tiberius is said by Tacitus to have initiated all business through the agency of the consuls as if the old Republic still existed (*Tac. Ann.* 1.7.4). This assessment points to a contradiction between the way in which proposals were formally made and the actual leadership in the state.<sup>51</sup> The power of Augustus’ successors may be defined in terms of such control over initiative that they exercised through a range of means, including *orationes principis* – proposals in writing to the Senate. In more general terms, François Jacques and John Scheid maintain that the emperor made sure never to lose political initiative to other actors,<sup>52</sup> and Louise Hodgson speaks of

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<sup>43</sup> Potter 2019, 314.

<sup>44</sup> Béranger 1979; see now also Hodgson 2017, 221–60.

<sup>45</sup> Burden-Strevens 2020, 110.

<sup>46</sup> Ferrary 2001a.

<sup>47</sup> Yakobson 2021, 288. Cf. Hillard 2019, 320–3 (with further references) who underlines the agency of the urban populace in 2 BCE when Augustus was offered the title *pater patriae* first by the plebs (*Suet. Aug.* 58.1: *prima plebs legatione Antium missa*). Russell 2019, 331–3 refers to the episode of 2 BCE when arguing that, instead of individual senators taking initiative (their participation “was largely passive”), it was the Augustan Senate as a group that remained active.

<sup>48</sup> Morrell 2019, 26.

<sup>49</sup> Morrell 2019, 13.

<sup>50</sup> Cf. Ferrary 2001a, 118–9; Ferrary 2001b, 18, with n. 36.

<sup>51</sup> Cf. Seager 2002.

<sup>52</sup> Jacques & Scheid 1998, 108.

“Velleius’s overall depiction of the *principes* as the principal sources of political initiative within the *res publica*.”<sup>53</sup> It is, therefore, only natural that the petition-and-response model (associated primarily with Millar) of the later imperial administration has been challenged with reference to the emperor’s active initiative towards the communities throughout the Empire.<sup>54</sup> But although classical works have certainly not neglected such issues,<sup>55</sup> it is promising to clarify further the ways in which the leading role of the *princeps* worked together with the initiative of other actors, such as the individual members of the senatorial elite (see Havener in this volume) or the collective politicized sections of the wider population, especially the soldiers (see Makhelaiuk in this book). Finally, a recent volume on leadership in the fourth-century Empire provides a good example of the way in which leadership can be efficiently analyzed in other terms, with the central question being how the leaders “made use of ideology to bind people to them and thus to interact with their ‘crowds.’”<sup>56</sup> Asking how leadership could be sustained is important, but our main focus will be on appreciating the “beginning” of action as inherent in political leadership, and on the earlier stages of Roman history.

## 2. The Approach(es) of this Volume

As we can see, modern scholarship has always been interested in the political agents who were instigators of action in both republican and imperial Rome. Even a cursory glance at those studies in which the term “initiative” (or a cognate) is used explicitly demonstrates how widespread this scholarly notion in fact is (not to mention how often it is implied rather than actually used). Yet, when finding “political initiative” in a certain specific context, modern scholars rarely, if at all, problematize their own usage of the concept or compare this particular occurrence of the phenomenon with its appearance (or the lack of it) in other commensurate cases. In short, political initiative is often discussed but it usually marks the end of an analysis rather than serving as an heuristic means for further investigation. Although attempts to do

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<sup>53</sup> Hodgson 2017, 271.

<sup>54</sup> Edmondson 2015; Cortés-Copete 2017; Ando forthcoming. Cf. also Morrell in this volume.

<sup>55</sup> See, in particular, Yavetz 1969, 95 (on proconsuls vis-à-vis the emperors: “the *princeps* had decided not to tolerate any private initiative in matters of foreign policy and security”) and 20 (on the initiative taken by the crowds: “in these places [at the circus], this passive body became one that expressed itself actively and energetically”). Later Egon Flaig compared the gladiatorial games with the republican and imperial political assemblies in terms of the relation between initiative and decision. Unlike in the *comitia*, at the games, initiative rested with the audience, and the decision with the convener (Flaig 2019, 86–7).

<sup>56</sup> Drijvers, Manders & Slootjes 2020, 13.

otherwise certainly exist, they remain isolated. This fact makes a more systematic and detailed investigation of this concept and associated ideas particularly worthwhile. Therefore, as its distinctive approach, this volume proposes to proceed from – or continuously to account for – a seemingly simple question: who started, who made the “first” move, and who followed or reacted?

Thinking of “leadership” more generally, one immediately recognizes the problem, as James Burns puts it, of distinguishing “conceptually between leaders and followers” if “leadership and followership are so intertwined and fluid,” as leadership studies have established.<sup>57</sup> However, for Burns, the “resolution of the paradox” lies precisely in “the distinction between persons with unrealized wants, unexpressed attitudes, and underlying predispositions, on the one hand, and, on the other, persons with strong motivations to initiate an action relevant to those with such wants.” In other words, the “key distinctive role of leadership at the outset is that leaders take the initiative.” On this interpretation, the “first act is decisive because it breaks up a static situation and establishes a relationship.”<sup>58</sup>

The application of the concept of “initiative” to capture how political leadership operated is admittedly far from unproblematic. So, for instance, what will be considered as a “first” step and a “beginning” in a series of political actions?<sup>59</sup> To what extent may one’s initiative be determined by some previous conditions or by the choices already made by other actors?<sup>60</sup> In this sense, the difference between the proactive and reactive behavior of political agents and the appreciation of a political act as an “initial” one or as its “response” depends on a chosen point of reference.<sup>61</sup> In short, a “beginning” is contextual. However, it is possible for studies explicitly to clarify the assertions and choices which they make in this connection, to invoke the ancient assessments of an undertaking as a “beginning” only in some specific respect, or to elucidate the magnitude of responses and reactions to it, including especially those not foreseen by its initiators and those that became, in their turn, the powerful incentives for further action.

No doubt such polyvalent concepts as “political initiative” are difficult to define precisely; however, this difficulty does not automatically undermine the application of the term. Given the lack of detailed studies aiming to investigate political initiative specifically in the ancient Roman context – a gap in our knowledge which this volume will fill – I may highlight

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<sup>57</sup> Burns 2003, 171.

<sup>58</sup> Burns 2003, 172. See also Burns 2010, 29, 48.

<sup>59</sup> Cf. Timpe 1993 on the study of beginnings in history more generally.

<sup>60</sup> Cf. Burns 2010, 448–9.

<sup>61</sup> Cf. Burns 2003, 185; Burns 2010, 290, 484.

the utility of this term by turning to Athens. Mogens Hansen posited the existence in fourth-century Athens of a “separation of powers” consisting in a “separation of initiative and decision.”<sup>62</sup> Responses to Hansen’s theory have highlighted that initiative may be taken not only by an individual (as Hansen seemed to imply) but also by collective institutions.<sup>63</sup> Apparently, scholars impose different limitations – none of which are “wrong” – on the scope of the same term. Another criticism amounted to the claim that, at various points of his argument, Hansen himself takes “initiative” to mean different things, for example, “the very first step in the procedure” initiated by an ordinary citizen on the one hand, or a legislative initiative in the form of a *προβούλευμα* on the other.<sup>64</sup> While this demonstrates the need to qualify which kind of initiative is implied, the general idea behind these two more specific applications is the same: they both imply setting a political process in motion. This idea persists even in the case when initiative is taken to encompass also informal demands addressed to one who may then start a formal procedure. At the same time, the concept remains distinctive enough to legitimize its use as a scholarly term.

It is, therefore, possible and worthwhile to ask explicitly about those who start a political action, about the possibilities, technicalities, and results of acting on one’s own accord (both through formal proceedings and otherwise) in the politics of late republican and early imperial Rome. Each chapter in this volume offers a slightly different perspective – especially in their understanding of what qualifies as “political initiative” – and yet all seek to make use of the idea to differentiate between taking the lead by setting something in motion on one’s own accord and merely reacting to suggestions articulated by others. Many contributions give special attention to the significance of public office, or indeed the lack of it. Some of the contributors choose to use more actively the terms “agency” and, of course, “leadership” itself. However, they, too, are taken to refer to the general idea described above. “Leadership” – including transformational leadership as analyzed by Henriette van der Blom in this volume – is most recognizable when initiative is taken: “leaders as initiators evoke positive motives like self-efficacy from followers.”<sup>65</sup> Meanwhile, “agency” highlights proactivity, responsibility, power to affect the situation, engagement in and attunement to events, as well as the distinctive features of a political actor that allow him to go beyond the imposed set of options and overcome

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<sup>62</sup> Hansen 1981.

<sup>63</sup> Bleicken 1984 (here and below reviews are of the German version of Hansen’s work).

<sup>64</sup> Ruschenbusch 1985.

<sup>65</sup> Burns 2003, 184.



restrictions on action, with varying degrees of success. As Hannah Mitchell argues in this volume, when it comes to political action, agency is a spectrum rather than an absolute. It is also – she underlines – “a fluid concept that can be claimed and disclaimed, constructed, and performed.”

Furthermore, to “take the lead” or to “take the initiative” need not be understood exclusively in terms of concrete political or legislative proposals. The contributions in this volume take political initiative to encompass a range of types: collective and individual; personal and institutional; legitimate and unauthorized; or, in terms of procedural stage, the initial unrefined call for action in contrast to its first formally elaborated and concrete proposal (or, to use Kit Morrell’s formulation in this volume, “initiatives that merely identify a problem and those that propose a solution”). In many chapters of this collection, another important distinction becomes clear, namely that between the initiatives awaited as part of routine procedures and unusual actions disrupting the established routine, when, to borrow from Arendt, “something new is started which cannot be expected from whatever may have happened before.”<sup>66</sup> In this connection, it is especially worthwhile to turn to the question of how republican political actors coped with emergency situations (see Schmitt and Dementyeva in this volume).

Commenting on Hansen’s idea, mentioned above, of “separation of initiative and decision” in fourth-century Athens, Egon Flaig points out that such a “separation” was not of a constitutional nature and did not have anything to do with the formal separation of powers.<sup>67</sup> This hints at another important peculiarity of the notion of initiative: it may refer simultaneously to formal constitutional procedures and to the informal practice of politics. Recognizing the study of political initiative as a distinctive research approach thus allows us to integrate in a new way an analysis of the constitutional framework with the “expressive” dimensions of political culture in the round.

It is also for this reason that the volume remains fully embedded in, and, of course, relies on, the previous scholarship. The reader can easily name a number of more established research themes and scholarly concepts with which this book is inseparably connected, such as

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<sup>66</sup> Arendt 1958, 177–8.

<sup>67</sup> Flaig 2013, 262. As noted above, Flaig himself uses the relation between initiative and decision while comparing the gladiatorial games and republican and imperial political assemblies in Rome (Flaig 2019, 86–7).

“reforms,”<sup>68</sup> political communication,<sup>69</sup> legislation,<sup>70</sup> contingency,<sup>71</sup> conflicting rules,<sup>72</sup> or obstruction<sup>73</sup> – to mention just a few. Indeed, even the most fundamental principles of the functioning of the Roman political system may be reformulated in terms of agency and initiative: *intercessio* restrained the activity of magistrates under the Republic; the consular *turnus* of the *fascēs* symbolized the change of the primacy in public affairs and so “the right of initiative”;<sup>74</sup> the provisions of the *lex Porcia*, the *lex Cornelia maiestatis*, and the *lex Iulia de repetundis* affected promagistrates’ independent initiative in the provinces;<sup>75</sup> the *lex de imperio Vespasiani* confirmed the *princeps*’ leading role as a convener of the Senate meetings; and so on. How the system coped with political proactivity can also explain its change (see the contributions of Tiersch and Grote in this volume). Thinking about the system’s overall predispositions, in republican Rome, “a group which opposed action had more effective tools with which to achieve its ends than those wanting action.” And the problems of the last decades of the Republic may partly be explained by an observation that “in a system rich in reasons and ways not to take action, inertia was an ever-present danger.”<sup>76</sup>

Despite the seeming modernity of the concept of “political initiative,” our ancient authors do explicitly reflect upon what we designate by this notion. That the ancients appreciated the difference between those who stood at the beginning of a political enterprise and those actually implementing the respective measures can hardly be questioned.<sup>77</sup> Ancient historiography also makes use of varying degrees of proactivity to characterize its protagonists, as, for example, Plutarch does, depicting in his *Life of Pompeius* “a man to whom things happen, and he lets them,” “politically inert,” unlike his rival Caesar.<sup>78</sup> Discerning political initiative in our sources is an interesting research question which also merits a more explicit interrogation than it has hitherto enjoyed.

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<sup>68</sup> Walter 2011.

<sup>69</sup> Rosillo-López 2017.

<sup>70</sup> Walter 2014a; Walter 2017b.

<sup>71</sup> Kirov 2010.

<sup>72</sup> Lundgreen 2011.

<sup>73</sup> Obstruction (on which see now Görne 2020) may be seen as the opposite of initiative.

<sup>74</sup> Vervae 2014, 36–8.

<sup>75</sup> Bleicken 1990, 30–1; Dalla Rosa 2003, 200–1.

<sup>76</sup> Steel 2015, 152.

<sup>77</sup> Cf., e.g., Asc. 70C: *non auctorem fuisse dandi – nam id erat levius – sed ipsum etiam dedisse dicit.*

<sup>78</sup> Pelling 2002, 100–1.

Consider, for instance, the idea that a magistrate possesses the ability to make a decision without consulting somebody else (at least when circumstances make this consultation impossible), while a non-magistrate lacked such a freedom, even if he, too, is endowed with the political power or important military command. It is in these terms that Caesar compares independent *imperium*-holders and legates: “A legate’s responsibilities differ from a general’s: the former should do everything according to his instructions, whereas the latter should himself decide freely in the general interest.”<sup>79</sup> This ability to reach decisions independently according to one’s own understanding of the situation is, first of all, a characteristic of a magistrate (and *mutatis mutandis* the emperor?), but other actors may occasionally be able to seize initiative that magistrates were supposed to have. There are, however, important limitations to this. To proceed with the example of legates, we may turn to the tradition on the Battle of the Caudine Forks in 321 BCE. The legate Lentulus saved the day by exercising initiative, but this became possible in the first place because the consuls had been unable to act the way they should have.<sup>80</sup> It was the lack of initiative on the part of magistrates that opened up new possibilities for other parties, as especially the traditions on the active interference of *privati* in political processes (sometimes instead of and better than magistrates) demonstrate. Thus, a famous example of P. Cornelius Scipio Nasica comes to mind: in 133 BCE, he was a *pontifex maximus* but technically still a *privatus*.<sup>81</sup> The consuls remained inactive, and so Nasica took the lead in their place. On the other hand, the lack of action, the decision to avoid any initiative, could also serve as part of a political agreement or be a sign of a calculated strategy rather than that of political failure. The examples are the “acquiescent consul” P. Mucius Scaevola in Nasica’s year 133 BCE, and “in an earlier generation the *quies* of Sp. Carvilius when his colleague Fabius Maximus was opposing the Flaminius land commission.”<sup>82</sup> However, if such inaction is forced upon a magistrate rather than preferred by himself, our ancient sources may even liken his situation to a deposition from office.<sup>83</sup>

Cicero famously legitimizes Octavian’s decision to act *privato consilio* on the very grounds that the current magistrates were failing to take the initiative (e.g., Cic. *Phil.* 3.5), while Velleius points to the lack of courage (*animus*) on the part of the Senate and Octavian’s

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<sup>79</sup> Caes. *BCiv.* 3.51.4: *aliae enim sunt legati partes atque imperatoris: alter omnia agere ad praescriptum, alter libere ad summam rerum consulere debet.*

<sup>80</sup> Haimson Lushkov 2015, 68–72, 78–9.

<sup>81</sup> Hodgson 2017, 227.

<sup>82</sup> Powell 1990, 459.

<sup>83</sup> See, e.g., Frolov 2019.

possession of that quality (Vell. Pat. 2.61.1).<sup>84</sup> Used to describe the reversal of the usual roles of *magistratus* and *privati*, the notions *privato consilio* and *animus* underline some important components of initiative, such as taking the risk and making a free choice.<sup>85</sup> The freedom to follow one's inclinations (*voluntas*) is invoked by Cicero as a privilege of the senator, who is asked for his opinion after the *primus rogatus* because, unlike the latter, the second one who speaks is not so obliged to the presiding magistrate's benevolence (Cic. Att. 1.13.2).

To expand just a little this list of (Latin) terms, apart from *sua sponte* (*agere*) or *privato consilio*, such notions can be mentioned as *auctor*,<sup>86</sup> *sumere*,<sup>87</sup> *incitare*, *princeps* (in the context of senatorial deliberations under the Republic, but also naturally relevant in the case of the imperial *principes*<sup>88</sup>), *arbitrium* (with reference to the soldiers' own decision to interfere in high imperial politics, as demonstrated by Makhelaiuk in this volume), or, indeed, *rem publicam capessere* (the term used for republican women's political initiative, as shown by Webb in this book).<sup>89</sup> It is especially worthwhile to analyze the labels that our sources prefer to apply to the agents who were not expected to act at all. Thus, using (*bellum*) *sua sponte gerere*, Cicero explains how a promagistrate was acting on his own, without the proper preauthorization (*Pis.* 50: *iniussi populi Romani aut senatus*). Discussing what would have happened if he himself, albeit just a *privatus*, still actively defended himself against the magistrates who were forcing him into exile, Cicero contemplates that in such a case “the honest ones would have defeated the wicked, the brave men the inert,” but a tribune's blood would have been spilled without any public authorization.<sup>90</sup> One could try to legitimize the unusual leading role of a *privatus*, but such a legitimization came at considerable cost and effort.<sup>91</sup> In this connection, this volume additionally demonstrates how sophisticated, perhaps, even “modern” many aspects of leadership in Rome were.

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<sup>84</sup> Béranger 1979, 317–20; Manuwald 2007, 336.

<sup>85</sup> On *consilium*, and especially *privato consilio*, as a reference to a capacity to take initiative, see Hellegouarc'h 1963, 254, with n. 5, 256. On Octavian's acting “on his own instigation,” see Hodgson 2017, 224.

<sup>86</sup> Cf., e.g., Jehne 2011, 69–70: “*auctor* ... ist der Initiator von Entscheidungen wie ein Senator im Senat”; Hellegouarc'h 1963, 306, 320; Santangelo 2013, 744 (“*auctor* does not just mean ‘initiator’; it may apply to anyone who promotes, champions and vouches for an initiative or cause”); Hölkeskamp 2020, 185–6.

<sup>87</sup> Béranger 1979, 320.

<sup>88</sup> Hellegouarc'h 1963, 327–8, 335.

<sup>89</sup> See also Mitchell's note in this volume on the ancient terminology “akin to our understanding of agency.”

<sup>90</sup> *Sest.* 43: *contenderem contra tribunum plebis privatus armis? vicissent improbos boni, fortes inertis ... quin ille sanguis tribunicius, nullo praesertim publico consilio profusus*. Cf. *Dom.* 91; *Planc.* 88.

<sup>91</sup> Cf. Hodgson 2014, 260; 2017, 233–8.

Looking at the terminology of our ancient authorities is only one of the concerns of the present book; but this example should suffice here to argue that thinking about “taking the lead” as first and foremost an ability to begin something new in politics may serve as a powerful heuristic means: it points to new ways of connecting, and making sense of, our often fragmented evidence.

As the reader may find themselves thinking at this point, the scope of our vision may seem at first sight broad and diffuse, and the collection accordingly heterogeneous. However, the range of the political phenomena and events under investigation in this book is by no means incidental. It allows for an analysis of a rough but representative selection of all attested instigators (both individual and collective) of major political actions in ancient Rome and the respective types of initiative, from both the “top-down” and the “bottom-up” perspectives:

(1) magisterial and imperial initiative (junior magistrates, plebeian tribunes, consuls, dictators, *interreges*, the first emperors);

(2) individual non-magisterial elite initiative (influential women, individual aristocrats, consulars, military commanders);

(3) collective initiative (senators, “the People,” women as a group, soldiers, provincials).

By focusing on each of these actors and types of initiative, the contributions in this book offer insights into how office, social status, age, gender, distance, place, the respective sphere of political action, and one’s position in relation to the republican *cursus honorum* or to the emperor affected the prerequisites, modes, efficiency, and repercussions of “taking the lead.”

This collection also proposes to chart developments over time: for example, the political initiative of women in the late Republic compared with the same phenomenon in the early Empire. The choice of these two consecutive periods, with their more fluid and more complex political situation,<sup>92</sup> serves best to challenge what remains a standard approach to political initiative and leadership in Rome.

Although not claiming to offer a comprehensive redefinition of the history of late republican and early imperial Rome as histories of political initiative(s), this volume aims to address the gap in our understanding of how the ability (or inability) to set a political action in motion resonated in the critical moments and processes of Roman history especially from the following perspectives: the “expressive” side of political culture, office-holding, provincial

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<sup>92</sup> The late Republic is characterized by the rise of political actors previously unnoticeable (Walter 2014b, 111), while the early principate can be said to witness a further “explosion of voices” in the public sphere and the “astonishing politicization of the previously silent” (Ando 2011, 61).

administration, coping with emergencies, modes of political communication, military command, upholding and enhancement of one's status, power relations between the elite and "the People," and inter-elite competition.

### **3. The Scope of this Collection**

This volume issues from the findings and discussion of the conference "Taking the Lead in Late Republican and Early Imperial Rome: Office, Agency & Initiative", held at the University of Bielefeld in July 2019, and has been supplemented with several important contributions to complete the eight Parts into which it is now arranged. Each part focuses on one thematic aspect, addressing in many cases both the republican and early imperial material: Locating Political Initiative in Republican Rome (Part I); Seniority and Status as Factors of Political Agency (Part II); Women's Initiative in Roman Politics (Part III); Political Initiative in Emergencies (Part IV); Leadership at a Time of Change (Part V); Fighting for Initiative (Part VI); Political Initiative Outside of Rome (Part VII); and Political Initiative and Leadership in Military Contexts (Part VIII).

**Part I** ("Locating Political Initiative in Republican Rome") focuses principally on republican Rome and essentially asks where political initiative lays. Since this Part assesses the various *loci* of political initiative in republican Rome in general, including discussion of the institutional structures and the peculiarities of the "expressive" side of republican political culture (touching also upon the early Empire), it serves as a theoretical point of departure for the volume as a whole. Part I also urges the reader to differentiate between political initiative as an informal initial demand and as an articulated formalized proposal.

**Karl-J. Hölkeskamp** shows the fundamental constraints and limitations imposed on political initiative in republican Rome. This contribution elucidates the leading role of the public officials as initiators of political action, but at the same time underlines that magistrates' leadership depended on whether the other side was present (including physically present) and accepted such a leadership. This chapter powerfully insists on the understanding that, in the Roman Republic, political initiative was normally expected from magistrates, and that taking the lead was their job indeed. On the other hand, emphasizing the dependence of magistrates on the active participation of their "spectators" in a process of communication, Hölkeskamp implicitly opens up the questions of under which conditions, in which contexts, to what extent, and how often the political participation of the mass of "(spect)a(c)tors" could transcend their usual passive role. In other words, this chapter not only clarifies what would under normal circumstances have been the expected pattern, but also identifies where to look for exceptions

from, transgressions of, and challenges to the republican system. Finally, this contribution provides a comprehensive presentation of the *loci* and physical spaces of political initiative in Rome, many of which are the matter of analysis in the subsequent chapters.

**Alexander Jakobson**'s contribution complements that of Hölkeskamp by focusing more on the other side of the medal. Although Jakobson agrees that legitimate political initiative in the Roman Republic had to come "from above," from elected officials, he underlines that wider public opinion had various ways of influencing and prompting members of the political elite to initiate policies that enjoyed public support. This chapter begins with this differentiation between what may be called "formal initiative" and informal, unofficial, or simply "political initiative." By investigating several cases of popular pressure on republican politicians, Jakobson shows under which conditions it might take place, such as the pronounced support from all the ranks of citizens rather than just one specific group. This chapter also sets out two general issues explicitly treated by many other chapters in this volume and which must be recognized from the beginning if we wish to approach leadership by using the notion of initiative. First, in the examples analyzed by Jakobson, the "very first step" is elusive. It is not entirely clear whether popular initiative or the moves on the part of public officials stood at the "beginning." A tentative answer is possible, but it depends on the selected set of criteria and the point of departure. It is also feasible to trace at least some major steps in the process of mutual reinforcement and adjustment of popular and formal initiative. Jakobson calls this a "mixed model of political initiative." Secondly, while showing the ways in which the formal initiative of magistrates and informal initiative "from below" became interdependent, Jakobson points to the significance of the initiative of members of the elite who were not magistrates, thereby foregrounding the matters under investigation in the next part of this volume.

**Part II** ("Seniority and Status as Factors of Political Agency") explores some of the major factors that determined the extent to which an (elite) individual could successfully influence the political agenda in Rome. The contributions in this Part also elucidate how different the methods of taking the lead were, depending on the social status and seniority of the actor in question.

**Christopher Burden-Strevens** explores the possibilities which holding the moneyship provided to the young members of republican elite who had not yet held a magistracy. What determines the significance of a study of the *triumviri monetales* in the context of this volume is as yet not sufficiently recognized extent to which the masters of the mint could interact with political initiatives on the ground by using their coins for or against "a *specific proposal* rather

than simply promoting themselves or their families.” The lack of literary evidence on the *triumviri monetales*, the issues with determining their age, and the closely connected problem of dating their coins are all significant obstacles but they do not undermine the possibility for a plausible argument. By focusing on Catiline’s conspiracy, the electoral crises of 55–52 BCE, and Caesar’s dictatorship and its aftermath, Burden-Strevens demonstrates that the contemporary coinage was directly connected with these major controversies. Moreover, although we will never know the extent to which the *triumviri monetales* were independent in determining the designs of the coins, a glimpse into their subsequent careers suggests that there was a strong correlation between later success and having one’s own strategy in mind while being a master of the mint. What this chapter also highlights is the significance of the active support of an already existing political initiative. Even though the *triumviri monetales* apparently did not advertise the proposals of their own, they might contribute to the momentum and ultimate success (or failure) of what their elders and betters had proposed. Thus, the most junior republican officials happened to be in control of a powerful and distinct political tool, not immediately available even to the leading, senior members of the Roman elite.

By contrast, **Catherine Steel** analyzes the ways in which the Roman most experienced politicians – ex-consuls – could bring about change in policy. Surveying the possibilities for office-holding after the consulship both before and after Sulla (prorogation, the censorship, priesthoods, special commissions, appointment as the *legati* in the senatorial embassies and to *imperium*-holders), Steel observes that, although a number of official positions could be considered by consulars willing to stay active in politics, not each and every such an office required “innovation in policy,” that causal relationship between leadership and office did not necessarily flow from the position to leadership, and that the role of consulars’ individual ambition should be considered against the observation that the demand in consulars’ service seemed to be high, reducing the choice by the Senate and People. After Sulla, the new ways for the most powerful consulars such as Pompeius to secure for themselves the extraordinary *imperium* in practice reduced leadership possibilities available to the wider circles of consulars: even if they could continue to be involved in the “active service” by occupying prominent official positions, they were now often subordinated to the program or vision of another consular. The observations in this chapter may be taken to suggest that even the Republic’s strong demand in the experience and prestige which consulars accumulated did not necessarily secure for the latter opportunities to pursue an individual course of action. Although consulars themselves can be seen as a distinct and limited resource, their opportunities to take political initiative were not secure.



**Part III** (“Women’s Initiative in Roman politics”) takes up the case of the combination of women’s lack of public office with their nevertheless distinctive agency in politics. Although the topic has witnessed an ever-growing interest, this Part proposes to focus more specifically on the ability of women to articulate and enforce new policies and previously unestablished solutions, thereby contributing to the agenda-setting in Roman politics both under the late Republic and the early Empire.

**Lewis Webb** opens this part with an investigation of female interventions in politics in the *libera res publica*. Similarly to Yakobson’s approach to the Roman People at large, Webb thus focuses on agents who could not personally hold offices and commands but were able to influence those who could. The proactive engagement of women in politics is certainly visible in the last century of the Republic. But this was not *novitas*. Although we may suspect that our ancient authorities elaborated artificial precedents of specific female interventions in Rome’s distant past, this chapter shows the way in which a number of formidable and legitimate structures (the *ordo matronarum*, *coetus*, and religious roles) and their practices (pleas, *beneficia*, and *consilia*) made the engagement of (elite) women in politics plausible even before the influential generation of senatorial women active in the 60s–30s BCE. Moving beyond the more researched domestic contexts of women’s political participation, Webb shows that on a number of occasions the ability of women to start politically relevant action – apparently without being told to by men and without their direct control – is manifest. What is more, for instance, the *ordo matronarum* as an organized social network, the *coetus* as meetings of married women, and their decisions and delegates were reportedly respected and recognized by the Senate and magistrates at least from the middle Republic onwards. This suggests that the later interventions such as Servilia’s famous *consilia* of 44 and 43 BCE were not unique or entirely unprecedented. As the reader of this contribution may conclude, there was nothing new in late republican women proposing to do something new which other political actors did not or could not voice themselves.

**Josiah Osgood** turns to an analysis of how elite women maintained their power in the principate and helped to shape the new politics of the period. Just as Webb shows continuities in the political proactivity of women between the middle and the late Republic, Osgood sheds light on such continuities between Republic and Empire. Although benefitting from unprecedented influence, so-called “imperial” women ultimately remained “senatorial,” making use of the accumulation and display of wealth and honor, the exercise of power through proxies and patronage networks, or speaking on their own behalf in the Senate. So Munatia Plancina was able to build her own networks and wealth while touring the East with Piso after

his appointment as governor of Syria in 19 CE. Thinking about the levels of proactivity, the discussion of what should be done about Claudius as the Games of Mars of 12 CE approached clearly demonstrates that Augustus responded to female initiative, which concerned the familial and, at the same time, political interests of influential women: Livia herself but also Urgulania. Not only would we expect Roman women of the senatorial class to do this, but also apparently the Senate did, too, as suggested by all the honors it decreed to Livia, including posthumously. As Osgood concludes, women – competing with each other but, above all, upholding their position as a group in Roman society – “were able to take initiative”, and “we are dealing with something more than influence behind the scenes.”

**Part IV** (“Political Initiative in Emergencies”) continues our observations on the peculiarities of specific actors who take the lead but shifts the focus onto those pressing or severe political circumstances which especially called for action, and often innovative or unusual action. Part IV poses three questions: how did the Romans cope with crises by taking initiative, with whom did that initiative rest when regular political leadership happened to discontinue, and how the later sources reflected this experience?

Connecting the middle and late republican periods, **Tassilo Schmitt** analyzes Q. Fabius Maximus Verrucosus’ dictatorship of 217. It was a response to the catastrophe at Lake Trasimene, in which the consul C. Flaminius and his army were defeated by Hannibal. Apart from immediately providing for the defense of Rome and organizing a levy, this dictatorship was mainly aimed at the restoration of the *pax deorum*. However, Fabius took unexpected initiative in that he exercised his office as a supreme military commander, going far beyond the task initially entrusted to him, and offered an alternative to the previously used strategy of active warfare. Schmitt demonstrates the ways in which this initiative was being formulated by Fabius (who himself first did not rule out a decisive battle), blocked by the Senate in 217 (through the appointment of a co-dictator), and eventually adopted after Cannae as the only possible approach, becoming now a strategic maxim. But, most importantly, Schmitt explores the stages and methods through which the later tradition redefined what essentially had been an individual, “self-willed” initiative, transforming it into the decision duly and fully accepted by the Senate from the very beginning. Moreover, it came to be represented by the annalists as an example of the ancient Roman *mores*, whereby the consul Flaminius, who had been following the then fully established strategy, now looked like a careless innovator. This chapter thus discusses several paradoxes of the political initiative at Rome, which the emergency of 217 allows us to grasp, such as that initiative could be formulated unexpectedly, even for the actor himself, that it could

amount to inaction (*cunctatio*), and that an innovation could be re-defined by the later tradition as a long-established tradition.

For an emergency caused by the discontinuity of executive power, the Romans developed an institutionalized way out: the *interregnum*. **Vera Dementyeva** shows that in late republican political practice, many political agents other than the *interreges* themselves were proactive, including the senators and the plebeian tribunes. This is probably one of the reasons which compelled modern scholars to argue that the *interreges* lacked *imperium* and – as some insist – even magisterial status. However, this chapter shows that this was not the case: being magistrates in the full sense, *interreges* had *imperium* and other powers. Going back to the archaic regulations, those powers were fully operational and by definition secured the ability to take formal initiative. Dementyeva demonstrates how this full formal capability to substitute the consuls still did not prevent the dependence of *interreges* on other actors, including individual elite non-magistrates and the collective non-elite, who were able to compel *interreges* to act or, the other way around, blockaded their endeavors. Elucidating the relation of formal and informal initiative, this chapter demonstrates the way in which unfolding the potential of an ancient office's inherent formal powers in the crisis situations of the late Republic could, in fact, go hand in hand with that office's loss of independent initiative.

**Part V** (“Leadership at a Time of Change”) focuses on a particular period in Roman history: the years after the Ides of March and the triumviral period. This part offers three case studies which examine how the fundamental transformation of traditional practices compelled political actors to apply new strategies when taking the lead.

Even at the end of the republican period, Roman politics continued to operate in many cases as if in a face-to-face society (see Hölkeskamp's contribution), but long-distance political communication acquired an ever more prominent standing in the actual process of information dissemination, deliberation, negotiation, and decision-making. By analyzing epistolary leadership through the lens of the “transformational leadership model,” described in modern studies on professional management and communications, **Henriette van der Blom** shows how one political agent could prompt another to act despite the distance separating them. This analysis of the changing modes of leadership at the end of the Republic helps us to understand how initiating a political move in Rome could influence the decisions of powerful actors in the provinces, and vice versa. This chapter also explores the conditions under which leadership could come into existence, demonstrates the constant shifting between the role of a leader and that of a follower, elucidates the progressing divide between the sphere for political action in the city of Rome and that in a military camp (as well as the techniques used to overcome this

divide), and shows how transformational leaders from among the elite were able or attempted to exert their influence at a distance, not only on their peers but also on their followers at all levels. Finally, by posing the question of how leadership functioned when the city of Rome ceased to be the only locus of significant political initiative in the Empire, this chapter helps to connect the analyses in this volume of the similar ways in which leadership and initiative could be demonstrated in the *libera res publica*, the intermediary period, and the early principate.

**Hannah Mitchell** continues the investigation of the changes in leadership practices in the outgoing Republic by asking about limitations and opportunities for elite agency under the triumvirs, focusing on non-routine political action and on “more informal contexts in which political agency was exerted.” The new reality made elite initiative difficult, but it did remain possible even in the direst times of proscriptions. Furthermore, aristocrats’ exercise of agency was not limited to opposition or disobedience, it could also be cooperative. Important new opportunities for individual independent action were created, such as those prompted by the triumvirs’ dependence on the high-profile intermediaries who could conduct negotiations of treaties and peace deals. There was room for the initiative of others already because the triumvirs “could not be everywhere and could not control every practical decision.” Our ancient evidence – despite its focus on the triumvirs’ arbitrary exercise of power, on the rise of Octavian, and on military matters – occasionally allows us to grasp the ways in which claiming or disclaiming agency served to justify one’s actions after the event. It is also possible to glimpse into the use of the “arguments about agency” by those members of the elite who were striving for new responsibility and honors. This chapter reveals that, under the triumvirs, elite agency was a rich spectrum between the two poles of “triumviral lackeys and irreconcilable military opponents” and that the elite “was still resistant to being treated as though they could be given orders.” The emphasis on agency and initiative thus allows us to see a significantly more complex and dynamic picture of decision-making and political communication than the one which the surviving ancient narratives seem to provide on first inspection.

**Roman Frolov**’s chapter closes this part with an analysis of Cassius Dio’s description of an important Senate meeting in early 32 BCE, in which Octavian participated and which followed one of the most prominent occasions of elite exercise of agency in the triumviral period – the consul Sosius’ attack on Octavian in the Senate on the first day of 32 BCE. Dio’s description of Octavian’s subsequent performance in the Senate can be used to reinforce mutually exclusive views on the latter’s formal position, because the details Dio provides are in this respect ambivalent. While other pieces of evidence do suggest that Octavian formally was a promagistrate at the time, Dio’s passage tells us more about the changes in terms of

political initiative and proactivity, passiveness and response. These ideas underpinned the Roman understanding of magisterial power and the place of *privati*, including promagistrates, within the world of city politics. Despite being recognized public officials, promagistrates were not expected to be proactive in the sphere of domestic politics in Rome. For example, they could attend the Senate but it was not their job to define the agenda of the meeting – precisely what Dio’s Octavian did in a most powerful way. But neither was Octavian the first promagistrate to do so, nor was Dio the only ancient author who recognized the problem and described it in terms of the consuls’ *ad hoc* loss of initiative to proconsuls, who took on the role of leading actors in the state. Thus, Dio’s passage elaborates on how initiative, and therefore power, could be separated from the magistracy.

**Part VI** (“Fighting for Initiative”) offers a wider view onto the ways in which claims for leadership could be contested, undermined, and put to the test. What happened if the agency and the projects of various actors, all of whom were potentially able to control the agenda, should collide? Offering a more generalized perspective, this Part asks what potential there lay within conflict for establishing new policies, articulating transgressive proposals, and developing new techniques of overcoming resistance and, the other way around, of preventing someone else’s initiative.

**Oliver Grote** resorts to Niklas Luhmann’s theory of social evolution to investigate the ways in which rivalry and conflict in the late Republic established or expanded possibilities for political action. The example of the Gracchi is especially instructive for understanding the ways in which a prominent actor could lead a political system to its limits. Although the Gracchi were eliminated, they opened up new possibilities for the incoming actors to consider. Grote highlights the increasing phenomenon of “juridification” in Roman politics, especially from the time of the Gracchi onward: as the political process failed to satisfy the needs of major actors, they turned increasingly to legislative means to solve political disputes. The senatorial counter-measure to such innovations, namely the quasi-legal *senatus consultum ultimum*, is an inextricably related part of that development. Such a process may be described in terms of systems theory, in which social evolution is envisaged as consisting of variation, selection, and restabilization. New Roman political methods and alternatives which were themselves first initiated under some specific conflict constellation before undergoing selection and restabilization, then went on to cause further conflicts, thus promoting change in the Roman political system. This long process of crisis and change in the late Republic is often addressed in terms of Christian Meier’s description of a “crisis without alternative,” yet Grote demonstrates that we ought rather to think of “alternatives through crisis”: the paralysis of

traditional means of conflict resolution generated new means of addressing them which, for good or ill, became integral parts of the practice of politics in the last century of the free Republic. Finally, as Grote reminds us, the selection of variation could only occur if several separated (sub)systems in the political sphere coexisted that could not easily hinder each other. Indeed, the Senate could hardly prevent tribunes from passing a law, while the tribunes could not effectively bar the Senate from adopting a *senatus consultum ultimum*. If so, this might suggest that the republican system, in fact, still allowed the initiatives that could effect genuine change.

In a continuation of this trend to explore long-term changes, **Claudia Tiersch** focuses on the Senate and reviews the stages of its gradual loss of leadership in the citizen community. The Senate's policy essentially amounted to upholding its own socio-political standing and to do it mainly by resisting the political initiatives of ambitious individuals. This reactive and self-centered policy of those who controlled the Senate often proved to be successful in the short term but led to the narrowing of the scope of action available to the senators in the long term. In particular, the Senate's fierce reaction to other actors' unwelcome initiatives led to the militarization of the political space – something with which the Senate as an institution was least prepared to deal. This, together with the weakening of the social connections with its supporting groups, the unpreparedness to integrate politically the newly enfranchised Italians already prominent in the Roman army, and other factors ultimately led to the Senate's "losing the lead." Tiersch points out that the principate was based on the emperors' success but also continued to be dependent on the Senate's failure to go beyond the narrow interests of its leading members. This chapter thus emphasizes the long-term effects of a strategy to prevent initiatives needed to tackle the concerns of a citizen community as a whole.

**Part VII** ("Political Initiative Outside of Rome") grapples with the essential, but often under-emphasized, fact that initiative rested not only with officials in the city of Rome, but also with actors from outside the city in different senses, ranging from those who were refused their role within legitimate political structures in the city of Rome to those who were not Roman citizens in the first place (or had been enfranchised just recently).

**Katarina Nebelin** asks essentially in what way, if at all, the rural population of Italy were able after the Social War to initiate a movement that could become visible to the extent that it might even influence decision-making in Rome. Shifting away from a more traditional focus, Nebelin aims to elucidate how the agency of the local population at Faesulae affected the last stage of Catiline's political endeavor in 63/62 BCE. With all spontaneity and violence of this movement, the insurgents (the core group consisting of Sulla's veterans) relied on established

military organization and even tried their chances in addressing a legitimate *imperium*-holder – the proconsul Q. Marcius Rex – to make their concerns known to those in Rome. Interestingly, the proconsul replied, but the insurgents did not follow his “advice” and instead submitted to Catiline’s leadership. Nebelin identifies several reasons for this choice, such as the combination of Catiline’s physical presence at Faesulae and, paradoxically, the insurgents’ acceptance of internalized social hierarchies, in terms of which Catiline was still a figure to follow. But since his position as merely a *privatus* remained a problem, another factor contributed significantly: Catiline’s situation resembled the insurgents’ own, and this is a key explanation for what the sources describe as their mutual trust, interdependence, and unparalleled loyalty. As this chapter may be understood to argue, in such a constellation, the agency of the “followers” remained no less decisive as that of the “leaders.”

Prompting Rome to take action is also the matter of **Kit Morrell**’s contribution. While studies have not neglected embassies and petitions organized by provincial communities to address their desired ends, the focus in this chapter is on those initiatives which called on Rome to act in a *specific* way, with the requests concerning “not only the desired outcome, but also the means by which Rome should bring it about.” These requests from individual communities could even drive regulatory change of general applicability throughout the Empire and not merely in the locality concerned. The language of many of these requests, often attested in inscriptions, suggests that some leading individuals in the provinces did not idly wait for the Roman administration to propose solutions to local issues; rather, they had a solid understanding of Roman law and administrative procedure, and themselves took the initiative in tabling their proposals accordingly. Morrell cautiously admits that, in some cases, the initial idea – or the final shape of a request – might have been, in fact, devised by the Roman elites who were able to manipulate “provincial” initiatives. But even if sometimes so, it is indicative that the Roman decisions were worded officially and explicitly as *responses* to the suggestions coming from outside of Rome. In combination with “the Roman tendency to continue or adapt local administrative and fiscal arrangements” and “the willingness of Roman commanders to take advice from local leaders,” this acknowledgment of provincial initiative suggests a kind of cooperation and exchange that enriched the actual agenda of Roman imperial governance, in which Morrell thus identifies a “consultative dimension.”

**Part VIII** (“Political Initiative and Leadership in Military Contexts”) closes the volume with observations on the interaction between politics and military leadership, drawing more than other parts of the book on the early imperial material. This latter fact is in itself telling. The political relevance of the army and of the organization of provincial commands since

Augustus has long been at the center of scholarly attention; but it is worthwhile to investigate what exactly the political initiative of the masses looked like when its locus further shifted under the principate into a military camp. As for military leadership, although normally not directly connected with political decision-making, taking the lead as a commander undoubtedly had political implications for the self-representation of a *princeps* or a member of the senatorial elite.

**Alexander Makhlaiuk** opens this part with a study of “the army as dynamic social units capable of independent agency in the political realm.” In addition to the soldiery’s collective agency – visible especially in the acclamation and succession of emperors – our ancient authors elucidate the magnitude that the initiative of individual soldiers could occasionally attain. In this connection, Tacitus is particularly interesting, giving voice and, significantly, names to some lesser actors who instigated mutinies and military unrest. This chapter reminds us once again of the “chicken-or-egg conundrum” of the leader-follower relationship. But even if a coup d’état was largely prompted by a high-ranking commander, to become successful it still needed proactivity on the part of common soldiers at some stage. Turning to the independent initiative of the non-elite *auctores seditionis*, Makhlaiuk mentions its often spontaneous nature at earlier stages. This spontaneity marks an interesting contrast because, as other chapters in this volume show, the initiative of individual members of the elite often rather depended on the ability to plan and predict from the outset. But most importantly, Makhlaiuk explains the capacity of soldiers to act on their own by emphasizing their qualities which were essential after the initial outburst had subsided: self-organization and “a responsibility that can be qualified as civil in a broad sense.” Remaining a “citizenry in arms” – including under the early principate – the Roman army “could take initiative and possessed the will and means to adjudicate their *sententia* or *iudicium militum*, so that their *arbitrium* was not a mere unreasoned arbitrariness but rather a rational choice.”

**Wolfgang Havener** begins with the observation that Augustus appropriated all military accomplishments across the Empire because “the complete and exclusive control over the military sphere in all its forms” was an important foundation of his and his heirs’ sovereign position. But the problem was that senatorial commanders still had to be proactive and to make independent decisions in the field, while the *princeps* – if he did not want to alienate the senatorial elite – was forced to provide them with some possibilities both to distinguish themselves in the campaign itself and to present their success to the Roman public. Havener focuses on the latter aspect and thus on military agency as a discursive phenomenon. Containing three case studies, this chapter points to important paradoxes, inherent in the new system and



affecting its development. For example, the *clades Variana* – the staggering defeat of P. Quinctilius Varus in Germania, leading to the loss of three Roman legions in 9 CE – elucidates a contradiction between the *princeps*' claim for the ultimate control over the military sphere and his need to explain a military defeat for which he would rather not take responsibility. This was a difficult task, but as Havener shows in detail, Augustus found a way out by manipulating the presentation to the public of what we call here agency and initiative in “the constant fight for a prerogative of interpretation.” This and other case studies in this chapter tell us no less about how senatorial commanders coped with these same paradoxes. The parties engaged in this complex communicative process had to develop together a concept of military agency that “proved stable enough to determine certain basic rules as well as being flexible enough to unite potentially divergent interests.”

On a final note, the chapters in this volume are focusing on a wide range of political agents in varying circumstances – and not unintentionally so, as we aimed to take into account the major directions in which taking the lead by being proactive may be expected. But in fact, not everywhere even in this promising “sample” do we easily recognize the leadership based on the ability to make the first move and acting “ahead of the curve.” While all contributions elucidate the significance of these components, they also seem to show that the actors in question often failed to be proactive, including when it was most needed. Therefore, initiative seems to be a precious and rare “resource” indeed, for which even the most successful politicians, groups, and institutions had constantly to compete and which they certainly did not control “all the time.” The ingenious planning, careful preparations, talent, and luck of a strong individual; the spontaneous and potentially unstoppable power of self-organizing and often armed “common people,” on whom the Empire’s very existence depended; or even the long-established political culture facilitating and promoting the prestige, competence, and competitiveness of the elite: all this could not alone guarantee that the respective actors would be able to make the first move and so to take the lead. Even when something like this did happen, it did not mean automatically that the undertaking in question was what that leader designed just by himself or even actually wanted. Many chapters in this volume also discuss what was going on “around” initiative, whereby providing further insights about the latter. For example, we may consider active and distinct support as initiative on its own or as a response. But the point is that any initiative depended on what happened after, and a leader’s decisions – on his predicting the possible reactions of other actors.

However, the sometimes elusiveness of the phenomenon under investigation here, the fact that the contributions in this volume do not find it “in each and every corner,” may be a good sign, pointing to the heuristic capacity of the approach. It is hoped that this volume will instigate further discussion of how leadership and initiative shaped ancient Roman politics.

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**Part I:**  
**Locating Political Initiative in Republican Rome**



# Governing a City-State. Magistrates, Assemblies, and Public Space in Republican Rome\*

*Karl-J. Hölkeskamp*

## **Abstract**

“Taking the lead” in the Roman Republic seems, at first sight, to have been a strict and tightly controlled process of decision from above. Magistrates gave orders, published decrees, and handed down judgments. However, at a closer look it becomes clear that leadership by formal and informal magisterial action regularly took the shape of initiating a communicative interaction between the magistrate on the one hand and on the other hand the Senate as a body, a formal assembly, or a *contio*. In the political culture of a Mediterranean city-state, this interaction was direct, face-to-face, and took place in reserved spaces of the sacral political landscape. The actual physical “co-presence” and in fact the active participation of the citizen body as an audience were integral to this process. The man in the Roman street was always more than a mere “spectator” in the narrow sense of the concept – he was regularly an “integral interlocutor in the community’s ritual dialogue,” even a “co-actor.” The Roman culture of spectacles developed a complex system of sets and spaces as stages, leading and supporting roles, in which actors and audiences permanently interact and, in a way, even change roles in a drama about Rome.

## **Keywords**

magistrates, assemblies, public space, communicative interaction, immediacy, visibility, co-presence, participation, consensus, acceptance

At first sight, governing by “taking the lead” in the Roman Republic seems to have been a strict, tightly controlled, one-way and top-down business. However, though leadership in politics and war was indeed vested in institutionalized roles of prominence, namely the (senior)

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magistracies, actively “taking the lead” was in fact an – admittedly hierarchical – form of communicative interaction between two or more partners as addressor and addressee(s) on a broad spectrum of public forums. Magistrates did indeed give orders, publish decrees, and, as it were, magisterially hand down judgments. Only magistrates could summon, preside over, and dismiss legislative, electoral as well as judicial assemblies – as did the tribunes of the *plebs* with respect to the *concilia plebis*. Only magistrates as well as tribunes had the right to submit *rogationes* to the *comitia* or *concilia plebis*. Only senior magistrates could summon the Senate and set the agenda of the meeting. Only senior magistrates presiding over elections in the *comitia* could present candidates<sup>1</sup> – and only after these magistrates had previously accepted their applications, which could be, and sometimes were, rejected at their discretion.<sup>2</sup> Magistrates now and then, if only rarely and under special circumstances, even refused to accept a vote and thus render it null and void – as did Q. Fabius Maximus Verrucosus (later of “Cunctator” fame) as consul presiding over the elections to the supreme office in 215: after the *centuria praerogativa* had voted for two candidates whom he believed not to be a match for a foe as formidable as Hannibal, according to Livy’s extensive report, he interrupted the election procedure by addressing the assembly and telling them to elect tried and tested generals – he then ordered the *centuria praerogativa* to vote again, the *comitia* duly followed suit and returned the great M. Claudius Marcellus and Fabius himself.<sup>3</sup> Another telling case is the scene in 200, also vividly described by Livy: when the declaration of war on Philip V and the Macedonians was almost unanimously rejected by the *comitia centuriata*, although the motion had been submitted *ex auctoritate senatus*, the consul P. Sulpicius Galba called a *contio* and gave a speech which culminated in what sounded like an order: “go to vote, with the blessing

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<sup>1</sup> The classic, detailed, and strictly systematic survey remains Mommsen 1887. Modern treatments of the magistracy as part of the republican “constitution” in general include Kunkel & Wittmann 1995; Lintott 1999, chapters VII, VIII and XI; North 2006, 263–6 and *passim*; Brennan 2014; Pina Polo 2016, 89–93; cf. also Pina Polo 2011b (on the consuls), Mouritsen 2015, 147–54, and Walter 2017, chapters I 4 and II 4, with extensive bibliography in chapter III 4.

<sup>2</sup> Cf. on the terms *rationem (non) habere* and *nomen (non) accipere* (Livy 7.22.8, 8.15.9, 10.15.10, 25.2.6, 39.39.3, 5, 12, with the context 1–15; cf. Cic. *Brut.* 224, *Fam.* 16.12.3 (SB 146); Asc. 89C; L. Calpurnius Piso, FRH 7 F3 = FRHist 9 F29 = Gell. *NA* 7.9.3; Livy 9.46.2, 27.6.5 – some of these cases are probably spurious or misunderstood); Mommsen 1887, 471–2, and the detailed discussion by Rilinger 1976, 60–75; 174–86; Hollard 2019, all with further references.

<sup>3</sup> Livy 24.7.12–9.3; similar examples: Livy 26.22.2–15, 27.6.2–11. Cf. Taylor 1966, 93–4; Pina Polo 2011b, 91; Jehne 2013a, 128–30.

of the gods, and ratify what the fathers have thought fit.” After this rebuke, the assembly was dismissed to vote and (rather unsurprisingly) passed the motion.<sup>4</sup>

Only magistrates could preside over the *comitia* as lawcourts and administer justice by handing down judgments – sometimes, at least in the field, rough justice: as a matter of course, holders of *imperium* as supreme commanders with full disciplinary power were entitled to order summary execution for a broad range of offences.<sup>5</sup> Typically enough, the absolute binding force of *disciplina militaris* is conceptualized in terms of a code of severe sanctions against breaches of any kind and the consequent, indeed uncompromisingly relentless execution of these sanctions – and, typically again, in highly ritualized spectacles that follow an established performative syntax characterized by a rigidity of its own.<sup>6</sup> First of all, the procedure has to take place in the light of day and in full view of the whole army or the People in assembly – executions by night and in secret are by definition under the suspicion of being illegal. It is not enough that justice be done – justice must be seen to be done. Therefore, the commanding consul or dictator makes himself demonstratively present in person by taking his elevated seat on the *tribunal* erected in the central place of the camp and has the army summoned by trumpet to an (informal) assembly there. The co-presence and indeed complicity of the citizen army as public is instrumental for implicitly ambivalent reasons – on the one hand, they are witnesses to the legitimacy of the severe verdict as well as to the strictly correct application of the rules of the ritual; and on the other, they are addressees of a message affirming the validity of an order based on hierarchy and power, discipline and subordination – and this message therefore contains an implicit warning to anyone daring to challenge this order by any kind of disobedience. The next act of the drama consequently consists in producing the delinquent, presenting him to the assembled public and establishing his guilt with this public as collective witness. The following ritual unfolds with deadly consequence: the lictors demonstratively unbind the *fasces* and produce the rods and axes – the ominous meaning of the term *virgas et secures expedit* is evident. The delinquent is forcibly stripped naked and bound to a stake, which has previously and again demonstratively been put up in full view of the consul, the audience, and the delinquent who now finds himself “on the receiving end” in the full sense of the term: he is flogged with the rods.<sup>7</sup> By depriving the delinquent of the typical dress of the

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<sup>4</sup> Livy 31.6.1–8.1; cf. on this event and its political context Feig Vishnia 1998; Pina Polo 2011b, 102–3.

<sup>5</sup> Cf. Vervaeke 2014 and Drogula 2015.

<sup>6</sup> See Hölkeskamp 2011a/2020a, 60–2, with full references.

<sup>7</sup> See the graphic descriptions of this ritual, e.g., Polyb. 11.30.1–2; Livy 2.5.6–8, 8.7.19–22, 26.15.7–9, 28.29.11, 29.9.4; Dion. Hal. *Ant. Rom.* 5.8.5, 20.16; Val. Max. 2.7.8; Plut. *Publ.* 6.2–4; Cass. Dio 2.11.6.

Roman citizen soldier, by exposing his completely naked body in public and by subjecting him to corporal punishment in the presence of his former peers, he is being degraded step by step, expelled from the army as well as the citizen body and finally reduced to a mere “body” without civic status – or rather, as it were, to a “no-body” in a particular sense to be illustrated by yet another word-play. If, according to Florence Dupont’s pointed definition, the Roman citizen consists of “a name and a body”; if “the body of a citizen” is actually “the man himself,” that is the “embodiment” of his character and status; and if this “body” that the citizen as citizen puts “on display should be clothed” in appropriate dress, the *toga* or military dress, and “under control” of the citizen himself<sup>8</sup> – the naked delinquent is by this stage of the drama entirely deprived of the last remnants of his former “civic” status as a member of the “citizen body.” It is only now that – in the most extreme case – the consul orders the lictor to perform the final act and execute the delinquent by beheading him with the axe – interestingly enough, by a formal set phrase: “Lictor, act according to the law” (*age lege*). This is the climactic point of the syntax of this ritual as a whole, which is focused on the consul as leading actor performing the central role of holder of the supreme disciplinary power over life and death. From the initial summoning of the army onwards, through the whole sequence of ritual interactions with the lictors in a complementary supporting role, it is the consul who has to give the active part and lead the ritual from stage to stage – by giving orders to the lictors in fixed formulae aptly characterized as *legitima verba*.<sup>9</sup>

This highly ritualized procedure illustrates a fundamental feature of governing: it is always and everywhere governing by coercion (or the implicit threat of coercion). But there is more to this side of governing. It is not enough that authority and indeed power are exercised; authority and power must be seen to be exercised. In other words, their exercise “was highly theatrical, and for the performance of power to succeed, it was necessary for the audience to be drawn into the act, to be made to feel a part of the action.”<sup>10</sup> Therefore, I put my case in more general terms of performance and theatricality: this extreme and symbolically most powerful “drama” (I am deliberately playing on the ambivalent meaning of the words) encapsulates several fundamental functions of a coherent cultural sub-system which serves as medium or “text” of negotiation in the permanent and omnipresent “dialogue about and for authority,”<sup>11</sup>

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<sup>8</sup> Dupont 1992, 239, 240–1, 258–61; cf. also on “nudités dégradantes” Cordier 2005, 169–76 and chapter V *passim*.

<sup>9</sup> Sen. *Controv.* 9.2.22, cf. 9.2.10, 21; Livy 26.15.9.

<sup>10</sup> Potter 1996, 131.

<sup>11</sup> Sharpe 1993, 853.

hierarchy, and the concomitant patterns of socio-political power relations. On the one hand, this drama is about the consular *imperium* as an absolute power which is – as the abstract idea of an institutionalized and legitimate function – vested in an office. On the other hand, *imperium*, as it were, becomes visible in the person actually holding it. In the Roman culture of omnipresent visibility, direct interaction and “dialogue,” the holders of this power are demonstratively surrounded by an awe-inspiring aura in the shape of the *fasces* carried by their lictors as symbols of the unlimited potentiality of this power<sup>12</sup> – and it is this potentiality that needs to be acted out exemplarily now and then to retain its full efficiency, or rather: to remain meaningful in the “dialogue.” On the other hand, this drama fulfils this function by making *imperium* seen and, as it were, spelled out through the imposition of coercive measures in the shape of corporal punishment of individuals as an exemplary execution of sanctions (yet again in the full meaning of both concepts) against any form of insubordination or other sort of challenge of the authority of the consul as holder of *imperium*. Its absolute character is not only affirmed by enforcing it demonstratively at all costs and by the utmost rigidity, that is by means of corporeal (or even capital) punishment. Above all, *imperium* is made visible as power over individuals, their social status as well as their “bodies” and physical existence: the ritual is directed at individuals that are degraded, marginalized and ultimately removed from the citizen body. In this respect of symbolic meaning and message, as well as with regard to its performative syntax as a drama, this ritual is obviously closely connected with, and indeed mirrors, the other notoriously brutal “spectacles of death” ranging from the “murderous games” of gladiatorial shows to *summa supplicia* in the arena and (later on) ritualized public executions in the shape of elaborate “fatal charades.”<sup>13</sup>

However, the acting out of absolute power is only one aspect of the hidden agenda of the ritual as it moves from stage to stage, by order and under the direction of the magistrate and executed by his lictors. At the same time, the insistence on proceeding according to a normative syntax or code of rules dramatically emphasizes the legitimacy of the consul’s action. Last but not least, it is the actual physical (or perhaps: “bodily”) “co-presence” of the citizen-soldiers as a collective “body” which is, in more than one respect, instrumental in this ritualized re-imposition and re-affirmation of order by such a performative acting-out of power and hierarchy. As an audience, they are obviously witness to the ritual as such, to its legitimacy in the concrete case and to its effect – the expulsion of an individual citizen from their own midst.

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<sup>12</sup> On lictors and their functions, cf. now David 2019, 31–40, 193–206.

<sup>13</sup> Hopkins 1983, chapter 1, and Coleman 1990; cf. also Flaig 2003, chapter 11.

Implicitly, the *populus Romanus* (in military garb) in attendance is also the addressee of this particular message in the shape of a “magisterial” monologue in the “dialogue” for and about the character of this power. And at last, in this as well as in many civic rituals,<sup>14</sup> there is their institutional supporting role as collective “co-actor” and complementary part in another typical interactive ritual: the role of the citizen body as electorate in a procedure, which, under the direction of a previous consul, led to the investiture of the present incumbent and leading actor in the actual concrete performance on the stage of the republican theatre of power. This highly ritualized annual procedure of electing an increasing number of magistrates in the *comitia centuriata*, the *comitia tributa* or the *concilia plebis* – not only the consuls, praetors, plebeian and curule aediles and quaestors, but also the tribunes of the plebs, even the *tribuni militum a populo* and other minor officeholders – is itself and as such always and at the same time on the hidden agenda of the “dialogue.” My contention is that it is this kind of interconnected complex “complicity” of the *populus Romanus* at large which is a fundamental basis of the ascendancy of its ruling and (therefore) office-holding class – or perhaps rather: office-holding and (therefore) ruling class.<sup>15</sup>

To put it in a nutshell: this particularly Roman variant of “government by ritual”<sup>16</sup> – though a permanent re-enactment of hierarchy – was first and foremost a government by interaction. This government by interaction had another facet, namely interaction through communication by direct discursive address – again an asymmetrical kind of communication and thus another form of staging hierarchy. The complex interconnection of these dimensions is best illustrated and indeed typically represented by a central “institution” of the Roman republican political system, recently discussed in this new light: the specific multidimensional “ensemble” of the *contio* as formal “procedure” and ritual “rhetoric,” “performance,” public “stage” and meaningful “text” played a particularly important integral part in the republican socio-political structure as a communicative system uniting the *populus Romanus* and its élite.<sup>17</sup>

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<sup>14</sup> Cf. on the concept of “civic rituals” (in Renaissance Venice and early modern Europe) the ground-breaking studies by Muir 1981, *passim*, and Muir 1997, 232–9.

<sup>15</sup> Steel in this volume examines the leadership of ex-consuls and thus the long-term implications for individual members of the ruling class of the experience of office-holding, the aftermath of their being incumbent and leading actors.

<sup>16</sup> The term was coined by Muir 1981, chapter 5; cf. Muir 1997, chapter 7.

<sup>17</sup> The *contio* has been discussed in detail in recent research, beginning with Pina Polo 1989 and 1996; other important contributions include Morstein-Marx 2004, 7–12, 34–42 and *passim*; Mouritsen 2001, chapter 3 and *passim* (with the discussion of Yakobson 2004); cf. Hiebel 2009, 2012 and 2019; cf. also Hölkeskamp 1995/2004,

It was the *contio* which in fact was one of the most important stages of politics and performance, communication and interaction – indeed, according to Cicero’s much-quoted dicta, it was “the place most distinguished for political action, best endowed for eloquence” and indeed the *maxima scaena* of the orator, who “can no more be eloquent without a large audience than a flute-player can perform without a flute” and who had “to employ the more ornate kind of oratory” on this “most important stage.”<sup>18</sup> This was indeed the one and only function of the *contio* – a fact which is best illustrated by the different shades of meaning of the very word itself. On the one hand, it denotes a special form of informal popular assembly, strictly and exclusively reserved for communication in the shape of declarations and declamations, deliberation and debate – as opposed to the *comitia* of the Roman People and the *concilia plebis*, which followed a normative syntax of formal procedures and were equally strictly reserved for decision-making in the shape of elections, legislation, and dispensation of justice. On the other hand, the word *contio* can mean the people present at such an informal assembly, that is the “public,” the audience and addressees of the orator on the platform. Last but not least, as the verb *contionari* can mean “to deliver a (public) speech” as well as “to address an assembly,” the noun *contio* can simply denote the speech itself delivered at such an assembly and addressed to the public actually present at the meeting: for example, as opposed to the technical term *cum populo* (or *plebe*) *agere* – that is, “to treat with the People” in formal assembly, in order to reach a decision – the equally established expression *contionem habere* explicitly means “to speak to the People without submitting a motion,”<sup>19</sup> because the *maiores*, “those wisest and most venerable men,” did not want any formal power to lie in the *contio*: “as for what the *plebs* might approve or the *populus* might order, when the *contio* has been dismissed and the People distributed in their divisions, *tributum et centuriatim*, into ranks, classes and age groups, when the *auctores* of a motion had been heard, when its contents had been published many days in advance and understood, only then they wished the People to give their order or their

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234–42; 2011b/2020a, 79–95, and 2013/2017, *passim*; Yakobson 2010, 293–7; Pina Polo 2011a and 2012; van der Blom 2016, 33–8; Mouritsen 2017, 61–93, all with further references.

<sup>18</sup> Cic. *Leg. Man.* 1; *De or.* 2.338, cf. 334; *Brut.* 192, cf. also *Sest.* 106: ...*tribus locis significari maxime de re publica (populi Romani) iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu.* Cf. on Cicero as accomplished orator Steel 2001 and 2013; Bell 2013 and the contributions in May (ed.) 2002, all with further references.

<sup>19</sup> M. Valerius Messala apud Gell. *NA* 13.16.1–3.

prohibition.”<sup>20</sup> The clear-cut differentiation between *contio* on the one hand and *plebs* or *populus* on the other – provided by men who knew what they were talking about, namely M. Valerius Messalla, augur for more than half a century and consul in 53, and Cicero – epitomizes the importance of the *contio*, its multifunctional role and its relation to *comitia populi Romani* and *concilia plebis*. To put it into more general modern terms: in the world of a Mediterranean “open-air” and “face-to-face” culture, which in spite of the extent of the imperial Republic was still characterized by immediate interaction and direct communication, personal presence and participation in all sorts of rituals as well as formal procedures of political deliberation and decision-making in typical city-state institutions,<sup>21</sup> this role is bound to be central in all sorts of ways. In a political culture in which the citizen-body functioned as public forum and, at the same time, as the decision-making body, speech in public, before this public and explicitly addressed to this public was bound to be – and always remained, even under the radically changing conditions of the imperial Republic – the single most important medium of communication.<sup>22</sup>

In this city-state political culture, in which “publicity” and “community” therefore tended to coalesce,<sup>23</sup> a particular sort of rhetoric, which I shall call the rhetoric of emphatic direct address, is as omnipresent as public speech as such. What is more, this rhetoric, as it were, permeates all levels, all sorts of texts and their messages and other media of communication and representation of this culture of physical presence and “visibility.” It is not surprising, therefore, that republican representative art as a most prominent medium of symbolic communication – monuments and friezes, frescoes, triumphal and other paintings displayed in,

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<sup>20</sup> Cic. *Flac.* 15: *nullam enim illi nostri sapientissimi et sanctissimi viri vim contionis esse voluerunt; quae scisceret plebes aut quae populus iuberet, submota contione, distributis partibus, tributim at centuriatim discriptis ordinibus, classibus, aetatibus, auditis auctoribus, re multos dies promulgata et cognita iuberi vetarique voluerunt.*

<sup>21</sup> Cf. the detailed and differentiated analysis of “participation” by Jehne 2013a; cf. already Nicolet 1976/1980, chapter VII and recently Hammer 2015 for an interesting comparative approach and the other relevant contributions in Hammer (ed.) 2015.

<sup>22</sup> Political oratory, its functions and contexts, contents and topics, semantics, strategies, and aims have been much debated in recent research: important contributions include Morstein-Marx 2004, 2013 and 2015; David 2006; Steel 2006; Bücher 2006, chapters 1–2 and *passim*; Pina Polo 2011a; Jehne 2013b and van der Blom 2016, as well as the contributions in a number of edited volumes: Smith & Covino (eds.) 2011; Steel & van der Blom (eds.) 2013; van der Blom, Gray & Steel (eds.) 2018 and Gray et al. (eds.) 2018 (cf. Hölkeskamp 2020b), all with detailed documentation of sources and modern literature.

<sup>23</sup> Cf. the detailed discussion in Hölkeskamp 2017, 477–80 and *passim*, with further references.



and to, the same public – is to a large extent an art about spectacles in general and “about crowd scenes and participatory rituals” of different kinds in particular, rituals especially “intended to energize participatory looking by the living crowd.” It is also “an art about talking” – that is, “parley, tribunal meetings, priestly prayers” under the eyes of the People are prominent themes; statues of “togate orators and mounted horsemen” with their arms stretched out in a typical gesture indicating “direct rhetorical address” occupy the most prominent civic spaces of the *urbs Roma* – not least the assembly places of Comitium and Forum Romanum, where they “made a performative stage,” as it were, for the real thing.<sup>24</sup>

The rhetoric of direct address is even present in completely different, i.e. non-public and non-oral, contexts. A telling example is the wording of the epitaphs on the oldest sarcophagi in the representative tomb of the Scipios near the Porta Capena: both Lucius Cornelius Scipio Barbatus and his homonymous son, consuls in 298 and 259 respectively, were *consol*, *ensor*, *aidilis*, as the inscriptions emphatically say, *apud vos* – that is with and among “you” – namely a fictive collective addressee, namely the *populus Romanus*, which had elected them to these very magistracies and which had thereby conferred command, *imperium* and *auspicia*, which they had then put to good use and, for the greater good of this *populus* and their *res publica*, achieved the military *res gestae* listed in the following lines of the epitaphs.<sup>25</sup>

This rhetoric is not just a conventional constituent of practical mass oratory, invariably used in any concrete context. It is not only part and parcel of a complex set of interconnected rules and rituals, mutual expectations of the parties involved in the *contio*-type pattern of communication and interaction; rather, this rhetoric of direct address represents, reproduces, and indeed creates a particular kind of inseparable interconnection, an implicit mutual understanding, consent and consensus, and sometimes even a sort of complicity between the orator and his *ego* addressing the public on the one hand and this same public as audience and addressee on the other. To be more precise: the *ego* of the orator addresses the public *in contione* as part of, and partner in, an “imagined community” of the *Quirites* sharing a common universe of “Romanness.”<sup>26</sup>

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<sup>24</sup> Kuttner 2014, 367–8 and *passim*. Cf. on assembly places Humm 2014 and 2019; Berthelet 2019 and Chillet 2019, with references.

<sup>25</sup> CIL I<sup>2</sup> 6.7 = VI 1284.1285 = VI 31587.31588 = ILS 1 = ILLRP 309 on the one hand, and CIL I<sup>2</sup> 8.9 = VI 1286.1287 = ILS 2.3 = ILLRP 310; cf. now Kruschwitz 2002, nos. 2 and 3, with detailed commentary and references; Hölkeskamp 2013, 19.

<sup>26</sup> Cf. on the concept of “imagined community” Dugan 2009, 180–1, following Habinek 1998, 44–5. Cf. also Goldenhard 2011, 126–40.

Therefore, the *contio* as speech invariably, explicitly or implicitly, directly or indirectly aims at the rhetorical construction of a consensus – and this is particularly true in cases of conflict: the *suasio* in favor of a controversial motion as well as the *dissuasio* against it would equally appeal to the consensus on basic values and common convictions as well as use the very same key concepts, discussed below.<sup>27</sup> The *contio* as “place,” “space” or “forum” (in the metaphorical sense of the word) on the one hand and the *contio* as an assembly in the Forum (in the concrete topographical sense) on the other define and circumscribe the performative side of this process of negotiating Romanness. To put it into yet another way: the *contio* is the scene and the institutional form as well as the medium of a discourse which is based on, and indeed largely consists in, the construction or negotiation, recreation or affirmation of Roman identity or identities, of the exclusiveness of being a Roman, of the roles and privileges, demands and burdens involved in being a true Roman citizen.

Addressing the public *in contione* as *Quirites* is the first and foremost highly suggestive rhetorical signal, literally and metaphorically, to conjure up and activate this complex web of messages and meanings.<sup>28</sup> Even if the actual audience present may consist of a random sample of the urban *plebs* (or even, in Cicero’s words, the *sentina urbis*, the *multitudo* or *vulgus* incapable of rational reasoning and informed judgment),<sup>29</sup> of discontented veterans and/or gangs and including women, foreigners, freedmen and even slaves – the orator thus invariably addresses the assembled crowd as Romans and citizens. What is more, the *Quirites* in assembly stand for the whole of the citizen body and the *populus Romanus* at large, whose *maiestas*, *dignitas*, and supreme authority as governing body are solemnly affirmed. Once again, this convention is part and parcel of the rhetoric of direct address, occasionally made as explicit as in a speech by L. Licinius Crassus, consul in 95, according to Cicero “a man of the highest reputation, the most distinguished leader of his country” and one of the outstanding orators of his day, who appealed to the public present in a densely crowded *contio* in a typical rhetorical pose: “Do not suffer us” (that is, the senators and the Senate) “to serve anybody – except yourselves as a whole (*vobis universis*), whom we can and must serve.”<sup>30</sup>

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<sup>27</sup> Cf. Grote in this volume on consensus and conflict.

<sup>28</sup> Hölkeskamp 2013, 13–17 and 2011b/2020a, 84–9, with references.

<sup>29</sup> Cic. *Att.* 1.19.4 (SB 19); the pejorative term *sentina urbis* (or *rei publicae*) was obviously a common pejorative: Cic. *Cat.* 1.12, 2.7; *Leg. agr.* 2.70; cf. also Cic. *Att.* 1.16.11 (SB 16): *sordes urbis et faex, ... illa contionalis hirudo aerarii, misera ac ieiuna plebecula*; *QFr.* 2.3.4 (SB 7) and *Planc.* 9: *non est ... consilium in vulgo, non ratio, non discrimen, non diligentia*. Cf. Jehne 2006b.

<sup>30</sup> ORF<sup>4</sup> 66 F24 (= Cic. *De or.* 1.225 with the context 225–7).

This *exemplum* also illustrates a strategy of the rhetorical construction of consensus which I call the rhetoric of inclusion. On the one hand, the orator not only addresses “you all” or “all of you,” that is the actual audience as the Roman People, and thus rhetorically includes them in an abstract common universe. What is more, the utmost enhancement of this rhetorical construction of the *populus Romanus* as a “discursive” or “discourse community,” sharing a broadly agreed set of values, common goals and a particular vocabulary,<sup>31</sup> is the artful device of conflating the orator’s *ego* (or the “we” in Crassus’ appeal) and the “you all” of the addressees in the frequent and emphatic use of an all-embracing “we” and “us,” “our” and “ours” – in particular, when the orator refers to “**our maiores**,” “**our res publica**,” and “**our imperium**.”<sup>32</sup> On the other hand, these strategies also bring this universe to life by referring to its typical resources, assets, achievements and advantages, its powers and privileges which make it the Roman People’s “imperial” universe: he speaks of **your res publica** and **imperium**, **your imperatores** and armies, **your** allies, colonies and provinces, **your** revenues and treasures; he may even appeal to **your** *humanitas* and *pietas*, *clementia* and *probitas*, he may even praise **your** *virtus*, *sapientia* and *prudencia* – although in the self-fashioning discourse of the political class as a meritocracy, these virtues are normally reserved for eminent peers of the orator’s own class. He may passionately conjure up “the glory of **your** name,” recall the wisdom, virtues and achievements of “**your** ancestors,” rhetorically submit to **your** *potestas*, *maiestas* and sovereign will, and – last, but not least – he may thank with great feeling for **your** *beneficia* and favors of all sorts, especially in the shape of magistracies, rank and reputation, *honores* and *dignitas*. Particularly when he refers to his own virtues, achievements and aims, the orator and his rhetorical *ego* are also always concerned with **your** cause and welfare, **your** *gloria* and *maiestas*, **your** *libertas* and *concordia*, **your** peace and security.<sup>33</sup>

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<sup>31</sup> I use these terms in a plain common-sense kind of way. The concrete contents and meaning(s) of this concept are however a matter of debate among linguists: Swales 1990, 21–32; Borg 2003, with literature and discussions of different positions.

<sup>32</sup> Cf., e.g., M. Porcius Cato, ORF<sup>4</sup> 8 F238 (= Cic. *Off.* 3.104); P. Cornelius Scipio Aemilianus, ORF<sup>4</sup> 21 F30 (= Macrobian *Sat.* 3.14.6); Cic. *Leg. Man.* 11, 14, 55, 60; *Leg. agr.* 2.9, 18, 49, 87–9, 95; *Rab. perd.* 10; see also Cic. *Cat.* 2.24–5; Hölkeskamp 1995/2004, 247–8, 251, and 2013, 25–6, with further references. Cf. also Arena 2015 on *mos maiorum*.

<sup>33</sup> Cf., e.g., Cic. *Cat.* 2.24–5, 3.1; *Leg. Man.* 2, 4–5, 6, 11–12, 14, 41, 51; *Leg. agr.* 2.1–2, 7, 8–9, 16, 20, 21, 24–5, 35, 61, 71, 77, 103; 3.3, 12 (cf. Jakobson 2010, 285–7, 297–300); *Rab. perd.* 5, 10, 27, 35; *Red. pop.* 1, 4, 9, 16; *Phil.* 4.1–2, 4, 13, 15; 6.2, 9, 16–17; see also Sall. *Iug.* 31.6, 9, 11, 17, 23, 25. Cf. Hölkeskamp 1995/2004, 245, 2011b/2020a, 81–4, and 2013, 20–1, with further references. Cf. also Hellegouarc’h 1963/1972; Hölkeskamp

These conventions of addressing an audience – again at least implicitly – presuppose the opposite pole of the *persona* of the orator: his *ego* is the necessary complement and counterpart of the “you” of the *contio*. In other words, if the *ego* of the orator acts as “constructor” of the “contional discourse” of consensus and concord;<sup>34</sup> the collective “you” of the *Quirites* had to be more than merely passive addressees, but in fact “co-constructors” of this discourse about governing “our” empire. This is the common denominator of this sort of *ego* – even if the individual *egos* of, say, consuls, senior senators and other *optimates* on the one hand and those of “popular” tribunes, angry (and ambitious) young men and other *populares* on the other hand,<sup>35</sup> might clash on all sorts of “contional” events and over all sorts of concrete issues and even the sovereignty of interpretation with respect to the meaning and contents of these very concepts and the other key terms of political-social and moral discourse mentioned above. Moreover, although this ideal-type “contional” *ego* was only a part in the usual accumulation of *egos* (or rather: socio-political “roles of prominence” such as scion of a famous family, senator, magistrate, patron and/or priest) of a member of this meritocratic political class,<sup>36</sup> this particular role was not only just part and parcel of his public *persona*, but a central function of his status, because it conveyed public visibility and could make him “well-known” – that is, (*g*)*nobilis* in the original sense of the word.<sup>37</sup>

The interdependence in the process of co-constructing a consensus is further emphasized by the rhetorical claim of the omnipresent *ego* that the orator is at the unwavering and untiring service of “you,” the *Quirites* present: it devotes itself to nothing else but “your” cause – whatever that is supposed to mean in the concrete context – and it asserts its claim always and invariably to argue and act in the best interest of the *res publica*. In whichever of his other roles (or poses) mentioned above the orator appears on the stage of the *contio* – as magistrate, consul or tribune of the *plebs*, as the Catonian ideal *vir bonus dicendi peritus*,<sup>38</sup> as *nobilis* or *homo novus*, as senior senator, ambitious upstart or Ramboesque rebel – his *ego* emphasizes his

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1987/2011, chapter V and 318–29; Rosenstein 2006; Pignatelli 2008; Arena 2015, on key concepts of the political-moral value system, which were regularly referred to in oratory, all with further references.

<sup>34</sup> Morstein-Marx 2004, 16 and 32, n. 115; Hölkeskamp 2013, 21–2.

<sup>35</sup> Cf., e.g., Robb 2010; Arena 2012; Tiersch 2018; Clemente 2018.

<sup>36</sup> Cf. Beck 2008; Hölkeskamp 2011/2017 and in Stein-Hölkeskamp & Hölkeskamp 2018, 31–41, 61–75, on the concept of “roles of prominence.”

<sup>37</sup> Hellegouarc’h 1963/1972, 224–5; Hölkeskamp 1987/2011, 220–1, both with references.

<sup>38</sup> M. Porcius Cato *ad Marcum filium* frg. 14 Jordan; cf. Hölkeskamp 1995/2004, 223 and 225–9 on his self-fashioning as orator.

restless as well as selfless diligence, prudence and circumspection, *labores, diligentia* and *industria, providentia, prudentia* and *vigilantia*.<sup>39</sup> At least in this respect, Cicero's favorite pose as selfless and tirelessly vigilant defender of the *res publica* is by no means untypical.

However, there is yet another subtext implied in this sort of rhetoric, which could aptly be characterized as “rhetoric of emphatic ego” – Cicero was by no means the first and only master of this variant, the elder Cato's speeches are replete with it.<sup>40</sup> The emphasis on these (as it were) “governmental” or “magisterial” roles of prominence and power characterizes a special kind of rhetoric of address that is inscribed in, and indeed generated by, this particular political culture. The very form of addressing the People as such implicitly emphasizes the distance between the orator and his *ego* on the one hand and the addressees in the *contio* on the other – a distance which implies difference and a particular kind of asymmetry. A particularly typical variant of this “rhetoric of asymmetrical address,” admonition and exhortation is a form of address stepped up to a “rhetoric of rigid rebuke and reprimand”:<sup>41</sup> a famous, and indeed rather blatant, example for this variant is attributed to P. Cornelius Scipio Nasica (Serapio), consul 138 and *pontifex maximus*, the archetype of the arrogant aristocrat, notorious for high-handedness and contempt for the *plebs*, and (last but not least) later leader of the senatorial gang that killed Tiberius Gracchus: in his *dissuasio* of an obviously popular distribution of grain, moved by a tribune to alleviate the effects of an acute shortage and increase of prices, he allegedly assumed an unsurpassed degree of imperious condescension: “Be silent, *Quirites*, I ask you. I understand better than you what is expedient for the Republic” – and, just as Fabius “Cunctator” in 215 and Sulpicius Galba in 200, Nasica seems to have got his way.<sup>42</sup>

Roman culture was a visual culture, that is a culture of seeing and being seen, both on special occasions and in political as well as everyday public life: “visibility” must certainly be taken literally, because all these aforementioned performative modes and media of

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<sup>39</sup> Cic. *Leg. agr.* 2.77, 100–1; *Cat.* 2.14, 19, 27; 3.1, 3, etc.; *Red. pop.* 1–2, 24; *Phil.* 4.15–16; cf. 6.2, 18; *Leg. Man.* 2, etc.; Sall. *Iug.* 31.1. Cf. Hölkeskamp 2013, 22, and on the meaning(s) of these concepts Hellegouarc'h 1963/1972, 248–54, 256–67, 481–3, both with further references.

<sup>40</sup> See the telling example Cic. *Pis.* 4–6: the catalogue of his achievements in short sentences, which invariably begin with *ego* – no less than nine times; M. Porcius Cato, ORF<sup>4</sup> 8 F21, 44, 48, 116 (twice), 128, 129, 156, 164, 173 (five times), 203 (four times); cf. also F26, 28, 55, 73, 93, 174, 206, 209. Cf. Hölkeskamp 2011b/2020a, 66–9, with further references.

<sup>41</sup> See, e.g., Memmius' speech: Sall. *Iug.* 31.1–29 and another Sallustian version of a speech by a tribune: Sall. *Hist.* 3.48 Maurenbrecher = 3.34 McGushin; Hölkeskamp 2013, 23–5, with full references.

<sup>42</sup> ORF<sup>4</sup> 38 F3 (= Val. Max. 3.7.3). Cf. Jehne 2011 on this and similar incidents, and now Yakobson 2019, 546–9 and *passim* on the man and his image in the general context of republican political culture.

communicative interaction had to be situated in the public spaces of a city-state culture of personal physical presence. These spaces were the “forums” (both meanings of the word apply) of an extraordinarily high degree of civic communication and, in the full sense of the term, direct interaction. To adopt and adapt the famous lines from Shakespeare’s *As You Like It*: “All the Roman world’s a stage, And all the men and women merely players; They have their exits and their entrances, And one man in his time plays many parts” – as magistrate and commander, senator, orator, patron, priest on the one hand and as citizen and voter, soldier, client and participant in *contiones* and many civic rituals on the other.<sup>43</sup> As such stages, the Forum Romanum and the Comitium, the Capitol and the Campus Martius, as well as the routes which traverse or link these spaces such as the Sacra Via, were in turn indispensable and indeed constitutive parts of the characteristic political and sacral topography of “city-statehood.”<sup>44</sup> But that was not quite the whole story: this culture was characterized and indeed defined by a specific kind of what I would like to call the imperative of immediacy, which comprises an intensified degree of visibility, personal presence, public performance and sheer physicality, which in turn determined the whole scale of practices and patterns of behavior – that is why I have regularly and deliberately used metaphors of theatre, stage, and performance. The presence and in fact the active participation of the audience was part and parcel of these dramatic performances themselves, or, to put it in a more (post-)modern phrasing, the actual physical “co-presence” and participation was inscribed in the syntax of civic rituals of all kinds, including “governing” in the shape of formal procedures of decision-making in assemblies. This is also true of many other public spectacles, such as the triumph, the *pompa circensis* and even the *pompa funebris* as well as other processions, religious rituals, and festivals:<sup>45</sup> the man

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<sup>43</sup> Act II, scene 7, lines 139–43 – and Nicolet 1976/1980, *passim* on the “world of the citizen in republican Rome”; Jehne 2013, on relations between senators and the notoriously elusive “man in the Roman street.”

<sup>44</sup> Cf. for this concept Hölkeskamp 2006/2017, 95–101; 2010a, 67–75, with further references. Cf. on the importance of “ritual space” Muir 1981, 234–5, and Trexler 1980, 47–54, on “space” as part of the “framework of ritual”; on rituals and – or rather: in – space Hölkeskamp 2014 and 2015. Cf. on public space and the political-sacral topography of republican Rome Hölkeskamp 2001/2004, *passim*; Ziolkowski 2013, Bendlin 2013 and now the fundamental studies by Russell 2016, Davies 2017 and Hölscher 2018, 16–26, 35–40, 50–61, 73–81.

<sup>45</sup> These “civic rituals” have been discussed in detail: important contributions include Nicolet 1976/1980, chapter IX; Flower 2011 and 2014. Cf. on the triumph Flaig 2003, chapter 2; Itgenshorst 2005; Bastien 2007; Beard 2007 (cf., however, Hölkeskamp 2010b) and Östenberg 2009; on the *pompa circensis* Latham 2016; and on the *pompa funebris* Flower 1996, chapters 4 and 5; Flaig 2003, chapters 4 and 5 and 2015. Cf. Hopkins 1991/2018, 319–38 and *passim*, on the Roman “complex of ritual”; Marco Simón 2006; Bernstein 2007, and Beck 2006 and Hölkeskamp 2015 and 2008/2017 on *pompa* as “civic rituals” in general, all with further references.

in the Roman street was always more than a mere “spectator” in the narrow sense of the concept – he was regularly an “integral interlocutor in the community’s ritual dialogue,” even a “co-actor,” or perhaps, to put in another postmodern sort of whimsical word-play, a “(spect)a(c)tor.”<sup>46</sup>

The Roman culture of spectacles developed a complex system of sets and spaces as stages, leading and supporting roles, in which actors and audiences permanently interact and, in a way, even change roles in a drama about Rome, her gods and great men, about her history, present and future, about her venerable traditions of hierarchies, order and discipline, subordination, obedience and deference, about “Romanness,” moral superiority and therefore well-deserved greatness, about being a Roman, living and acting as a Roman, and (last, but not least) about governing an empire as rulers of the world, ordained by the gods and fate.<sup>47</sup> The permanent performative creation and reproduction of a collective consensus about these fundamental values and convictions were the ultimate objective of all procedures and practices, rituals and ceremonies, and the immediacy and actual visibility were themselves an integral part of this repertoire of consensus-generating strategies – and thus an essential prerequisite and indispensable resource of governing by “taking the lead,” namely a widespread belief in the legitimacy of leadership and the superior abilities of actual leaders combined with a deeply rooted disposition towards obedience based on an unquestioned and unquestioning acceptance of institutionalized power relations: although magistrates were “leading” actors in a very strong sense of the concept, their informal and formal initiatives regularly could not and did not take the shape of one-sided decrees and simple orders. Instead, “taking the lead” in any shape – by a magistrate tabling a motion, by a priest discharging his religious duties, by a patron taking action to protect the interests of his clients or even by an orator addressing a *contio* – meant nothing else but initiating a process of communicative interaction with different addressees, including other members of the elite, who could become involved in the process.<sup>48</sup> This is even true for the extraordinary “magisterial” and indeed “imperious” actions (in the strongest possible sense of these adjectives) by magistrates presiding over assemblies, which I mentioned

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<sup>46</sup> Bell 2004, 173; Hölkeskamp 2011a/2020a, 44 (quotations); cf. also Hopkins 1991/2018, 319: “Participation, as actor or observer, was a symbol of belonging to the community of Rome.”

<sup>47</sup> Cf. Flower 2014, 377–8, 393–6 and *passim*. Cf. also Bell 1997 and 2004; Sumi 2005, chapter 1, and Hölkeskamp 2014, 2015 and 2017, for concepts, theoretical models and methodological approaches, with further references. Cf. also Hopkins 1991/2018, 321, who emphasized the function of Roman rituals “to constitute and reconstitute a Roman sense of identity.”

<sup>48</sup> On interaction, cf. Yakobson in this volume.

at the outset of my argument: interestingly enough, all of them are credited with lengthy speeches as well as, in the case of 210, with public negotiations with the tribunes. To put it in a famous and much-quoted (and poorly documented) phrase, also attributed to the great bard of Stratford: “Little, or much, of what we see, we do; we’re all both *actors* and *spectators* too.”<sup>49</sup> Romans in general – and especially leading figures and representatives of the ruling class, senators and magistrates – would certainly have had a very special and keen understanding of the meaning(s) of these two lines and their interconnected complexity.

And that is certainly true for Augustus, in different ways and new forms: the first *princeps* “in his time” certainly did “play many parts,” to use the Shakespearean phrase once again. The extraordinarily broad spectrum of changing leadership roles ranged from warlord to prince of peace, holder of *tribunicia potestas* as well as *imperium (maius)*, who under his supreme command added more territories to the *imperium Romanum* than any predecessor or successor, but also consolidated its boundaries and established the *pax Romana*. Moreover, he not only cast himself in the roles of *vindex libertatis*, *restitutor rei publicae* and *pater patriae*, but also posed as *civilis princeps* and self-professed actor in the mime of life “in a theatre in which the spectators are the whole world,” according to the famous words attributed to Maecenas much later. Above all, Augustus turned out to be a highly successful “impresario” and producer of a particular “pageantry of power” in the shape of a varied and sophisticated repertoire of spectacular forms, festivals and refined rituals, representative monuments and visual media such as statues and other works of art; these provided different levels, channels, and fora for a multidimensional communicative interaction between himself in his many roles as “addressor” on the one hand, and the senatorial elite, the *equites* and the *plebs urbana*, all Italy, the legions and veterans, the Roman citizens and provincials all over the Empire as “addressees” on the other.<sup>50</sup>

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<sup>49</sup> Cf. the documentation in Schanzer, 1968.

<sup>50</sup> *Res Gestae* 1, 34; Cass. Dio 52.34.2 and 30.1, cf. 56.30.3–4; Suet. *Aug.* 99.1; Eutr. 7.8.4; cf. Beacham 2005, 151, 173 and *passim*, as well as other relevant contributions in Galinsky (ed.) 2005; Zanker 1988 and Galinsky 1996 remain essential. See also Wallace-Hadrill 1982; Beacham 1999, chapters 3 and 4 and *passim*; Benoist 1999 and 2005, chapters I, III, V, VI, VII and VIII; Bell 2004, 240–8; Sumi 2005, chapter 9.



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# Public Opinion and Political Initiative in Republican Rome

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## Abstract

It was a fundamental feature of the republican political system that, in contrast to the assembly of the Athenian democracy, citizens taking part in Rome's popular assemblies had no right of initiative. Legislative initiatives could only be launched by elected officials, and any legally binding vote required the cooperation of the presiding magistrate. This fact is sometimes adduced as evidence for the People's essentially passive role in the republican system. However, formal initiative – the legal right to put a matter to the vote or to exercise power in some other way – has to be distinguished from political initiative: the ability to influence those who have the legal power to act. There are quite a few instances, preserved in the sources, of “the People” addressing political messages to politicians directly, openly and powerfully, and the latter acting upon them. In such cases, we can speak of unofficial initiative from below prompting members of the elite to act. This happened not only in the Republic's last turbulent decades, but in the heyday of the senatorial Republic, in the second century. The election of Scipio Aemilianus to his first consulship (147 BCE) is a case in point.

## Keywords

political culture, official and unofficial political initiative, popular assemblies, *contiones*, games and spectacles, face-to-face society, elections, popular politics, Scipio Aemilianus, tribunes of the plebs

## 1. Initiative, Formal and Informal

It was a fundamental feature of the republican political system that, in contrast with the assembly of the Athenian democracy, citizens taking part in Rome's popular assemblies had no right of initiative. Legislative initiatives could only be launched from above, by elected officials: the People voted to accept or reject them, without right of amendment. At elections, at least in historically attested times, voters could choose between qualified candidates whose names had been submitted to them by the presiding magistrate. However, the choice was restricted by laws, conventions, and social realities regulating access to elected office, and by the presiding officers' wide discretionary powers. Any legally binding vote, on any matter, required the cooperation of the presiding magistrate.

In a paper that warns against minimizing the significance of the popular element in the system but also stresses its limits, John North notes that the “Roman oligarchy” exercised “an

inherited, unchallenged authority ... including a virtual monopoly of all forms of political initiative ... The assemblies were convoked, presided over, addressed and dismissed by elite members in their role as magistrates.”<sup>1</sup> For Henrik Mouritsen, whose interpretation of republican politics is strongly oligarchic, the People’s lack of legal initiative is another proof that their whole role in the system was “profoundly passive”; “the *populus* [was] a vital but also essentially passive source of public legitimacy.”<sup>2</sup>

But what actually happened on the ground? Surely, legal powers – both those that the People lacked and those they possessed – are only one aspect of the general picture of how the system worked in practice. Formal initiative – the legal right to put a matter to the vote, or to exercise power in some other way – has to be distinguished from political initiative: the ability to influence, in various ways, those who have the legal power to act. It may be worth recalling that in modern more or less democratic political systems, the legal right of political (including legislative) initiative is in the great majority of cases confined to elected officials representing the People, rather than to “simple” citizens. The degree of the system’s actual responsiveness to the citizens’ wishes varies greatly from case to case. It largely depends on the ability of public opinion, expressed in various ways, to move those who are entitled to take official action.

In the Roman Republic, “popular opinion was a factor constantly important in the calculations of politicians”; “careerist politicians in search of political triumphs needed to evoke popular support, and they did this ... by putting forward policies reflecting the needs and problems of potential voters.”<sup>3</sup> Of course, winning the support of the wider public was only one part, however important, of a good careerist’s calculus. Other calculations, having to do with elitist rather than popular aspects of Roman society and politics, had to be taken into account. Often – though by no means invariably so – there was a contradiction between the former and the latter. The balance between these different calculations in each case – very difficult for us to reconstruct with any precision – shaped, in large measure, the actual character of Rome’s public life.

But how did a republican politician become aware of what the public – with all the sub-categories and internal tensions that this term entails for any calculating politician anywhere – expected of him? How could he try to calculate whether the current of public opinion was strong enough to outweigh possible opposing considerations? Should we assume that a typical Roman

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<sup>1</sup> North 1990, 15–6.

<sup>2</sup> Mouritsen 2017, 31, 61. Cf. 19 (“no right of initiative”), 17, 18, 32, 34. For a contrary view, see Logghe 2017.

<sup>3</sup> North 1990, 13, 18 (“at least in the first century B.C.”).

“careerist” politician who decided to play the popular card merely guessed what the People wanted? It seems likely that “bottom-up” messages indicating policy preferences, more or less specifically articulated, were transmitted in a multitude of ways, and often influenced in varying degrees the politicians’ final decision to act.<sup>4</sup> The most natural addresses of such messages would be tribunes of the plebs, in their traditional role as defenders of the People’s rights and interests. The formal rules that required tribunes to stay in the city and be accessible to citizens, “[b]esides making the tribunes available for *auxilium*, ... enabled less formal appeals as well: simple interactions with groups of plebeians,” allowing these “[to tell] the tribunes what was on their mind.”<sup>5</sup> But such informal appeals were not confined to tribunes. Cicero, as we shall see, claimed that the *populus* was urging him as (future) aedile to prosecute Verres before the assembly, and during a food shortage in 57 a crowd called upon him, by name, to raise the matter in the Senate.

In the nature of things, most of these channels and instances of informal communication “from below” wholly escape detection on our part; and when they are mentioned in the sources, we cannot estimate with any precision their relative importance in shaping the final decision. It is likely that many policy initiatives originated “from below” only in their general drift, to be eventually translated into a specific policy proposal by an elected official (usually a tribune). A mixed model of initiative, when a politician had heard more or less specific ideas “from below” and in the end chose to act in a manner that was influenced by these ideas, but not wholly dictated by them, and stemmed also from his own predilections – may perhaps be assumed, even if undocumented, to have been far from exceptional.<sup>6</sup>

However, there are quite a few instances preserved in the sources of “the People” addressing political messages to politicians directly, openly, and powerfully, and the latter acting upon them. In such cases, we can speak of unofficial initiative from below directly prompting members of the elite to act. This does not of course mean that in those cases, this was the only kind of influence that moved them – even if it is strongly emphasized, and the

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<sup>4</sup> Cf. Morstein-Marx 2013, 41: “there must have been a very dense network of messages moving also from social bottom to top, signalling plebeian demands and promoting political action by ambitious senators prepared to respond to such demands in exchange for popular support or, as they would have put it, *honor* and *existimatio*.” See also Logghe 2017, esp. 74–5.

<sup>5</sup> Logghe 2017, 76, with reference to *Plut. Quaest. Rom.* 81.

<sup>6</sup> Cf. Morstein-Marx 2004, 147: “‘public opinion’ is not a concrete, independent object that is ‘out there’ to be ‘found’ and ‘measured’ by a neutral observer or ‘heard’ by a politician, but an artefact *created* in the process of being articulated.”

final decision to act is expressly attributed to it. Elitist influence may fail to make its way into our sources too.

## 2. Late Republican Campaigns of Graffiti

The turbulent and relatively well-documented times of the late Republic provide us with several well-known examples of such communications “from below” directed at members of the elite, prompting them to take the required legal initiative. However, as we shall see, the phenomenon is attested before the late Republic, and should not be attributed solely to its specific conditions. In a paper on political graffiti in the late Republic,<sup>7</sup> Robert Morstein-Marx discusses, among other things, two famous cases when a campaign of graffiti described in the sources as “popular” is said to have had a significant impact on the course of action eventually taken by politicians: the agrarian bill of Tiberius Gracchus in 133 and the assassination of Julius Caesar in 44 (an elite initiative of a different kind).<sup>8</sup> In enumerating Tiberius’ motives for initiating his agrarian reform, Plutarch attributes the greatest influence to the popular graffiti:

But the People themselves set aflame his energy and ambition most of all (τὴν δὲ πλείστην αὐτὸς ὁ δῆμος ὀρμὴν καὶ φιλοτιμίαν ἐξῆψε) calling upon him by means of messages written on porticoes, walls and tombs to reclaim the public land for the poor.<sup>9</sup>

The relative importance attributed to this motivation by Plutarch is, in the nature of things, merely a conjecture, whatever its original source. It is clear from Plutarch’s own account (8.4–7) that others had put greater emphasis on various other factors. “Most say,” he notes, that Tiberius was prompted by Diophanes the rhetorician and Blossius the philosopher; some put the blame on Cornelia who egged her sons on and ignited their ambitions; others refer to his personal rivalry with another young noble, Spurius Postumius, whom Tiberius was “determined to outdo by engaging in a bold political measure which would arouse great expectations among the People.” Finally, Tiberius’ brother Gaius claimed that he had conceived the policy of agrarian reform after observing the desolation in the countryside in Etruria.

The motivations on this list are, of course, not mutually exclusive. They represent a mixture probably well recognizable, *mutatis mutandis*, to many an ambitious politician in a

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<sup>7</sup> Morstein-Marx 2012.

<sup>8</sup> All dates are BCE.

<sup>9</sup> Plut. *Ti. Gracch.* 8.7. Morstein-Marx 2012, 201: μνήματα – “surely ‘tombs,’ as usual in Plutarch.”

modern representative democracy – including, alongside other considerations, the perceived merits of the case and a notion of the public good. The direct public pressure exerted on Tiberius is attributed by Plutarch to the “demos.” This, admittedly, is a general term, but its reading should be “popular” enough to fit the content of the message: agrarian reform, “reclaiming the public land for the poor.” The demand must have been formulated in a general way; the crucial details of the bill will have been formulated by Tiberius together with his high-ranking supporters, as Plutarch goes on to relate (9.1). The link between popular demand and the agrarian bill, as presented by Plutarch, was neither direct nor exclusive, but it was powerful.

As Morstein-Marx notes,

It is often stated that political initiative in the Roman Republic was the sole preserve of senators and thus that the citizenry only had a voice when a space for it was opened up by division among the elite. But this example shows that to attribute political initiative solely to magistrates and the Senate is to take too formal a view: the *populus* had ways of making their desires known, though these generally fall beneath the purview of our sources. Graffiti were evidently one of these methods, and the matter-of-fact way in which Plutarch introduces this idea gives reason to wonder whether it was a much more common phenomenon of “lower-class” public life than the scarcity of references in our sources might suggest.<sup>10</sup>

The picture drawn by Plutarch does not present the People as merely taking advantage of an already existing division within the elite, by supporting an initiative originating “from above.”<sup>11</sup> Nor was the initiative, as reported, solely popular in its origin. Rather, one can speak of a mixed model of political initiative in this case. The popular element in this mixture of motivation is present both directly, as expressed by the graffiti campaign related by Plutarch, and indirectly (though powerfully) in Tiberius’ determination “to outdo [a rival aristocrat] by engaging in a

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<sup>10</sup> Morstein-Marx 2012, 201–2. Cf. North 1990, 19: “We hear on occasion of slogan-daubing to put pressure on politicians [a reference to Plut. *Ti. Gracch.* 8 and also to the slogans surviving in Pompeii]; it may be that this whole side of political life has been seriously neglected.” On graffiti in the late Republic, with examples from the early principate, see Angius 2018, 32–59.

<sup>11</sup> Morstein-Marx 2012, 202 suggests that if the effect of the graffiti on Tiberius was indeed as great as Plutarch relates, this must have been largely because it encouraged him to conclude, given the wide scope of the phenomenon (“on porticoes, walls and tombs”), that the cause of agrarian reform enjoyed strong popular support. This could be expected to help him to overcome the anticipated elitist opposition.

bold political measure which would arouse great expectations among the People,” thereby satisfying the ambition that his mother is said to have “ignited.” As so often in Republican politics, the popular and elitist elements appear to have functioned in an interdependent and mutually reinforcing way.

In the case of the assassination of Julius Caesar, it seems clear that the initiative came mainly from within the senatorial elite to which the conspirators belonged. However, the sources relate a wide-ranging campaign of graffiti directed personally at Marcus Junius Brutus, urging him to live up to the glorious tradition of Brutus the consul, the initiator of the deposition of the last king, who was considered his ancestor.<sup>12</sup> In the nature of the case, it cannot be ruled out that some or possibly even all of these graffiti were in fact orchestrated by other conspirators, or perhaps like-minded members of the elite, with the aim of putting psychological pressure on the reluctant Brutus. This possibility is in fact reflected in a tradition that survives in two closely similar passages of Plutarch and Appian.<sup>13</sup> These have Cassius ask Brutus, rhetorically: “do you really think that the anonymous writings on your [praetor’s] tribunal come from artisans and shopkeepers” (very probably rendering the Latin *opifices at tabernarii*, well known from the accounts of late republican crowds and popular politics), “and not from the leading men in Rome?”

Whatever the facts of the matter in this particular case, Cassius’ reported rhetorical question “implies that the natural assumption, and indeed Brutus’ view up to this point, was that ‘artisans and shopkeepers’ would be the agents of such graffiti.”<sup>14</sup> Admittedly, this tradition also implies that it was a credible claim that messages could sometimes be passed in this way within the senatorial elite, whose members certainly had opportunities to approach each other directly; perhaps, in this case, this was due to the delicate nature of the subject matter, which required anonymity. It also implies, unsurprisingly, that attributing such messages to leading men rather than to (numerous) commoners could be expected to make a stronger impression on a man like Brutus. At any rate, even for a fundamentally “oligarchic” enterprise such as Caesar’s assassination that would eventually be rejected by most of the urban plebs, some popular input in encouraging it is reported by the sources. This may perhaps be connected with the indications that in the last months of Caesar’s rule his increasingly unabashed autocracy,

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<sup>12</sup> Plut. *Brut.* 9.5–9; *Caes.* 62.7; App. *B Civ.* 112; Cass. Dio 44.12.1–3; Suet. *Iul.* 80.1–3.

<sup>13</sup> App. *B Civ.* 2.113; Plut. *Brut.* 10.6. Morstein-Marx 2012, 210, n. 75: “Plutarch’s ‘weavers’ seems out of place in urban Rome and looks like an unsuccessful stab at *opifices*.”

<sup>14</sup> Morstein-Marx 2012, 210.

with rumors of kingship, provoked resentment among (part of) the common People. The conspirators may have relied on these indications (which does not rule out that they may have encouraged them too) in assessing their chances of success after the deed, only to be disappointed when the tide of (most) popular opinion turned decisively against them.<sup>15</sup>

### 3. The People's Voice

In his book on public opinion and popular participation, Andrea Angius draws a list of 17 attested cases, in the last century of the Republic, of “iniziative politiche di origine popolare” – instances of popular pressure on specific issues producing political results, starting with the election of Scipio to his first consulship (discussed below) and the graffiti addressed to Tiberius Gracchus.<sup>16</sup> In some cases, admittedly, popular initiative can be inferred only from a general statement that a certain measure was strongly demanded by the People – like in the case of the restoration of the tribunes' powers, according to Cicero (*Verr.* 1.44: *populus Romanus tribuniciam potestatem tanto studio requisivit*). This might conceivably refer solely to the known public support for the initiative already taken by the tribunes who were campaigning for the restoration of the tribunate. But how likely it is that these tribunes had merely guessed what the public sentiment was? At any rate Cicero, addressing his hard-line optimate brother Quintus in *De Legibus*, presents this restoration, by Pompey in 70, as imposed by the state of public opinion:

You say you cannot praise Pompey in this one matter; but you do not seem to have sufficiently considered this point – that he had not only to look to what was best but also what was necessary (*non solum ei quid esset optimum videndum fuisse, sed etiam quid necessarium*). He understood that this power could not be withheld from our state; for how could our People do without it once they had experienced it when they had demanded it so vehemently before they knew what it was? It was incumbent on a wise citizen not to leave to some dangerous demagogue a cause that was not vicious in itself and so popular that it could not be opposed (*causam nec perniciosam et ita popularem ut non posset obsisti, perniciose populari civi non relinquere*).<sup>17</sup>

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<sup>15</sup> Thus Morstein-Marx 2012, 210–5; see in particular Suet. *Iul.* 80, listing the graffiti addressed to Brutus “among a series of [hostile] popular responses to Caesar's actions (placards, jingles, derisive shouts, and protest ballots)” (Morstein-Marx 2012, 210). Cf. Rosillo-López 2017, 187–94 on the conspirators “misreading public opinion.”

<sup>16</sup> Angius 2018, 325–6.

<sup>17</sup> Cic. *Leg.* 3.26.



Cicero is clearly thinking in terms of popular demand producing demagogic “supply,” and not the other way around – although in real life, supply and demand often re-enforce each other, as may well have happened in this case too. We are not told exactly how the People *tanto studio requisivit* the restoration of the tribunate,<sup>18</sup> but this case hardly fits the model of a “division within the oligarchy” creating an opening for the People to exercise some influence.<sup>19</sup> Rather, several radical tribunes of the plebs had been active in agitation for this cause during the 70s, clearly against the interests and the wishes of the (overwhelming majority of the) oligarchy.<sup>20</sup> Some of them were high-born, some of relatively humble origin; all of them, as elected officials, were indeed part of the Republican “oligarchy,” usefully reminding us that this concept is fairly broad and flexible. They certainly encouraged (“from above”) the popular demand for the restoration of the tribunate, but their very decision to challenge the oligarchy on this sensitive matter must have been prompted by an expectation – presumably based on more than mere guesswork – of strong popular support. Pompey’s eventual, and decisive, decision to take up this cause is defended by Cicero on the grounds that otherwise it might have been taken up by a *perniciosus civis* – presumably someone more formidable than the pre-restoration tribunes.<sup>21</sup>

When Cicero is warning Verres’ senatorial judges that if they acquit the accused he will bring the case, as aedile, before a *iudicium populi*, he describes this future action as acceding to a demand that has already been voiced by the People: “I will move on to what the Roman People is already asking me (*proficiscar eo quo me iam pridem vocat populus Romanus*); for it thinks that the power to judge on liberty and citizenship is its own, and it is right to think so”

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<sup>18</sup> These words relate directly to the original popular demand for the tribunate, but the context implies that they are relevant also to contemporary circumstances. Cf. Cic. *Div. Caec.* 8: *tribunicia potestas efflagitata est*. It suits Cicero’s rhetorical purpose, here and elsewhere in the Verrine speeches, to stress that popular enthusiasm for a reform of the senatorial courts was even stronger (cf. *Verr.* 1.45), but eventually even Catulus is quoted as conceding that the popular desire for the full restoration of the tribunate was genuine (*Verr.* 1.44).

<sup>19</sup> Cf. North 1999, 18: “The popular will of the Roman People found expression in the context, and only in the context, of divisions within the oligarchy.” Cf. Morstein-Marx 2004, 283: “When, after 133, was the Roman elite not divided?” In this case, however, it seems that the “division” itself was, at least in large measure, created by the known “popular will.”

<sup>20</sup> See on this Marshall and Beness 1987.

<sup>21</sup> Perhaps another edition of Lepidus in 78. On the development of Lepidus’ position regarding the tribunes’ powers see Rosenblitt 2019, 63–79, 151–4. He initially turned down a request by tribunes to take up this cause (*Gran. Lic.* 36.33), but probably changed his mind later in the year.

(*Verr.* 2.1.12). We cannot know who exactly, and how, was “calling” on Cicero to take this course of action. The whole thing might actually be a rhetorical invention, but it must have been a credible one. It was thus believable that a Roman magistrate – not a tribune – might face such demands, on such an issue, “from below.”

A relatively detailed account of the events leading to a *senatus consultum* and a law on Pompey’s *cura annonae* in September 57 demonstrates how the Roman populace could, occasionally, take political initiative on a specific issue, with a specific proposal addressed to a specific politician – and eventually have its way.<sup>22</sup> The issue was grain shortage and its relief – one which naturally aroused strong popular emotions. Admittedly, a food riot is perhaps the least surprising instance of “popular initiative” which does not require a republican political system in order to take place and sometimes succeed in forcing the government’s hand. But what interests us in this case is the exact interaction between the physical “voice of the People” and the mechanism of Republican, and specifically senatorial, politics. Cicero’s letter to Atticus (4.1.6) provides the most reliable account of the events following his return from exile:

Two days after that – there having been a very heavy rise in the price of corn, and great crowds having flocked first to the theatre and then to the Senate-house, shouting out, at the instigation of Clodius, that the scarcity of corn was my doing – meetings of the Senate being held on those days to discuss the corn question, and Pompey being called upon to undertake the management of its supply in the common talk (*sermone*) not only of the plebs, but of the *boni* also, and being himself desirous of the commission, when the People at large called upon me by name to support a decree to that effect (*multitudoque a me nominatim ut id decernerem postularet*), I did so, and gave my vote in a carefully-worded speech. The other consulars, except Messalla and Afranius, having absented themselves on the ground that they could not vote with safety to themselves, a decree of the Senate was passed in the sense of my motion, namely, that Pompey should be appealed to undertake the business, and that a law should be proposed to that effect.<sup>23</sup>

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<sup>22</sup> *Cic. Att.* 4.1.6–7; *Dom.* 6–16; *Cass. Dio* 39.9.2–3. See in Morstein-Marx 2019, 520–3 a detailed analysis of this event, which is said to exemplify the phenomenon of “fear of the People” on the part of the ruling class (cf. also below).

<sup>23</sup> *Trans.* E. S. Shuckburgh.

A consular law giving Pompey his commission, with a wide-ranging imperium, was quickly drafted and passed. The letter, as well as Cicero's speech *De Domo Sua*, distinguishes between those who shouted out Cicero's name at the instigation of Clodius, blaming him for the scarcity of corn, and those who would later call on him *nominatim* to propose entrusting the grain commission to Pompey. The latter, naturally, are presented by him as the true Roman People, "the vast multitude of citizens" who assembled on the Capitol only after Clodius and his minions, whom Cicero also blames for the violent riots that accompanied this agitation, had left (*Dom. 7: cum praesertim te iam illinc cum tua fugitivorum manu discessisse constaret*). The public speech is naturally suspect of manipulation, the letter to Atticus perhaps less so. At any rate, it is clear that the calls addressed from the crowd to Cicero to initiate the appointment of Pompey were not instigated by Clodius, who would strongly oppose Pompey's commission and certainly could not have wished to give Cicero an opportunity to ingratiate himself with the People. Whatever role Clodius played in the agitation and the riots, he was certainly not in full control, and eventually "the popular will" communicated to the Senate went against his wishes.

In defending his motion in the Senate against Clodius' criticism, Cicero acknowledges and in fact emphasizes its popular origin: "it was, in the first place, the opinion which popular discussion (*populi sermo*) had already implanted in our minds," and also one that had been weighted in the Senate during previous days, and eventually adopted by a *frequens senatus* (*Dom. 8*).<sup>24</sup> This degree of deference to direct popular pressure and the extraordinary commission resulting from it are presented as justified by the gravity of the crisis and the People's genuine distress, which Cicero acknowledges, accusing Clodius only of exacerbating things by his incitement and violence (*Dom. 10–2*).

However, when it suited him Cicero could also, in a senatorial speech, attribute considerable *auctoritas* to unofficial manifestations of the popular will on more general political matters (rather than on the question of the People's sustenance). In his first *Philippic*, Cicero addresses Marcus Antonius and Dolabella:

And, indeed, you have both of you had many judgments (*iudicia*) delivered respecting you by the Roman People, by which I am greatly concerned that you are not sufficiently influenced. For what was the meaning of the shouts of the innumerable crowd of citizens collected at the gladiatorial games? or of the verses made by the People? or of the

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<sup>24</sup> Morstein-Marx 2019, 523: "[W]e have [in this case] an implicit model of popular 'input,' starting with *populi sermo*, which gives rise to senatorial debate and was finally 'put over the top' by Cicero's advocacy."

extraordinary applause at the sight of the statue of Pompeius? and at that sight of the two tribunes of the People who are opposed to you? Are these things a feeble indication of the incredible unanimity of the entire Roman People? What more? Did the applause at the games of Apollo, or, I should rather say, testimony and judgment there given by the Roman People, appear to you of small importance? ... I myself, indeed, am a man who have at all times despised that applause which is bestowed on *popularis* citizens, but at the same time, when it is bestowed by those of the highest, and of the middle, and of the lowest rank, and, in short, by all ranks together, and when those men who were previously accustomed to aim at nothing but the favor of the People keep aloof, I then think that, not mere applause, but a deliberate verdict (*non plausum illum, sed iudicium puto*).<sup>25</sup>

A *iudicium* of the Roman People – their deliberate and considered judgment – was, by definition, highly authoritative. In the strict sense, the People’s will could only be expressed through a lawfully taken vote of a lawful assembly presided over by a magistrate, subject to all the safeguards, as regards both procedure and composition, wisely established by “our ancestors.”<sup>26</sup> However, when rhetorical need arose, popular shouting, booing and applause at a *contio*, as well as at public spectacles, in public places and in the streets of Rome, could also be presented as a *significatio* of the People’s will.<sup>27</sup> In this case, Cicero finds it rhetorically expedient to express concern that the consuls are not sufficiently moved by these manifestations of popular sentiment.<sup>28</sup> His pretext for taking them seriously rather than dismissing them with

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<sup>25</sup> Cic. *Phil.* 1.36–7. Trans. C. D. Yonge.

<sup>26</sup> See Cic. *Flac.* 15–6. See Rosillo-López 2019a, 510 on *iudicium* used by Cicero in electoral and legislative contexts, in addition to *iudicia populi* as assembly trials.

<sup>27</sup> See Rosillo-López 2019a on Cicero’s flexibility in treating such manifestations, at *contiones* and outside them, as *iudicia populi* when it suited him politically. Rosillo-López 2017, 8–9, 40; 2019, 504 suggests that Cicero, as a rule, emphasizes the significance of *contiones* and public spectacles (“opinion expressed in official places and events”) at the expense of “free and non-institutional expression of public opinion, such as comments in the streets, gossip in the Forum, etc.” Gossip and comments in the street were indeed still more “non-institutional” than both *contiones* and public spectacles (though Cicero also mentions *populi versus*, which were not confined to either spectacles or *contiones* (Rosillo-López 2017, 9; cf. Angius 2018, 97–114). On rumors and unofficial expressions of public opinion throughout the city, see O’Neill 2003; Pina Polo 2010; Rosillo-López 2017, 42–97; Logghe 2017; Knopf 2019, esp. 625–7.

<sup>28</sup> Cicero makes a similar argument, at length, in *Pro Sestio* (105, 106, 115–27). Here, too, the “judgment of the Roman People” expressed at public spectacles related to political matters. In 115, he claims theatrical and gladiatorial shows sometimes provided a venue for a more genuine expression of popular feelings than voting

elitist contempt, is, it should be noted, not that these were voices of respectable citizens as opposed to the rabble (or alleged hirelings), but that they came from the *universus populus Romanus*, from top to bottom. This is what is said to have made them authoritative. This unofficial voice of the People, as described by Cicero, was not merely the voice of hunger and distress which it would have been imprudent for the Senate to ignore; it related to high politics. No danger of a violent outbreak seems to be implied. Although at that time such a danger was perhaps never far from senators' minds, it seems unlikely that there was a credible threat of it from the political direction suggested by Cicero here.

This voice, attributed to the People, was not advancing a specific proposal. This is not a case of a political initiative from below; but neither is it a case of the People merely reacting to an initiative coming from above. The People's (alleged) mood is mentioned by one "oligarch" in order to move other "oligarchs" into action (a change of course). What is remarkable here is the degree of authority accorded, even if manipulatively, to unofficial and unregulated expressions of a popular sentiment.<sup>29</sup> If this is accepted in principle as a legitimate argument, the borderline between general and specific preferences and grievances, and more or less specific demands to address or to redress them, becomes blurred.

Whatever the degree of manipulation involved in Cicero's account, such language used in the Senate by a conservative senior statesman does not imply that the political culture of the day regarded popular input into politics by means of public manifestations as something illegitimate – or exceptional. Naturally, arguments were also easily available, in legitimate political discourse – and especially in its optimum variety – for *not* giving up to popular pressures of this kind. It might be claimed that the demand in question was *not* being voiced by the *universus populus Romanus*, or even by genuine Roman citizens (as Cicero regularly claims about Clodius' supporters), or that acceding to it would *not* be for the common good (as Scipio Nasica stated bluntly on the occasion described below), or in accordance with (one's often flexible interpretation of) the *mos maiorum*. The supremacy of the Roman People, which everyone acknowledged in principle, did not at all have to translate itself into accepting a specific demand of a specific mob, however large and noisy. In principle, this is no less true for a modern representative democracy. In practice, the Roman ruling class was probably, on

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assemblies and *contiones*. See also Cic. *Pis.* 65; cf. Cic. *Att.* 2.19.3, 14.3.2; *QFr.* 2.14.2 (political importance actually attached by Cicero to such expressions). On the political significance of spectacles, see Knopf 2018, 265–74; Angius 2018, 60–80.

<sup>29</sup> Cf. Rosillo-López 2019a, 510–1; Angius 2018, 313–4.

average, better equipped to resist popular pressures and unofficial initiatives – both rhetorically, given the unabashedly elitist elements of the political culture, and by using and abusing the actual mechanism of decision-making. On the other hand, in the Republic’s last decades and years, when the argument in favor of heeding the voice of the Roman People was made, this might sometimes be a matter of making a virtue of physical, and not merely political, necessity.

#### **4. The Heyday of the Senatorial Republic: Scipio Aemilianus elected to his First Consulship**

The story of the election of Scipio Aemilianus to his first consulship in 147 and of his African command conferred by popular vote, belongs to the heyday of the senatorial Republic, the relatively tranquil and harmonious days before the Gracchi. This story lacks the traits often associated with popular politics of the late Republic, and especially with its last decades: “party-political” (optimate/popular) tensions within the senatorial elite that sometimes provided an opening for the exercise of popular power, and popular violence or a threat of it.<sup>30</sup> Moreover, this is not a story of a food riot, nor was the populace exerting pressure for the sake of obtaining some other material advantage; it voiced its opinion *de re publica*. The People’s role in the affair was anything but passive, and legal constraints failed to stem a strong current of public opinion. Appian’s account is the only detailed one we have:

When [Roman setbacks in the siege of Carthage] were reported at Rome, the People were chagrined and anxious ... Remembering the exploits of Scipio while he was a military tribune not long before, and comparing them with the present blunders and recalling the letters written to them by friends and relatives from the army on that subject, there was presently an intense desire that he should be sent to Carthage as consul. The election was drawing near and Scipio was a candidate for the aedileship, for the laws did not permit him to hold the consulship as yet, on account of his youth; yet the People elected him consul. This was illegal, and when the consuls showed them the law they became importunate and urged all the more, exclaiming (ἐλπάρουν καὶ ἐνέκειντο, καὶ ἐκεκράγεσαν) that by the laws handed down from Tullius and Romulus the People were

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<sup>30</sup> Cf. North 1990, 126: “It can, therefore, be argued that such democracy as we find in Cicero’s day was nothing more than a symptom of a collapsing system. As the ruling elite lost its grip, so voting in the assemblies, like rioting on the streets, took on a significance it had never had in the more stable periods of Roman political life.” North himself does not (fully) endorse this view.

the judges of the elections, and that, of the laws pertaining thereto, they could set aside or confirm whichever they pleased. Finally one of the tribunes of the People declared that he would take from the consuls the power of holding an election unless they yielded to the People in this matter. Then the Senate allowed the tribunes to repeal this law, and after one year they re-enacted it ... Thus Scipio, while seeking the aedileship, was chosen consul. When his colleague, Drusus, proposed to him to cast lots to see which should have Africa as his province, one of the tribunes put the question of the command of that army to the People, and they chose Scipio.<sup>31</sup>

The *Periochae* of Livy's book 50 preserve, in broad strokes, the tradition that is reflected in Appian's later detailed description:

When Publius Scipio Aemilianus ran for aedile, he was elected consul by the People. Because he could not lawfully be made consul as he was under age, he was, after a great struggle between the People, who supported him, and the senators who resisted this for some time, exempted from the laws and made consul (*quoniam per annos consuli fieri non licebat, cum magno certamine suffragantis plebis et repugnantibus ei aliquamdiu patribus, legibus solutus et consul creatus*).

Rather than the *populus* rubber-stamping by its votes a decision of the oligarchy – as should have happened under the oligarchic model of Republican politics, and as no doubt actually happened often enough – it seems that in this case it was the ruling class that was induced, under considerable direct pressure, to rubber-stamp a strong popular demand and sanction the required bending of the rules. According to this account, it was a popular movement, motivated by what public opinion regarded as the public good, that led to the election of Scipio. It was strong enough to sweep aside the procedural obstacles that stood in its way – that is to say, formally, to make the organs of the elite “initiate” the political steps that needed to be taken.

“The People” are described as having two specific aims: making Scipio consul, and sending him, as consul, to lead the Roman armies in the African war. The first aim was illegal, since Scipio was under the legal age and had not passed the necessary stages of the *cursus honorum*; the second one was “unconstitutional,” since the People were not supposed to choose commanders for specific campaigns. Both these aims were eventually attained. Appian's

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<sup>31</sup> App. *Pun.* 112. Trans. H. White.

language (“they became importunate and urged all the more, exclaiming...”) indicates “some fairly substantial public outcry and disturbance” which must have “involved mobs cheering and shouting demands for the election of Scipio, and jeering at the consul who quite properly refused to regard him as eligible.”<sup>32</sup> The presiding consul put up strong resistance and countered the popular outcry by “showing them the law.” According to Livy, he was supported by the *patres* and the struggle went on for some time (*aliquamdiu*); this might mean that it stretched over more than one day, and took more than a single confrontation between the crowd and the presiding consul. Whether or not the Senate’s stance was given some formal or quasi-formal expression during the course of the struggle, the weight of senatorial opinion must have been clearly on the consul’s side.

The consul presiding over the assembly was on firm legal ground, backed by the Senate. The power of the “oligarchy” was, in such a situation, at its height. The People had no legal way to break the deadlock and impose their will, and there was, in those days, no question of imposing it by force. Nevertheless, the popular will eventually prevailed. It is important to grasp the full implications of the fact that such a thing could happen at a time when the system was functioning in a normal way, giving full weight to the *auctoritas* of the Senate. The Republican “constitution” was a complicated and flexible mechanism that could be put to different and sometimes opposing uses. The ruling class had various means of frustrating, when it saw fit, the exercise of the popular will. That the People had a certain right “on paper” did not guarantee that it could be freely exercised against the wishes of the senatorial elite. On the other hand, the mere fact that they lacked such a right, legally, did not necessarily mean that they could be effectively prevented from exercising it, if popular pressure was strong enough. It is true that in order for this to happen without a breach of legality, an elected official – usually, a tribune of the plebs – had to take up the popular cause. Whether such a tribune would in fact be available in each particular case depended, presumably, on the strength of the popular pressure, but also on other, more “elitist” considerations that could hardly be ignored by a tribune who was himself, by definition, a member of the office-holding class. But at any rate, whenever the popular side of the equation won, there was no difficulty in justifying the tribune’s behavior in terms of the fundamental logic of the system and the notions of legitimacy accepted, in principle, by all.

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<sup>32</sup> Astin 1967, 66. “Appian uses the plural ‘consuls,’ but only one consul [Postumius] can have presided and it is most unlikely that Piso left Africa” (Astin 1967, 65, n. 3).



This is what happened in this case. A tribune threatened to prevent the elections unless the consul yielded to the People. This could not be risked; “the prospect of the state being deprived at a crucial moment of all its senior officials compelled the senators to give way”;<sup>33</sup> and the Senate asked the tribunes to suspend the relevant legislation for one year. Scipio’s candidature was accepted and the election could proceed, producing the expected result. This case may be compared with an earlier example of the Senate standing its ground in a somewhat similar situation: Livy (39.39) relates that in 184, when a suffect praetor had to be chosen, a legally disqualified candidate ran for the office enjoying strong popular support and that of some of the tribunes and refused to abandon his campaign, defying the presiding consul and the Senate. The Senate eventually called off the election, decreeing that the existing number of praetors was sufficient. It should be noted that in this case too, although the presiding consul had both the letter of the law and the support of the Senate on his side, popular enthusiasm for an illegal candidate could not be simply brushed aside. The Senate and the consul could not procure the election of somebody else, but they could afford to dispense with the election altogether. This option was not available in the consular election for 147.

It is often stressed that the wide powers of the presiding officer (usually consul, if not a tribune in the plebeian assembly), without whose active cooperation no valid assembly decision could be made, might enable him to thwart the popular will at his discretion, even without formal justification. “The [presiding] magistrate was...formally and in actual fact in charge, and he could refuse to accept a vote by the *populus*, as happened on several occasions.”<sup>34</sup> Formally, this is correct; but what happened “in actual fact” depended not just on political factors, but also on the existence of a (potentially) rival formal authority, that of the tribunes of

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<sup>33</sup> Astin 1967, 67.

<sup>34</sup> Mouritsen 2017, 19, with n. 39. Mouritsen recalls a famous – and exceptional – late republican example: “As late as 67 the consul C. Piso had declared that if the assembly chose M. Palicanus as consul he would not return him, ‘*non renuntiabo*,’, Val. Max. 3.8.3.” According to Valerius Maximus, the consul strongly objected to Palicanus’ candidacy since he was “seditious” and unworthy: his “firmness” in the face of the pressure exerted by tribunes friendly to Palicanus “wrested the consulship from Palicanus before he could obtain it” (*consulatum Palicano prius quam illum adipisceretur eripuit*). This means that Palicanus, who was a legal candidate, either felt forced to withdraw from the race (but in this case it is unclear why his supporters the tribunes did not prevent the election) or, more likely, went ahead, hoping to win despite the consul’s open opposition, but lost, his defeat attributed to the consul’s high-handed intervention. *Renuntiatio* could not be forced on the presiding consul, but it does not seem that he could have “announced” someone else instead of Palicanus, had he won the votes, so realizing such a threat would have apparently meant leaving one of the two consulship vacant. See on this Yakobson 1999, 162–4; Wiseman 1994, 336–7.

the plebs. The tribunes' discretion in using their power of veto was even more indisputably unlimited than that of the consuls as presiding magistrates. Not only a personal or political abuse of consular authority, in presiding over elections, could be effectively countered by a threat of veto, but also, as this case demonstrates, a wholly appropriate, in terms of the system, attempt on a consul's part to uphold the law in the face of popular pressure to bend the rules. On the whole, the fact that the Republican political system made it much easier to block a decision than to make it favored the status quo and thus, inevitably, the ruling class.<sup>35</sup> Things were different, however, when the ruling class could not afford to accept a prolonged deadlock; this was surely the case as a rule when consuls had to be elected, and definitely so on this occasion.

The anonymous tribune of the plebs whose threat of veto paved the way to Scipio's election is described as translating the popular demand and outcry, directly, into legitimate, and effective, political action. He thus may be said to have acted as a "People's representative" in a very real and direct sense. Though we cannot be sure that Appian allows us to see the whole picture, the tribune's "representative" function on that occasion may well have been exercised in a more direct and immediate way than is often the case with "the People's representatives" in a modern representative democracy.<sup>36</sup> As an elected official, a tribune of the plebs was, however humble he might sometimes have been compared to true aristocrats and from their viewpoint,<sup>37</sup> part of that Roman elite or "oligarchy" which possessed the "monopoly of all forms of political initiative."<sup>38</sup> It should always be borne in mind that such terms as "elite," "ruling class," or "oligarchy," should in the Roman republican context be taken in a sense that is broad and flexible enough to include such people.

The tribune acted on this occasion in a way fully consistent with Polybius' highly controversial account of the tribunate: "and here it is to be observed that the tribunes are always obliged to act as the People decree and to pay every attention to their wishes." This remark is part of his explanation for why as part of the balance of the mixed constitution the Senate, though "it possesses such great power," "fears the multitude and must pay due attention to the

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<sup>35</sup> See Cic. *Leg.* 3.42; cf. 3.24. See on this Yakobson 2015, 167–8.

<sup>36</sup> Cf. Mouritsen 2001, 92, n. 3: "It is important to note that the magistrates, unlike modern politicians, did not 'represent' the voters to whom they owed their office. Roman politicians therefore had no constituency in the modern sense. Ideally, popular tribunes may have been expected to protect and further the interests of the plebeians, but they did not represent them, nor were they directly responsible to them."

<sup>37</sup> Cf. Yakobson 2018, 19–20, 22–4, 29–31.

<sup>38</sup> Cf. North 1990, 15–6.

popular will” (6.16). It is often said that Polybius got it wrong: though this had been the original ideology of the tribunate, this is not at all how the tribunate actually functioned – certainly not in the “harmonious” middle Republic. Certainly, “always obliged” is an exaggeration. But sometimes, apparently, tribunes did act in this way – as did the tribune who paved the way to Scipio’s irregular election, and also the tribune (who may actually have been the same one) who later carried the law that assigned the command in the war to Scipio, bypassing the sortition on which the other consul was insisting.

The latter decision was highly significant. Decisions of this kind were supposed to be taken in an “oligarchic” way – by sortition involving high officials, mutual agreement between colleagues, or senatorial decision. The *populus*, in this case, clearly trespassed on the senatorial sphere, on a matter of crucial importance for the Senate and for individual senators. This possibility, then, did not have to wait until 133 before materializing.<sup>39</sup> But as Polybius stresses in 6.16, part of the overall balance of the system was (even before 133) that the traditional sphere of senatorial competence was not immune from popular encroachment “if anyone introduces a law meant to deprive the Senate of some of its traditional authority.” Polybius fails to mention the fact that only a tribune, rather than “anyone,” had a right to introduce such legislation – but he does stress, in this context, that tribunes are “obliged” to give expression to the popular will. Of course, sending Scipio as commander in the war against Carthage had according to Appian’s account been the whole purpose of the original popular demand to make him consul, and we may assume that this wish was voiced loudly when the People were clamoring for Scipio’s election. Both as regards Scipio’s election and on the matter of his military command, the popular will to which the tribune (or tribunes) gave expression was clear and specific, with no significant role left for intermediaries in creating its final shape. The anonymity of the tribune(s) in this case might be purely incidental, but it also seems appropriate: the larger-than-life tribunes of the later Republic, powerful politicians who could move public opinion no less than being moved by it, are not what we see here.

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<sup>39</sup> This “may have been the first ... instance of the assignment of a consular *provincia* by popular vote” (Morstein-Marx 2019, 528). Morstein-Marx regards the case of the Senate giving in to popular pressure on Scipio’s election and asking the tribunes to “avoid blatant illegality” by temporarily abrogating the relevant law, as another example of “the fear of the People” on the part of the Senate, as related by Polybius at 6.16. This fear, in Polybius’ time, was political – the possibility that senatorial opposition might be overcome by hostile tribunician legislation, which sometimes moved the Senate to make a virtue of necessity and concede the point of controversy. In the late Republic, the Senate might have to fear popular violence, and sometimes “these two kinds of fear might merge together” (Morstein-Marx 2019, 519).

Just how “popular” was the popular demand that set off this chain of events? We cannot know. Appian certainly gives the impression that it was fairly popular, and Livy’s account speaks of a prolonged struggle between the plebs and the *patres*. Such language, whenever it appears in the sources (as it often does), is inherently imprecise. However, it does seem to point to something broader than anything that could be reasonably defined as an “elite,” though it does not by any means have to refer to just the lower orders. And, naturally, we cannot rule out an element of elite input and manipulation behind the scenes. This, of course, holds true for any popular movement, however broad and strong, anywhere. Scipio Aemilianus himself naturally comes under suspicion (though not on Appian’s part).<sup>40</sup> He was campaigning for the aedileship and could not openly set his eyes on the consulship, but the young aristocrat had enough influential friends who could have contributed, to a greater or lesser degree, to the climate of public opinion that eventually led to his election.<sup>41</sup>

None of this implies that the popular feeling was not genuine and widespread – and certainly not that such an outburst could be manufactured from above regardless of the People’s judgment on the merits of the case. The opposition of the ruling class as a whole, represented by the presiding consul and the *patres*, appears to have been solid. It might be of some significance that while the Senate is said to have asked “the tribunes” to carry the necessary legislation allowing Scipio’s candidacy, only one tribune is said to have threatened to prevent the election, and only one (possibly, the same one) proposed the law on Scipio’s command in Africa. It might be asked what was the importance of the Senate asking the tribunes to abrogate the law when they – any of them – could in any case have initiated this measure without any senatorial authorization. The Senate’s “green light” was probably needed to make sure that the bill would not be vetoed. Elite opposition to Scipio’s illegal election may well have been strong enough to include some of the tribunes, perhaps most of them. Despite what Polybius says, tribunes did not “always” support controversial popular demands. But when it came to a threat of veto (as opposed to carrying a bill in the assembly), the People did not need the support of all or even most of the tribunes in order to have their way. The system worked in such a way that if even a single tribune decided to take up the popular demand and threatened to prevent the election, he could eventually force the Senate’s hand if the election itself could not be dispensed with.

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<sup>40</sup> This is often assumed in scholarship, e.g., Harders 2017, 248–9 (with references).

<sup>41</sup> Astin 1967, 64.

The strength of the “elitist” opposition that had to be overcome made sure that the consular election in 148 would be remembered as a popular victory, as attested by Appian and Livy, and part of Scipio’s *popularis* reputation.<sup>42</sup> Later, Appian relates that “the People” – in this case, those who were supporting the Gracchan agrarian allotments – resented Scipio’s opposition to them in 129 and regarded it as a betrayal, “because, though they had loved him to a degree which was the envy of others, and on many issues had opposed the powerful leaders on his behalf, and had twice chosen him consul contrary to the law, they saw him acting against their interests on behalf of the Italians” (App. *B Civ.* 1.19).<sup>43</sup> At all events, it is obvious that in this case the formal monopoly of the ruling class on legitimate political initiative did not render the People either passive or powerless.<sup>44</sup>

All this happened in the “good old days” of the middle Republic. And indeed, compared to later developments, the days were relatively good from the senatorial viewpoint. There is no hint that the popular outcry amounted to rioting; no physical threat is implied. The point of controversy in this case is not to be compared to the bitter political and social struggles of the late Republic. “The People” are described as moved by considerations of uncontroversial common good: providing the best military commander for the war in Africa. Their solution to the problem was well within the bounds of the aristocratic and meritocratic ethos of the system, and of its operative logic: a temporary relaxation of formal rules in order to allow a young blue-

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<sup>42</sup> A tradition including Scipio in the list of *populares* existed in the first century, despite his opposition to Tiberius (Cic. *Acad. Pr.* 2.13; cf. Cic. *Leg.* 3.37–8), though it is likely that even in the relatively *popularis* stages of his career he had never been more than a “traditionally-minded moderate” (Scullard 1960, 65; cf. 71, 73–4; Astin 1967, 26–34).

<sup>43</sup> Though this is not clearly attested, it has been suggested that the political background for Scipio’s election to his second consulship in 134, that was also irregular, and had to be enabled by a tribunician bill requested by the Senate (App. *Hisp.* 84; cf. Val. Max. 8.15.4), was similar to what had taken place in 148, *inter alia* on the grounds that the Senate’s refusal to allow him to conscript soldiers in Italy may indicate that the Senate was in fact hostile to him. Thus, Astin 1967, 183–6.

<sup>44</sup> According to Lintott 1994, 46, “though popular feeling frequently expressed itself in the support of one prominent aristocratic politician against another, there was an autonomy in this, which went beyond the machinations of politicians themselves. Scipio Aemilianus received his first consulship in 147, before the normal time, through popular demand.” Mouristen 2017, 134 notes that the Senate’s “dominant families were often defied by other affluent sections of society, most obviously when bills were passed and higher magistrates elected against their express wishes, e.g. Marius or before him Scipio Aemilianus.” The attribution of the electoral result (wholly) to “affluent sections of society” (described in the passage as close to the Senate as a whole, though not to the leading noble families) depends on the assumption that these sections fully controlled the centuriate assembly (cf. Yakobson 1999, 20–64).

blooded aristocrat of proven ability to do the job. What is noteworthy is the People's insistence on their right to initiate such a solution, rather than to be content with ratifying one submitted to them by their betters and superiors – something to which their role was confined according to the strictly hierarchical model of Republican politics.

Within several years, Scipio Nasica, consul 138, would successfully resist, by invoking a version of just such a model, an attempt to turn him into a formal medium of a (de-facto) initiative from below. At a time of a food shortage and rising prices of bread, a tribune of the plebs summoned him and his colleague to a *contio* and pressed the consuls to initiate a measure of relief (emergency purchases) in the Senate. Scipio's objections to this proposal provoked angry shouting from his popular audience, followed by his notoriously rude retort: "Be silent, citizens, I ask you. For I understand better than you what is for the public good" (Val. Max. 3.7.3: *'tacete, quaeso, Quirites', inquit: 'plus ego enim quam vos quid rei publicae expedit intellego'*).

We are not told whether the tribune who tried to press the consul to act had merely guessed what the People were expecting of him, or had received direct messages from them in some way. The latter is perhaps a natural assumption during a food shortage; if so, this seems to be another example of "informal" popular initiative (eventually unsuccessful, since the consul would not be moved and the tribune apparently failed to act on his own). At any rate, in 138 the recalcitrant consul stood his ground (though in the late Republic, as we have seen, frustrating the popular will during a food shortage might prove more difficult). His retort was a particularly churlish expression of an idea – "we know better than you" – that must have been very popular in the Roman ruling class. The ideas of the ruling class were of great importance in that political culture, but they were not the only game in town. It is precisely this idea that had been rejected a decade before, by the People pressing for the election of Scipio Aemilianus. They insisted that *they* actually knew better than either the presiding consul or the senators who were supporting him *quid rei publicae expedit*. Moreover, they saw themselves as entitled to have their way – at least as regards elections – even regardless of the laws. The cry that "by the laws handed down from Tullius and Romulus the People were the judges of the elections, and that, of the laws pertaining thereto, they could set aside or confirm whichever they pleased," reported by Appian, is a clear statement of the principle of (in our terms) full popular sovereignty, or at least in this field.<sup>45</sup> In the particular circumstances of that case, this notion

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<sup>45</sup> Cf. Plut. *Mar.* 12 on Marius' election to a consulship for the second time in 104, in the face of the Germanic threat: "he was appointed consul for the second time, although the law forbade that a man in his absence and before

was not a lip-service to the People but an effective political weapon in their hands. If we may fully trust the tradition related by Appian, the People appear to have almost forgotten – how careless of them – that they were living in the middle Republic.

## 5. Conclusion

In a highly competitive political system where votes matter, and politicians need them for their advancement, the voting public cannot be essentially passive. This must have been doubly true in a city-state where the weight of the People’s physical presence – both in conjunction with, and in addition to, their voting power – was strongly felt by the political class that had to conduct the business of the state in public, and without the benefit of a police force. If the legal right of political initiative is restricted to elected politicians (something which is very much the rule in most modern democracies), this does not prevent public opinion from influencing and moving those who possess this right. It does so both indirectly, since politicians who depend on voters make it their business to know what voters expect of them, and directly, since voters have multiple ways of communicating their feelings, grievances and wishes – including specific policy preferences – to politicians. Informal initiative from below on specific issues – in itself, only part of a broader picture of informal popular input into public life – is attested under the Republic in various cases, and it seems likely that many other instances of popular or “mixed” initiative are unreported in our sources.<sup>46</sup> A (relatively speaking) face-to-face society of a city-state provided numerous opportunities for such “bottom-up” communications (in the Forum and outside it). On top of the well-attested significance of popular shouting, booing and applause in public places, there are indications that “citizens addressing senators and even magistrates [individually] was nothing special. An actioner mocked a consul about his taking of bribes from foreign envoys in the middle of the Forum [*Cic. Planc.* 33]... There was no question of a closely guarded elite, detached and uninterested in what People were saying.”<sup>47</sup>

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the lapse of a specified time should be elected again; still, the People would not listen to those who opposed the election. For they considered that this would not be the first time that the law had given way before the demands of the general good, and that the present occasion demanded it no less imperatively than when they had made Scipio consul contrary to the laws” (trans. B. Perrin).

<sup>46</sup> Cf. Rosillo-López 2019b on the influence of the audience (*corona*) in public trials.

<sup>47</sup> Rosillo-López 2017, 51: members of the ruling class “were surrounded by their fellow citizens, thus ensuring that, in fact, they were socialising in the same place, sharing the same experience, and listening to the same comments shouted out loud”; see on this 48–52. On direct contact between the wider public and senators on

Moreover, the Roman republic had a specific arrangement for making the common people's voice heard – the tribunate. We have seen how this arrangement worked in the case of Scipio's first consulship and command in Africa. Of course, tribunes of the plebs did not always faithfully perform their traditional duty of “acting as the People decree and to paying every attention to their wishes,” in Polybius' words. They were, in many cases, ambitious politicians – sometimes *nobiles* – with strong ties in the senatorial elite. But their very political ambition also made them sensitive, at least in some measure, to popular wishes and pressures.

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political issues cf. Livy 3.17.10 (perhaps anachronistic); Cic. *Att.* 2.18.2; *Mur.* 13 (possibly relevant). On the “imperative of immediacy” in the republican political culture, see Hölkeskamp in this volume.



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**Part II:**  
**Seniority and Status as Factors of Political Agency**

**Acting Up: The Post of Master of the Mint  
as an Early-Career Move in the Late Republic\***

*Christopher Burden-Strevens*

**Abstract**

This article seeks to analyze the opportunities for political leadership provided by one of the most poorly documented of the Republican magistracies: the post of *triumvir monetalis* or master of the mint. Using case studies from the 60s and 50s, it argues that a position at the mint was a valuable means for young politicians not only to introduce themselves to the people or respond to political issues in general terms, but also – crucially – to galvanize opinion for or against *specific* proposals and initiatives. Thus, at the same time as using their issues to promote the achievements of their families – as is well-recognized – the young moneyers discussed here all sought to influence the political agenda directly by articulating messages of support or criticism directed at the particular decisions of their elders and superiors. This important but under-recognized aspect of the political function of the mint in the late Republic reveals that political leadership and agency were not, in fact, solely the privilege of the major magistrates or middle-aged men, but rather a negotiation – sometimes public, but usually private – between established statesmen and young politicians at the start of their careers, providing also key opportunities for alliance-formation, patronage, and consensus-building. However, during the most extreme period of Caesar’s autocracy, the mint permanently lost its independent function and therefore also lost its viability as a means for young politicians to establish their own political identities.

**Keywords**

magistrates, youth, numismatics, political competition, dictatorship, communication, consensus

**1. Introduction**

The late Republic is often presented, in both ancient and modern historiography, as a story of established politicians. The two consuls, at the pinnacle of the *cursus honorum*, shaped the

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\* I am grateful to Roman Frolov for kindly agreeing to read and comment on a draft of this chapter, as well as the anonymous reviewer of an earlier manuscript who made invaluable suggestions for its improvement. The exquisite drawings of the types discussed here were produced by Mellissa Fisher (<https://www.mellissafisher.com/>) with my special thanks. All dates are BCE.

political agenda in various ways and marked, literally and figuratively, their period of office as *their* year. Below them, the praetors – numbering eight in Sulla’s dictatorship and finally sixteen in that of Caesar – commanded the armies of the Republic abroad and administered its justice at home. There were then the popular magistracies, the ideal stepping-stones to greater things for an ambitious man in his thirties: the four aediles, with their superintendence over markets, roads, and, public games; and the ten tribunes, notionally the inviolable representatives of the *plebs* within the *populus Romanus* and the champion of its interests. A cluster of quaestors – twenty under Sulla, forty under Caesar – kept the accounts of Rome’s magistrates and the provincial governors of its ever-expanding empire in check. Finally, the two censors, the most senior magistrates responsible for the census and the care of public morals, ensured that this cacophony of up to around seventy politicians behaved themselves. Such was the regular order of the *cursus honorum*, formalized with the *lex Villia annalis* in 180.<sup>1</sup> We would be forgiven for believing the myth we learned as students and still teach our own: that the magistrates – without a doubt the main active agents in the republican political system – were the only legitimate channel for speaking to the People and the essential locus of political agency or initiative;<sup>2</sup> high politics was the business of middle-aged men.

The problem with this compellingly neat and attractive myth is that it is untrue. Now it is clear that republican Rome privileged seniority, from the division of *seniores* from *iuniores* in the popular assembly,<sup>3</sup> to the distinctive position of leadership offered to former consuls, as Catherine Steel demonstrates in this volume. Even the most “junior” statesmen in the *cursus*, the quaestors, were far from green: aged at least thirty, by the time of Sulla they could expect a seat in the Senate – literally and etymologically a meeting of older men, *senes* – and will for most periods have already served their ten years of military service as *tribuni militum* or in other roles. Controversial anomalies notwithstanding, there can be no doubt that age was the barometer of experience.

However, to reconstruct Roman politics according the framework of the elected magistrates – an enduring habit which may derive from generations of reading the Roman

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<sup>1</sup> On this law and its scope, see Evans & Kleijwegt 1992, with particular reference to the status of young men in the republican magistracy.

<sup>2</sup> So helpfully North 2006, 266: “The magistrates as a group were the main active agents in the Roman system. They held between them, for their year of office, the capacity to take political initiatives. Without their support, nothing could be done in the way of administration, legislation, or the furthering of any policy.”

<sup>3</sup> So Livy 1.43, Dion. Hal. *Ant. Rom.* 4.16.

annalists<sup>4</sup> – is to ignore the reality of events on the ground. Alongside (and sometimes in competition with) this framework were many dozens of energetic and ambitious elite men in their twenties. They developed their own means of engaging, directly or indirectly, in political life and shaping public opinion, and had established institutions to represent the contribution of the *iuventus* to the *res publica*.<sup>5</sup> Yet they additionally enjoyed access to offices which, lacking a minimum age requirement, gave them valuable opportunities to influence the political agenda, instigate initiatives, or respond to those of others. The tribunate of the plebs was of course one route, but was very often held as part of a public career already established; it is, in any case, already a well-known quantity within our knowledge of the late Republic and a regular focus of our sources. I wish to focus instead here on another elected office which our literary narratives often wrongly ignore, and with which many of the most successful politicians of the late Republic began their careers: the moneyership – that is, the masters of the mint.

The three *triumviri monetales* (briefly four under Julius Caesar)<sup>6</sup> have left us with some of our most exciting direct evidence for the political views and ambitions of members of the elite outside of both the magistracy and the Senate. Late republican Rome struck new coins on a considerable scale to finance new projects as well as standing orders; but unlike its Hellenistic neighbors, it did not choose a stock image to recur on its types as a straightforward indication of origin, as for example the owl of Athens or the silphium plant of Cyrene. Rather, from the mid-second century onward Roman coinage developed a “coherent and complex visual language unique to Rome” of symbols particular to individual statesmen and their families.<sup>7</sup> These symbols might indeed celebrate Rome herself in some recognizable types – a bust of the goddess Roma here, a propitious Mars there – , but more often than not they articulated specific ideas about the identity of the moneyer and his family’s achievements. Some coins recounted entire historical stories, such as that of the moneyer C. Minucius Augurinus, portraying a legendary ancestor who saved the city from famine and the column dedicated to his honor as a result (RRC 242/1). Others, for example those of L. Caesar, commemorated a family’s claim

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<sup>4</sup> That is, reading Roman history year-by-year, where years commence with the consuls and close with an overview of the elections or of the magistrates-elect for the following year; the effect is thus to *frame* the events of the entire year in terms of the magistrates in office. See, e.g., Swan 1987 & 1997 for a survey of this structure. While Livy is our chief exponent of this model and cannot be assumed to be generally representative it is likely that similar techniques were used elsewhere in the prior annalistic tradition, now mostly inextant.

<sup>5</sup> On which see Jewell forthcoming.

<sup>6</sup> Crawford 1974, 599; see Suet. *Iul.* 41.

<sup>7</sup> Welch 2006, 532.

to divine ancestry (RRC 320/1). The hopeful candidate for a future election might even use the moneyership and his coins to promise “bread and circuses” to the People should they wisely select him again next time, such as Titus Didius (RRC 294/1). The republican coinage was not, therefore, merely an instrument of spending but rather a *vehicle* of political competition and self-promotion.

The use of coins for such *monumentalitas* – grandly celebrating one’s services to the state or those of the family – is self-evident and well recognized.<sup>8</sup> Less well recognized, however, is the scope that the *triumviri monetales* had for interacting with political initiatives on the ground, for example by using their coins to advocate for, or militate against, a *specific proposal* rather than simply promoting themselves or their families. This chapter argues that the moneyership presented young and ambitious men in late republican Rome with an often overlooked – and highly valuable – way to engage directly in politics and to respond to the specific initiatives of others, “acting up” in two senses: first (and most importantly) by weighing in on major points of debate among their elders and betters, praising or criticizing the key players and supporting or undermining their initiatives; and secondly, by advancing themselves in the vertical hierarchy of republican politics, seeking to place themselves at the center of often major political debates and to exert an influence beyond their station.

In other words, the moneyership in the last century of the Republic offered distinctive avenues for young men to court public opinion and even to demonstrate political leadership on the great issues and initiatives of their day. If the argument pursued in this chapter is even partially correct, then it will be necessary for us to rethink our approach to the practice of politics in late republican Rome: to move away from what we can see clearly in our surviving evidence – grand debates in the Senate, edicts of the major magistrates, and turbulent tribunes – and to think instead about what we cannot immediately see:<sup>9</sup> collaboration or conflict between minor officials, private conversations and *consilia*, and even secret deals between the major actors and young men on the make.

## 2. The Evidence

This chapter discusses the coinage produced by *monetales* across three historical episodes whose events are known in specific detail: the so-called “Catilinarian conspiracy” and its

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<sup>8</sup> See Meadows & Williams 2001.

<sup>9</sup> On the visibility (and often invisibility) of agency and initiative in our surviving evidence, see Frolov in the introduction to this volume.

aftermath, including disputes over land reform; the electoral crises of 55–52, culminating with (for a time) Pompeius' sole consulship and nearly his dictatorship also; and the last months of Julius Caesar's *de facto* monarchy and the maneuvers following his assassination. My aim is to select examples of coin issues, mostly silver *denarii*, according to two apparently straightforward criteria: they must have been produced by *triumviri monetales* who had not yet held an elected position within the *cursus honorum* and who, being aged only in their twenties, were still ineligible to do so.

It will be immediately apparent that these criteria are not as straightforward as they seem. Some of the evidence is controversial and poses several interpretative problems. First, we know remarkably little about the moneyership itself and how precisely the *monetales* fulfilled their role, including the artistic design of their types (1); secondly, it is usually very difficult to specify the age of a republican statesman in any particular year, even ones otherwise well known (2); and thirdly, the dating of a coin can provoke a range of answers which will sometimes alter its political interpretation (3). None of these issues are so severe as to make the question posed here unanswerable, but their implications for the present study deserve a note.

(1) Since our literary sources are almost wholly silent on the *triumviri monetales*,<sup>10</sup> our knowledge of the office itself is patchy. It is assumed that its holders were elected annually rather than appointed, probably from the late third century onward.<sup>11</sup> This must be correct, not only because it corresponds with the procedure for most other regular officials but also because responsibility for the coinage was a legislative rather than administrative matter and so rested with the People.<sup>12</sup> The presiding magistrate for the election of a *monetalis* is unknown, and therefore likewise the assembly used; but it is difficult to imagine any electoral mechanism other than the *comitia populi tributa*, i.e. the meeting of the whole *populus Romanus* (rather than a segment of it) organized by tribe, used for the selection of other younger magistrates with financial responsibilities such as aediles and especially quaestors. This is yet more probable if we accept Crawford's view that the duties of quaestors and *monetales* overlapped:

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<sup>10</sup> Literary references to the moneyership are few. That they were a college is confirmed by Cicero, who defines them as *minores magistratus* (Cic. *Leg.* 3.6; cf. *Fam.* 7.13.2); see Cass. Dio 54.26.6 for the moneyership in the Imperial period and Justinian's *Digest* (1.2.2.27–32) for its creation. The epigraphic evidence for moneyers is far more substantial; surveys in Mommsen 1860, 366 and Jones 1970, 70 with additions from Crawford 1974, 599, n. 1.

<sup>11</sup> See Crawford 1974, 602.

<sup>12</sup> Mommsen 1860, 363; hence the *lex Clodia* and *lex Papiria* regulating the denominational structure of the coinage, both naturally requiring the consent of the People (cf. Plin. *NH* 33.46).

like moneyers, quaestors appear to have been *ex officio* permitted to mint new coins in their own name and regularly did so (e.g., RRC 330/1), and moneyers will have needed to collaborate with the *quaestor urbanus* to exchange bullion for the mint and new coin for the treasury to finance projects.<sup>13</sup> We will only focus here on issues minted by *monetales* as such.

When elected, the three moneyers were responsible for minting new coin to fund expenses determined by the Senate, and probably in an amount and denomination decided by the Senate also. The months of December and January, when first the quaestors and *monetales* and then the major magistrates took up their posts, were busy ones indeed; they may have culminated with a budget early in the year where spending (and therefore how busy the quaestors and moneyers were likely to be) was allocated and the relevant instructions issued to the treasury and the mint.<sup>14</sup> From this point, the *monetales* appear to have been free to fulfil their commission as they saw fit. We do not know how they did so behind the scenes in practical terms, but three points – all related – are obvious from the surviving material evidence.

First, it is rare for all three of the elected moneyers to use their prerogative to mint coins during their term: one or two *monetales* may strike an issue under their own name, but seldom all three. It is therefore possible that they divided the year into three blocks and that the demand for new coin may already have been satisfied before the second or third moneyer was needed. Secondly, they were evidently not a unified board: *monetales* might occasionally strike a joint issue under the names of two masters, but rarely – and almost never a “collegial” issue displaying the names of all three.<sup>15</sup> Thirdly (and therefore), there is a strong tendency toward individuality in the issues. The range of symbols displayed in the type, and the political or ideological message it conveyed, must be held to be the choice of the individual moneyer: it is hardly possible in my view that the *signator* or *sculptor* (i.e. the artist at the mint who engraved the die before striking) was sufficiently versed in the history of each moneyer’s family as to “invent” types that reflected them without the moneyer’s specific instructions. We will work on the assumption that all the issues discussed below indicate the opinions or ambitions of the individual moneyer responsible for their production, excepting the later Caesarian coinage, where it is clear that the mint came under the influence of the regime.

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<sup>13</sup> Crawford 1974, 603.

<sup>14</sup> Crawford 1974, 602, n. 5.

<sup>15</sup> There are only six clear instances of all three moneyers being named on a republican coin issue: RRC 283, 284, 285, 335, 350a, 360.



(2) As our focus is on young *monetales* who had not yet held a magistracy and were still ineligible to do so, determining the age of the officials is obviously important. This is easiest when the moneyer moved on to a more senior post later, and where the approximate dates of this post and the moneyership are known:<sup>16</sup> in such cases we can count back, assuming that the later post was held at least *in suo anno* (for example, below: M. Aemilius Lepidus; L. Scribonius Libo; M. Junius Brutus; M. Valerius Messalla; Lollius Palicanus).<sup>17</sup> Though imprecise, this at least enables us to indicate whether tenure occurred in a moneyer's twenties or thirties. Other clues are more casual: a *monetalis* might be so junior as to have never attained a position in the *cursus*, possibly using the moneyership at the start of an otherwise failed political career (perhaps, below: L. Furius Brocchus; P. Sepullius Macer);<sup>18</sup> alternatively, he might be known to be engaging in public activities typically indicative of young men around the same time, such as pleading in the courts (for example L. Aemilius Buca, below).<sup>19</sup> In what follows, I will take both of these latter cases to suggest that these moneyers – whose careers outside of the mint are otherwise unknown – were junior politicians at the time. Again, the approximate age of *monetales* known to have moved on to a more senior position later is considerably easier to determine; our suggestions are more provisional for those moneyers about which nothing is otherwise known.

Where there is a pattern, it is indeed for *monetales* to enter the mint in their twenties;<sup>20</sup> for many republican statesmen the moneyership was also their first known political office. Exceptions to this general trend can be found throughout the last century of the free Republic, when we find a number of established politicians entering the mint in their late thirties shortly before election to the praetorship or even the consulship. However, these exceptions mainly cluster around two historical periods. The first is the decade following the secret ballot laws (*leges tabellariae*) of the 130s: since the move from voting *à haute voix* to casting ballots privately reduced the effectiveness of patronage (*clientela*) and the scope for candidates to

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<sup>16</sup> The index of careers in volume two of Broughton's *Magistrates of the Roman Republic* (Broughton 1952, 524–634) is indispensable.

<sup>17</sup> M. Aemilius Lepidus = RE (Lepidus) 73; L. Scribonius Libo = RE (Scribonius) 20; M. Junius Brutus = RE (Junius) 53; Lollius Palicanus = RE (Lollius) 20. M. Valerius Messalla may be either RE (Valerius) 95 or 97. Crawford 1974, 457 prefers RE 97 and his assumption will be followed here (cf. also Syme 1955, 155–160).

<sup>18</sup> L. Furius Brocchus = RE (Furius) 39; P. Sepullius Macer = RE (Sepullius) 1.

<sup>19</sup> L. Aemilius Buca = RE (Aemilius) 37. On the important role of court appearances in the rhetorical formation of young aristocratic men, which continued well into the Imperial period (Cass. Dio 74.12), see Steel 2006.

<sup>20</sup> Crawford 1974, 710.

cajole or intimidate voters,<sup>21</sup> Crawford assumes that even established politicians from the *nobilitas* temporarily used the moneyership as an alternative way to advertise themselves to the electorate.<sup>22</sup> The second period is the Caesarian civil war and its aftermath, where a cluster of moneyers move on to senior magistracies only a few years later;<sup>23</sup> this suggests that Caesar may have promoted their careers or installed them in the mint in their mid–late thirties. Although we shall indeed see evidence from one of these periods, none of the *monetales* discussed below moved swiftly into senior office and all were probably in their late twenties at the time of striking.

(3) Third and finally, we must grapple with the problem of dating. In cases where we know accurately when an issue was minted, it follows that we can date the moneyership responsible and *vice versa* (e.g., RRC 435/1). Very rarely we can even pinpoint the month in which a coin was probably issued (e.g., RRC 480/6, 480/21). However, we do not usually have this luxury. The major collections of the republican coinage often give radically divergent estimates for the same moneyership: for example, M. Aemilius Lepidus (RE 73) – the future *triumvir*, praetor in 49 and consul in 46 and 42 – may be listed as *monetalis* as late as 60 (so Babelon) or as early as 66 (Grueber, Sydenham).<sup>24</sup> In such cases Broughton’s *Magistrates of the Roman Republic* is not a great help, and often makes no attempt to synthesize such wild variations. In addition, older collections frequently suggest datings that seem unusually early for the type. For the well-known *denarius* of Sexus Pompeius (Fostulus?) – whose design (RRC 235/1) boasts the moneyer’s *tria nomina* and a highly distinctive scene on the reverse – the dating of c. 150 proposed by Mommsen and Grueber seems impossibly early;<sup>25</sup> coins of this period prefer stock types (prows, ship’s beaks, the Dioscuri, goddesses in chariots and the like), and they rarely spell out the *tria nomina* in full. Since the approximate year in which a coin was minted and therefore its specific historical context are essential for the interpretation of its political significance, these estimates are important for our purposes.

Fortunately, in most cases Crawford’s more up-to-date *Roman Republican Coinage* reconciles this dizzying array very plausibly, providing date ranges that are more convincing both for their historical context and the artistic design of the type. The dates provided by Crawford generally tally with those posited by Sydenham twenty years earlier (which

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<sup>21</sup> Cicero forms this connection more or less explicitly at *Leg.* 3.33–40.

<sup>22</sup> Crawford 1974, 728–9.

<sup>23</sup> Crawford 1974, 711.

<sup>24</sup> Mommsen 1860, 632; Babelon 1885, 121–3; Sydenham 1950, 64.

<sup>25</sup> Mommsen 1860, 551; Grueber 1910, 131.

Broughton's *Magistrates of the Roman Republic* also prefers), and arrive in my view at a more credible interpretation of the significance of the issues. The PROVOCO type of P. Porcius Laeca (RRC 301/1) – obviously celebrating the three Porcian laws on a citizen's right of appeal – is a good example of this tendency, where older datings are either mythically early or dubiously late (e.g., 150–90), leading Sydenham, Broughton, and Crawford to agree on a more reasonable common estimate (110–104).<sup>26</sup> It will be necessary to return to these controversies in the notes below, but in general this study follows the dates proposed by Crawford.

Having now noted our approach to the evidence the *triumviri monetales* of the late Republic have handed down to us, let us turn to one of the most dramatic examples of the unique opportunity provided by their office to engage with politics on the ground: the year of Cicero's consulship and the struggle for *consensus* and *concordia* it left in its wake.

### 3. Cicero, Cato, and Catiline in 63–62

The moneyers of the last years of the 60s were junior and likely at the beginning of their public careers in the city. However, political developments both in the capital and in Italy as a whole gave them great scope to use their prerogatives at the mint to shape and court public opinion, adding their own voices in support – or criticism – of magistrates as yet beyond their station. The events of this year, and our focus here, are well known: agitation surrounding agrarian reform, the rising influence of Caesar, Cicero's consulship, the so-called Catilinarian conspiracy, and its aftermath.<sup>27</sup> The historiography of these events is at times controversial;<sup>28</sup> but as Katarina Nebelin's contribution to this volume reminds us, there appear to have been genuine popular grievances around 63 concerning a range of issues connected to the distribution of wealth: use of public land and its confiscation from the Italian *municipia* by Sulla; access to adequate subsistence, especially grain; and high levels of indebtedness which pushed many families (including apparently some elite ones) into crisis. Sallust's monograph on Catiline's "conspiracy" to overthrow the state in this year uses these (real) economic issues to explain the moral turpitude and desperation of Catiline and his followers,<sup>29</sup> but this is a moralistic distortion:

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<sup>26</sup> See Broughton 1952, 449.

<sup>27</sup> See Tempest 2011, 85–100 for a very readable survey of this year.

<sup>28</sup> Controversial insofar as the entire historical tradition ultimately depends upon a single contemporary source who was directly involved in the affair – Cicero himself – and Sallust, again contemporary but also derivative of Cicero's anti-Catilinarian narrative. For the vigorous and often amusing debate on the veracity of the alleged Catilinarian Conspiracy, compare Waters 1970; Seager 1973; Phillips 1976.

<sup>29</sup> E.g., Sall. *Cat.* 5, 10–11, 13, 16, 21, 28.

archaeological and other literary evidence suggests that parts of the Italian population were indeed suffering profoundly from increasingly insecure access to capital, food, and land on which to grow it.

The aristocracy were evidently aware of these issues, and some capitalized upon them to garner public appeal. The first salvo arrived with P. Servilius Rullus' agrarian bill. After entering the tribunate on December 10<sup>th</sup>, 64, Rullus' first action was to propose a *lex agraria*: the bill intended to redistribute large plots of public land in Campania to some five thousand poor colonists, funded by new taxes on land outside of Italy and by the disposal of lands already destined for sale. The sole authority over this measure was to fall to ten commissioners, elected for a period of five years, who would inevitably gain significant status and popularity from their membership as well as extraordinary power over the revenues of the state.<sup>30</sup> It has long been accepted that Rullus was not acting on his own initiative: a coalition of interested parties – including C. Julius Caesar and M. Licinius Crassus – are usually held to be the main instigators of his *lex agraria*. They sought to strengthen their own power-base as well as to provoke Cicero and others to publicly embarrass themselves by opposing the move.<sup>31</sup> Rullus may have been the one to *propose* his bill, but the initiative evidently did not rest with him alone. Newly elected as consul, Cicero took the bait, if that is indeed what it was: he successfully defeated Rullus' (or rather Caesar and Crassus') initiative by means of four speeches *de lege agraria*, delivered in the Senate and in *contiones* throughout January 63. The distribution of land was, temporarily, off the table.

It is doubtful, in my view, that popular agitation over agrarian reform and the divisions this caused among the governing elite were lost on the moneyers of this year. A new *denarius* issue minted by one of the newly-elected *monetales* for 63, L. Furius Brocchus, is therefore of special interest.

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<sup>30</sup> The provisions of the proposed law can be chiefly reconstructed from Cicero's first and second speeches *de lege agraria*.

<sup>31</sup> Afzelius 1940, 230; Gelzer 1960, 37; Scullard 1963, 111.



Fig. 4.1. Silver *denarius* of L. Furius Brocchus (RRC 414/1). 63 BCE (Crawford 1974) or 61 BCE (Sydenham 1950; Broughton 1952)

A head of Ceres – facing right and crowned with ears of corn – fills the obverse, flanked on either side by representations of corn and barley. The reverse type displays the curule chair of a republican magistrate, surrounded by the bundled rods and axes which symbolize his authority (the *fasces*). The *tria nomina* of the moneyer straddle both sides, plus his office: L•FURI CN•F BROCCNI III VIR. Crawford attributes no particular significance to the type: the grain, he suggests, refers to an aedilician ancestor of the moneyer and perhaps alludes to the family’s historic care for the grain supply – neither of these factoids are otherwise known – , while the curule chair may indicate the moneyer’s own ambitions for higher office.<sup>32</sup>

However, it is suspect to date this issue to this year while divorcing it from the major political debates of the day. Assuming that the attribution is correct, Brocchus entered his moneyership on December 5<sup>th</sup>, 64: both Rullus’ bill and the public debate surrounding it followed only a week or two later. The reverse type may indeed represent Brocchus’ own ambitions for office – his desire to “act up” within the hierarchy of the *res publica* – but the obverse type goes further than that. This is a highly distinctive issue: representations of Ceres on republican coins are rare, and this is the only surviving type from the 60s to display explicit

<sup>32</sup> Crawford 1974, 414.

frumentary imagery.<sup>33</sup> Brocchus seems to have been marking himself out as a supporter of agrarian reform; at the very least, it is certain that he sought to connect prosperity and abundance, symbolized through Ceres and the profusion of grain, to his own name. Whether the issue is polemical is less clear: it may be read as an expression of disapproval for Cicero, or of approbation for Rullus or Caesar, but that is not the most important point. What is clear is that this otherwise unknown junior official – who never attained greater heights in the *cursus* – visibly used his new office to respond to the popular desire for subsistence (and, therefore, land). This interpretation holds especially if we follow Crawford’s dating; but even if we accept that of Sydenham and Broughton instead (61), then the controversy of land and grain was scarcely less important two years later.

Tensions and discontent surrounding the distribution of wealth – land, food, and debt – evidently did not dissipate simply because Cicero gave a few speeches. These problems were a key campaign question on the political agenda of the year of Brocchus’ moneyership; in this context, his choice for his *denarius* issue makes sense. The July elections of 63 brought a notable failure and an equally notable success: L. Sergius Catilina was defeated in the consular ballot for the second year running, and M. Porcius Cato was elected to the tribunate of the plebs for the following year. Both were eager to respond to the economic concerns of the lower strata: Henriette van der Blom has shown that Cato made a concerted effort to focus on subsistence,<sup>34</sup> while Katarina Nebelin in this volume explores the importance of debt to Catiline’s electoral ticket; Catiline evidently aimed at voters below the richest class (the *prima classis*) with a program of debt-relief. The similarly popular strategy of these two quite different politicians vis-à-vis the basic needs of the people is suggested by the surviving terracotta election-cups now held in the Baths of Diocletian, by means of which both Cato and Catiline gifted food and drink to the *populus*: CATO QUEI PETIT TRIBUNU PLEBEM on the left, mirrors a similar statement of support for Catiline on the right. Brocchus’ coin, with its emphasis upon agrarian prosperity, reflects related concerns and executes a similarly popular strategy by different means; it may have been minted at any point in the year. “Bread and circuses” indeed.

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<sup>33</sup> Prosperina, the daughter of Ceres, appears on the obverse type of several issues of one moneyer in 69 (RRC 405), and there is one representation of a cornucopia in 67 (RRC 403/1); nevertheless Brocchus’ type is unique for the 60s in its explicit focus on agrarian prosperity.

<sup>34</sup> Van der Blom 2011.



Fig. 4.2. Terracotta propaganda cups of Cato and Catiline (CIL VI 40904 / 40897). 63 BCE

The disappointment of Catiline in the elections led, of course, to his alleged leadership of a “conspiracy” to overthrow the Republic and his flight to Etruria in November; there he joined forces with an apparently separate uprising of C. Manlius,<sup>35</sup> a former centurion of Sulla, that was already in train. They were defeated at the Battle of Pistoria in January 62 – in which Catiline himself was killed – by the forces of Q. Metellus Celer and C. Antonius Hybrida, lately Cicero’s consular colleague. By this time, five of the leading conspirators in Rome had already been executed without a trial at the (veiled) urging of Cicero,<sup>36</sup> almost at the end of his term, and of Cato as tribune of the plebs.<sup>37</sup> The controversy of this decision is obvious: it was not only expressly prohibited by several specific Roman laws on the citizen’s right of appeal (*provocatio*) but was also implemented under a dubious quasi-legal instrument, invented quite recently for the purpose of executing citizens without trial and seldom invoked (the *senatus consultum ultimum*).<sup>38</sup>

The debate surrounding this extraordinary punishment for the associates of Catiline necessarily drew in established politicians: Cicero the consul, Cato the tribune, Julius Caesar

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<sup>35</sup> Waters 1970, 201.

<sup>36</sup> Veiled because Cicero as consul was not supposed to sway the Senate in either direction, but his intentions are clear enough in his sustained attack on Caesar’s motion for the sentence to be commuted to life imprisonment at *Cat.* 4.6–13.

<sup>37</sup> Sall. *Cat.* 52.

<sup>38</sup> For scholarly takes on the essentially illegal and unconstitutional nature of the *senatus consultum ultimum*, see Widemann 1994, 44; Kefeng 2004, 125; Flower 2010, 86.

as *pontifex maximus* and praetor-designate, Silanus the consul-designate,<sup>39</sup> and the Senate as a whole. However, I suggest that the newly-elected moneyers for 62, who had entered office just in time for this heated debate, had their own thoughts to offer on the consul's initiative and a public statement to add in his support. The first of these is M. Aemilius Lepidus – the future *triumvir* – who began his career with the moneyership.



Fig. 4.3. Silver *denarius* of M. Aemilius Lepidus (RRC 415/1). 62 BCE (Crawford 1974)

The reverse of this issue is typical of the *monumentalitas* we would expect of a republican moneyer: at the center stands a tripod laden with booty. The scene depicts a comically large togate general (with PAULLUS in exergue), accepting the surrender of three figures on the left: an adult and two children. It depicts the capture of King Perseus of Macedon and his sons by the moneyer's (fictitious) ancestor following the Battle of Pydna in 168, and therefore commemorates the family's achievements in an entirely typical manner. The obverse, on the other hand, is extraordinary and its importance has not been sufficiently appreciated. The identification of the moneyer, LEPIDUS, is crammed in to the left (the legend PAULLUS is a reference to the general mentioned above, not the name of the moneyer himself); finally, a large bust of a veiled female deity, personifying the goddess Concordia, is accompanied by the legend CONCORDIA to the right.

<sup>39</sup> Although *responsibility* for the execution of the Catilinarian conspirators is usually attributed to Cicero (and appears also to have been at the time, certainly – and tragically – by 58), the *initiative* belonged to the consul-elect D. Junius Silanus, who formulated the proposal.



Crawford rightly notes that the obverse type “presumably reflects the *concordia ordinum* which was central to Cicero’s policy in 63,”<sup>40</sup> but the evidence justifies more than this. Lepidus’ coin – which could feasibly have appeared as early as January 62 – was an unambiguous public statement of support for the consul’s action in the near or immediate aftermath of his controversial and divisive initiative. Lepidus’ personal loyalty to Cicero is well known.<sup>41</sup> But his coin is indicative of more than a straightforward approbation of the consul or his pleasing noises about *concordia* – the harmony amongst citizens (and especially the elite of equestrians and senators) that had been disrupted by arguments over the composition of juries and other questions in recent decades.<sup>42</sup> In choosing this type, Lepidus selected a message of approval that could only be read with reference to the recent initiative of December 63 to put the alleged plotters to death. We should recall that Cicero delivered his *Fourth Catilinarian* – in which he obliquely encouraged the Senate to adopt the proposal to execute the five conspirators – *within* the Temple of Concordia, a carefully selected symbolic location. His oration additionally emphasized the *concordia* between equestrians and senators, and the unanimity of the whole *populus Romanus*, to exaggerate the distance between the majority of the *boni* and the minority of the treasonous Five.<sup>43</sup> Concordia was linked, explicitly, to the decision of that fateful Senate-meeting, and that is why Lepidus selected it for his issue.

In addition to the fate of the five conspirators, the aftermath of Catiline’s defeat at Pistoria provided further opportunities for the young *monetales* of 62 to express their support for the initiatives of their superiors. More prosaically, they presumably also hoped that some of the glitter of prestige issuing from these events would rub off onto their own names by virtue of association with them. A second moneyer probably of this year, L. Scribonius Libo, chose a design similar in many respects to that of his colleague:

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<sup>40</sup> Crawford 1974, 441.

<sup>41</sup> Sall. *Cat.* 31.4; Cic. *Fam.* 15.13.2; *Vat.* 25.

<sup>42</sup> For important recent treatments of the decline of *consensus* in the late Republic, see Eder 1996 and Hölkeskamp 2010.

<sup>43</sup> Cic. *Cat.* 4.15: *quos ex multorum annorum dissensione huius ordinis ad societatem concordiamque revocatos hodiernus dies vobiscum atque haec causa coniungit.* At length, *Cat.* 4.14–17.



Fig. 4.4. Silver *denarius* of L. Scribonius Libo (RRC 416/1c). 62 BCE (Crawford 1974)

Like Lepidus' issue, the choice of reverse type for Libo's *denarius* recalls the historic achievements of his family in a show of *monumentalitas*: it depicts the Scribonian Puteal, an obscure altar in the Forum dedicated or restored by an ancestor of the moneyer to mark the bidental where a lightning-bolt deemed sacred to Vulcan had struck. Decorated with a garland and lyres to the left and right, its exergue legend SCRIBON identifies both the monument itself and the moneyer. But also like Lepidus', the obverse fulfils a more immediate political function. The *cognomen*, Libo, again merits little space; instead, a male personification of Bonus Eventus, the deity of happy or fortunate outcomes, fills the type, accompanied by the legend BON•EVENT to the right. If we accept Crawford's revised dating for this issue (on which more will be said below), then its purpose becomes clear: Libo's *denarius* proclaims the approval of the moneyer for the recent actions of the consul Cicero as well as his colleague Hybrida, the proconsul Metellus, and possibly the new consul Silanus also, and praises their initiative as the source of the happy outcome – the *bonus eventus* – of recent troubles.

Strikingly, Lepidus and Libo (later?) combined these two issues to express what seems to me a united declaration of support for the recent decisions of the senior magistrates. The resulting *denarius* is a most special artefact for two reasons: rare insofar as the two moneyers minted it together as colleagues in their joint names, rather than individually; and practically unique in that it is a direct combination of two different issues minted separately by the moneyers at a presumably earlier point, incorporating Lepidus' schema on the obverse and that of Libo on the reverse.



Fig. 4.5. Silver *denarius* of M. Aemilius Lepidus & L. Scribonius Libo (RRC 417/1a). 62 BCE (Crawford 1974)

The type is hurried and evidently the work of a different *signator* to the previous issues; the reverse legend is particularly poorly executed. Nevertheless, this coin gives a fascinating indication of the collaboration shared by two young officials “behind the scenes”: both agreed to mint a quasi-commemorative issue in order to build consensus around the initiative of the magistrates in December 63 – January 62. The two *monetales* of this year made a public statement of support for Cicero’s words in the Temple of Concord: that the Catilinarian conspirators were enemies of the state and harmful to its *concordia*, and only by disposing of them could *concordia* be maintained. They appear to have been working on a joint ticket, “acting up” both by capitalizing on their privileges to weigh in on the controversies of recent months, and by ingratiating themselves to the superior decision-makers responsible within the vertical hierarchy of republican politics.

Lepidus and Libo were equally junior statesmen at the beginning of their careers: for both, the moneyership was their first step on the road to greater achievements and a key opportunity to place themselves at the center of events.<sup>44</sup> The date of their office in the mint (and, related to it, their approximate ages) is controversial, but we fortunately have some guiding clues. Libo held the consulship in 34; it is also known that he was a senator by 56, presumably after a quaestorship. Grueber dated his moneyership to 71:<sup>45</sup> this is an outlier and would make him a

<sup>44</sup> For the overviews of their respective careers with approximate dates, see Broughton 1952, 527, 614.

<sup>45</sup> Grueber 1910, 418.

ludicrously young *monetalis*.<sup>46</sup> On the other hand, the dating of c. 54 suggested by Mommsen, Babelon, and Sydenham appears late:<sup>47</sup> Libo will by this time have been well into his thirties, a *nobilis* from an established family and aiming at a significant public career; he could expect (and would go on to achieve) more than a moneyership by such a stage, and the trend – as discussed above – for older moneyers will not arrive until Caesar’s civil war. Then there is Lepidus. Clearly Lepidus and Libo were *monetales* in the same year, hence their joint *denarius* issue; Broughton was mistaken in placing them at the mint in different years.<sup>48</sup> Lepidus, as is well known, held the consulship in 46. Assuming that he did so *in suo anno* (aged forty for a patrician), he will have been born at the latest in 86, and possibly a little earlier. Entering the mint in 62 aged at least twenty-four, perhaps a few years older, was a good start to a glittering career. Crawford’s revision to 62 as the date of Lepidus’ and Libo’s term is more plausible within his reconstruction of the series of moneyers, as well as in the correlation between the types and the historical events, and for what is known about the trajectories of these *monetales*.

Although (certainly) junior figures at the start of their political careers and (probably) in their twenties, the moneyers of 63–62 attempted to exert a public influence beyond their station on major points of debate. Brocchus may or may not have sought to criticize the opposition of the *optimates* to agrarian reform. But he surely wished to identify himself with the cause, and perhaps sought to stoke up enthusiasm for it; even Cato, whose tribunician *lex Porcia* in the following year extended the grain subsidy, clearly recognized its popular appeal. Having no power to propose such initiatives himself, Brocchus nevertheless found in the moneyership a way to publicly support and identify himself with them. The following year, Lepidus and Libo went further: their issues communicated their unambiguous support for the recent actions of the senior magistrates toward Catiline and his associates – actions which were not without controversy – and sought to create consensus surrounding them. It is tantalizing to imagine who was ultimately responsible for their coin issues. Did they take the initiative to design and produce them together *sua sponte*, or were they privately persuaded to do so by Cicero, Silanus, Cato, and their associates? This question is unanswerable, but Caesar and Antonius – discussed

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<sup>46</sup> Assuming that Libo obtained the quaestorship at the minimum required age of thirty in 57 in order to enter the Senate the following year, he will have been only *sixteen* upon entering the mint in 71; if he obtained the quaestorship a good deal later, perhaps at thirty-five, then at a more reasonable twenty-one he will still have been a *very* young moneyer entering the mint in 71.

<sup>47</sup> Mommsen 1860, 632; Babelon 1885, 121–3; Sydenham 1950, 64.

<sup>48</sup> Compare the list of moneyers and index of careers at Broughton 1952, 431, 451, 527, 614 for Scribonius Libo (RE 20) and Aemilius Lepidus (RE 73).

further below – were fully aware of the mint’s potential for political propaganda; the outgoing magistrates of 63 may have been also. In any case, a public show of allegiance to this group (and to Cicero at the peak of his career) will have seemed an astute political move for two young men on the make.

#### 4. The Electoral Crises of 55–52

A decade later, the fierce competition for electoral success provoked a crisis of a very different kind, creating scope for young *monetales* to respond to current political developments in a distinctive way. The consular elections were once again at the center of a scandal. The events are complex and merit a brief summary.<sup>49</sup> By the end of the summer in 54, all four candidates for Rome’s highest magistracy had been charged with bribery or electoral misconduct (*ambitus*). The *comitia* ordinarily convened in July still had not materialized by October: deliberate obstruction by tribunes of the plebs and a series of inauspicious auguries made it impossible for the incumbent consuls to organize the election of their successors for the following year. Matters were not helped when the consuls themselves were accused of attempting to orchestrate these elections corruptly. When they resigned from their office on the last day of 54, there remained no eligible candidates to succeed them the following day; their prerogative to consult the gods and command armies on behalf of the *res publica* (the *imperium auspiciumque*) devolved to irregular emergency officials known as *interreges* (on which see especially Dementyeva in this collection).

The letters of Cicero are our only contemporary witness for these chaotic events; our later sources (Plutarch, Appian, Cassius Dio) each give a different complexion to them. All, however, emphasize that Pompeius was involved in one way or another. As the crisis deepened toward the winter of 54, some espoused the view that it was necessary for the consuls to appoint Pompeius dictator, so abrogating the regular magistracies and giving him full power to take any action necessary to organize the elections for next year’s vacant posts (*comitiorum habendorum causa*). This appears to have only been the whisper of a rumor in the summer; but by November the initiative had the shape of a formal proposal which the incoming tribune of the plebs, C. Lucilius Hirrus, planned to submit upon entering office the following month.<sup>50</sup>

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<sup>49</sup> Our sources for the chaos surrounding the consular elections of 54 are App. *B Civ.* 2.19–20; Cass. Dio 40.45; Cic. *Att.* 4.17–18; *QFr.* 3.8.4–6, 3.9.3; Plut. *Pomp.* 54.2–3.

<sup>50</sup> See Burden-Strevens 2019 for a review of the evidence and the chronology.

Pleasingly to the associates of Cicero and the orator himself – who reacts with horror at the suggestion of a dictatorship –,<sup>51</sup> this did not come to pass. Pompeius returned to Rome early in 53 and insisted that he would not accept a dictatorship even if offered it. This refusal was probably genuine,<sup>52</sup> since by this point Pompeius knew that without consuls in office an appointment to the dictatorship was no longer possible in the regular way; he would have to revive controversial methods employed by the last dictator, Sulla.<sup>53</sup> Instead, Pompeius appears to have genuinely attempted to rectify the situation (and, helpfully, in his own interest). Alongside the *interrex* Ser. Sulpicius Rufus, Pompeius used his wide influence to organize new elections: two new consuls – Cn. Domitius Calvinus and M. Valerius Messalla Rufus – finally entered office in the summer of 53 to serve a short term of only five months or so.<sup>54</sup>

Though invaluable, Pompeius' assistance in this matter was not altruistic. It is a further example of the grandee's efforts to sanitize his reputation and to court new networks of favor and goodwill in his own interest. Jeff Tatum has convincingly demonstrated that at this late stage of the 50s, Pompeius was working to re-align his allegiances. The death of his wife – Caesar's daughter Julia – in 54 and the long absence of Caesar himself from Rome both facilitated a *rapprochement* between Pompeius and the conservative elements in the 'old guard' of the traditional aristocracy;<sup>55</sup> this attempt at reconciliation culminated in his marriage to the daughter of the arch-conservative Q. Caecilius Metellus Pius Scipio Nasica in 52. Pompeius' refusal of the dictatorship in 53 and his sudden conversion to the cause of the old Republic bore fruit a few months later. Although our sources are vague about the chronology, it appears that during the chaos surrounding the murder of Clodius in January 52, a proposal was tabled in the Senate to give Pompeius the right to stand for election as sole consul for the year 52, i.e. without a colleague (*sine collega*). Surprisingly, this extraordinarily innovative suggestion was proposed by a conservative faction in the Senate which included Cato and Bibulus. The only reasonable explanation for this otherwise baffling move is the one offered by Plutarch and followed by Cassius Dio:<sup>56</sup> Cato, Bibulus, and their allies were working to prevent a dictatorship – apparently still a possibility in early 52 – and, faced with a possible repetition of the Sullan

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<sup>51</sup> Cic. *QFr.* 3.4.1; 3.8.4–6.

<sup>52</sup> Burden-Strevens 2019.

<sup>53</sup> See Ramsey 2016 for this point.

<sup>54</sup> Cass. Dio 40.45.1 writes that Calvinus and Messalla were elected in the seventh month, but App. *B Civ.* 2.19 in the eighth.

<sup>55</sup> Tatum 2008, 125–127.

<sup>56</sup> App. *B Civ.* 2.23.1; Plut. *Pomp.* 54.3.

experiment, saw a sole consulship as the lesser of two evils. So great was their aversion to the prospect of a dictatorship that the old guard were prepared to hold their noses and accept such a proposal, with Pompeius as its (now slightly more palatable) beneficiary.<sup>57</sup>

The turbulent events of the past twelve months evidently required leadership at the highest level to settle; yet from his place on the board of the most junior of the regular urban officials, one young moneyer was by no means silent on them. It is symptomatic of the chaos and confusion that the mint appears to have been mostly inactive throughout 53: only one *monetalis* appears to have struck in this year under his own name and in only one denominational issue. But remarkably, this young moneyer – M. Valerius Messalla – was the son of one of the two consuls recently elected in the *comitia* to hold office for the final months of 53, and clearly used his position to add his own voice to recent debates on the stability of the *res publica*.



Fig. 4.6. Silver *denarius* of M. Valerius M. f. Messalla (RRC 435/1). 53 BCE

The obverse type is perfectly conventional: a helmeted bust of the goddess Roma, facing right with a spear over her shoulder, would not have been out of place in *denarii* produced a century earlier.<sup>58</sup> This design is not especially interesting in itself, and that is perhaps the point; the obverse eschews any grand allusion to the achievements of the illustrious *gens Valeria*,

<sup>57</sup> Ramsey 2016, 308–18 discusses the ways in which the proposal may have been framed in a way palatable to conservatives.

<sup>58</sup> For discussion of the evolution (and gradual disappearance) of Roma on republican coins, see Crawford 1974, 721–5.



preferring instead a patriotic – and conservatively straightforward – representation of the grandeur of Rome in the abstract with a comfortingly bland and familiar image.

The political significance of the reverse type, on the other hand, cannot be doubted in the specific historical context, and forms a coherent pairing with the conservatism of the obverse. Like Brocchus in 63, the younger M. Valerius Messalla chose to represent the official chair (the *sella curulis*) of a Roman consul; unlike Brocchus, he made important innovations to the design. Brocchus' *sella curulis* sat upon a vertical line representing the floor, so creating a blank exergue for inscription if desired. In Messalla's *denarius*, on the other hand, the consul's seat rests on top of (and therefore *subordinates*) the symbols of a Hellenistic monarch: the scepter, with its triangular head facing right, and a royal diadem – a single strip of white ribbon tied so as to form a crown.<sup>59</sup> The curule chair is flanked by the monogram S·C (SENATU CONSULTO), and headed prominently by the legend PATRE·COS: “in my father's consulship.” The coin is an unambiguous and direct statement of support for traditional patterns of office-holding and a typically republican rejection of monarchy (*regnum*).

There are two complementary ways to interpret the political message of this *denarius*. The first, on the more general level, has already been noted by Crawford: the reverse type celebrates “the temporary exclusion of Pompey from the possibility of achieving sole rule.”<sup>60</sup> The scepter and diadem, the habitus of the Hellenistic despot, are physically suppressed by the symbols of the republican magistracy; the reverse thus castigates Pompeius' real or supposed intentions of tyrannizing the *res publica*, for which he had evidently been under suspicion during the electoral crises of 54–53. Such a view becomes clearer, I would suggest, when we recall that as recently as 56 one witty aedile had more or less explicitly quipped that Pompeius resembled a Greek tyrant wearing a *diadema* (in this case a white bandage on his leg, not his head).<sup>61</sup> Messalla's choice of imagery was therefore especially apposite for a polemic against Pompeius.

The second possible interpretation, on a more distinct level, is that Messalla used this issue to militate against the *specific ongoing proposal*, or initiative, of a dictatorship for Pompeius. The prospect had been defeated but was not definitively off the table; the willingness of the Senate to countenance a sole consulship in order to prevent it around January 52 confirms

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<sup>59</sup> For comparable designs of such diadems in Greek and Roman coinage, see RRC 507/2; SNG München 1124; SNG Alpha Bank 1 1049; AMNG 3.2.

<sup>60</sup> Crawford 1974, 457.

<sup>61</sup> Val. Max. 6.2.7: *cui candida fascia crus alligatum habenti Favonius “non refert” inquit “qua in parte sit corporis diadema.”*



this much, and whispers of the possibility remained in the anxious final months of 53. It is even possible that there were whispers of a consulship (with or without a colleague) for Pompeius in those months prior to the murder of Clodius – so great was the enthusiasm of the people – although the Senate had not yet formulated that enthusiasm into a specific proposal.<sup>62</sup> Messalla's coin is a stark response to this controversy. The obverse type with the curule chair obviously celebrates the consulship of the moneyer's father, but also points to its traditional function in ideological terms. Only the traditional framework of office-holding, it states, has the strength to subordinate the scepter and diadem of the tyrant. Take away the traditional offices, appoint a dictator, and Rome is left with a monarch. The reverse type praises the historic diarchy of consuls in conversation with the Senate (hence the legend S·C) and insinuates that to drift away from these traditions of the *res publica* will lead to tyranny. I have suggested elsewhere that in the wake of Sulla the dictatorship as such had come to acquire an odious reputation, and was regarded by contemporaries as a locus of despotic power.<sup>63</sup> Accordingly this coin serves to arouse suspicion of Pompeius' intentions and to rebuke his supposedly tyrannical position, which further discussion of a dictatorship could only serve to exacerbate. We may also speculate that it serves to warn the old guard of the Republican aristocracy, now apparently being courted by Pompeius, to take his overtures with a pinch of salt.

Pompeius entered his sole consulship on the 24<sup>th</sup> day of the intercalary month between February and March. The endorsement of Cato and Bibulus may have made this unusual step more palatable to conservatives, but it can hardly have commanded universal support. It is notable that Pompeius selected a fellow-colleague quite speedily after assuming his sole consulship, but does not appear to have been compelled to do so; our remaining testimony of the senatorial decree which authorized his election *sine collega* suggests that he was entirely at

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<sup>62</sup> I am grateful to Roman Frolov for drawing to my attention that Asconius (33C) suggests that even early in 52 the people appear to have still been demanding a dictatorship for Pompeius: *tum fasces ex luco Libitinae raptos attulit ad domum Scipionis et Hypsaei, deinde ad hortos Cn. Pompeii, clamitans eum modo consulem, modo dictatorem*. In this light it is possible that sections of the people, in their enthusiasm for Pompeius, were not concerned about the form that his extraordinary honor take, merely that it be granted. Popular calls for a sole consulship appear to have arisen *alongside* those for a dictatorship according to Asconius, and so we should be wary of trying to put the two proposals into entirely separate and distinct boxes.

<sup>63</sup> Burden-Strevens 2019. See also Kalyvas 2007, who argues that it was later Greek historians (e.g., Appian and Cassius Dio) who first formed the connection between the republican *dictatura* and conventional ideas about tyranny, but in my view that development is already clearly traceable in the late Republic and decades before Julius Caesar's term also.

liberty to choose,<sup>64</sup> while recent scholarship frames the assumption of a colleague as an *expectation* rather than a demand.<sup>65</sup> It is entirely possible that Pompeius was prompted to act quickly to restore the semblance of regular constitutional government as soon as possible by choosing a colleague, either at the urging of the Senate and his associates or by the clamor of the People. Messalla's recent *denarius* issue – certainly in circulation in the city by this time – perhaps represented one small but appreciable part of that groundswell of support for traditional *libertas*, and may have played a part in creating it. It is fascinating to envisage the criticism that Pompeius would (correctly) have imagined being levied against him, every time he opened his coin purse.

The 50s were a time of significant turmoil and innovation. Many members of the political class believed that their established institutions were under threat, and that the traditions of the *res publica* were being corroded by the tyranny of factions – not least the illegal cabal grandly known as the Triumvirate. It is surely in response to the activities of this Triumvirate that a much better-known moneyer of this period, M. Junius Brutus, used his office to champion the traditional order and galvanize public opinion to its defense. An especially well-known result of this activity is his LIBERTAS issue, displaying a personification of the goddess of liberty on the obverse, facing right, and on the reverse a representation of his mythical ancestor, L. Junius Brutus. Here the ancient Brutus – Rome's first consul and the founder of the Republic after the expulsion of the tyrannical Tarquins –<sup>66</sup> is depicted in his consul's garb, surrounded by lictors. The coin not only commemorates the achievements of the *gens Iunia*; it also emphasizes the importance of expunging *regnum*, the tyranny of sole rule, from the state by means of legitimate constitutional government.

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<sup>64</sup> Plut. *Pomp.* 54.4. Suet. *Iul.* 26.1 is very brief and does not specify the parameters of the decree.

<sup>65</sup> Ramsey 2016.

<sup>66</sup> Although to speak of Brutus as Rome's first "consul" is a misapprehension, since their function at the dawn of the Republic appears to have been fulfilled by praetors. See Urso 2019.



Fig. 4.7. Silver *denarius* of M. Junius Brutus (RRC 433/1). 55 BCE (Cerutti 1993)

The dating of Brutus' early coinage (and thus also its interpretation) is much debated: older work posited a very early date, perhaps as far back as Caesar's consulship in 59.<sup>67</sup> The discovery and publication several decades ago of two major hoards – one of which closes with the above *denarius* and the other with Messalla's PATRE·COS issue of 53 – does suggest that 54 is the latest probable year for the production of Brutus' much-discussed LIBERTAS issue above and therefore his early coinage as a whole.<sup>68</sup> This date is also the one given in Crawford's *Roman Republican Coinage*.

There are, however, several problems with 54 as the date of Brutus' moneyership. First, Caesar offered him a place on his military staff for this year;<sup>69</sup> such an offer would make no sense if Brutus had already been elected to the mint in Rome for the same period. Secondly, Brutus was elected quaestor for 53, in which capacity he would spend two years assisting the governor of Cilicia.<sup>70</sup> If he were a *monetalis* at the time of the elections for this position in 54, this would mean that he not only failed to observe the legally sanctioned hiatus between one post and another but even presented himself for election to a magistracy while still holding another office. In consequence, Steven Cerutti convincingly proposes a slight revision to the

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<sup>67</sup> Grueber 1910, 479.

<sup>68</sup> Chirila 1983; Caramessini 1984.

<sup>69</sup> *De vir. ill.* 82.3–4.

<sup>70</sup> *Cic. Fam.* 3.4.2; *Att.* 6.1.

date of Brutus' moneyership: 55, a year in which we know that Brutus was in Rome and demand for new coin to service state expenditure was at its highest point for thirty years.<sup>71</sup>

The tendency among most scholars has been to view Brutus' *denarii* as a veiled critique of Pompeius' unassailable position within the *res publica* in general.<sup>72</sup> If, however, we accept 55 as the year of Brutus' moneyership, then an alternative interpretation becomes possible – connected not only to a critique of Pompeius' ambitions as such but rather to a *specific* constitutional flashpoint and a *specific* political initiative. Once again, the controversy surrounds the consular *comitia*. The elections for 55 had descended into chaos and violence:<sup>73</sup> Pompeius and his fellow-triumvir M. Licinius Crassus both presented themselves as candidates, hoping to divide up the empire between themselves and their ally Caesar. Their canvass was met with vigorous opposition from a weighty proportion of the Senate, including the incumbent consul Marcellinus, M. Porcius Cato, and Cato's brother-in-law L. Domitius Ahenobarbus. Ahenobarbus was himself a candidate for the consulship; he was only intimidated into withdrawing when associates of Pompeius attacked him en route to the Forum, killing one of his assistants and wounding Cato. As a result, the two triumvirs succeeded in delaying the elections well past the end of the year. Their election was finally orchestrated by an *interrex* in the early months of 55, by which point they could rely on the electoral and physical clout of Caesar's veterans, recently returned to Rome, to carry the vote.

It is inconceivable to date Brutus' moneyership to 55 without drawing any connection between his selection of types and the major controversy of the moment. Oddly, Cerutti suggests that Brutus' silver issue – appealing to the goddess Liberty and linking her presence explicitly to the expulsion of tyrants and *the election of Rome's consuls* – makes no comment on contemporary political events.<sup>74</sup> Moreover, he argues that it cannot be read as an anti-Pompeian statement because Cicero and his brother Quintus emphasize the need to cultivate good relations with both Caesar and Pompeius in their letters.<sup>75</sup> By that logic, Brutus must have been working to ingratiate himself to Pompeius in 55 because that was what Cicero was doing.

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<sup>71</sup> Cerutti 1993; on the budgetary position, see 82–3.

<sup>72</sup> So Crawford 1974, 455; DeRose Evans 1992, 146.

<sup>73</sup> App. *B Civ.* 2.17; Cass. Dio 39.31; Plut. *Crass.* 15; *Pomp.* 51–2.

<sup>74</sup> Cerutti 1993, 80: “Even if Pompey were aspiring to monarchy in 54, there is no evidence to support the claim that Brutus' two coin types were intended to allude to anything more than his ancestors' historical achievements.”

<sup>75</sup> Cerutti 1993, 80.

Brutus additionally “chose Pompey’s side” in the civil war, so cannot – so Cerutti – have opposed his rising power five years earlier.<sup>76</sup>

There are several problems with this reconstruction. First, as Brutus’ own uncle and a close ally whom he had just spent two years assisting in Cyprus,<sup>77</sup> Cato is a much better guide to the young moneyer’s ties of personal loyalty and obligation in 55 than the policy of Cicero and Quintus. Secondly, on Cerutti’s line of thought it was not possible to oppose Pompeius’ bid for power in 55 (which Cato did) and yet also fight against Caesar in the civil war (which Cato did). Thirdly, according to Cerutti, one had to either court Pompeius or Caesar in 55 (one did not), because those were the options Cicero communicated to his brother. Since we know that Brutus’ uncle and ally Cato was working actively against both Caesar and Pompeius at this time, it follows that it was possible for Brutus to make anti-Pompeian statements and still oppose Caesar later. Fourthly, it is doubtful that Brutus was filled with friendly feeling for Pompeius just after the latter had attacked and wounded his uncle in a scheme to usurp the consular elections through violence. Finally, Cerutti’s interpretation of Brutus’ coinage as neutral toward Pompeius seems especially suspect when we recall that the *adulescentulus carnifex* had besieged Brutus’ father at Mutina in early 77 and was widely held to be responsible for his murder after the fall of the city.<sup>78</sup>

It is more reasonable to view Brutus’ LIBERTAS issue in the light of Messalla’s PATRE•COS type of 53: a public objection to the triumvirs’ ambitions and an appeal for the governing class to take the necessary initiatives to resist their designs. Early in 55, the young moneyer saw the offices of consul still unfilled after a chaotic campaign, and the authors of that chaos – including his enemy Pompeius – being rewarded for their efforts. The Senate, long frustrated in their attempts to prevent it, had no choice but to permit the *interrex* to organize the triumvirs’ election to the consulship. In response, Brutus used his time at the mint to delegitimize this move. The bust of *Libertas*, accompanied by the reverse displaying Rome’s first consul, appeals to the viewer to protect the integrity of the consulship and so republican liberty by expelling tyranny from the *res publica*, just as the legendary L. Junius Brutus once did. The close link to the historical situation in early 55 is plain. A similar message is clearly present in a second issue struck at the moneyer’s instruction in 55, but here its intent is perhaps even more direct. While the obverse again displays the mythical Brutus, the reverse type commemorates C. Servilius

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<sup>76</sup> Cerutti 1993, 81.

<sup>77</sup> Plut. *Cat. Min.* 36; *Brut.* 4; Vell. Pat. 2.45.4.

<sup>78</sup> I am grateful to Roman Frolov for alerting me to this final point.

Ahala, the famed tyrannicide who stabbed to death the populist Spurius Maelius in 439 to prevent his plot to make himself king.



Fig. 4.8. Silver *denarius* of M. Junius Brutus (RRC 433/2). 55 BCE (Cerutti 1993)

The young *monetalis* naturally had ambitions of his own within the state. A series of coin issues memorializing the historic services of his own *gens Iunia* and his mother's *gens Servilia* must have been an advantage at the beginning of his public career in the city, as his election to the quaestorship by the People two years later suggests. But like Messalla, his time at the mint provided Brutus with an opportunity to “act up” in another sense. Though probably not yet thirty, Brutus and Messalla found a mechanism to give their *sententia* in public while the *curia* and *contio* were as yet inaccessible to them. They commissioned sharp rebukes of the political initiatives of their superiors – Messalla against the tribune Hirrus, Brutus against those responsible for permitting an *interregnum*, and both unequivocally against Pompeius – and in response to electoral crises appealed for the return of traditional *libertas* as encapsulated in the diarchy of fairly-elected consuls. Identifying their prompt must be speculative. It is reasonable to assume that Messalla's father, eventually consul for the latter half of 53, will have discussed the potential benefit of a new *denarius* issue with his son; Brutus is more likely to have acted *sua sponte*, although his uncle Cato or his uncle's ally Ahenobarbus may well have impressed upon him the need to take a stand in public. In any case, both realized the distinctive potential offered by the moneyership to exert political influence and rally public opinion.

## 5. Dictatorship and Aftermath (45–43)

Ten years later, the once free *res publica* was accustoming itself to the reality of Julius Caesar's *de facto* monarchy. All its most important offices and magistracies had fallen under the control of the new regime. The Battle of Munda near Cordoba in March 45 sealed the fate of the Pompeian faction, and Caesar moved to consolidate his position and his public image as victor, liberator, and bringer of *pax* and *concordia*. This was always going to be a hard sell. His decision to return to Rome in triumph from his victory in Spain, celebrating the bloodshed of fellow-citizens, was a crass mistake that his heir Augustus would later resist repeating.<sup>79</sup>

The moneyers, too, came gradually under the influence of Caesar's monarchy; it accordingly assumed even greater importance as an instrument of shaping public opinion. The number of *monetales* was increased from three to four; the choice of types in general clearly began to reflect the ideological claims of the regime rather than the political message of the individual moneyer; and we see a number of unusually old masters at the mint, some in their mid or late thirties, installed by Caesar in preparation for an imminent senior magistracy. The aftermath of Munda furthermore saw significant demand for new coin and a consequently marked increase in the activity of the *monetales*. A series of new temples voted in honor of Caesar at this point, all indicative of his propagandistic claims – to Concordia, Felicitas, and Libertas – all required finance. Veterans of the recent campaigns were waiting to be paid off. “Gifts” were also made to new adherents of the regime or former opponents.

Some of the most prolific moneyers of this period are also the most obscure, but the chronology of certain issues can be reconstructed with exciting precision. Three, all junior, represent three distinct stages in the Caesarian coinage of 45–43: the aftermath of Munda (Lollius Palicanus, RE 20); the grant of the dictatorship in perpetuity (L. Aemilius Buca, RE 37); and the immediate aftermath of Caesar's assassination (P. Sepullius Macer, RE 1). While it is already well-recognized that all three used their types to promote the ideology of the regime, I would also suggest that they struck in order to create consensus around *specific* events and specific proposals or initiatives. The *monetales* who struck under Caesar in this period also seem to me to show a marked preoccupation with the physical and architectural landscape of Rome as a reflection of the claims of the regime.

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<sup>79</sup> See Cass. Dio 43.19 and 43.42, who records the popular displeasure at Caesar's perceived celebration of the death of fellow-citizens in Africa. For Augustus' rather more careful use of the triumph, see Lange 2016, esp. Chapters 6–7.



Fig. 4.9. *Quinarius* of Lollius Palicanus (RRC 473/3). 45 BCE

It is in the twin context of the victory at Munda and the slew of temples awarded in Caesar's honor that we must in my view interpret the first of Palicanus' four issues for 45. The obverse depicts a crowned bust of Felicitas with an accompanying legend: she personifies the good fortune or strategic "luck" of the ideal military commander blessed by the gods (both Sulla and Pompeius had emphasized their own *felicitas* by various means, including coinage).<sup>80</sup> The reverse is filled by an image of the goddess *Victoria*, riding in a *biga* drawn by galloping horses and holding the laurel wreath of the victor in her right hand. The moneyer, PALIKANI, is indicated below in exergue. The message of Caesar's divine favor leading to military victory is obvious; this was a "commemorative" issue, celebrating Caesar's recent success at the Battle of Munda.<sup>81</sup> A chance note in Cassius Dio reveals that news of this victory did not reach Rome until the day before the festival of the Parilia, i.e. April 20<sup>th</sup>;<sup>82</sup> if we accept 45 as the year of Palicanus' moneyership then the connection to Munda is clear and it follows that his *quinarius* was only minted after April.

Yet the allusion to Felicitas has a more specific significance in the aftermath of Munda than the mere fact of the victory, and relates to a particular initiative. In Caesar's triumph of the year prior, his chariot had broken down before the Temple of Felicitas once adorned in the

<sup>80</sup> See, e.g., App. *B Civ.* 1.94; Cic. *Leg. Man.* 10, 28, 47; Plut. *Sull.* 6.5–7; RRC 381/1a, 426/1.

<sup>81</sup> So Crawford 1974, 473.

<sup>82</sup> Cass. Dio 43.42.3.



previous century by the great conquerors of Spain and Greece, L. Licinius Lucullus and L. Mummius. The accident was apparently received as an inauspicious omen and a public embarrassment at the moment of his triumph: Caesar was not *felix* after all.<sup>83</sup> It therefore comes as no surprise that he ordered the dedication of a new, second Temple of Felicitas on a portion of the site of the former *curia Hostilia*:<sup>84</sup> a highly significant symbolic location at the center of Roman political life overlooking the *comitium*, the *rostra*, and the dictator's new senate-house. Our source for these events is very imprecise about the chronology, but work appears to have been at least ongoing and perhaps even complete in 45 under the direction of Caesar's *magister equitum*, Lepidus, whose own activities at the mint we have seen above.<sup>85</sup> It is hard to escape the conclusion that Caesar or his associates wished to correct the ill omen of 46 and emphasize his divine good fortune. I would suggest that Palicanus' choice of type forms an important and coherent part of this consensus-building narrative. He selected images that would not only celebrate the dictator's victory in general terms but also supported the decision to place a new temple to Felicitas in his honor on an historic (and contested) site.<sup>86</sup> It may even have coincided with the temple's dedication.

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<sup>83</sup> Cass. Dio 43.21.1.

<sup>84</sup> Cass. Dio 44.5.2.

<sup>85</sup> Dio states (44.5.2) that Lepidus "brought it to completion as master of horse" (ὄν καὶ ὁ Λέπιδος ἱπαρχήσας ἐξεποίησεν). We may be inclined to speculate that the choice of an aorist rather than perfect participle suggests that he had not yet laid down his office as *magister equitum* and therefore that the temple was completed before his office lapsed along with the death of the dictator.

<sup>86</sup> On contested symbolic space in the Roman Forum, especially after Caesar's death, see Sumi 2011; on the dynamics of public space in the Forum in general, see Russell 2016, Chapters 3–4.



Fig. 4.10. Silver *denarius* of Lollius Palicanus (RRC 473/1). 45 BCE

A further issue of Palicanus in this year seems to have had a similar intent, but with some important and surprising additions. The reverse type selected for his *denarius* displays the *rostra*, the speaker's platform at the heart of the Roman Forum, with the bench (*subsellium*) of a tribune of the plebs sitting on top of it. A diademed bust of the goddess of liberty, Libertas, fills the obverse, facing right with an accompanying legend. It is obvious enough that the interplay between the obverse and reverse types reflect the propaganda of Caesar's monarchy: in the wake of the slaughter of fellow citizens at Munda by a Roman dictator, it was clearly necessary to highlight that the *libera res publica* remained essentially unaltered.<sup>87</sup> In more general terms, the reverse type also surely reflects Caesar's much-vaunted claim to have marched against his own country in order to defend the rights of the tribunes of the plebs, whose

<sup>87</sup> So Weinstock 1971, 142–3 for Caesar as “Liberator” after the Battle of Munda. Morstein-Marx 2004, 52–3 takes a dim view of this interpretation, arguing that the coin makes no explicit reference to Caesar. This is undeniably true, and (as I note below), a sign that in 45 the moneyership does not yet appear to have fallen under the total control of the regime; there remained some scope perhaps for Palicanus to use his office as he thought fit and to promote his own family achievements; yet it is also difficult not to envisage an at least indirect support of the regime being expressed here.

veto of Senate procedure, offered in Caesar's interest, had been countermanded by his enemies in the fateful senate-meeting of January 7th, 49.<sup>88</sup>

Yet previous studies have overlooked the connection between this design and *specific* initiatives and proposals which again concerned Caesar's planned monumental refashioning of the political heart of the city. Dio records that upon his return from victory in Spain in 45, the Senate passed a number of laudatory decrees, "and furthermore called him 'Liberator,' entering this also in their *acta* and voting for a Temple of Liberty at public expense."<sup>89</sup> It is hard to escape the conclusion that in a similar fashion to his *quinarius* issue displaying Felicitas, Palicanus' LIBERTAS issue here indicates his public support not only for the decree of the Senate acclaiming Caesar as "liberator" (ἐλευθερωτής) but also for that dedicating a new Temple to Liberty in celebration of his deeds. It is also possible that the reverse design commemorates the dictator's decision to relocate the *rostra*, although here the chronology and the intent are more difficult to discern.

It is important to recall that many of these measures in honor of Caesar may not have been sincere and will have been vexatious to various quarters. The theory of Cassius Dio is worth repeating: the more extravagant of the honors decreed for the dictator – some of which approximated the divine – were not truly intended to celebrate him but rather to bring him under suspicion as a vain and haughty tyrant and so precipitate his demise.<sup>90</sup> Such controversial and unprecedented measures as these will have required public statements of approbation in order to command acceptance: Palicanus' *denarius* seems to me one aspect of that undertaking of consensus-building communication.

The question remains of whose initiative prompted this junior and inexperienced *monetalis* to act. It is tempting to read his efforts as the work of a stooge, installed at the mint to do Caesar's bidding. However, Palicanus' choice of types suggests that he was striking independently – or, at the very least, that the regime did not yet exert direct artistic control over his designs. Palicanus' four coin issues in 45 never mention the dictator by name, and all proudly identify only the moneyer himself. More importantly, two of the four minted make quite explicit allusions to the recent achievements of the *gens Lollia*. Crawford reads the

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<sup>88</sup> See Caes. *BCiv.* 2–3 for this rather shady justification, rendered all the more so by the fact that Caesar must already have been marching south with his army by this point. I am again grateful to Roman Frolov for drawing this to my attention.

<sup>89</sup> Cass. Dio 43.44.1: καὶ προσέτι αὐτόν τε Ἐλευθερωτὴν καὶ ἐκάλουν καὶ ἐς τὰ γραμματεῖα ἀνέγραφον, καὶ νεὼν Ἐλευθερίας δημοσίᾳ ἐψηφίσαντο.

<sup>90</sup> Cass. Dio 44.1–8.

*subsellium* on the LIBERTATIS issue as a reference to the tribunate of the moneyer's father M. Lollius Palicanus, who in 71 agitated for the return of the office to its ancient powers. Such a popular strategy enabled the elder Palicanus to move quickly up the *cursus honorum*, attaining the praetorship a few years later;<sup>91</sup> this too seems to be celebrated in another of the young moneyer's issues displaying HONOS and the curule chair of a praetor.<sup>92</sup> We can imagine, therefore, that a pleasing design may well have been pushed beneath the dictator's gaze when complete for the sake of flattery; but the choice of types and the expression of support for the new regime that they entailed must be taken as Palicanus' own. His coins demonstrate that even after the final defeat of the Republicans at Munda and years into Caesar's dictatorship, the moneyership continued to offer young politicians a vehicle to court public opinion and to attach their own names to the illustrious initiatives of their superiors.

The case is rather different for the coinage produced by the four *monetales* in the last months of Caesar's monarchy. Here the subordination of the moneyership to the regime is patent and the independent initiative of its officials is harder to identify; probably it had fallen into abeyance. The ultimately fatal decision to grant Caesar the dictatorship for life – which to contemporaries will have seemed an impossible contradiction in terms, not merely controversial – in February 44 called for significant efforts from the mint. M. Aemilius Buca, a junior official otherwise unknown but for his defense of Scaurus in the latter's trial for provincial corruption (*res repetundae*) a decade prior,<sup>93</sup> was the most active of the four moneyers at this time.

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<sup>91</sup> Probably by 69; see Broughton 1952, 582.

<sup>92</sup> RRC 473/2a.

<sup>93</sup> Asc. 28C.



Fig. 4.11. Silver *denarius* of M. Aemilius Buca (RRC 480/6). February 44 BCE

Like his colleagues M. Mettius (RRC 480/2a), C. Cossutius Meridianus (RRC 480/15), and P. Sepullius Macer (RRC 480/13), the *monetalis* fills the obverse type with a wreathed bust of Caesar, facing right and surrounded by the legend CAESAR DICT PERPETUO. The recurring obverse designs of the four moneymen are almost identical and suggest that they were working in concert as a college on specific instructions in February 44.

Nevertheless, the reverse type of Buca's *denarius* is exceptional for the Caesarian coinage of this period. Buca's colleagues generally chose Venus (and thus the dictator's allegedly divine heritage) as the reverse type for their issues in these months.<sup>94</sup> Yet this *monetalis* appears to have opted for a very different design, thereby interacting with specific political developments in addition to communicating the ideology of the regime on a more general level. The reverse type is divided into four registers by the cruciform arrangement of the *fasces* (the rods of a republican magistrate) lying horizontal and the *caduceus* (the staff of the god Mercury) standing upright. The former obviously symbolizes the positive power of the republican magistrate, but without its coercive potential, hence the absence of axes; Crawford is surely right to see an allusion to *libertas* here. The staff of Mercury, on the other hand, is typically an attribute of *felicitas*.

It is not a coincidence that these two divine attributes reflect precisely the divinities to which new temples had lately been decreed in Caesar's honor (Libertas shortly after April 45

<sup>94</sup> See Crawford 1974, 487–95.

and Felicitas some time before, as discussed above). Furthermore, the two clasped hands in the bottom-left register of the reverse of the *denarius* are a clear allusion to amity, friendly feeling, and reconciliation: in other words, *concordia*. The globe in the top-left register indicates that this *concordia* has been secured through *pax*, achieved by means of Caesar's dominion over the entire world. This seems, yet again, to be the moneyer's attempt to promote or commemorate the very recent decision to dedicate another temple – this time, significantly, a Temple of Concordia – in the dictator's name. Therefore, as well as reflecting the ideology of the regime, Buca's activities at the mint appear to have intended to add to the groundswell of support for ongoing and controversial political decisions, including both the grant of the dictatorship in perpetuity and yet another temple decreed in acclamation of his rule.

After Caesar's assassination in March, the mint did not extricate itself from the grip of his faction. It continued in the role it had recently adopted and would continue to serve for the remainder of its history: an instrument for the organized promotion of the individual dynast in charge of affairs. Buca's colleague and fellow *monetalis*, P. Sepullius Macer, was the last of the four junior officials installed by the regime to strike in the year of Caesar's death.



Fig. 4.12. Silver *denarius* of P. Sepullius Macer (RRC 480/21). April 44 BCE





Fig. 4.13. Silver *denarius* of P. Sepullius Macer (RRC 480/22). April 44 BCE

We can comfortably date both types to the aftermath of Caesar’s assassination. The obverse of the second issue, displaying a bust of the late dictator’s ally and *magister equitum* M. Antonius, has the latter bearded and veiled as signs of mourning. The identical reverse images (struck with different dies and possibly the work of more than one artist) portray a leaping horseman holding a whip in his right hand and reins in the left. The figure is evidently a competitor rather than a soldier, dressed in civilian garb and accompanied by a laurel wreath which sits behind. If it is indeed correct that this image represents the games of the Parilia<sup>95</sup> – this seems both plausible and attractive, since these games marked the first anniversary of the news of the victory at Munda and were therefore closely connected to Caesar’s memory and achievements – then these issues must have been produced in or after late April 44.

From the most prosaic point of view, it is clear enough that the *monetalis* wished some of the magnificence of the public games to rub off onto his own name: the legend P•SEPVLLIVS MACER envelops the scene of the galloping competitor (*desultor*). In a similar fashion to T. Didius over half a century earlier<sup>96</sup> – and indeed to Brocchus in the late 60s – the moneyer perhaps realized that one could indirectly claim the popular credit for “bread and circuses” by simple association even where one had no initiative to furnish them. “Acting up” was still possible, even now.

<sup>95</sup> Crawford 1974, 495.

<sup>96</sup> RRC 294/1.

Yet most important of all from the point of view of political initiative is the obverse type of the first of these *denarii*. It is filled by a tetrastyle temple containing a globe in the pediment and surrounded by the legend CLEMENTIAE CAESARIS. Just as the other Caesarian moneyers we have seen above, Sepullius Macer chose to allude to the program of temple-building which accompanied the last months of Caesar's dictatorship – in this case to the Temple of Clemency probably awarded in the early months of 44.<sup>97</sup> The shrines to Felicitas, Libertas, and Concordia decreed in his honor throughout 45–44 were central expressions of the ideology of the regime which the *monetales* were instructed to commemorate. But unlike those of his colleagues above, Sepullius Macer's *denarius* appeared at a tempestuous and fractious political flashpoint. By April 44 the controlling hand of the dictator had passed away. Mere weeks earlier the leaders of the Caesarian and tyrannicide factions had been occupying different portions of the Roman Forum, hurtling once again toward armed conflict. An uneasy truce had just been brokered by Antonius at the urging of Cicero and others, inevitably short-lived.

Hence, the issues of Sepullius Macer – who seems to have been working under Antonius' influence or even his instructions – were far from anodyne. Their appeal to Caesar's virtues (especially his famed *clementia*) and the pitiable grief, partially confected, of his friend Antonius, was not neutral; it served to keep alive the popular anger at the deeds of the tyrannicides. In this respect, the moneyer's strategy clearly reflects the delicate balancing-act of Antonius' own policy in the weeks following Caesar's assassination: that is, to *seem* to be de-escalating the crisis and mediating between the two sides, while really working to enflame popular anger and stoke up the maximum possible division in his own interest. Perhaps Antonius had persuaded the moneyer that an issue of this kind would be persuasive and desirable; we will sadly never know whether he made promises of reciprocal favors and advancement to come further down the line. In any case, this was high politics at work in all its usual duplicity – and young officials, too, had their part to play.

## 6. Propaganda Now and Then

It is a mark of the importance of the moneyership as a channel of public communication that Caesar, Antonius, and all the dynasts to follow in their wake chose to bring it under their influence. By the mid 40s and the end of the free Republic, the *triumviri monetales* had ceased to exert an independent initiative of their own. That shift is most palpable of all in the changing design of obverse types in 44, which came to replace familiar deities we have seen here – Roma,

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<sup>97</sup> App. *B Civ.* 2.443; Cass. Dio 44.6.4; Plut. *Caes.* 57.



Libertas, Ceres, Concordia – with the portrait of the man of the moment. It is symptomatic of the decline that even the “liberator” Brutus, whose famous EID•MAR issue celebrating Caesar’s assassination was known even to ancient historiographers (RRC 508/1), had his own likeness struck onto the issues produced by the moving mint which followed his army. So stark a contrast with his LIBERTAS coinage of the 50s demonstrates how rapidly the march toward autocracy had advanced. The Rubicon had indeed been crossed; it was not possible to turn back.

However, we have seen here that this was a very recent development. Though young and inexperienced, the *monetales* of the late Republic found in their office a distinctive route to engage in public life and to exert political influence under their own names right up to the end of the Republic. The highly competitive political culture of the 60s and 50s saw multiple controversies which demanded the leadership of Rome’s most senior and experienced statesmen. Economic crisis, spiraling debt, and disputes over access to land and food presented an opportunity for populists and a menace for conservatives. The Catilinarian “conspiracy” required quick action on the part of the consuls, concrete proposals from the *designati*, and significant efforts of consensus-building after the Senate had made its controversial decision on the fate of those implicated. The elections for 55 collapsed into chaos and violence, ending with an *interregnum* and the consulship of Pompeius and Crassus, who proceeded to divide up the empire with their fellow-dynast Caesar. A repeat performance two years later narrowly avoided the inauguration of a dictator, but ended with a proposal scarcely less controversial: the inauguration of the first sole consul in Rome’s history. This was high politics – but young politicians too had their place, and we have seen that the young *triumviri monetales* were by no means silent on these events.

I do not wish to suggest that the masters of the mint used their position to *instigate* some new initiative in response to such controversies, nor that they intended their types to articulate or bring about some specific proposal of their own. That would be to read too much into the evidence. Instead, their public function was basically reactive. The moneyers of 62, Lepidus and Libo, clearly seem to me to have issued a direct and unambiguous statement of support for the divisive and controversial initiatives of the most senior magistrates with respect to Catiline and his alleged co-conspirators in the recent winter. The previous year, Brocchus’ *denarius* marked him out as a champion of agrarian reform and/or frumentary legislation, so endorsing the initiative of Caesar and Rullus. In the electoral crises of the 50s, both Brutus and Messalla selected types that could only be interpreted as opposition to the autocratic designs of the Triumvirate and especially those of Pompeius, as is already well recognized; yet they also had *specific proposals* in mind for censure, in particular the proposed dictatorship and possibly the

sole consulship also. Even under Caesar's rule, the *monetales* did not abandon what we may now conclude was their common tendency to respond to specific ongoing events in public life: all three of those we have discussed here vigorously promoted the program of temple-building that accompanied the most extreme period of Caesar's autocracy and sought (or more likely were asked) to create consensus around such excessive and controversial honors.

This latter fact points to another important function of the moneyership which has not been hitherto appreciated: namely, the role of the mint in building support for an initiative or proposal *after* the event, *viz.* after its ratification or successful passage. Hence, *monetales* could not only add to the groundswell of public support for a specific proposal already on the table, but also maintain its momentum and ensure its continuing acceptance in the aftermath. If we accept a consensus-led model of Roman republican political culture, then the commemoration of initiatives after the event – partly through coinage – appears just as important an aspect of consensus-building as the debates that led to them, and an essential part of their “after-care.” The coins struck after the state-sanctioned murder of the Catilinarian conspirators in January 62, after the Battle of Munda, and after the award or dedication of Caesar's temples to Felicitas, Libertas, Concordia, and Clementia are all examples of this tendency of *post factum* consensus-building.

It is unfortunate that perhaps the most exciting aspect of the moneyership in the late Republic happens to be the least visible to us, and this aspect again concerns the question of initiative. It is this: who prompted these young officials to act in the way they did? What was the nature of the negotiations and deals conducted behind the scenes? Any answer can only be speculative. Our sources make almost no mention of *monetales* in general. It is worth returning to the recent example provided by Harriet Flower of Servilia's *consilium*:<sup>98</sup> then as now, a vast proportion of real politics happened behind closed doors. It is quite obvious that by 44 the *monetales* were not acting on their own initiative and had received instructions of considerable specificity. But the case is less clear for the 60s and 50s. It is entirely possible that all of the moneyers discussed here were privately persuaded by their elders and betters that an issue “commemorating” their actions in office would be an astute move.

However, it is important to remember that these individuals were themselves young and ambitious members of the elite – in some cases, distinguished members of the *nobilitas* – who were preparing themselves for their next election. Brutus and Lepidus, both *nobiles*, went on quickly to achieve significant public careers; Messalla attained the suffect consulship in 32;

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<sup>98</sup> See Flower 2018.

Libo may have been consul around the same time, and a praetor by 50; and even Lollius Palicanus, in office under the yoke of Caesar, was governor of Crete and Cyrene in the mid-30s and the scion of a proud tribunician heritage. All, as we have seen, began their urban careers at the mint and clearly used their coinage to promote themselves and the distinction of their families at the same time as responding to political developments on the ground.

In contrast, *all four* moneyers of 44 – Mettius, Sepullius Macer, Aemilius Buca, and Cossutius Maridianus – went on to achieve nothing. They disappear from the record after 44 and are not further attested in the *cursus honorum*. Since these moneyers were, so far as we can see, *installed* in the mint and instructed to issue propaganda for the regime, it is tempting to conclude that their time at the mint was a dead end. Unlike their predecessors, they were not afforded the opportunity to make use of their office to introduce themselves to the People, to weigh in on the major issues of the day, and to place themselves at the center of events. Consequently, the *populus Romanus* did not reward them with further office. The future triumvirs apparently did not reward them either. This casts into higher relief the distinctive potential offered by the mint to demonstrate statesmanship and court public opinion, if used wisely by a young and ambitious politician.

It is therefore more tempting to imagine that the moneyers of the 60s and 50s had their own strategies in mind, and exploited their office as a means to apprehend their own political agency. These were indeed political actors in their own right with their own ambitions and allegiances. Lepidus made clear his alliance with Cicero and Silanus in 62; Libo wisely perceived that this was a winning ticket, at least for the time being. Brutus threw his support behind Cato and the conservatives, and marked himself out before the People as a defender of *libertas*. Messalla was eager to be seen both as an opponent of Pompeius' tyranny and, at the same time, the son of a consul – eminently electable. Lollius Palicanus was one of the more independent-minded of Caesar's moneyers with a proud tribunician heritage; Brocchus turned out to be a nonentity. All were "acting up" in the competitive world of the republican aristocracy and distinguishing themselves as prominent voices in the *res publica*. In this sense, high politics in the last decades of the Roman Republic appears less the business of middle-aged men, and more a dynamic of intergenerational exchange – of competition here, collaboration there – between senior and junior politicians, wrongly ignored by the ancient historians. The coinage tells a compelling story about the agency and leadership sought by Rome's apprentice politicians. It must have been an exciting, vital, and uncertain time to be young.

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# Consulars, Political Office, and Leadership in the Middle and Late Republic

Catherine Steel

## Abstract

This chapter aims to define the opportunities for office-holding post-consulship and how it affected republican leadership more generally. In the pre-Sullan period, consulars, as a group, were systematically involved in the running of the *res publica* through responsibility for a wide range of specific tasks. In some cases, ambitious individuals used this as an opportunity to continue in their active leadership roles after the consulship. However, in practice the arithmetic of consulars and tasks meant that the on-going activity by consulars was a normal part of the operation of the *res publica* at the behest of Senate or People. In the post-Sullan period, changes to the *cursus honorum* made consulars a correspondingly even smaller element within the Senate than it had been before. Nevertheless, their leadership on behalf of the *res publica* in practice became more limited. This outcome was closely connected with the development of extraordinary *imperium*, which provided a new route to post-consular power but the one available to just a few. For most consulars, their subordination to Senate and People changed to the subordination to another consular, with clear consequences for the location and display of political power at the end of the Republican period.

## Keywords

consulars, leadership, political experience, Senate, office, *cursus honorum*

## 1. Introduction

The small size of Rome's public administration in comparison to the size and complexity of its Empire is well-acknowledged. However, this modesty of scale did not extend to the number of its elected office-holders, of which there were a significant number. In 200,<sup>1</sup> there were eighteen or twenty-two positions in the regular *cursus honorum* and an additional ten tribunes of the plebs; this had risen to thirty-eight by the end of the Republic with the number of tribunes remaining at ten.<sup>2</sup> Just as importantly, for the numbers of those with experience of public office, these were annual positions. Each year, over a staggered set of dates during the winter, every office was vacated and refilled. There were two consequences of this regular change in office-holders. First, a lot of men had direct experience of involvement in the running the *res publica*

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<sup>1</sup> All dates are BCE.

<sup>2</sup> The uncertainty in 200 relates to the number of quaestors; see further Harris 1976; Santangelo 2006, 9, n. 7.

in some capacity.<sup>3</sup> Secondly, for the vast majority at any particular moment, that experience was retrospective and possibly prospective, but not actual. Even a consul might have spent as little as three years in public office over the course of a career in public life that lasted three decades or more. The *res publica* was at most periods well-supplied with experienced *privati*. This was a different phenomenon from the mass exposure to political practice inherent in the Athenian democracy; those who ran the Roman *res publica* regarded themselves as a distinct group, even when that distinction had ceased to be underpinned exclusively by status derived from patrilineal descent, and however porous the boundaries of the political class were in practice they were nonetheless policed by wealth and by social norms which drew attention to the distinctiveness of newcomers.<sup>4</sup>

Inherent in the *cursus honorum* was a process of attrition. More started than finished, and the result was competition, albeit of varying intensity from year to year.<sup>5</sup> Nonetheless, two men each year reached the summit, and two men joined the ranks of the consulars, a group which under normal circumstances might have included around 40 individuals.<sup>6</sup> Consulars were invariably members of the Senate.<sup>7</sup> As senators, they had the opportunity and indeed the obligation to participate in the deliberations of that body; and their seniority would guarantee

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<sup>3</sup> The exact number varied constantly and is not recoverable; an estimate can be made depending on the amount of overlap between office-holders and their likely life-expectancy. If we assume that every holder of the aedileship, praetorship, and consulship and half the tribunes of the plebs had held the quaestorship, that prior to 80 there were only eight quaestors and that life-expectancy at the end of the quaestorship and tribunate was on average a further thirty years, then at any moment an average of 390 men had held at least the quaestorship or tribunate (that is,  $(8 + 10/2) \times 30$ ). That rises to 510 if we assume twelve quaestors prior to Sulla; and 750 after Sulla's modifications. Not all these men would be senators.

<sup>4</sup> What expectations around property ownership underpinned the actions of the magistrate presiding over elections in accepting candidacies is not known, but it seems highly unlikely that there were none (though the position of the tribunate of the *plebs* is likely to have been different).

<sup>5</sup> That at least is the impression given by Livy's narrative of the early part of the second century, which identifies particularly vigorous campaigns, one confirmed by the likelihood within small cohorts of death or incapacity striking unevenly.

<sup>6</sup> One of the peculiarities of institutional development in the Republic is that that number remained static throughout despite growth overall in the number of office-holders and related growth in the Senate; the distinction involved in reaching this office relative to membership of the Senate increased over time.

<sup>7</sup> There are some examples from the late Republic of *consuls* who were not senators when they entered office: Pompeius is the most famous. It also seems very unlikely that C. Marius (cos. 82) was enrolled in the Senate by the censors of 86, when he was in his early twenties. But Pompeius was enrolled in the Senate during his consulship, and Marius died in office.



their continued *adlectio* to the Senate for the rest of their lives.<sup>8</sup> Membership of the Senate provided the basis for consulars' continuing role in public life.<sup>9</sup> However, there were a number of other institutional mechanisms which could extend the formal career of a consular through specific positions. Holding the consulship was not necessarily the end of a politician's holding of office.

The aim of this chapter is to define the opportunities for office-holding post-consulship and then to consider the relationship between that kind of activity and leadership within the *res publica* more generally. The survey of offices is divided into the pre- and post-Sullan periods, and the chapter argues that there is substantial difference in the role of consulars between the two. In the pre-Sullan period, consulars, as a group, continued to be heavily involved in the running of the *res publica* through responsibility for specific tasks, even if this activity did not in itself define a cadre of consular leaders. Activity on the part of consulars was in part a matter of pragmatism, to ensure expertise was used; but it can also be seen as a mechanism to maintain the fiction of elite equality. In the post-Sullan period, changes to the *cursus* made the consulars a much smaller group within the Senate. However, they do not thereby appear to have acquired a more significant leadership role, and opportunities for office-holding after the consulship contract. I conclude by suggesting that their sidelining as a group cannot be understood separately from the development of extraordinary *imperium*. This provided a new route to post-consular power: but the number of men who benefitted was proportionally much smaller, with destabilizing consequences for the profile of the elite.

## 2. Consulars and Public Positions before Sulla

In the first place, whilst the consulship itself lasted only a year, the tasks associated with a particular tenure of that position could be made longer through the mechanism of prorogation. As with the praetorship, the tenure of *imperium* could be extended beyond the year of office.<sup>10</sup>

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<sup>8</sup> Absent, that is, behavior of such a kind as to lead the censors to refuse to enroll.

<sup>9</sup> The Senate was an arena for political activity for all its members, *privati* or not, and it is reasonable to assume that it remained the bedrock of a consular's continuing influence, or lack of it, subsequent to his consulship. To assess the interplay of senatorial debate and political influence – let alone the web of negotiation that took place among senators outside the Senate's meetings – is beyond the scope of this chapter, whose focus is on offices and tasks. Nonetheless, the Senate must be considered as part of the overall picture of consular activity; it is reasonable to assume a continued interplay between presence and contribution in the Senate and capacity to act in a variety of roles outside the Senate. On senatorial debate in the Republic, Bonnefond-Coudry 1989; Ryan 1998.

<sup>10</sup> Brennan 2000, 73–5, 187–90; Vervaet 2014.

In such cases, the consul's *provincia* remained the same, though he could receive additional instructions from the Senate in relation to that *provincia*; but the principle underpinning the development of prorogation appears to have been a recognition that additional time was required in order to complete a particular activity. Prorogation did not expand the range of tasks that one individual would undertake, but did give him longer in command in order to accomplish it: this usually involved an additional campaigning season, and therefore extended the tenure of consular *imperium* from one to two years.

It is clear that prorogation was a response to the shortage of capacity which arose from the collision of three factors: the military and administrative demands of an expanding empire, a fixed number of positions enabled to undertake those demands, and a fixed period of time for which those positions could be held. It was not the only response: the Senate also twice increased the number of praetorships.<sup>11</sup> But increasing the number of consuls beyond two seems never to have been considered. That in turn meant that any increases in the number of the praetorship increased competition for the consulship. The destabilizing effects of changing the shape of the career pyramid seem to have prevented further development in the number of praetorships before Sulla.<sup>12</sup> Given the nature of office-holding, prorogation could be fitted in without much difficulty into existing practice, since a gap between elected offices appears to have been the norm. In that respect, therefore, prorogation as a mechanism was facilitated by the amount of time as *privati* that politicians normally spent during their careers.

Slightly more than one in five consuls – allowing for some fatalities among consulars during and in the years immediately following tenure of the consulship – would hold the censorship. This office marked the only regular and predictable stage in the *cursus* beyond the consulship, and brought with it a further period in office and perhaps the most significant collection of patronage opportunities that the *res publica* gave any of its officers.<sup>13</sup> The censorship was an elected position and the elections were on occasion exceptionally fiercely

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<sup>11</sup> From two to four in 228 and to six in 197.

<sup>12</sup> That is, the strange compromise of the *lex Baebia*, to alternate between four and six praetorships, and the failure to increase the number of praetorships to eight in 146 – the point at which the number of *provinciae* which required the oversight of an *imperium*-holder outstripped the number of *imperium*-holders, and thus embedded prorogation as a regular feature of political practice (Brennan 2000, 239–40).

<sup>13</sup> On the censorship, Suolahti 1963; Pieri 1968; Clemente 2016. A second consulship was also a possibility, though rare; its occurrences are not easy to explain (cf. Syme 2016, 47–9).

fought.<sup>14</sup> Success in securing election reflected the accumulated influence and reputation of a consular, and in turn provided a considerable boost to the holders' soft power, through *adlectio* to the Senate, census enrolment, and such direction as the censors could bring to the placing of public contracts.

The censorship extended an individual's period in office, and by its scarcity it marked out a distinctive group within the consulars as a whole. But it remained a time-limited office, and its holders would once again be *privati* when their tenure of the position came to an end.

The members of the four colleges of religious offices also formed a prestigious subset among the political class.<sup>15</sup> But in a number of respects the priests were a different kind of presence within the *res publica* from ex-censors, and one whose significance is arguably more difficult to grasp. The men who held these positions were not necessarily consulars. Indeed, it is striking how young some holders were when they acquired the position; some even did so before they had started on the *cursus*. Nor was holding an elected office, or even standing for one, a necessary criterion for holding a priesthood.<sup>16</sup> Insofar as there was an overlap between membership of a priestly college and the tenure of high elected office, the connection arguably ran from priesthood to consulship and not the reverse. That is, holders of priesthoods were marked out early in their careers as those who would rise up the *cursus*: this did not guarantee any subsequent electoral success, but might contribute to it as an existing mark of distinction.<sup>17</sup> These positions were also held for life: death, not a fixed time-limit, created vacancies. Priesthoods were thus the only kind of public office at Rome which gave the holder a role which did not have an end date.

However, it is less clear how individuals used this ongoing public position, with the exception of the *pontifex maximus*. All holders of that position, who seem always to have been drawn from among the existing pontiffs, between the end of the third century and Caesar, reached the consulship, though a substantial minority did so only after they had become *pontifex*

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<sup>14</sup> On censorial elections, see particularly Livy 37.57.9–58.2. Its distinct prestige is perhaps evident in the relatively slow pace of plebeian progress in capturing the office (the first two plebeian censors were elected in 131), over forty years after the first pair of plebeian consuls. But the relatively small numbers impose some caution.

<sup>15</sup> The number of positions in the priestly colleges underwent some inflation during the Republic, from around 30 in 200 to nearly 50 at its end, with the most significant expansion due to Sulla; even so, membership of the priestly colleges as a proportion of the size of the Senate shrank after 80.

<sup>16</sup> Indeed, the *flamines* had significant difficulty in holding high office.

<sup>17</sup> This dynamic was shifted by the *lex Domitia* in 104, which introduced popular election for priesthoods.

*maximus*.<sup>18</sup> This overlap suggests that the position of *pontifex maximus* was considered to involve political skills which meant that only those who had reached the consulship or whose careers up to that point indicated that they would be regarded by the electorate as suitable candidates.<sup>19</sup> The individual activities of the other pontiffs and members of the pontifical college within the deliberations of the college are, however, not easily traceable.<sup>20</sup> Identifying the contribution of individuals is even more challenging within the other three colleges, which lacked the internal differentiation and hierarchies of the pontiffs. It might seem reasonable to assume that within each college length of tenure was a significant factor in determining how far an individual priest might contribute to debate and decision, but even if that were the case, exceptions occurred.<sup>21</sup> Holding a priesthood was an ongoing position in public life; but what the holder might do with that position varied, and it is difficult to establish in general terms the significance of the priesthood in relation to a priest's other marks of status and resources for their ongoing public role.

Consulars could also be tasked by the Senate or People with a specific job. There were special commissions, created by statute, to undertake various one-off tasks which did not fall under the scope or within the capacity of annually-elected magistrates. In the first third of the second century, a number of *IIIviri coloniis deducendis* were established to oversee colony foundations.<sup>22</sup> That model was revived later in the century to oversee land distributions under the Gracchan and subsequent legislation, and the model was also used occasionally for other tasks.<sup>23</sup> Membership of colony foundation commissions was by no means drawn only from a

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<sup>18</sup> The gap was one year in the case of Pius, three for Scipio Nasica, four for Caesar and seven each for Crassus Dives and Ahenobarbus. Between 212 (when Crassus became *pontifex maximus*) and Caesar's death, therefore, the *pontifex maximus* was not consul or a consular a little more than one year in eight.

<sup>19</sup> Being *pontifex maximus* may well have contributed to electoral success. On the political significance of the position, Bollan 2013.

<sup>20</sup> In *de Domo Sua*, the most detailed surviving evidence from the Republic relating to a particular instance of pontifical deliberation, Cicero treats the college as a unified whole in terms of its decision-making, though he is careful to acknowledge the identities of its individual members. See further Stroh 2004.

<sup>21</sup> Cf. the career of Ahenobarbus.

<sup>22</sup> On this phase of colonization, Salmon 1970; Scheidel 2004, 10–11.

<sup>23</sup> Temple foundations in 194, 192, 191, 181, and 175; a commission of ten for land distribution in 173. Too little is known about the position of *duumviri navales* to assess if this position too falls into the category of irregularly occurring positions authorized by statute (see Dart 2012) but as no consular is known in the position in the second century the issue can be set aside here. The apparent tailing off of special commissions after 167 is an accident of the source material.

pool of consulars.<sup>24</sup> The pattern of their involvement either individually or collectively is not easy to read; but it is at least clear that this particular task was regarded as appropriate to one of consular status, even if consular status was by no means required for all its holders.

The tasks just described necessitated the involvement of the People in approving legislation which set up a particular colony and its founders. Other kinds of activity on behalf of the *res publica* were not authorized by legislation and did not involve the tenure of an office, in distinction to the commissions I have just discussed; these jobs, usually diplomatic, were entrusted by the Senate to senators acting as its *legati*. As in the case of *Illviri*, consulars were among those sent as *legati*, though not all *legati* were consulars; indeed, at points of intense diplomacy, the supply of *legati* far outstripped the available number of consulars.

These *legati* had instructions from the Senate, but, operating at a distance, they also had a high degree of independence. Seniority and experience is evident in *legati* of this kind, but the composition of embassies was, however, quite varied.<sup>25</sup> The year 172 can act as a case study of this variation; it was a period of considerable diplomatic activity in the run up to war between Rome and Perseus, and as it is contained within the surviving parts of Livy's narrative, prosopographical detail concerning the composition of the embassies is preserved.

There were at least five embassies sent out during this year:

- i. To Asia (Livy 42.45.1–7; Polyb. 27.3.1–5): T. Claudius Nero (cos. 202); Sp. Postumius Albinus (cos. 174); M. Iunius Brutus (cos. 178).
- ii. To Apulia and Calabria, to purchase grain (Livy 42.27.8): Sex. Digitius (pr. 194); T. Iuventius (pr. 194); M. Caecilius.
- iii. To Greece (Livy 42.37.1–9): Q. Marcius Philippus (cos. 178); A. Atilius Serranus (pr. 192, 173); P. Cornelius Lentulus; Ser. Cornelius Lentulus; L. Decimius.
- iv. To Perseus (Livy 42.25.1–13): Cn. Servilius Caepio (pr. 174); App. Claudius Centho (pr. 175); T. Annius Luscus.
- v. To Gentius (Livy 42.26.6–7): A. Terentius Varro (pr. 184); C. Plaetorius; C. Cicereius (pr. 173).

These embassies had differing compositions, though each contained at least two individuals who had held *imperium*. (In some cases, though, a long time previously: Sex.

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<sup>24</sup> *Illviri coloniis deducendis* could involve no consulars (that was the case for all the five sent in 194 and for those in 193, 186, 184, one of the three sent in 183 (though that included one of the consuls), 180, 169); one consular (200, 197, 190, 189, one of the three sent in 183, 181, 177); or two (199, one of the three sent in 183). Details on the composition of each in Broughton 1951. That is, out of these sixty positions, eleven were held by consulars.

<sup>25</sup> Canali de Rossi 2000.

Digitius and T. Iuuentius had held the praetorships over twenty years' earlier.) It is possible to hypothesize some rationale for these variations. The embassies to Asia and to Greece were to assure the ongoing support of Rome's allies in those regions in the war which the Senate expected imminently to break out with Perseus.<sup>26</sup> The negotiations that the *legati* on those missions were likely to have to undertake were complex and the outcome both uncertain and important: these were embassies in which skill and understanding mattered. The organization of the corn supply, by contrast, might require a different set of skills.<sup>27</sup>

However, it is also worth considering the amount of choice the Senate had at its disposal when sending these embassies. The pool of potential appointees was reduced by a number of concurrent activities. A commission of ten had been established the previous year to assign land in Liguria and Cisalpine Gaul; its membership included two consulars, and it seems still to have been at work. Three consulars had been among those dispatched on embassies to the eastern Mediterranean the previous year; none of them is used again in 172, and in one case, the legate's return to Rome is noted during 172. It is certainly possible that neither of the other two was available. If that is the case, then ten consulars were engaged in specific tasks for the *res publica* during 172.<sup>28</sup> This number cannot by any means have exhausted the total number of consulars. But when it is combined with a number of other factors whose existence can be hypothesized, even though not proved, including health, competence and experience, it is possible to see how in practice the Senate's capacity to choose specific individuals for the range of tasks that faced was constrained by a number of practical issues. Moreover, it remains unclear how far volition was required on the part of *legati*.<sup>29</sup> What negotiations preceded the announcement of the dispatch of *legati*? Was there an expectation that those approached should agree? Given the range of uncertainties about both personnel and attitudes, it is not possible to be sure whether the Senate struggled to fill its vacancies. But even if this was an environment in which the

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<sup>26</sup> Burton 2017, 56–77, 197–201.

<sup>27</sup> The coincidence of the date of Digitius' and Thalna's praetorships might be suggestive, but it is difficult to see exactly how: Thalna was peregrine praetor in 194, which might have given him some useful connections in Apulia and Calabria, but Digitius was (not very successfully) in command in Hispania Citerior.

<sup>28</sup> That is, two were on the land commission in northern Italy (M. Aemilius Lepidus, cos. 187, 175; P. Cornelius Cethegus, cos. 181); three were still involved in or returning from embassies sent the previous year (App. Claudius Pulcher, cos. 185; M. Claudius Marcellus, cos. 183; C. Valerius, cos. suff. 176); four were distributed among the embassies sent out in 172 (see above); and the *imperium* of one of the consuls of 173, M. Popillius Laenas, was prorogued into 172.

<sup>29</sup> Cicero's experience of seeking a *liber legatio*, or a role with Caesar, is probably not a good comparison.

supply of potential commissioners and *legati* exceeded the demand, it is still evident that the consulship was not inevitably the end of a public career. Some consulars, at least, and particularly at times of heightened international tension, were called upon to undertake a specific job on behalf of the Senate or People.

One more phenomenon should be included in this survey, that of consular legates to *imperium*-holders. Normally, *legati* serving in Rome's armies were relatively junior individuals, often with a personal connection to the *imperium*-holder. Nonetheless, there are some examples of consulars who served in the armies of others in the pre-Sullan period. Perhaps the most significant example is Scipio Africanus, who was a legate with the army of his brother Lucius (cos. 190), later – as a result of military successes ascribed in large part to Publius' abilities – to be known as Asiagenes. Indeed, Scipio's willingness to undertake this role apparently played a part in the Senate's deliberations about how it should conduct the war against Antiochus.<sup>30</sup> This kind of appointment was not, however, entirely new. There had been a number of comparable appointments in the years immediately before. Flamininus had two consular legates in Greece in 197 (P. Sulpicius Galba Maximus and P. Villius Tappulus).<sup>31</sup> M. Marcellus (cos. 196) was a legate in Merula's army in Liguria in 193.<sup>32</sup> Glabrio in Greece in 191 had three consular legates with his army (L. Valerius Flaccus, cos. 195; Ti. Sempronius Longus, cos. 194; and L. Quinctius Flamininus, cos. 192).<sup>33</sup> Nor was Scipio alone in his role; Cn. Domitius Ahenobarbus (cos. 192) was also with Scipio Asiagenes' army at Magnesia. Perhaps most striking is the case of M. Porcius Cato. He was another consular legate, in his case in 194, the year after his consulship.<sup>34</sup> But he also, it seems, stood successfully for election as a military tribune in 191.<sup>35</sup> Just as significantly, Plutarch presents these two actions as evidence that Cato chose not to relax after his consulship.<sup>36</sup> This observation surely comes ultimately from Cato's own biographical reflections, and that in turn suggests that Cato was

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<sup>30</sup> Livy 37.1.9–10.

<sup>31</sup> Livy 32.28.12.

<sup>32</sup> Livy 35.5–8. Livy also describes Ti. Sempronius Longus (cos. 194) as *consularis legatus*, but he is probably mistaken, as later in this passage he notes that Longus had *imperium*, in contrast to Marcellus.

<sup>33</sup> Tatum 2001, 392.

<sup>34</sup> Plut. *Cat. Mai.* 12.1. Plutarch refers to the consul only as Tiberius Sempronius; chronology points decisively towards Longus (cos. 194), both that of the phenomenon of consular legates, and the internal chronology of Plutarch's narrative, in which his second military tribunate follows. Plutarch's identification of where Cato operated in this capacity as Thrace and near the Ister is a mistake; the consul of 194 campaigned in northern Italy.

<sup>35</sup> Broughton 1951, 354.

<sup>36</sup> Plut. *Cat. Mai.* 11.2.

self-consciously exploring new ways of shaping a public career post-consulship. In so doing, he followed recent frequent use of consular legates in the campaigns of the 190s, but developed the range of possibilities for consular military service even further, by experimenting with turning the military tribunate into a position which a consular might hold.

The consular military tribunate was not, however, repeated or emulated, and consular legates became notably less frequent after the defeat of Antiochus.<sup>37</sup> Cato himself found other means to maintain a dominance in domestic affairs, and his attempt to shape it into a manifestation of individual virtue does not seem to have been influential. Nonetheless, the model of consular legates continued to exist as a possibility. It was deployed for the most part during periods of military challenge, and can perhaps in general best be understood as an example of flexibility in drawing on available expertise rather than an outlet for individual ambition. The prominence of Cato and Scipio Africanus as well as the additional information preserved alongside their appointments does suggest that they saw the personal advantages in this position; but it is important to note that they were two out of nine consular legates attested during the 190s. It is less clear that the presence of the other seven as consular legates is entirely to be explained by individual ambition: it seems more reasonable to see in their appointments an interplay between prior experience and achievements, particularly military; current capacity; volition; and the personal relationship between the *imperium*-holder and his legate or legates.

This interplay between different factors is a more general obstacle to assessing the significance of public position to a consular's capacity to exert leadership. The range of activities which could be undertaken by consulars involved different degrees of individual choice, whether through the formal mechanism of seeking office through election, or less formal mechanisms to ascertain willingness to serve. There is likely to have been some correlation between seeking office and that position's capacity to provide a framework within which to lead; Cato seems to have drawn on that connection when he presented his return to (subordinate) military service as a distinctive aspect of his commitment to public service, in contrast to his peers who were content to sink into idleness after the consulship. But it is not easy to push the line of argument very far. The censors of the second century, for example, overlap with some of the more prominent individual politicians, but are by no means a matching set. Nor did the censorship, though an elected and often highly sought-after position, necessarily provide clear leadership opportunities. The nature of its functions, which were for the most part

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<sup>37</sup> Badian 1993, 205–6, with n. 6, identifies a further nine consular legates between 189 and the Social War; cf. Dyson 1976, 357.



standardized, gave holders unparalleled patronage opportunities without demanding or requiring innovation in policy. Additionally, the causal relationship between position and leadership should not be assumed to flow from position to leadership. Ongoing positions for consulars are at least as much indications of an individual's prestige than causes of it, quite apart from the possibility that at times the number of men available in comparison to tasks reduced the operation of choice in determining who would undertake a particular activity.

### 3. Consulars in the Post-Sullan Period

The position of consul became even more of a distinction after Sulla's dictatorship: the number of consuls remained at two, but the Senate itself increased in size by somewhere in the region of 100%.<sup>38</sup> The consulars as a group became a correspondingly smaller element within this enlarged Senate. Aspects of their role, too, changed. The consulship itself became in the post-Sullan period a civil office: consuls stayed in Rome.<sup>39</sup> This was a change of practice, not a change in the law: consular *imperium* remained unchanged, but they departed for their province only towards the end of their year in office, if not into the following year.<sup>40</sup> That alone would have had implications for the nature of military activity by consuls and consulars. But it is accompanied by a shift away from military activity entirely on the part of a substantial minority of consuls.<sup>41</sup> Consuls not going to a province was not in any way unusual in the post-Sullan period.<sup>42</sup> It was possible, as Cicero's career before 51 demonstrated, for a man to progress through the *cursus honorum* and never command a Roman army.

The colleges of priests continued to provide a platform for public visibility, and the censorship remained, though in practice its cycle never settled down in the post-Sullan period.<sup>43</sup> In principle, too, the opportunity remained for consulars to be dispatched by the Senate as *legati*. In practice, however, only two such diplomatic missions are attested between 79 and 50. One was the commission of ten sent by the Senate to assist Lucullus in organizing his conquests in

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<sup>38</sup> Santangelo 2006 discusses the range of possible figures in detail.

<sup>39</sup> Pina Polo 2011, 223–334. The shift of elections to July also made the position of *consul designatus* more significant; cf. Pina Polo 2013.

<sup>40</sup> Giovannini 1983.

<sup>41</sup> The analysis of Balsdon 1939, 63 indicates that as many as half the available consuls in the post-Sullan period may not have gone to a province.

<sup>42</sup> A similar development can be observed in the praetorship: Brennan 2000, 400–2.

<sup>43</sup> Astin 1985.

the early 60s.<sup>44</sup> It included at least one consular, M. Terentius Varro Lucullus (to Cicero's disapprobation, given the relationship between him and Lucullus), and perhaps more, since only two of the ten are known; in the end it was sent back to Rome by Pompeius, its task not completed. The other is the embassy of three men, one of them a consular (Metellus Creticus) which was sent in 60 to negotiate with Gallic communities to ensure their continued resistance to the Helvetii.<sup>45</sup> There was also the commission established by Caesar's agrarian law in 59, which contained at least three consulars.<sup>46</sup> Formally, this commission was analogous to the commissions for colony foundation and other tasks found earlier. The highly contentious and politicized nature of this particular legislation, however, made its membership politically charged in a way that is unlikely to have applied to earlier commissions. Indeed, its employment of consulars perhaps has closer parallels with the prominence of consular legates from the establishment of Pompeius' extraordinary *imperium* by the *lex Gabinia* in 67. That law gave him the right to appoint a considerable number of legates with praetorian *imperium*; of the fifteen known in 67, two were consulars.<sup>47</sup> Despite the difference in formal position between an appointment by an *imperium*-holder and one under a law, both cases involved the subordination of consulars to an individual's political or military program in a way that was publicly visible and understood as such. Both Pompeius' legates and Caesar's commissioners were exactly that: men who were working *for* Pompeius or Caesar.

The collective result of these shifts was that consulars had in practice fewer opportunities to continue their careers through specific tasks and offices after their consulship than had been the case prior to Sulla. It could be argued that such a result reflected the underlying principles of the Sullan *res publica*, insofar as it created a framework of laws which had, in theory, little need for the anomalous or exceptional.<sup>48</sup> From that perspective, the tasks the *res publica*

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<sup>44</sup> Cic. *Att.* 13.6a.1.

<sup>45</sup> Cic. *Att.* 1.19.2. Cicero's description of this embassy seems to suggest that its composition by rank of participants was established in principle before the actual participants were chosen by lot: "At this point I cannot omit the observation that, when my lot came out first from the consulars, a full Senate unanimously decreed that I should be kept in the city; and when the same thing happened after me to Pompeius, it was agreed that we both should be kept like pledges for the *res publica*" (*atque hoc loco illud non queo praeterire, quod, cum de consularibus mea prima sors exisset, una voce senatus frequens retinendum me in urbe censuit. hoc idem post me Pompeio accidit, ut nos duo quasi pignora rei publicae retineri videremur*).

<sup>46</sup> Pompeius, Crassus, and Messalla Niger (cos. 61). See Broughton 1952, 191–2.

<sup>47</sup> Gellius and Clodianus, the consuls of 72 (and censors of 70). Perhaps as significant, Pompeius' *legati* in 67 included four men who would go on to hold the consulship: Broughton 1952, 148–9.

<sup>48</sup> Flower 2009, 129.

required could and should be carried out by elected magistrates, the supply of which Sulla had significantly increased. Nonetheless, as I have discussed, the shifts in the post-Sullan period which reduced the employment of consulars appear to have been matters of practice, not the results of any prohibitions within Sulla's framework. The sidelining of consulars, *qua* consulars, is better understood in the context of the development of extraordinary commands in the period. Pompeius, whose career prior to his consulship had not been normal, eschewed the mechanisms of the pre-Sullan period to develop his career after his consulship. Instead, just as his career pre-consulship had eschewed the *cursus honorum*, so, after it, he restarted his public activity with the command against the pirates. For Pompeius, and for his emulators, *imperium* created by statute independent of elected office was the method by which leadership as a consular could be exercised. It provided opportunities for distinction impossible within the framework of activities that had operated in the pre-Sullan period. The result was a competitive scramble for exceptional distinction, and power.

#### 4. Conclusions

Consulars in the pre-Sullan *res publica* can be understood as a distinct resource, whose experience and expertise could supplement that of elected magistrates on a flexible basis as need arose. In some cases, certainly, ambitious individuals saw in this range of activity an opportunity to develop their individual position beyond the consulship; so, for example, Scipio Africanus' position as a legate in his brother's consular army, or Cato's exploration of ways to continue to be a soldier after his consulship in deliberate contrast to the idleness of his peers. But, overall, on-going activity by consulars cannot satisfactorily be explained by personal ambition: the number involved was too large. This was a normal part of the operation of the *res publica*, and in practice the arithmetic of consulars and tasks may have reduced practical choice, by Senate or People, to a minimum.<sup>49</sup> The corollary of a fiercely competitive oligarchy whose

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<sup>49</sup> Two vignettes may underline the point. The first is Cato's cruel remark on the composition of an embassy sent to Nicomedes in 149 (which, perhaps revealing, appears to have contained no one more senior than praetorian, though see Broughton 1951, 460), alluding to its members' disabilities, that "it contained neither feet nor head nor heart" (Polyb. 36.14.5; cf. Livy *Per.* 50; Plut. *Cat. Mai.* 91; App. *Mith.* 6.20). The second is a quotation from the 80s' British television show *Yes Minister*, Sir Humphrey speaking: "The argument that we must do everything a Minister demands because he has been 'democratically chosen' does not stand up to close inspection. MPs are not chosen by 'the people' – they are chosen by their local constituency parties: thirty-five men in grubby raincoats or thirty-five women in silly hats. The further 'selection' process is equally a nonsense: there are only 630 MPs and a party with just over 300 MPs forms a government and of these 300, 100 are too old and too silly to be ministers

members achieved success through election was deep suspicion of mechanisms to promote individual distinction.<sup>50</sup> Consular activity was service to the *res publica*, at the behest of Senate or People.

In this respect, as in so many others, the post-Sullan *res publica* was a different world. Consulars were an identifiable group within the Senate, and in that context, their opinions mattered.<sup>51</sup> But their activity on behalf of the *res publica*, though formally comparable to the pre-Sullan period, was limited, and some of it was in roles serving not the *res publica* alone, but the *res publica* through the extraordinary positions that Pompeius and Caesar created for themselves. In that respect, close attention to what consulars were doing, and not doing, in the last years of the Republic offers revealing evidence to shifts in the location and display of political power.

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and 100 too young and too callow. Therefore there are about 100 MPs to fill 100 government posts. Effectively no choice at all” (“The Economy Drive”).

<sup>50</sup> Cf. the argument of Tan 2017 that Rome accepted lower revenues from the provinces so as to avoid a system which either depended on high level of administrative competence from governors, or made governors reliant on their administrative staff.

<sup>51</sup> Two episodes, for both of which our witness is Cicero, point to this conclusion. First, the debate on the execution of the Catilinarian conspirators: when Cicero summarized the debate, the attitude of the consulars in the debate was key and he seems to have listed them comprehensively (*Att.* 12.21.1; *Phil.* 2.12). Second, when explaining to Spinther how the senatorial debates on the Egyptian command were unfolding, the opinion of the consulars is prominent in his summary (*Fam.* 1.1.3).

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**Part III:**  
**Women's Initiative in Roman Politics**

**Female Interventions in Politics in the *libera res publica*:  
Structures and Practices\***

*Lewis Webb*

**Abstract**

This chapter charts the structures and practices of female interventions in politics in the *libera res publica* (509–27 BCE). Previous scholarship has emphasized the efflorescence of female political activity in the first century BCE. Yet Greek and Roman authors retrojected such activity into their histories of early Rome: mytho-historical paradigms are the intercession of the Sabine women and of Veturia with Coriolanus. Furthermore, female benefactions saved Rome from financial and military crises in the fourth and third centuries BCE. For such interventions, women received enduring privileges and status symbols. Moving beyond previous scholarship, I argue that the interventions of senatorial women like Servilia, Iulia, Terentia, Hortensia, and Octavia were not novel, but a manifestation of a long tradition of women seizing political initiative. This chapter outlines and evaluates some of the structures of female interventions – the *ordo matronarum*, matronal meetings, and religious roles – and their practices – intercession, benefactions, and participation in family *consilia*. Through numerous formal and informal initiatives, inside and outside of the *domus*, women proactively engaged in the *res publica*.

**Keywords**

Roman women, politics, *res publica*, *ordo matronarum*, matronal meetings, religious roles, intercession, benefactions, family *consilia*

So Terentia – who was generally neither of a mild nor undaring nature, but an ambitious woman, and, as Cicero says himself, more likely to participate in his political affairs than to share with him her domestic affairs – told him this [interpretation of the omen] and incited him against the men.<sup>1</sup>

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<sup>1</sup> Plut. *Cic.* 20.3 (Cicero and Terentia, during his consulship in 63): ἡ δὲ Τερεντία – καὶ γὰρ οὐδ' ἄλλως ἦν πραεῖά τις οὐδ' ἄτολμος τὴν φύσιν, ἀλλὰ φιλότιμος γυνὴ καὶ μᾶλλον, ὡς αὐτὸς φησιν ὁ Κικέρων, τῶν πολιτικῶν μεταλαμβάνουσα παρ' ἐκείνου φροντίδων ἢ μεταδιδούσα τῶν οἰκιακῶν ἐκείνῳ – ταῦτά τε πρὸς αὐτὸν ἔφρασε καὶ παρώξυνεν ἐπὶ τοὺς ἄνδρας.

I see you [Terentia] are taking on every burden; I fear you may not endure, but I see everything is dependent upon you.<sup>2</sup>

When he [Brutus] takes his mother's [Servilia] counsel, or even her prayers, why should I interfere?<sup>3</sup>

And when I began to speak on what should have been done ... your friend [Servilia] exclaimed: "Truly, I've never heard anyone say that!" I restrained myself. ... (Moreover, Servilia promised to arrange that the grain commission be removed from the senatorial decree.)<sup>4</sup>

## 1. Introduction

Were Roman women excluded from politics in the *libera res publica* (509–27)? A cursory glance at the ancient sources suggests so. For example, Livy's Cato expressed outrage at the female lobby against the *lex Oppia* in 195: men were allowing women to engage (*capessere*) in the *res publica* and almost to be involved in the Forum, public meetings (*contiones*), and assemblies (*comitia*)!<sup>5</sup> In response to Cato, Livy's Valerius claimed that magistracies, priesthoods, triumphs, insignia, gifts, and war spoils could not be attained by women, and that elegance, adornment, and fine appearance were their insignia (*insignia feminarum*) and what they gloried in (*gloriantur*).<sup>6</sup> Similarly, Appian's Hortensia delivered an oration in 42 demanding to know why women should pay a triumviral tax when they did not share in magistracy, honor, command, and the polity (*πολιτεία*, cf. *res publica*).<sup>7</sup> Finally, Valerius Maximus asserted that a woman had nothing to do with a public meeting (*contio*) according to ancestral custom and Gellius declared that women had no participation in assemblies (*comitorum communio*).<sup>8</sup> So far, so definitive.

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<sup>2</sup> Cic. *Fam.* 14.2.3 (Cicero to Terentia, during his exile, October 58): *omnis labores te excipere video; timeo ut sustineas, sed video in te esse omnia.*

<sup>3</sup> Cic. *Att.* 15.10 (Cicero to Atticus, June 44): *matris consilio cum utatur vel etiam precibus, quid me interponam?* Cf. Cic. *Ad Brut.* 26.1 on this relationship between Servilia and Brutus.

<sup>4</sup> Cic. *Att.* 15.11.2 (Cicero to Atticus, Servilia's *consilium* at Antium, June 44): *cumque ingressus essem dicere quid oportuisset ... exclamat tua familiaris "hoc vero neminem umquam audivi!" ego <me> repressi. ... (etenim Servilia pollicebatur se curaturam ut illa frumenti curatio de senatus consulto tolleretur).* Cf. Asc. 19C on the maternal authority (*materna auctoritas*) Servilia held over her half-brother Cato.

<sup>5</sup> Livy 34.2.11.

<sup>6</sup> Livy 34.7.8–9.

<sup>7</sup> App. *B Civ.* 4.33.

<sup>8</sup> Val. Max. 3.8.6; Gell. *NA* 5.19.10.



Yet we know of women like Servilia, Iulia (mother of Marcus Antonius), Terentia, Clodia, Fulvia, Hortensia herself, and Octavia who loomed large in the politics of the last century of the *libera res publica*, as recent studies have demonstrated, particularly those of Rohr Vio.<sup>9</sup> Even Syme, typically dismissive of women’s roles in Roman society, acknowledged the political ambitions and interventions of Servilia, a woman he described as “possessed of all the rapacious ambition of the patrician Servilii and ruthless to recapture power for her house.”<sup>10</sup> As my opening examples indicate, Cicero himself was incited against the Catilinarian conspirators by Terentia in 63 and relied heavily on her support during his exile in 58. He was also acutely aware of Servilia’s influence over Brutus in June 44, was – *mirabile dictu* – silenced by her during her *consilium* at Antium in the same month, and was unsurprised by her promise to alter a senatorial decree. These and other women seized political initiative and intervened in politics, that is, they were active participants in republican political culture. This chapter will chart the structures and practices of such female interventions in politics in the *libera res publica*.

Here I follow Dixon’s expansive conception of politics in the Republic as “the pursuit and exercise of real power,”<sup>11</sup> Hölkeskamp’s reading of “political culture” in the Republic as “a discursive environment in which power is legitimated,”<sup>12</sup> an “extraordinarily dense ‘ensemble’ of abstract values and ideology, rules and codes of behavior, cultural practices and civic rituals, images, messages, and meanings,”<sup>13</sup> and Rosillo-López’s finding that informal institutions (i.e. informal interactions, political customs, relationships, social networks, and unofficial channels, especially those unregulated by law) provided opportunities for female

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<sup>9</sup> Notable recent studies include: Culham 2004; Froese 2004; Treggiari 2007; 2019; Harders 2008; 2014; Skinner 2011; Brennan 2012; Lejeune 2012; Rohr Vio 2013; 2014; 2015; 2016; 2017; 2019; forthcoming; Lucchelli & Rohr Vio 2014; Osgood 2014; Valentini 2014; Hopwood 2015; Borrello 2016; Buonopane 2016; Foubert 2016; Kunst 2016; Welch forthcoming. Earlier important studies: Münzer 1920; Balsdon 1962; Babcock 1965; Pomeroy 1975, 176–89; Dixon 1983; 1988; Hillard 1983; 1989; 1992; Hallett 1984; Purcell 1986; Hemelrijk 1987; 1999; Tatum 1990; Evans 1991; Bauman 1992; Christ 1993; Dettenhofer 1994; Welch 1995; Glinister 1997; Laurence 1997; Cluett 1998; Günther 2000. See also Osgood in this volume.

<sup>10</sup> Syme 1939, 23. For Syme’s dismissive attitude: “Influences more secret and more sinister were quietly at work all the time – women and freedmen” (Syme 1939, 384) and “Women have their uses for historians. They offer relief from warfare, legislation, and the history of ideas” (Syme 1986, 168). Cf. less dismissive comments on elite women and their power in Syme 1939, 444–5; 1964, 25–6.

<sup>11</sup> Dixon 1983, 91.

<sup>12</sup> Hölkeskamp 2010, 55 after Braddick 2005, 69.

<sup>13</sup> Hölkeskamp 2010, 67 after Geertz 1973, 452. On republican political culture: Hölkeskamp 2010, esp. 53–75 and his contribution in this volume. Hölkeskamp builds on Meier 1966 and others.

participation in politics in republican Rome.<sup>14</sup> I define female interventions in politics as women's proactive engagement in the *res publica*, what Cicero and Livy termed *rem publicam capessere*,<sup>15</sup> a definition akin to Kunst's for such interventions, namely "das Eingreifen in eine politisch aufgeladene Situation."<sup>16</sup>

Valerius Maximus links such female interventions with sedition (*seditio*) and violence (*violentia*).<sup>17</sup> Were the female interventions of the last century, then, simply symptoms of civil war and dysfunction? Were they novel? In general, previous scholarship has regarded them so, or as a function of increased female "emancipation."<sup>18</sup> Rohr Vio's statement is paradigmatic: "La ragione principale dell'ingresso delle donne nella politica romana è ... l'eccezionalità del tempo dei conflitti intestini."<sup>19</sup> Yet later Greek and Roman authors retrojected female interventions into their histories of early Rome: famous examples include the intercession of the Sabine women and that of Veturia and Volumnia with Coriolanus.<sup>20</sup> Now, these examples may have been merely artificial precedents for female interventions in the last century, forged to provide an aura of authority and legitimacy for the novelty of "le iniziative femminili" of women like Terentia and Servilia, as suggested by Rohr Vio.<sup>21</sup> But what if there were various structures and practices of such interventions that existed long before these women were born? According to Livy, there were several instances in the fourth and third centuries when female interventions (viz. benefactions) saved Rome from financial and military crises.<sup>22</sup> Appian's

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<sup>14</sup> Rosillo-López 2017, esp. 16–18, 221–2.

<sup>15</sup> Cic. *Att.* 16.7.7; *Cael.* 72; *De or.* 2.106; *Fam.* 1.9.18; *Off.* 1.71–2; *Sest.* 23; Livy 3.69.5, 34.2.11.

<sup>16</sup> "Intervention in a politically charged situation" (Kunst 2016, 200).

<sup>17</sup> Val. Max. 3.8.6.

<sup>18</sup> E.g., Syme 1939, 12, 444–5; 1964, 25, 135 (individual cases and emancipation); Pomeroy 1975, 149–89 (with precedents); Dixon 1983, esp. 91, 109–110; cf. 1988, 168–203 (on mothers and sons); Hillard 1983; 1989; 1992, esp. 39–40, 55; Evans 1991, 13–17 (with precedents); Bauman 1992, 60–1; Christ 1993; Cluett 1998, esp. 67–8, 77–9; Culham 2004, esp. 155–8; Froese 2004; Sumi 2004, 196–7; Milnor 2005, 1; Brennan 2012, esp. 363 (with precedents); Osgood 2014, esp. 47; Cenerini & Rohr Vio (eds.) 2016 (and the contributions therein esp. Manzo 2016); Rohr Vio 2016; 2019, 7–16. Notable exceptions: Münzer 1920, esp. 244–5, 362–4, 426–7; Hemelrijk 1987; Dixon 2007, esp. 15–32; Valentini 2012; Kunst 2016; Treggiari 2019, esp. 217–20; Webb 2019; Welch forthcoming.

<sup>19</sup> "The principal reason for the entry of women into Roman politics is ... the exceptional nature of the period of internal conflicts" (Rohr Vio 2019, 12).

<sup>20</sup> Dion. Hal. *Ant. Rom.* 2.45–6, 8.39–54; Livy 1.13, 2.40 with, e.g., Hemelrijk 1987; Brown 1995; Rohr Vio 2019, 13.

<sup>21</sup> "Female initiatives" (Rohr Vio 2019, 13).

<sup>22</sup> Livy 5.25.8–10, 5.50.7, 24.18.13–14, cf. 34.5.8–10.

Hortensia even invoked one of these instances in her oration against the triumviral tax in 42, namely women's contributions from their jewelry (κόσμοι) in the Second Punic War.<sup>23</sup> Should we dismiss these as anachronistic fancies or as utterly exceptional?

Münzer himself recognized long ago that “die Frauen, die Mütter, Schwestern und Töchter” had decisively intervened (entscheidend eingegriffen) in “das Leben der männlichsten [!] Männer” in the Republic and he spoke of their complete involvement (die ganze Einmischung) in “die Kämpfe der Parteien.”<sup>24</sup> More recently, Kunst has mapped three “Formen der Intervention einflussreicher Frauen” in the Republic,<sup>25</sup> comprising 1) interventions with female relatives (weiblichen Verwandten) of influential men, 2) interventions with male family members (Männer der Familie), and 3) interventions in public (Öffentlichkeit); these she envisions as part of a “Dimension weiblichen Handelns” she terms “Matronage.”<sup>26</sup> Broadly, Kunst interprets the majority of interventions as occurring in familial and marital contexts in the *domus*, for example, at events like the *salutatio*, *convivium*, and *consilium*, and through female networks built on family ties and collective religious activity.<sup>27</sup> She also traces several examples of what she terms “public” intervention (öffentliche Intervention), including: 1) religious interventions, namely Quinta Claudia's role in the inaugural procession for Magna Mater in 204, the Vestal Claudia's intervention in her father Appius Claudius Pulcher's triumph in 143, Caecilia Metella's dream in 90, and the Vestals' interpretation of an omen in 63; 2) political interventions, notably the female lobby against the *lex Oppia* in 195 and Hortensia's oration of 42; 3) pleas for mercy (Gnadengesuche), especially during the triumviral proscriptions; and, 4) the public, political activity of women like Fulvia.<sup>28</sup> Kunst concludes that the majority of these interventions were in the form of a plea (die Bitte; cf. *supplicatio*) – a vital aspect of republican political culture for men *and* women, – that such pleas could, at times, be framed as a demand (Aufforderung), and that interventions encoded as pleas were viewed as a

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<sup>23</sup> App. *B Civ.* 4.33. Probably the contributions from *viduae* in 214: Livy 24.18.13–14, 34.5.10.

<sup>24</sup> “Women, mothers, sisters and daughters” ... “the life of the manliest men” ... “the struggles of the parties” (Münzer 1920, 426–7). Cf. Münzer 1920, 244–5, 362–4.

<sup>25</sup> “Forms of intervention of influential women” (Kunst 2016, 197).

<sup>26</sup> “Dimension of female action” (Kunst 2016, 199).

<sup>27</sup> Kunst 2016, 200–5, esp. 200–1.

<sup>28</sup> Kunst 2016, 205–9.

legitimate form of social participation (*gesellschaftlichen Teilhabe*) for women.<sup>29</sup> There were, then, many structures (female networks, domestic contexts) and practices (religious activity, pleas) of female interventions before Servilia.

But this image is somewhat inchoate, for pleas were not the only, nor necessarily the most important, practice of female interventions, nor was the *domus* always the primary structure for these. In this chapter, I outline and evaluate additional structures of female interventions, namely the *ordo matronarum*, matronal meetings, and religious roles, and their practices, namely intercession (including pleas), benefactions, and participation in family *consilia*. My primary focus will be on interventions by elite women (senatorial and to some extent equestrian), as these women possessed various resources (cultural, economic, social, and symbolic capital) that enabled them to participate in republican political culture, and as they were related by birth or marriage to the men who could hold magisterial offices and commands.<sup>30</sup> Regarding economic capital, elite women had access to their male relatives' property and the property in their dowries,<sup>31</sup> inheritances,<sup>32</sup> personal effects,<sup>33</sup> and *peculium*,<sup>34</sup> and were Roman citizens registered in the census;<sup>35</sup> property (or the lack thereof) could greatly enable (or disable) their participation in public life.<sup>36</sup> While elite women could not seek or hold magisterial offices and commands themselves, with their various resources they could influence and support (or undermine) the men who could.<sup>37</sup> Cicero's evidence is clear: women like

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<sup>29</sup> Kunst 2016, 209–13. Cf. Manzo 2016 who focuses on pleas and female voices in the first century and Rohr Vio 2019 who focuses on women and politics in the late Republic and locates their political actions in either private or public contexts and spaces.

<sup>30</sup> On these women, see esp. Dixon 1983; 2007; Hemelrijk 1999; Culham 2004; Valentini 2012; Rohr Vio 2019; Treggiari 2019; Webb 2019; Welch forthcoming.

<sup>31</sup> Dowries: e.g., Polyb. 18.35.6, 31.22.4, 31.27 with Evans 1991, 53–88; Saller 1994, 204–24; Treggiari 2002, 323–64, esp. 348–50.

<sup>32</sup> Inheritances: e.g., Cato, fr. 158 ORF<sup>4</sup>; Polyb. 31.27.5; Lucil. fr. 519–20, 1350M; Cic. *Verr.* 2.1.107; Livy 39.9.7 with Champlin 1991, esp. 121–4; Pölonen 1999; Cantarella 2016, 422.

<sup>33</sup> Personal effects (*res*): e.g., Plaut. *Amph.* 928; *Men.* 801–4; *Trin.* 267; Polyb. 31.26; Lucil. 16.519–20M; *Dig.* 32.100.2, 34.2.13, 34.2.30, 34.2.32.6 with Champlin 1991, 123; Berg 2002; Treggiari 2002, 446–7.

<sup>34</sup> *Peculium*: e.g., Plaut. *Cas.* 193–202; *Mostell.* 253 with Treggiari 2002, 363, 381, 445–6. Cf. See *Senatus consultum de Pisone patre* 104–5 with Flower 1998, 164, 169.

<sup>35</sup> Women, citizenship, and the census: Cic. *Leg.* 3.7; Livy 3.3.9; *Per.* 59; Dion. Hal. *Ant. Rom.* 4.15.6, 5.75.3, 9.25.2 with Hin 2008, 201–4; Northwood 2008, 258, esp. n. 5.

<sup>36</sup> E.g., Polyb. 31.26.6–8 with Walbank 1979, 503, 505, 510–11. I delve into these matters in a forthcoming chapter on impoverished senatorial women.

<sup>37</sup> Cf. Yakobson in this volume on the non-elite influences on the formal initiatives of office-holders.

Terentia and Servilia could affect and effect the *res publica*. Moving beyond previous scholarship, I argue their interventions were not novel, but a manifestation of a long tradition of women seizing political initiative. We will see that women proactively engaged in the *res publica*.

A word or two on source issues before we proceed. Apart from a letter attributed to Cornelia “*mater Gracchorum*,” our surviving ancient textual sources attesting female interventions are primarily authored by elite males or by male authors writing for predominantly elite male audiences. Consequently, we are left with veiled representations of elite women, representations colored by elite male biases and concerns. Genre was closely entangled with these representations, that is, authors would employ various female stereotypes or stock characters depending on genre. Regardless of genre, male authors frequently interpreted female activity sexually, to the extent that sexuality plays a role in many representations, and was often used to vilify politically active elite women.<sup>38</sup> For these and numerous other reasons, there are complex relationships and tensions between literary representation and the identities and lived experiences of elite (and other) women.<sup>39</sup> Thus, great caution is needed in approaching and assessing male-authored representations of female interventions in politics. Nevertheless, these do provide rich insight into how some men understood and (re)constructed elite women and their lives. The silences, stereotypes, and absences present in our primarily male-authored sources should not preclude women from a history of republican politics, for that would exclude many of the people who shaped Rome itself. Finally, I privilege contemporary republican sources (e.g., Polybius and Cicero) in an attempt to avoid the anachronism present in later sources. However, given the dearth of these, I will turn to later sources as well, for I assume these were not all manufactured *ex nihilo* and may still offer some details of individuals and events from at least the third century onwards.<sup>40</sup> Instead of viewing these source issues as an insurmountable barrier, in this chapter I consider a wide variety of ancient textual sources and take up Richlin’s proposition that women were *necessarily* participants in the cultural systems of Rome.<sup>41</sup>

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<sup>38</sup> On these source issues, see esp. Hillard 1989; 1992; Dixon 2001, 16–25; 2004, 56–9, 69–70; Schultz 2006b, 6–9; Milnor 2009.

<sup>39</sup> Dixon 2001, 16–25, esp. 24–5.

<sup>40</sup> For similar perspectives: Fantham 2004; Bispham 2006, 32–40; Schultz 2006b, 8–9.

<sup>41</sup> Richlin 2014, 11–12. Slightly more pessimistic attitudes: Hillard 1989; 1992; Dixon 2001. Similarly optimistic attitudes: Culham 2004; Schultz 2006b; Dixon 2007 (shift in attitude); Milnor 2009; Richlin 2014; Treggiari 2019.

## 2. Structures

The elite *domus* and *villa* were quintessential structures for women and politics, enabling various interventions, as Foubert, Kunst, Flower, and Rohr Vio have argued.<sup>42</sup> Therein Servilia planned the future of the *res publica* in her *consilium* of June 44. I do not discount their importance. But if we move outside of these for a moment and look elsewhere, a few other structures appear, including the *ordo matronarum*, matronal meetings, and religious roles.

### *Ordo matronarum*

Elite married women were members of an organized social network, the order of married women (*ordo matronarum*), whose criteria for entry probably included marriage, high social position (rank), and wealth.<sup>43</sup> This order comprised at least 1400 wealthy married women by 42, as attested by Valerius Maximus and Appian in their respective accounts of Hortensia's oration against the triumviral tax of 42; it was members of this *ordo* who selected Hortensia to speak for them.<sup>44</sup> The earliest allusion to something akin to this *ordo* occurs in Plautus' *Cistellaria*, when the *lena* and mother of the *meretrix* Gymnasium compares her own order of freedwomen (or freedpersons) to a kind of network of highborn daughters (*summo genere natae*) and high-ranking married women (*summatis matronae*) who cultivate friendship (*amicitiam colunt*) and are joined together by it (*eam iunctam bene habent inter se*).<sup>45</sup> While

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<sup>42</sup> Kunst 2016, 198–205; Flower 2018; Rohr Vio 2019, 19–46.

<sup>43</sup> Plaut. *Cist.* 22–6; Livy 10.23.10, 34.7.1; Val. Max. 5.2.1; 8.3.3; App. *B Civ.* 4.32–4 with Purcell 1986, 170, 179; Hemelrijk 1987; 1999, 11–12, 202; Bauman 1992, 82–3; Böels-Janssen 1993, 275–81; 2008, 38; Fantham 2011, 171–4; Valentini 2012, 44–81; Hopwood 2015 (without reference to the *ordo*); Webb 2019, 257–8. I have elsewhere theorised that the order may have comprised the wives of the privileged 1800 equestrians with a public horse (*equites equo publico*) in the middle Republic, for these numbers are remarkably close (1400 married women and 1800 equestrians with a public horse) and, if the triumviral tax of 42 was designed to make up a shortfall of 200,000,000 drachmae/denarii from the property of 1400 women, many of these women would have had property worth more than the late republican equestrian census qualification or above (100,000 drachmae/denarii): App. *B Civ.* 4.32–33 with Webb 2019, 257 n. 30; forthcoming. Note especially that when the triumvirs revised the tax, they imposed it upon 400 women and then *all* men who possessed more than 100,000 drachmae/denarii: App. *B Civ.* 4.34. How the *plebiscitum reddendorum equorum* of ca. 129 may have affected the membership of the *ordo* is uncertain.

<sup>44</sup> Val. Max. 8.3.3 (name: *ordo matronarum*); App. *B Civ.* 4.32–4 (membership and nature – χιλίαι καὶ τετρακοσῖαι γυναῖκες [1400 women], μάλιστα πλοῦτος [the most wealth], γυναῖκες τοιαῖδε [such women], γένος καὶ τρόπος [birth and custom]; selection – προχειρίζω) with Hopwood 2015.

<sup>45</sup> Plaut. *Cist.* 22–6 with Fantham 2011, 157–74, esp. 169–74; Stockert 2012, 91. The *ordo* mentioned by the *lena* is one of freedwomen (or freedpersons): Plaut. *Cist.* 23 (*hic ordo*), 33 (*noster ordo*), 38 (*nos libertinae sumus, et ego et tua mater, ambae*) with Fantham 2011, 159, 169–74. Cf. collective activity by *libertinae* in 217: Livy

this is not secure evidence for the *ordo*, Plautus and his audience were clearly aware of networks of elite married women. Our earliest secure references to the activities of the *ordo* occur in Livy, when he links it with the foundation of the cult of Pudicitia Plebeia in 296 and with the female lobby against the *lex Oppia* in 195.<sup>46</sup> Valerius Maximus connects this same *ordo* with the legendary intercession of Veturia, Volumnia, and other married women with Coriolanus and the foundation of the temple of Fortuna Muliebris in ca. 488; similarly in his account Dionysius writes of the most prominent of Roman women (ἐπιφανέστατα Ῥώμη γυναικῶν) accompanying Veturia and Volumnia to Coriolanus, Livy of married women meeting as a crowd (*matronae frequentes coire*) at Veturia's *domus* and a great company of women (*mulierum agmen*) accompanying her to Coriolanus, and Plutarch of the most eminent (δοκιμώταται) women – including Valeria who he describes as having glory (δόξα) and honor (τιμή) in the city (πόλις) – approaching Coriolanus' mother and wife, although these authors do not mention an *ordo* explicitly.<sup>47</sup>

Members of this *ordo* and/or wealthy married women had particular privileges and status symbols, including unrestricted movement in Rome, the use of the two-wheeled carriage (*carpentum*) and the four-wheeled carriage (*pilentum*) for religious and secular purposes in Rome, the use of the insignia of ears/earrings (*aurium insignia*), the distinction of the fillet (*vittae discrimen*), gold trimmings/borders (*aurea segmenta*), purple clothing (*purpurea vestis*), and possibly funerary orations (*laudationes*).<sup>48</sup> According to Diodorus Siculus, Livy, Valerius Maximus, and Plutarch, many of these were honors granted by senatorial decree to married women and/or the *ordo* for their interventions, notably for their intercession with Coriolanus and their benefactions during financial and military crises in the fourth century, namely a

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22.1.18 with Fantham 2011, 172. Plautus does not explicitly mention an *ordo matronarum*, but the comparison between the *ordo* of freedwomen/freedpersons and the highborn daughters and high-ranking *matronae* is suggestive, especially as the latter cultivate and are joined by *amicitia*. For an *ordo libertinus/libertinorum* in the Republic: Cic. *Cat.* 4.16; *Phil.* 2.3; *Verr.* 2.1.124; Cicero, *Comment. pet.* 29 with Treggiari 1969, 162–8; Ryan 1998, 146; MacLean 2018, 17, 94.

<sup>46</sup> *Ordo* in 296: Livy 10.23.10 with Oakley 2005, 245–59. Pudicitia Plebeia episode: Palmer 1974, 123–5; Nathan 2003; Treggiari 2019, 20. *Ordo* in 196: Livy 34.7.1 with Briscoe 1981, 60–2. Abrogation of *lex Oppia* and *ordo*: Hemelrijk 1987; Webb 2019; forthcoming.

<sup>47</sup> Val. Max. 5.2.1 (explicitly *matronarum ordo*). Cf. Dion. Hal. *Ant. Rom.* 8.39–54; Livy 2.40; Plut. *Cor.* 33–4 with Ogilvie 1965, 334.

<sup>48</sup> Status symbols and privileges: Cic. *De or.* 2.44; Diod. Sic. 14.116.9; Livy 5.25.9, 5.50.7; Val. Max. 5.2.1; Plut. *Cam.* 8.3–4; *De mul. vir.* 1; Festus, *Gloss. Lat.* 142L, 225L, 282L; CIL VI 31075 with Hemelrijk 1987, 222–3, 229–30; 1999, 11; Hillard 2001; Berg 2002, 43; Hudson 2016; Webb 2019; forthcoming; Östenberg forthcoming.

financial contribution for a votive *donum* for Delphic Apollo in 395 and a ransom for the Gauls in 390, all of which came from their jewelry.<sup>49</sup> Whether or not these episodes and explanations are mere aetiological speculation, these authors projected the existence of a network of elite married women into Rome's distant past, a network distinguished by its privileges and status symbols, suggesting the antiquity of something akin to the *ordo*. Critically, the interventions of these married women were publicly honored: they were effective, legitimate, and laudable.

Once the existence of such a network (or networks) is acknowledged, we can entertain the possibility that it lay behind some of the collective actions (e.g., mourning, benefactions, religious activity, lobbies) of married women throughout the Republic, and was one of the central structures enabling their interventions.<sup>50</sup>

#### Matronal meetings

With this network in mind, two instances of organized matronal meetings in the Republic are worth (re)consideration. Firstly, Livy describes a *coetus* (meeting) of married women in 395, whose purpose was to consider a financial contribution for the votive *donum* for Delphic Apollo, as there was not enough gold in the public treasury to produce an adequate one; in this meeting, convened to consider the matter (*matronae coetibus ad eam rem consultandam habitis*), the married women promised gold to the military tribunes by a communal decree (*communi decreto pollicitae tribunis militum aurum*), and subsequently delivered all their (presumably gold) jewelry to the public treasury (*omnia ornamenta sua in aerarium detulerunt*).<sup>51</sup> Secondly, Livy records another meeting of married women in 207, convoked on the Capitoline by the edict of a curule aedile (*aedilium curulium edicto in Capitolium convocatae*), again to discuss a financial contribution for a *donum*, in this case to expiate a prodigy (*prodigium*) concerning Iuno Regina that pertained to married women according to the *haruspices*. This meeting involved all married women living in the city of Rome or within ten miles thereof: this was no small affair! At this meeting, married women delegated twenty-five from among themselves (*ipsae inter se quinque et viginti delegerunt*) to whom they should bring a contribution from their dowry (*stips ex dotibus*); from these contributions a *donum* of a

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<sup>49</sup> Diod. Sic. 14.116.9 (Gauls); Livy 5.25.9 (Apollo), 5.50.7 (Gauls), 34.5.9 (Gauls); Val. Max. 5.2.1 (Coriolanus); Plut. *Cam.* 8.3–4 (Apollo); Zonar. 7.21 (Apollo) with Ogilvie 1965, 684, 741; Webb 2019; forthcoming.

<sup>50</sup> E.g., for such collective actions in Livy alone: Livy 2.7.4, 2.16.7, 2.40.1, 3.48.8, 5.25.9, 5.50.7, 5.52.11, 6.4.2, 10.23.4–9, 21.62.8, 22.1.18, 22.7.7, 22.55.4–6, 22.56.4–5, 24.18.13–14, 25.12.15, 26.9.7–8, 27.37.7–10, 27.50.5, 27.51.9, 29.14.10–12, 34.1.5, 34.2.10, 34.5.3–10, 34.6.8–9, 15. Cf. Fantham 2011, 171–3.

<sup>51</sup> Livy 5.25.8–9 with Weissenborn 1865, 312; Ogilvie 1965, 684 (with no comment on the *coetus*). Cf. Plut. *Cam.* 8.3–4; Zonar. 7.21.



gold bowl (*pelvis aurea*) was made and carried to the Temple of Iuno Regina in the Aventine.<sup>52</sup> What is striking about Livy's accounts of these meetings is that they suggest married women a) had the capacity to hold formal meetings without male oversight, b) had a collective decision-making process, c) had the authority to issue – presumably binding – communal decrees (*decreta communia*) pertaining to married women,<sup>53</sup> and d) could delegate responsibility for important financial tasks to meeting attendees.<sup>54</sup> In both instances, the Senate and magistrates respected these meetings and recognized their process and outcomes: I am reminded in both instances of senatorial consultation of sacerdotal *collegia*. Moreover, in the first instance of 395, a thankful Senate voted an honor (viz. issued a senatorial decree) for the married women for their munificence (*honoremque ob eam munificentiam ferunt matronis*), namely, that they might use four-wheeled carriages for religious rites and games and two-wheeled carriages for festal and non-festal days (*ut pilento ad sacra ludosque, carpentis festo profestoque uterentur*).<sup>55</sup> Such a decree to married women offers additional substantiation for the *ordo matronarum*. As with the *ordo*, the sources attest to the efficacy, legitimacy, and laudability of this structure (matronal meetings) of female intervention.

Beyond these two meetings, Livy recounts an earlier event in 217 when the Senate decreed that after money had been collected by married women, each contributing as much as was appropriate, they should bring it as a *donum* to the Temple of Iuno Regina and a *lectisternium* should be held (*decretum est ... matronaeque pecunia conlata quantum conferre cuique commodum esset donum Iunoni reginae in Aventinum ferrent lectisterniumque fieret*), and this collection suggests further meetings and organization.<sup>56</sup> Additionally, the selection of Sulpicia by ten married women (themselves chosen by lot from a hundred married women) to dedicate a statue for Venus Verticordia ca. 216/215 (or perhaps earlier in 237 or 224) and the selection of Quinta Claudia for a leading role in the inaugural procession for Magna Mater in 204 feasibly entailed similar meetings and decrees.<sup>57</sup> Pliny relates how this Sulpicia was the

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<sup>52</sup> Livy 27.37.7–10 with Weissenborn 1863, 92–3; Boyce 1937; Hänninen 1999b, esp. 41–51; Schultz 2006b, 34–7, 44, 135, 144.

<sup>53</sup> Cf. *decretum commune* in Livy 36.20.3, 37.6.2.

<sup>54</sup> Cf. a meeting of the equestrians on the Capitoline and their delegation to the consuls and Senate in 58: Cass. Dio 38.16.2–3 with Hall 2014, 45.

<sup>55</sup> Livy 5.25.8–9.

<sup>56</sup> Livy 22.1.17–18 with Weissenborn 1872, 151; Fantham 2011, 172.

<sup>57</sup> Sulpicia: Val. Max. 8.15.12; Plin. *HN* 7.120; Solin. 1.126. Quinta Claudia: Cic. *Cael.* 34; *Har. resp.* 27; Livy 29.14.12; Plin. *HN* 7.120. On these selections: Flower 2002, 162–6; Schultz 2006b, 144–5; Fantham 2011, 172–

first to be judged the most sexually virtuous woman by a resolution of the married women (*puḍicissima femina semel matronarum sententia iudicata est Sulpicia*), suggesting again that married women had a collective decision-making process.<sup>58</sup> These meetings, collection, and selections offer us a glimpse at matronal authority and power in the Republic, particularly in matters of religion and property.<sup>59</sup> Matronal meetings provide corroborating evidence for the existence of an organized social network like the *ordo matronarum* and, indeed, hint at some kind of matronal governing body. Later evidence from the Empire attests to a hierarchical assembly of women or married women (*conventus feminarum/matronarum*) that met on the Quirinal, suggesting some structural continuity in female interventions between Republic and Empire.<sup>60</sup> To borrow an expression from Dixon, Treggiari, and DiLuzio: these few instances are but “the tip of an iceberg.”<sup>61</sup> Married women must have met frequently in such meetings, discussed and debated numerous matters affecting themselves and the *res publica*, and issued communal decrees. We know the Senate, a meeting of senators, exercised power, but so too did matronal meetings.

### Religious roles

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3; Webb 2019, 260–1. The date of Sulpicia’s selection is uncertain. Pliny’s account in *HN* 7.120 (*semel ... Sulpicia ... iterum ... Claudia*) suggests it occurred prior to the selection of Quinta Claudia in 204. If Quintus Fulvius Flaccus, consul of 237, was Sulpicia’s husband, as is generally supposed, then her selection feasibly occurred during one of his consulships in 237, 224, 212, and 209 or during his urban praetorships in 215 and 214: Münzer 1931, 817. A date ca. 216/215 is attractive, as Flaccus was co-opted into the pontifical college in 216, the Vestals Floronia and Opimia were convicted of *stuprum* and died in 216, Flaccus was urban praetor in 215, the temple of Venus Eryx on the Capitoline was dedicated in 215, and the *lex Oppia* was passed in 215: Livy 22.57.1–6 (Floronia and Opimia); 23.21.7 (co-optation of Flaccus); 23.30.13–14, 18 (Venus of Eryx, Flaccus as urban praetor); 34.1.1–3 (*lex Oppia* passed). Women and their actions were in focus ca. 216/215. Cf. Köves 1963, 340–2 (216); Pomeroy 1975, 179, 208; Gruen 1990, 26 n. 109 (216); Palmer 1997, 121–2 (ca. 215). *Contra* ca. 216/215, Livy does not mention the selection of Sulpicia in books 21–30 (for 219 to 201). However, he may have mentioned it in his lost book 20, perhaps in his account of the years 237 or 224, that is, for the years of Flaccus’ first or second consulships. 237 is also an attractive date, as a Vestal Tuccia was condemned for *incestum* around that year: Livy *Per.* 20. Cf. Schultz 2006b, 200–1 n. 24; Fantham 2011, 172. For prosopographical details and pitfalls: Hillard 2014, 43–6.

<sup>58</sup> Plin. *HN* 7.120.

<sup>59</sup> In these cases, probably *res*, personal effects, and *dos*, dowry.

<sup>60</sup> Sen. *De matrimonio* fr. 13.49 Haase; Suet. *Galb.* 5; CIL VI 997 (Quirinal); SHA *Heliogab.* 4.3–4 (Quirinal) with Hemelrijk 1987, 230–1; Valentini 2012, 49–52.

<sup>61</sup> Dixon 1983, 108; DiLuzio 2016, 239; Treggiari 2019, 218.

Women, especially elite ones, held numerous sacerdotal (priestly) and non-sacerdotal roles in the Republic, as demonstrated masterfully by Schultz and DiLuzio.<sup>62</sup> *Pace* Livy's Valerius, women held sacerdotal public offices (*sacerdotia*), notably as the three *flaminicae maiores* (*flaminica Dialis*, *Martialis*, and *Quirinalis*, priestess of Jupiter, Mars, and Quirinus), the *regina sacrorum* (queen of the sacred rites), and the six *virgines Vestales* (Vestal virgins), all prominent and prestigious priesthoods.<sup>63</sup> In particular, the patrician *flaminica Dialis* and the patrician and plebeian *Vestales* served as living *exempla* for other women, embodying ideal marital, religious, and sexual behaviors.<sup>64</sup> Moreover, *flaminicae*, *regina sacrorum*, and *Vestales* (and perhaps the *sacerdos Cereris*, priestess of Ceres) seem to have offered sacrifices on behalf of the People (*pro populo*), a clear indication of their religious authority and capacity.<sup>65</sup> Beyond priesthoods, women held many non-sacerdotal roles, participating prominently in regular religious festivals, leading prominent public processions (before the People and with *sacerdotes* and magistrates), hosting rites, dedicating statues, and organizing *dona*, as I have mentioned earlier.<sup>66</sup> *Sacra publica*, public religious rites, were a prominent domain of female action.<sup>67</sup> Here I will not readdress the numerous roles and functions of priestesses and other women, but instead focus on key examples of female interventions enabled by their religious roles.

The *Vestales* engaged in numerous interventions in politics in the Republic, as Gallia and DiLuzio have argued.<sup>68</sup> A few examples follow. Famously, the Vestal Claudia supported her father Appius Claudius Pulcher's illicit triumph in 143, interposing her body between a hostile plebeian tribune (*inimicus tribunus plebei*) and her father by embracing the latter (*patrem complexa*), blocking the former's actions with her bodily sanctity and religious authority, thence allowing her father to complete his triumph.<sup>69</sup> The Vestal Licinia dedicated an altar, shrine, and ritual couch in a public place on the Aventine without the permission of the People (*iniussu populi*) in 123, which was a possible violation of the *lex Papiria* on such dedications of ca. 179–154; her dedication seems to have been politically motivated and was rapidly

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<sup>62</sup> Schultz 2006b; DiLuzio 2016.

<sup>63</sup> Livy 34.7.8. Priesthoods: DiLuzio 2016, esp. 17–68, 119–239; Webb 2018, 68–70.

<sup>64</sup> Schultz 2006b, 141–143; DiLuzio 2016, 47–51, 152; Webb 2019, 260.

<sup>65</sup> Schultz 2005, 135, 143; DiLuzio 2016, 28, 51–2, 68, 109–10.

<sup>66</sup> Cf. Schultz 2006b, 139–50.

<sup>67</sup> Webb 2019.

<sup>68</sup> Gallia 2015, 77–82; DiLuzio 2016, 223–39.

<sup>69</sup> Cic. *Cael.* 34 with Gallia 2015, 78; DiLuzio 2016, 225–8; Webb & Brännstedt forthcoming. Cf. Val. Max. 5.4.6; Suet. *Tib.* 2.4.

declared *non sacrum* by the *pontifices* and thence removed by the urban praetor Sextus Iulius Caesar.<sup>70</sup> In ca. 69, Cicero recounts how the Vestal Fonteia embraced her brother Marcus Fonteius (akin to the Vestal Claudia), as a public sign of her support during his trial for *repetundae* and appealed to the *fides* of the judges and the Roman People (*germanum fratrem complexa teneat vestramque, iudices, ac populi Romani fidem imploret*); indeed Cicero warns the judges of the religious consequences and peril (*periculosum*) if they reject the supplication (*obsecratio*) of Fonteia, whose prayers (*preces*) kept them safe (*salva*): Fonteia had Vesta on her side.<sup>71</sup> In 63, a different Vestal Licinia, granted (*concedere*) her seat at some gladiatorial games to her relative and close friend (*propinqua et necessaria*) Lucius Licinius Murena, who was campaigning for the consulship of 62, and thereby visibly offered him her political support: this was Vestal endorsement.<sup>72</sup> During the December rites for Bona Dea in 63, hosted by Terentia at her and Cicero's *domus*, the assembled *Vestales* and married women witnessed an omen (σημεῖον) after sacrifices (re-ignition of the ashes and bark on the altar), and the *Vestales* interpreted it as divine support for Cicero's severe approach to the Catilinarian conspirators; it was this interpretation that Terentia relayed to Cicero and with which she presumably incited him against the conspirators.<sup>73</sup> These individual acts aside, the *Vestales* could also collectively intercede with magistrates on behalf of men, as they did for Caesar when he was proscribed by Sulla in 82, when by their intercession (along with that of his *maternal* relatives Caius Aurelius Cotta and Mamercus Aemilius Lepidus Livianus), he obtained a pardon (*per virgines Vestales perque Mamercum Aemilium et Aurelium Cottam propinquos et adfines suos veniam impetravit*).<sup>74</sup> Furthermore, the *Vestales* could be consulted by the Senate along with the *pontifices* on religious matters (probably as members of the pontifical *collegium*), as Cicero indicates they were on the matter of Publius Clodius Pulcher's intrusion into the home of Caesar and Pompeia in the December rites for Bona Dea in 62 (*rem ex senatus consulto ad virgines atque pontifices relatum*); indeed the *Vestales* seem to have participated in the formulation and issue of the pontifical *decretum* wherein Clodius' intrusion was deemed *nefas* (*idque ab iis nefas esse decretum*), a decree which had profound political implications for the *res publica*,

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<sup>70</sup> Cic. *Dom.* 136–7 with DiLuzio 2016, 228–31. For the *lex Papiria*: Cic. *Dom.* 127–8 with Elster 2003, 353–4.

<sup>71</sup> Cic. *Font.* 46–8 with Ridley 2000, 223; Gallia 2015, 78–9.

<sup>72</sup> Cic. *Mur.* 73 with DiLuzio 2016, 231–232.

<sup>73</sup> Plut. *Cic.* 20.1–3 with DiLuzio 2016, 232–4. Cf. Cass. Dio 37.35.4.

<sup>74</sup> Suet. *Iul.* 1.2 with Ridley 2000, 223; DiLuzio 2016, 234–5. Cf. Vell. Pat. 2.41.2; Plut. *Caes.* 1.

including Caesar's divorce of Pompeia.<sup>75</sup> As is well-known, legal documents, money, and valuables could also be deposited for safety with the *Vestales* at the Temple of Vesta, as famously was Caesar's will and the Treaty of Misenum.<sup>76</sup> By virtue of their religious roles, *Vestales* had enormous influence in the politics of the *res publica* and adroitly intervened on multiple occasions, even at the risk of their lives and reputations.<sup>77</sup>

Apart from this prestigious priesthood, married women themselves could intervene in politics due to their religious roles. Two examples illustrate this phenomenon well. Polybius recounts how Pomponia, mother of Publius Cornelius Scipio Africanus and Lucius Cornelius Scipio Asiagenus, engaged in a kind of religious lobby on behalf of Asiagenus for his aedilician electoral campaign (ca. 195, but the implied date in the account is earlier); Pomponia reputedly went around to the temples and sacrificed to the gods on his behalf (περιπορευομένην τοὺς νεῶς καὶ θύουσαν τοῖς θεοῖς ὑπὲρ τᾶδελφοῦ [Africanus' brother Asiagenus]), exhibiting great apprehension (προσδοκία) about the results. Polybius' also represents Pomponia as hoping that both Asiagenus and Africanus would attain the aedileship.<sup>78</sup> While Polybius' account contains some problems, namely errors regarding the implied dates of Asiagenus' and Africanus' aedileships and the brothers' respective ages, Polybius clearly demonstrates that (he thought) at least one elite mother was heavily engaged and invested in her sons' political careers. Here we can imagine that Pomponia was not only seeking divine support, but leveraging and mobilizing her networks, perhaps the *ordo matronarum* itself. Around a century later, in 90, during the Social War, Caecilia Metella, daughter of Quintus Caecilius Metellus Balearicus, had a dream that resulted in the restoration of the Temple of Iuno Sospita (in Rome or Lanuvium – location uncertain) by senatorial decree (*Caeciliae Q. filiae somnio modo Marsico bello templum est a senatu Iunoni Sospitae restitutum*), according to Cicero who cites the authority of Sisenna.<sup>79</sup> Obsequens, in his summary of Livy's lost account of 90, recounts details of the dream, namely that Iuno was fleeing (*profugiens*) her temple, because her precincts were being foully desecrated (*immunde sua templa foedarentur*); reputedly the temple had been defiled by

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<sup>75</sup> Cic. *Att.* 1.13.3 with Johnson 2007, 158–60; Gallia 2015, 112; DiLuzio 2016, 89, 212–13. Cf. Cic. *Har. resp.* 37; Plut. *Caes.* 10; *Cic.* 28–9. For the *Vestales* as members of the pontifical *collegium*: DiLuzio 2016, 119–53, 186, esp. 119, 131, 141, 152, 186.

<sup>76</sup> Caesar's will: Suet. *Iul.* 83.1. Pact of Misenum: App. *B Civ.* 5.73; Cass. Dio 48.37.1. Deposition: DiLuzio 2016, 236–8.

<sup>77</sup> DiLuzio 2016, 238–9.

<sup>78</sup> Polyb. 10.4.4–8 with Walbank 1967, 199–200; Webb 2017, 158–9.

<sup>79</sup> Cic. *Div.* 1.99 with Hänninen 1999a; Schultz 2006a; 2006b, 26–8, 40, 42, 44. Cf. Cic. *Div.* 1.4; *Iul.* Obseq. 55.

the filthy and vile bodily ministrations of married women (*aedem matronarum sordidis obscenisque corporis coinquinatam ministeriis*) and there was even a dog and her litter under the statue of the goddess (*in qua etiam sub simulacro deae cubile canis cum fetu erat*); supposedly Caecilia persuaded the goddess to remain with her prayers (*preces*), cleaned the temple (*commundare*), and thereafter *supplicationes* were held and the temple restored.<sup>80</sup> Sensational details aside, the Senate's response to Caecilia's dream indicates their acknowledgement of her religious authority and capacity, feasibly gained through her regular participation in religious activity for Iuno and other deities: her dream restored a temple. If Obsequens' (or Livy's) details are not entirely fictive, presumably the Senate trusted Caecilia's account of the purported practices of married women too. As Schultz has argued, the Senate treated Caecilia and her dream with the greatest seriousness, indicating their respect for elite women and the political significance of the dream during the Social War.<sup>81</sup>

These various examples indicate that religious roles enabled priestesses and other (particularly elite) women to intervene in politics, on an individual and collective basis. Cicero's account of the Vestal Fonteia provides one possible answer for why the Senate and others accepted such interventions: women, priestesses and others, propitiated the immortal gods with their prayers, hands outstretched on behalf of the People, thence the safety of Rome was in these same hands.<sup>82</sup> Who, then, would dare reject their supplication?

Outside of the *domus*, the *ordo matronarum*, matronal meetings, and religious roles provided women with numerous possibilities for interventions in politics. In general, our sources represent these structures as effective and legitimate, and, on occasion, laudable. While women could not be magistrates, these structures – and probably others – enabled them to engage with these same magistrates and effect significant change. Of note are the *decreta* issued at a matronal meeting and by *Vestales* along with the *pontifices*: these mirror the *consulta* of the Senate and *decreta* of sacerdotal *collegia*, suggesting the formal, institutional nature of female structures, matronal and sacerdotal. But this is just the apex of the iceberg. By turning now to the practices enabled by these and other structures, we shall glimpse a little more.

### 3. Practices

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<sup>80</sup> Iul. Obseq. 55 with Hänninen 1999a; Schultz 2006a; 2006b, 26–8, 40, 42, 44; Flower 2015, 311–14; Kragelund 2018.

<sup>81</sup> Schultz 2006a; 2006b, 27–8. Cf. similarly Flower 2015, 311–14.

<sup>82</sup> Cic. *Font.* 48.

Kunst has argued that “die Bitte” was the primary practice of female interventions in politics in the Republic. Certainly, some interventions in politics took the form of pleas or supplications, particularly in the *domus* with female relatives of influential men or with male relatives or before magistrates and judges. Yet the *domus*, the *ordo*, matronal meetings, and religious roles enabled more than just pleas. In what follows, I outline three practices of female interventions emergent from, or attendant on, these structures, including intercession (encompassing pleas and more), benefactions, and participation in family *consilia*.

### Intercession

Female intercession – women interceding on behalf of others – is intertwined with the history of the *res publica*. Three examples of intercession that are not *just* pleas follow, for these broaden our understanding of the practices of female interventions.

I begin with the account of Veturia and Volumnia’s legendary intercession with Coriolanus, which feasibly goes back to Fabius Pictor, as he was one of Livy’s sources for his account.<sup>83</sup> According to Livy, it was not Roman envoys (*legati*) or priests (*sacerdotes*) who moved Coriolanus to abandon his siege of Rome in ca. 488, but his own mother Veturia and wife Volumnia, who advanced to meet him in a company of women (*mulierum agmen*).<sup>84</sup> Regarding the company, Livy writes that these women were defending (*defendere*) the *Urbs* with their prayers (*preces*) and tears (*lacrimae*).<sup>85</sup> Prior to their delegation, elite married women had reputedly gathered (*coire*) at the *domus* of Veturia and Volumnia, led perhaps by a Valeria, presumably requesting their intercession with Coriolanus, as in Dionysius’, Plutarch’s (with alternate names for Coriolanus’ mother and wife), and Appian’s later accounts.<sup>86</sup> Here we catch a glimpse of these authors’ understanding of the practices of a female network like the *ordo* and their matronal meetings. When Coriolanus noticed his mother in the company of women, he approached her for an embrace. At this point, her prayers changed to anger (*in iram ex precibus versa*). Rather than pleading with him, she rejected his embrace and reproached him in an oration full of rhetorical questions and emotionally charged statements: did he come as an enemy (*hostis*) or a son (*filius*); is she a captive (*captiva*) or a mother (*mater*) in his camp (*castrum*); has her long life (*longa vita*) and unhappy old age (*infelix senecta*) led her to see her son as an exile (*exsul*) and enemy; will he devastate this land (*terra*) that bore (*gignere*) and

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<sup>83</sup> FRHist 1 F16 = Livy 2.40.10–11 with Ogilvie 1965, 334–335; Cornell *et al.* (eds.) 2013, 33.

<sup>84</sup> Livy 2.40.3 with Ogilvie 1965, 334–5.

<sup>85</sup> Livy 2.40.2 with Ogilvie 1965, 334–5.

<sup>86</sup> Livy 2.40.1 with Ogilvie 1965, 334–5. Cf. Dion. Hal. *Ant. Rom.* 8.39–54; Plut. *Cor.* 33–7; App. *Ital.* 5.7–13.

nourished (*alere*) him; did his anger (*ira*) not fall when he entered the territory (*finis*); when he saw Rome did it not come to mind (*succurrere*) that his *domus, penates*, mother, wife (*coniunx*), and children (*liberi*) were within these walls (*moenia*); had she no son, she would have died a free woman (*libera*) in a free country (*libera patria*); nothing was more repulsive (*turpius*) or more miserable (*miserius*) for her; even though she was most miserable (*miserrima*), it would not be for long (i.e. she would die soon); and if Coriolanus continued only an untimely death (*immatura mors*) or a long slavery (*longa servitus*) awaited her.<sup>87</sup> Livy represents this speech and the subsequent embraces of his wife and children, along with the tears (*fletus*) and lamentation (*comploratio*) of the company of women for their country (*patria*) as breaking or defeating (*frangere*) Coriolanus.<sup>88</sup> Veturia's intercession was not a plea per se, but a reproach and dissuasion that centered Coriolanus' family, familial roles, emotional ties, and her own emotions.<sup>89</sup> Now, I am not arguing that this speech (or even the episode) is in any way historical. Instead, I suggest that here we find a model of female intercession characterized by reproach and dissuasion, a model recognized by Livy in his day, and one we find at work in at least two other intercessions.

Perhaps the most compelling evidence for such intercessions is the letter(s) of Cornelia "mater Gracchorum" to her youngest son the future plebeian tribune Caius Sempronius Gracchus, wherein she aims at dissuading him from his political goals and competing for the plebeian tribunate before her death. Two reputed excerpts from her letter(s) survive in the manuscripts of Cornelius Nepos (fr. 59 Marshall). The date and authorship of these excerpts is not secure: there is considerable scholarly disagreement over whether they are Cornelian and/or post-Gracchan propaganda and over whether they are from the same letter or separate letters by the same or different hands.<sup>90</sup> Despite these disagreements, scholars tend to date them stylistically to the late second century or to ca. 124 before Caius Sempronius Gracchus' first plebeian tribunate in 123, that is, when Cornelia was a widow.<sup>91</sup> The excerpts are worth

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<sup>87</sup> Livy 2.40.5–9 with Ogilvie 1965, 334–5.

<sup>88</sup> Livy 2.40.9 with Ogilvie 1965, 334–5.

<sup>89</sup> Hallett 2018, 314.

<sup>90</sup> For recent discussion and bibliography on the Cornelian letter(s), see Courtney 1999, 135–9; Hemelrijk 1999, 185–8; Hallett 2002, 13–24; 2018; Dixon 2007, 24–32; Roller 2018, 197–232.

<sup>91</sup> Style: Hemelrijk 1999, 185–8; Dixon 2007, 27–8. Date of ca. 124: Courtney 1999, 136; Hallett 2002, 15. The date is controversial and I find attractive the putative suggestion of Lea Beness and Tom Hillard that 129 might serve as an appropriate date for the actual composition of such an impassioned letter or for the dramatic context to which it was ascribed. I will not expand on their arguments for that date here.



examining for they offer us a potent example of how one elite woman engaged – or was represented as engaging – in the *res publica*:

[First excerpt]

You will say that it is beautiful to take vengeance on personal enemies (*inimici*). This does not seem greater nor more beautiful to anyone than it does to me, but only if it is possible to pursue this with the *res publica* unharmed. But since that cannot be done, may our personal enemies not perish for a long time and for the most part, and may they remain as they are now, rather than that the *res publica* be cast down and perish...

[Second excerpt]

I would dare to swear a formal oath that, apart from those who killed Tiberius [Sempronius] Gracchus, no personal enemy has delivered so much trouble and so much hardship to me as you have because of these things; [you] who ought to bear the part of all the children I have ever had, and to take care that I should have the least anxiety in my old age, and that whatever you did, you would wish to please me the most, and that you would consider it *nefas* to do greater things against my judgment, especially to me, to whom a little part of life remains. Cannot even such a short span [of life] relieve [me] from you opposing me and casting down the *res publica*? What end will there be finally? When, if ever, will our family cease being insane? When, if ever, can a measure be set on this matter? When, if ever, will we cease from troubles, desist from both having and causing them? When, if ever, will it [the family] truly feel shame for disturbing and perturbing the *res publica*? But if this cannot possibly happen, seek the tribunate when I am dead; as for me, do what will please you, when I will not perceive it. When I have died, you will sacrifice to me as a parent and you will invoke the parent of the gods/parent god.<sup>92</sup> At that time, will it not shame you to seek prayers of those gods, whom, while living and present, you considered abandoned and forsaken? May Jupiter himself not permit you to persevere in this, nor permit such madness to enter your mind. And if you

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<sup>92</sup> The identity of the *deum parens* or *deus parens* is uncertain, perhaps Jupiter (*deum parens*) or Africanus or Cornelia (*deus parens*): Walbank 1985, 122–3; Courtney 1999, 138; Hallett 2002, 17; 2010, 360–1; 2018, 316.

persevere, I fear that, by your own fault, you may receive such hardship throughout your whole life that at no time would you be able to please yourself.<sup>93</sup>

In these excerpts, Cornelia (or “Cornelia”) demonstrates her deep knowledge of Roman politics, her concern for the safety and stability of the *res publica* (mentioned four times), her rejection of zero-sum vengeance on personal enemies, and her ability to reproach and influence her son on political matters. Besides the abundance of highly charged emotional language, these excerpts are rich in religious, legal, and political language (e.g., *inimici*, *res publica*, *deierare*, *verba concepta*, *nefas*, *sententia*, *petere*, *parentare*, *invocare*, *deus*, *preces*, *di*, *Iuppiter*), indicating her reputed knowledge of those areas.<sup>94</sup> Notably, Cornelia foregrounds religion: her religious roles affected her form of dissuasion. These excerpts reveal that at least one elite woman – and by inference many more – shared (or was represented as sharing) the political struggles of her male relatives and was deeply engaged in their public lives. Based on the similarity of the rhetorical questions and themes, Hallett has argued for some intertextuality between Cornelia’s letter and Veturia’s speech in Livy (cf., e.g., *inimicus* and *hostis*, *senecta*, *res publica* and *patria*, hardship and misery).<sup>95</sup> Certainly, Veturia and Cornelia are both represented as interceding with their sons through reproach and dissuasion. Even if the excerpts are not genuine, they indicate that an elite woman was expected to engage in the *res publica*

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<sup>93</sup> Nep. fr. 59 Marshall: *dices pulchrum esse inimicos ulcisci. id neque maius neque pulchrius cuiquam atque mihi esse videtur, sed si liceat re publica salva ea persequi. sed quatenus id fieri non potest, multo tempore multisque partibus inimici nostri non peribunt atque, uti nunc sunt, erunt potius quam res publica profligetur atque pereat. ... verbis conceptis deierare ausim, praeterquam qui Tiberium Gracchum necarunt, neminem inimicum tantum molestiae tantumque laboris, quantum te ob has res, mihi tradidisse; quem oportebat omnium eorum, quos antehac habui liberos, partis eorum tolerare atque curare, ut quam minimum sollicitudinis in senecta haberem, utique quaecumque ageres, ea velles maxime mihi placere, atque uti nefas haberes rerum maiorum adversum meam sententiam quicquam facere, praesertim mihi, cui parva pars vitae restat. ne id quidem tam breve spatium potest opitulari, quin et mihi adversere et rem publicam profliges? denique quae pausa erit? ecquando desinet familia nostra insanire? ecquando modus ei rei haberi poterit? ecquando desinemus et habentes et praebentes molestiis desistere? ecquando perpudescet miscenda atque perturbanda re publica? sed si omnino id fieri non potest, ubi ego mortua ero, petito tribunatum; per me facito quod lubebit, cum ego non sentiam. ubi mortua ero, parentabis mihi et invocabis deum parentem. in eo tempore non pudebit te eorum deum preces expetere, quos vivos atque praesentes relictos atque desertos habueris? ne ille sirit Iuppiter te ea perseverare, nec tibi tantam dementiam venire in animum. et si perseveras, vereor ne in omnem vitam tantum laboris culpa tua recipias, uti in nullo tempore tute tibi placere possis. See Courtney 1999, 135–9; Hallett 2002; 2010, 357–64; 2018.*

<sup>94</sup> Cf. Courtney 1999, 135–9.

<sup>95</sup> Hallett 2002, 19–20; 2018, 313–14.

and to wield influence over her son(s). In the first excerpt, Cornelia refers twice to the family's personal enemies, a highly suggestive allusion to politics, for personal enmities were forged through politics.<sup>96</sup> The second excerpt is also suggestive: here Cornelia outlines the trouble and hardship that Caius Sempronius Gracchus was causing her and admonishes him for not reducing her anxiety in her old age, for not trying to please her, for not considering it *nefas* to pursue his political goals against her judgment, and for opposing her. Moreover, she indicates she did not want to perceive the results of his political goals, which included potential damage to her and to the *res publica* itself. Clearly, Cornelia cared deeply about the *res publica*. Cornelia's admittedly unsuccessful attempt here to dissuade Caius Sempronius Gracchus from his political goals (zero-sum vengeance, tribunate) is akin to her successful dissuasion of his legislative pursuit of Marcus Octavius, one of the family's personal enemies, a dissuasion effected through her successful request he withdraw his *rogatio* (*lex?*) *Sempronia de abactis* of 123.<sup>97</sup> Beyond such dissuasion, various other sources testify to Cornelia's influence over her sons' education, political advice, and interventions in their political careers.<sup>98</sup> Plutarch recounts that Cornelia often reproached (ὀνειδίζω) her sons, because the Romans still addressed her as the mother-in-law (πενθερά) of Publius Cornelius Scipio Aemilianus, and not the mother (μήτηρ) of the Gracchi.<sup>99</sup> Such a reproach suggests, along with the other evidence, that Cornelia was proactively engaged in her sons' public lives and in the *res publica*.

Finally, I return to Hortensia and her intercession with, and oration before, the triumvirs (Lepidus, Marcus Antonius, Caesar *Divi filius*) on the matter of the triumviral tax on the 1400 members of the *ordo matronarum* in 42. Appian's Hortensia opens her oration by recounting the failure of the elite married women's (γυναῖκες τοιαίδε) initial mode of intercession, namely to obtain the support of all the triumvirs' female relatives, for they were successful with Octavia and Iulia (mother of Marcus Antonius), but not with Fulvia. Indeed, they were ill-treated

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<sup>96</sup> Caius Sempronius Gracchus, competition, and personal enmity: Epstein 1987, 2, 23, 115–16.

<sup>97</sup> Dissuasion: Diod. Sic. 34/35.25.2; Plut. *C. Gracch.* 4.2–3 with Epstein 1987, 115–16; Dixon 2007, 11; Beness & Hillard 2013, 63–4. On the *rogatio* (*lex?*) *Sempronia de abactis* of 123: Rotondi 1912, 308. Plutarch's version of the events in Plut. *C. Gracch.* 4.3 suggests a *rogatio* was withdrawn (ἐπαναιρέω) not a *lex* abrogated. Cf. Dixon 2007, 11.

<sup>98</sup> Cornelia and her sons' education: Cic. *Brut.* 104, 211; Quint. *Inst.* 1.1.6; Tac. *Dial.* 28.4–6; Plut. *Ti. Gracch.* 1.4–5; Jer. *Ep.* 107.4.6 with Dixon 2007, 18, 24; Beness & Hillard 2013, 63. Political advice and intervention: Nep. fr. 59 Marshall; Diod. Sic. 34/35.25.2; Plut. *C. Gracch.* 4.2–3; 13.2; *Ti. Gracch.* 8.5 with Beness & Hillard 2013, 63–5.

<sup>99</sup> Plut. *Ti. Gracch.* 8.5.

(πάσχω) by Fulvia and Hortensia explains that this forced (συνωθέω) them to the forum (ἀγορά). The *ordo* had failed to mobilize support from within. Her oration swiftly pivots to a reproach of the triumvirs for depriving (ἀφαιρέω) the women of their fathers, sons, husbands and brothers, and for now attempting to additionally deprive (προσαφαιρέω) them of their property (χρῆμα), which would reduce them to a condition unworthy (ἀνάξια) of their birth (γένος), custom (τρόπος), and nature (φύσις). After demanding that women be proscribed (προγράφω) if they had wronged the triumvirs, Appian’s Hortensia asks why women should share in (κοινωνέω) the punishment (κόλασις) if they had not partaken (μετέχω) in the wrongdoing (ἀδίκημα), especially if they had not voted any of the triumvirs a public enemy (πολέμιος), nor torn down (καθαίρω) their houses, destroyed (διαφθείρω) an army (στρατός), influenced (ἐπάγω) them against each other, nor prevented (κωλύω) them obtaining magistracy (ἀρχή) and honor (τιμή). (As Rohr Vio has identified, with this question Hortensia dissociated the 1400 married women from their husbands and male relatives, many of whom committed these same acts against the Caesarians; Hortensia herself was linked affinally to Marcus Porcius Cato and the Caesaricide Marcus Iunius Brutus. Here Hortensia seems to have claimed, perhaps disingenuously, that she and the other women were uninvolved in these “male” actions.<sup>100</sup>) As mentioned earlier, Hortensia then asks why women should pay a tax when they did not share in (μετέχω) magistracy (ἀρχή), honor (τιμή), command (στρατηγία), and the polity (πολιτεία). After reminding the triumvirs of female contributions in the Second Punic War, she asks what the triumvirs’ fear (φόβος) is for the country (πατρίς), claims that women will not be inferior to their mothers when it comes to the preservation (σωτηρία) of the same country, but that they would never contribute (εἰσφέρω) to civil wars (εμφύλιοι πόλεμοι), nor assist (συμπράσσω) the triumvirs against each other. The oration closes with a harsh reproach, namely that women did not pay taxes (συμφέρω) in the time of Caesar or Pompeius, nor did Marius or Cinna compel (ἀναγκάζω) them to do so, nor did Sulla, who ruled as a tyrant (τυραννεύω) in the country, yet the triumvirs were saying they were establishing (καθίστημι) the polity.<sup>101</sup> Ergo, the triumvirs were worse than tyrants. Despite their resultant anger, the triumvirs reduced the number of women taxed from 1400 to 400. Hortensia’s oration was successful.<sup>102</sup> As Hopwood has argued, Hortensia’s oration amounts to a sustained criticism of not just the triumviral tax,

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<sup>100</sup> Rohr Vio 2019, 192–3. Hortensia’s affinal relations: Zmeskal 2009, 135–6, 256. Her husband Quintus Servilius Caepio adopted Marcus Iunius Brutus.

<sup>101</sup> App. *B Civ.* 4.32–3 with Hopwood 2015, esp. 309–12.

<sup>102</sup> App. *B Civ.* 4.34.

but also their proscription edict and legitimacy itself.<sup>103</sup> In many ways, this oration, Hortensian or otherwise, bears similarities to Veturia's oration and Cornelia's letter(s), full as they are with reproach, rhetorical questions, and themes of family, familial roles, the country (*patria*, πατρίς), and the *res publica* (πολιτεία). Even if Hortensia claimed women did *not* share in the polity, these three elite women were all (represented as being) proactively engaged in the *res publica*. Even more importantly, Hortensia's oration questions the nature of the *res publica* under the triumvirs, revealing her own claim to superior knowledge and legitimacy. In hindsight, the actions of Hortensia and the *ordo* in 42 could be interpreted as vestiges of the *libera res publica* (soon-to-be *amissa*): their claims to authority and legitimacy were far more traditional than those of the triumvirs.

Numerous additional examples of female intercession in the Republic exist, many of which Kunst and Rohr Vio have enumerated,<sup>104</sup> and many of which were pleas, notably that of Iulia, mother of Marcus Antonius,<sup>105</sup> Tertia Mucia, wife of Cnaeus Pompeius Magnus and Marcus Aemilius Scaurus,<sup>106</sup> and that of the addressee of the *laudatio Turiae*.<sup>107</sup> I will not address them here. Beyond pleas, the three examined examples indicate that female intercessions could take the form of a reproach or dissuasion, and that this was recognized by Livy, the author of the Cornelian letters, and Appian. Moreover, in the cases of Veturia and Hortensia, the *ordo* and matronal meetings feasibly enabled these intercessions, while Cornelia's maternal and religious roles enabled hers. Such practices were political and powerful.

### Benefactions

As we have seen, female benefactions occurred throughout the *res publica*. The *ordo matronarum*, matronal meetings, and religious roles were intertwined with such benefactions, for these structures provided a framework for, and enabled the organization of, collections and

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<sup>103</sup> Hopwood 2015, 311–12.

<sup>104</sup> Kunst 2016; Rohr Vio 2019.

<sup>105</sup> For example, Iulia's successful intercession for her brother Lucius Iulius Caesar when he was proscribed in 43: Plut. *Ant.* 20.5–6; App. *B Civ.* 4.37 with Kunst 2016, 208; Rohr Vio 2019, 194–6.

<sup>106</sup> For example, Tertia Mucia's successful intercession for her son Marcus Aemilius Scaurus after Actium presumably ca. 31/30: Cass. Dio 51.2.5 with Welch 2012, 301; Kunst 2016, 204; Rohr Vio 2019, 157 n. 45. Cf. her crucial role in facilitating the negotiations at Dicaearchia/Puteoli in 39 between her son Sextus Pompeius Magnus Pius and Marcus Antonius and Caesar *Divi filius*: App. *B Civ.* 5.69, 72 with Welch 2012, 240, 248; Kunst 2016, 204; Rohr Vio 2019, 157.

<sup>107</sup> CIL VI 1527 with Osgood 2014.

dedications. Women engaged in both private and public benefactions, although public benefactions appear to have been limited to some degree to the religious sphere.<sup>108</sup>

One of the earliest examples of such benefactions is the legendary benefaction by the Vestal Gaia Taracia/Fufetia of the Campus Tiberinus/Martius to the Roman People in ca. 449, reported by Pliny, Plutarch (naming her as Tarquinia), and Gellius.<sup>109</sup> For her benefaction, Pliny reports the Senate voted (decreed) her the honor of a statue, which she could place wherever she wished, while Gellius, drawing on *antiquae annales*, suggests a *lex Horatia* was passed that granted her many honors, particularly the right of giving testimony and the right to withdraw from her priesthood and marry at the age of forty.<sup>110</sup> Gellius explicitly states these honors were thanks (*gratia*) for her munificence (*munificentia*) and benefaction (*beneficium*). Now these accounts must be aetiologies for Vestal privileges, but they clearly foreground and laud female benefactions, and retroject them into the early *res publica*.<sup>111</sup> Similarly, benefactions are the reputed reason for the Senate granting elite married women and/or the *ordo matronarum* their privileges and status symbols, as mentioned previously. Female benefaction was honored and rewarded, particularly when it benefited the *res publica*.

Departing from these aetiologies, we find clearer evidence of the existence and prominence of female benefactions in Plautus, a republican inscription, Cicero, and Livy. In a paradigmatic – if comically inappropriate – statement of the normative virtues of a married woman in Plautus' *Amphitruo*, Alcmene claims that she does not consider what is called her dowry (*dos*) to be her dowry, but instead sexual virtue (*pudicitia*), shame (*pudor*), restrained desire (*sedata cupido*), fear of the gods (*deum metus*), love for her parents (*parentum amor*), harmony with her relatives (*cognatum concordia*), and that she is obedient (*morigera*) to her husband, munificent (*munifica*) to the good, and helpful (*prosim*) to the honest.<sup>112</sup> The latter two are relevant here: benefactions are framed as characteristically positive and laudable for married women.

A ca. 100–50 republican inscription from Rome attests to a significant benefaction of a Publicia and her husband Cnaeus Cornelius: they built (or restored) a temple (*aedes*) of Hercules and its door (*valvae*), adorned it (*expolire*), and restored an altar (*ara*) sacred to

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<sup>108</sup> Dixon 2001, 100–12; Schultz 2006b, 57–69.

<sup>109</sup> Plin. *HN* 34.25; Plut. *Pop.* 8.7–8; Gell. *NA* 7.7.1–4 with Flach 1994, 225–7.

<sup>110</sup> Plin. *HN* 34.25.

<sup>111</sup> Cf. Flach 1994, 226.

<sup>112</sup> Plaut. *Amph.* 839–42 with Christenson 2000, 274.

Hercules with both her and her husband's money.<sup>113</sup> The inscription foregrounds Publicia and her benefaction and indicates how women might use their religious roles and resources to shape the cityscape of the *res publica* itself. We saw earlier in Cicero's account of the Vestal Licinia and her abortive dedication of 123 that such benefactions could be highly political, and that not all were accepted by the Senate, but, in this case, Publicia succeeded.

Cicero offers further examples of female benefactions, notably of the aforementioned Caecilia Metella's protection of, and provision for, Sextus Roscius in 80, a kind of private benefaction. Caecilia provided the desperate, impoverished Roscius with refuge and protection in her *domus* from Sulla's powerful freedman Lucius Cornelius Chrysogonus and Roscius' own relatives, along with a bodyguard (*praesidium*), nourishing (*ali*), and clothing (*vestiri*).<sup>114</sup> In his defense of Roscius, Cicero lauds Caecilia as an exemplum of old-fashioned duty (*antiquum officium*) for helping Roscius herself (*opitulata est*), and praises her *virtus*, *fides*, and *diligentia*;<sup>115</sup> in superlative language, he claims that she is a most spectacular woman (*spectatissima femina*) with illustrious (elite) male relatives, who, while being a woman, perfected virtue (*virtute perfecit*), such that as much honor (*honor*) was bestowed on her from their rank (*dignitas*), she returned no lesser ornaments (*non minora ornamenta*) from her renown (*laus*).<sup>116</sup> High praise from Cicero. As Dixon, Skinner, and Kragelund have argued, her actions in safeguarding Roscius indicate her political authority and capacity in a time of political crisis.<sup>117</sup> Not even Chrysogonus dared broach her doors. Her benefaction was intensely political, yet her political authority, perhaps emergent from her celebrated religious role with Iuno Sospita, as well as her ancestry and familial relations with Sulla, protected both her and Roscius.<sup>118</sup> (Significantly, her second cousin, another Caecilia Metella, daughter of Lucius Caecilius Metellus Delmaticus, was Sulla's wife from 88 to 80, whom he reputedly honored in all things. In 88, after Sulla refused requests to restore the Marian fugitives, this Caecilia was

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<sup>113</sup> CIL VI 30899 with Schultz 2006b, 57–69; Kragelund 2018, 213 n. 5.

<sup>114</sup> Cic. *Rosc. Am.* 13 (*praesidium*); 27 (*domus*); 147 (*ali, vestiri*) with Dyck 2010, 77, 96–7, 201–2.

<sup>115</sup> Cic. *Rosc. Am.* 27 with Dyck 2010, 96–7.

<sup>116</sup> Cic. *Rosc. Am.* 147 with Dyck 2010, 202.

<sup>117</sup> Dixon 1983, 94–5; Skinner 2011, 48–9; Kragelund 2018, 214.

<sup>118</sup> For Caecilia Metella's ancestry and familial relations, including her possible husband Appius Claudius Pulcher, consul in 79: Münzer 1920, 304 (*stemma*); Zmeskal 2009, 51, 74, 305. See further on the Metelli: Hölkeskamp 2017, 273–309. Cf. Osgood in this volume on the similarities between Caecilia Metella and Livia.

called upon for aid.<sup>119</sup> Both Caeciliae were politically influential women.) Cicero also received benefactions from women, including substantial amounts of money from his close friend Caerellia, a wealthy older woman; indebted to her, he even acted politically on her behalf, lobbying Publius Servilius Isauricus, propraetor in Asia in 46, regarding her property there.<sup>120</sup> For Cicero, female benefactions were an ever-present reality.

Livy offers a wealth of examples of female benefactions. Apart from the aforementioned matronal contributions for a *donum* for Delphic Apollo in 395, a ransom for the Gauls in 390, a *donum* for Iuno Regina in 217, and the dotal gold for the *pelvis aurea* for Iuno Regina in 207, Livy also records the matronal dedication of a bronze statue in the Temple of Iuno Regina in 218 and widows' contribution of their wealth (*pecunia*) to the *aerarium* in 214 during financial crisis.<sup>121</sup> Livy's Valerius links the matronal contribution to the ransom of 390 with the widows' contribution of 214: he frames the earlier event as married women collecting for public use (*in publicum conferre*) and the later event as the widows' money (*viduarum pecuniae*) attending to the public treasury (*audire aerarium*) when money was needed (*cum pecunia opus fuit*).<sup>122</sup> Nowhere does he denigrate these benefactions: instead, Livy frames them as *necessary*.

Female benefactions, then, were represented as shaping female privileges, as characteristically female, as capable of saving the *res publica* (from enemies and financial crisis) and individuals, and as frequent and necessary. By offering benefactions to people and deities, especially during times of need, female collectives and individuals bound themselves to the *res publica*.

#### Family *consilia*

In a recent contribution on Servilia's *consilium*, Flower has confirmed the "private but very political" nature of elite family *consilia*, meetings called to discuss "a course of action that needed to be decided upon."<sup>123</sup> Their discussions and decisions had political consequences, as did those of the *consilia* of magistrates, and those of that "grand *consilium* in Rome," the Senate.<sup>124</sup> Indeed, Flower has argued that senatorial, forensic, or contional orations may have

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<sup>119</sup> Plut. *Sull.* 6.12; App. *B Civ.* 1.63 with Keaveney 2005, 58; Kunst 2016, 204. Rohr Vio 2019, 145–6. For Caecilia Metella's ancestry and familial relations: Münzer 1920, 304 (*stemma*); Zmeskal 2009, 53–4.

<sup>120</sup> Cic. *Att.* 12.51.3; 15.26.4; *Fam.* 13.72 (Publius Servilius Isauricus). See Austin 1946; Dixon 2001, 101.

<sup>121</sup> 218: Livy 21.62.8. 214: Livy 24.18.13–14, 34.5.10.

<sup>122</sup> Livy 34.5.9–10.

<sup>123</sup> Flower 2018, 253.

<sup>124</sup> Flower 2018, 263.



“had their initial origins in remarks first prepared for a presentation in a *consilium*.”<sup>125</sup> As is abundantly clear in the case of Servilia, women could participate in, speak at, and influence politically consequential *consilia*. It was, after all, at such a *consilium* in June 44 that she promised to arrange for the removal of a grain commission from a senatorial decree. At the same *consilium* were present Servilia’s daughter Tertia Iunia (Tertulla) and Porcia.<sup>126</sup> Furthermore, in a letter to Brutus in July 43, Cicero indicates that Servilia organized and *presided* over another such a *consilium* wherein she sought his advice on whether to call Brutus home or not.<sup>127</sup> Another salient example is Sempronia’s *consilium* of 63 with the Catilinarian conspirators and the envoys of the Allobroges, which she hosted at her husband Decimus Iunius Brutus’ home near the Forum while he was absent from Rome, although her role therein is uncertain.<sup>128</sup> This was unquestionably a politically consequential meeting: the *res publica* was at stake! Servilia – and presumably other women like Sempronia – were part of the decision-making process in such *consilia*. Were these extraordinary events?

I propose that female participation in these informal, family *consilia* is clarified and illuminated by matronal meetings. If married women were (represented as being) able to hold politically significant meetings and issue communal decrees in the fourth and third centuries, then Servilia’s authority and prominence in the *consilia* of 44 and 43 appears far less unusual. Elite married women had been meeting for centuries, feasibly as members of the *ordo matronarum* and for religious activity, and their collections and contributions attest to their organizational and decision-making skills. Moreover, their religious authority and vocabulary,

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<sup>125</sup> Flower 2018, 264.

<sup>126</sup> Cic. *Att.* 15.11.1 with Treggiari 2019, 190–1.

<sup>127</sup> Cic. *Ad Brut.* 26.1 with Flower 2018, 259–60; Treggiari 2019, 209.

<sup>128</sup> Sall. *Cat.* 40.5 with Syme 1964, 69; Cadoux 1980, esp. 93; Ramsey 2007, 132, 169–70; Liubimova 2020, esp. 2. Sempronia’s husband Decimus Iunius Brutus was consul in 77. Her ancestry is uncertain. Münzer proposed she was a daughter of Caius Sempronius Gracchus, Ciaceri a daughter of Caius Sempronius Tuditanus, consul in 129, and Syme a granddaughter of this same Tuditanus: Münzer 1920, 272–3; 1923, 1446; Ciaceri 1929/1930, 224–30; Syme 1964, 134–5. Cf. Cadoux 1980, 105–9; Ramsey 2007, 133; Zmeskal 2009, 243, 249; Liubimova 2020, 9–13. Most recently, Liubimova has proposed that Sempronia was a granddaughter of Caius Sempronius Gracchus: Liubimova 2020, 14–18, 22–3. I will not address the various prosopographical arguments here. However, I find Liubimova’s proposal particularly attractive, given Sallust’s favorable description of Sempronia’s birth in *Cat.* 25.2 (*genere ... satis fortunata fuit*) – recalling Caius Sempronius Gracchus own description of his high birth in *C. Sempronius Gracchus* fr. 47 ORF<sup>4</sup> (*genere summo ortus essem*) – and Sempronia’s probable age, viz. perhaps late thirties to mid-forties following *Cat.* 24.3, 25.2: Ramsey 2007, 133 (age); Cadoux 1980, 95–6, 106 (age); Liubimova 2020, 11, 16–17 (age, high birth).

gained from their religious roles, would have lent their words weight, as exemplified by Cornelia, Caecilia Metella, and the Vestal Fonteia. A woman of Servilia's experience and rank would have been a formidable presence at any meeting: is it any wonder Cicero restrained himself?

These examples of female intercession, benefactions, and family *consilia* testify to the breadth of possible practices of female interventions in politics. Women's pleas on behalf of others inside and outside of the *domus* were certainly political, but women also engaged in politically significant intercession through public and private reproach and dissuasion, offered politically significant public and private benefactions to people and deities, and presided over politically significant family *consilia*. The *ordo matronarum*, matronal meetings, and religious roles provided (some of the) foundations for these practices and none of these structures were represented as the novelty of the last century. We can see a little more of the iceberg.

#### 4. Conclusion

Women were excluded from some structures and practices of politics in the *libera res publica*. There were no female consuls or *pontifices maximi*. But that did not preclude them from engaging in the *res publica*. To return to Münzer: "für die ganze Einmischung der Frauen in die Kämpfe der Parteien, für jene Hauspolitik der adligen Damen, die mit echt weiblichen Mitteln arbeitete, aber vor den höchsten Zielen männlichen Ehrgeizes nicht zurückschrak, bieten den besten Beweis die Frauen aus dem Servilischen Geschlecht, zumal die ältere Halbschwester Catos."<sup>129</sup> While distancing myself from Münzer's "echt weiblichen Mitteln" (purely womanly means), I acknowledge that female political interventions frequently occurred in domestic contexts, as exemplified by Servilia's *consilia*. But we need to cross the *limen* of the *domus* and look to the *ordo*, *coetus* (meetings), and *aedes* (religious roles) for other, equally formidable interventions. These were represented as effective, legitimate, and occasionally laudable structures for female engagement in the *res publica*. The formality and apparent antiquity of these structures authorized and legitimized collective and individual actions by elite women and priestesses. None of these structures were represented as novel. Of note are the public honors bestowed on married women and the members of the *ordo* for their benefactions, the

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<sup>129</sup> "For the complete involvement of women in the struggles of the parties, for the domestic politics of aristocratic ladies, who worked with purely womanly means, but did not shrink from the highest aims of manly ambition, the best evidence is offered by women of the Servilian clan, especially Cato's elder half-sister" (Münzer 1920, 426–7).

communal decree of the matronal *coetus*, and the religious authority and capacity of priestesses and elite women. We must never forget that the safety of the *res publica* was thought to be dependent on the prayers of women.

Nor did political interventions primarily take the form of “die Bitte.” Elite women could also intervene through the reproach and dissuasion of powerful men, through benefactions that saved individuals, collectives, and the *res publica*, and through significant roles in elite family *consilia*.

The chaos of civil war certainly produced new possibilities for elite women and politics: Fulvia is a prime example. But she was not operating in a vacuum: many elite women preceded her. Indeed, she explicitly rejected their pre-existing structures and practices when she rebuffed Hortensia and the *ordo* in 42. We have Fulvia to thank for Hortensia’s oration, which itself reveals the proactive engagement of women in the *res publica* despite Hortensia’s reputed claims to the contrary.

Finally, I return to Livy’s Valerius and his response to Cato’s outrage at women engaging in the *res publica*. Addressing Cato, he demands to know what is novel about the female lobby against the *lex Oppia* in 195:

For what so novel thing have married women done by appearing in public as a crowd concerning a matter pertaining to them? Have they never appeared in public before? I will unroll your own *Origines* against you. Hear how often they have done it, and, in fact, always for the public good!<sup>130</sup>

Valerius then recounts the intercession of the Sabines, the intercession of women with Coriolanus, the benefactions of married women that saved Rome from the Gauls in 390, the widows’ benefactions to the *aerarium* in 214, and finally the matronal inaugural procession for Magna Mater in 204.<sup>131</sup> He defends the female lobby of 195 on the basis that “it is satisfactory to vindicate them if nothing novel has been done.”<sup>132</sup> His subsequent claim presages my own

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<sup>130</sup> Livy 34.5.7: *nam quid tandem novi matronae fecerunt, quod frequentes in causa ad se pertinente in publicum processerunt? nunquam ante hoc tempus in publico apparuerunt? tuas adversus te Origines revoluam. accipe quotiens id fecerint, et quidem semper bono publico.*

<sup>131</sup> Livy 34.5.8–10.

<sup>132</sup> Livy 34.5.11: *nihil novi factum purgare satis est.*

findings: “nobody was surprised at action they took in matters concerning everyone, men and women alike.”<sup>133</sup>

Female engagement in the *res publica* was neither the novelty of the last century BCE nor exceptional, for the interventions of women like Servilia or Terentia were manifestations of a long tradition of women seizing political initiative. *Rem publicam capessere* was more than possible for women in the *libera res publica*: it was customary.

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<sup>133</sup> Livy 34.5.12: *ceterum quod in rebus ad omnes pariter viros feminas pertinentibus fecisse eas nemo miratus est.*

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**Urgulania, Plancina, and Livia:  
Women's Initiative in Early Imperial Politics**

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**Abstract**

Since Tacitus, it has been commonly held that the principate gave new and unprecedented power to women, especially those close to the *princeps*. Robert Graves' highly popular Claudius novels reinforced this view. This paper, focusing on the early years of Tiberius' principate, argues that while women did enjoy initiative in the imperial era, the roots of this influence went back to the Republic. Livia was as much a "senatorial" as an "imperial" woman. She and her powerful female friends, including Urgulania and Plancina, drew on techniques that high-ranking women had previously used to defend their own interests as well as their families, especially during times of civil war. Urgulania and Plancina's appeals to Livia were highly traditional. Livia's own appeal to the Senate in the trial of Plancina in 20 CE also recalls earlier efforts by women to sway politics. The Senate's ultimate exoneration of Plancina and her family put a stop to efforts by the *plebs* to punish Germanicus' alleged murderers despite insufficient evidence. In the early principate, senatorial women built networks and acquired resources much as they had before. Collectively, they upheld their privileged station in society. While Tacitus' portrait of Livia is the most memorable, Cassius Dio praises Livia's interventions in politics and records the Senate's gratitude to her even after her death.

**Keywords**

Roman women, Livia, Urgulania, Munatia Plancina, Robert Graves, Tacitus, Cassius Dio, Servilia, Cn. Calpurnius Piso, Tiberius

When we think about the place of women in Roman politics, we quickly land on the topic of so-called "imperial women." And a hair's breadth after that, we are confronted by Tacitus. Tacitus seems to have been obsessed with the new opportunities offered by imperial government for the female abuse of power.<sup>1</sup> From Livia to Agrippina the Younger, out-of-control women embody the tyranny, lawlessness, and chaos of the early principate. *Cuncta feminae oboediebant* (*Ann.* 12.7.3) could practically be the motto for the *Annals* as a whole.

Yet if we look more closely, we find in the *Annals* numerous examples of women outside the imperial house taking the lead in politics in ways the historian seems to find more agreeable.

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<sup>1</sup> See, e.g., L'Hoir 1994; Joshel 1995; Ginsburg 2006.

A famous example occurs at the end of Book 3 with the death of Junia, wife of C. Cassius and sister of M. Brutus (*Ann.* 3.76).<sup>2</sup> Sixty-four years after Philippi, in a Rome where senators struggled to speak forthrightly, she could not have been clearer in her snub to Tiberius. While naming many fellow-aristocrats as heirs in her will, she pointedly passed over the *princeps*. Another example of initiative was shown by Pomponia Graecina (*Ann.* 13.32.2–3). After Messalina contrived the death of Pomponia’s friend Julia (the daughter of Drusus the Younger), Pomponia went into mourning and stayed in mourning for forty additional years.<sup>3</sup> This highly unconventional behavior publicized Julia’s death as well as Pomponia’s own loyalty to her friend. Tacitus’ historiography reflects the paradoxical ability of women quietly to voice opposition to *principes* and their associates as well as to assert their own values. It also raises the possibility that, for all that had changed between Republic and principate, there were continuities in the experience of high-ranking women – just, as Lewis Webb argues in this volume, as there were critical continuities between the middle Republic and the more turbulent age of civil wars.

In this paper, I explore the issue of continuity and even the very idea of an “imperial woman” by revisiting three of Tacitus’ most unsavory characters: Livia and her friends Urgulania and Plancina. My aim is not to rehabilitate their reputations, but rather to study how they showed political initiative in the early years of Tiberius’ principate. There is no doubt that Livia benefited from unprecedented influence, signaled most clearly by her title of Augusta. But all three, I shall argue, belonged to a broader group of senatorial women and drew on well-established traditions of high-ranking women working, often with one another, to defend their own interests as well as those of their families. Much about their behavior was quite traditional, and not some lurid development of monarchy. Indeed Livia, in particular, along with other women, worked to enhance the already privileged position enjoyed by senators and their families.

### 1. An Unpleasant Character?

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<sup>2</sup> For a full discussion of Junia and her funeral, see Webb 2017, 167–8.

<sup>3</sup> On Julia’s death in 43 CE, see esp. Cass. Dio 60.18.4. For the markers of women’s mourning – including dark clothes, lack of jewelry, and unkempt hair, see Olson 2007. Putting on mourning at unusual times or for an unusual span of time was a type of political statement women were well-suited to make, given their traditional prominence as mourners in funerals. Cicero’s wife and daughter, for example, put on mourning during his exile: Cic. *Fam.* 14.2.2 (SB 7), 14.3.2 (SB 9), *Red. pop.* 8, *Dom.* 59, with Treggiari 2007, 60.

I begin with a fresh look at a notorious senatorial woman, the unusually-named Urgulania. And I begin in particular with Robert Graves' depiction of her in *I, Claudius*. Through his influential novels, Graves has helped to entrench a view of women in the early Empire that is in many ways misleading.<sup>4</sup>

In Graves' fictional memoir, Claudius calls Urgulania "one of the most unpleasant characters in my story" (121).<sup>5</sup> She lived with Livia, Claudius tell us, and was appointed by Livia as "Mother Confessor" in the cult of the Bona Dea. Through this position she frightened Rome's women into revealing to her their worst indiscretions, while Livia secretly listened on behind a curtain. Benefiting from the information and influence she gained, Urgulania came to feel above the law. Graves draws attention to her malevolence through her witchlike appearance: "She was a dreadful old woman with a cleft chin and hair kept black with lamp-soot (the grey showing plainly at the roots), and she lived to a great age" (124).

The cruelest joke ever sprung on Claudius was arranged by Urgulania and Livia. The two old ladies betrothed Claudius to Urgulania's granddaughter, Urgulanilla. Playing on the girl's diminutive name, Graves imagines her as extraordinarily tall – a fittingly freakish partner for the slobbering Claudius. When the young couple met for the first time, Livia and Urgulania "burst into uncontrolled laughter" (126). It was "a hellish sobbing and screeching, like that of two old drunken prostitutes" (126). "Oh, you two beauties!" sobbed Livia at last, wiping her eyes, "What wouldn't I give to see you in bed together on your wedding night!" (126).

While Graves derives the basic facts about Claudius' marriage from Suetonius, Tacitus is the real inspiration. In Book 2 of the *Annals*, the historian includes a vivid vignette of Urgulania to comment on the growing lawlessness of the principate (*Ann.* 2.34). Urgulania evidently owed some money to Lucius Piso, who had become sharply critical of the state of justice at Rome and was threatening to withdraw from the city. Tiberius persuaded him to stay, and to show his independence, Piso now issued a summons to Urgulania, "whose friendship with Augusta had raised her above the law" (2.34.2). In response, Urgulania, instead of appearing in court, had herself taken to the house of Caesar.

Tiberius was caught: to let Urgulania off was to admit that she was indeed above the law, almost that there was no law. Yet to let her trial proceed threatened his mother's prestige and, so, his own. Tiberius finally decided to speak for Urgulania in court, but as he made his way

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<sup>4</sup> Helpful discussions of Graves' novels, and their influence, include Seymour-Smith 1995, 227–33; Joshel 2001; Wyke 2007, 354–63; several papers in Gibson 2015.

<sup>5</sup> Citations are to the first edition of the novel, Graves 1934a.

there, he caused such a spectacle that Livia ordered the money owed by Urgulania to be paid. Livia aborted what almost seemed to be the rebirth of a free politics.

Tacitus reinforces the point in an epilogue to the episode. When she was called to testify before the Senate, Urgulania again refused to appear. A praetor had to be sent to question her at home. So her *potentia*, Tacitus asserts, lay heavy on the state. As in Graves, Urgulania is a doublet for Livia. But for Tacitus, Urgulania is not so much cruel as lawless. While Calpurnius Piso symbolizes *libertas*, she and Livia enjoy a license that is the essence of the principate. Like a stereotypically bad woman, the principate acts wantonly, giddily rejecting tradition and threatening Rome.

Yet of course another perspective on Urgulania's appeal is possible: in time-honored fashion, one high-ranking woman was helping another. Women often relied on each other to achieve their goals. When, for example, the wife of Cicero's friend Sestius wished to get Sestius' provincial assignment modified, it was Cicero's wife Terentia she lobbied.<sup>6</sup> Or consider Aemilia Lepida, denounced in the year 20 CE by her former husband for having simulated a birth, as well as adultery, poisoning, and consultation of the Chaldean astrologers about Tiberius.<sup>7</sup> In her trial before the Senate, Aemilia was defended by her brother, M.' Lepidus (cos. 11 CE). But she also called on her network of female friends to defend herself. When games intervened during her trial, she went to the theater with distinguished female company (*claris feminis*) and invoked her ancestors, including Gnaeus Pompeius, builder of the theater. The crowd, which perhaps included organized supporters of Aemilia, was brought to pity and started taunting Quirinius. Aemilia used her connections to manipulate the public. To be sure, with the establishment of the principate, Livia's eminence far surpassed that of any other woman, and friendship with her was more powerful than with any other "distinguished woman." But there was nothing sinister or strange *per se* in senatorial women approaching each other, or her, for help. It was highly traditional.

Other sources can help us start to reach a more nuanced picture of Urgulania, and of gender and politics, than we get from Tacitus. A first point to note concerns nomenclature. It was not just Claudius' wife Plautia Urgulanilla whose name paid tribute to her grandmother. On the well-traveled Via Tiburtina leading out of Rome stands to this day the impressive tomb

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<sup>6</sup> Cic. *Fam.* 5.6.1 (SB 163). For the general pattern, in the late Republic, see, e.g., Dixon 1983; Osgood 2014, 38–9; Treggiari 2019, 259–60.

<sup>7</sup> Tac. *Ann.* 3.22–3 (main source for what follows); Suet. *Tib.* 49.1.



of the Plautii, very likely built by Marcus Plautius Silvanus, *consul ordinarius* of 2 BCE.<sup>8</sup> Buried there was a son of Marcus, Aulus Plautius Urgulanius, who lived just nine years. His name shows, even more clearly than Urgulanilla's, the power and prestige Urgulania had come to wield.

There can be little doubt that it was Urgulania who used her friendship with Livia to help Marcus Plautius Silvanus achieve the extraordinary honor of a consulship shared with Augustus in 2 BCE.<sup>9</sup> She likewise must have helped to lobby for his subsequent recognition, for example the receipt of *ornamenta triumphalia* for the Bellum Illyricum of 6–8 CE.<sup>10</sup>

The marriage of young Urgulanilla to Claudius in the year 10 CE or so proves the high profile of Urgulania's family around this time.<sup>11</sup> Claudius' first engagement to Aemilia Lepida had to be broken off in 8 CE, and perhaps the following year his new fiancée, Livia Medullina Camilla, died on the day she was to marry Claudius.<sup>12</sup> However much Graves embroidered, he must be right to see Livia and Urgulania contriving the new match, which formally allied the *domus Augusta* with an ascendant family.

Suetonius in his biography of Claudius includes quotations from a letter of Augustus to Livia written shortly after the marriage (*Claud.* 4.1–4).<sup>13</sup> It obliquely sheds more light on Urgulania, and it also shows us Livia in action. We here get a different picture of women's initiative in politics than we do from Tacitus. The background is as follows: Livia wrote Augustus to start a discussion on what should be done about Claudius as the Games of Mars of 12 CE approached. Claudius was now in his early twenties, and shunting him from public view was increasingly difficult.

Augustus' letter begins: "I have spoken with Tiberius because you, my dear Livia, have asked me what we must do with your grandson Tiberius at the Games of Mars. We both agree that we must settle once and for all what course to follow in his case." Not only it is clear that Livia has taken the initiative; we can suspect she was advocating on behalf of Claudius. Suetonius earlier claims that Livia always treated Claudius with contempt (*Claud.* 3.2). But he was now married to the granddaughter of one of her best friends.

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<sup>8</sup> The classic study of the Plautii Silvani, to which I am much indebted in this part of my paper, is Taylor 1956. The relevant epitaphs from the tomb can be found at ILS 921.

<sup>9</sup> See, e.g., Syme 1939, 385, 422; Taylor 1956, 27.

<sup>10</sup> *Ornamenta*: ILS 921; cf. the critique of Velleius 2.112.4–5.

<sup>11</sup> Suet. *Claud.* 26.2 (the dating suggested by *Claud.* 4.3, a letter from Augustus to Livia discussed further below).

<sup>12</sup> Suet. *Claud.* 26.1.

<sup>13</sup> See the helpful commentary by Hurley 2001, on which I draw in my discussion.

Further on the in the letter, Augustus writes (4.3):

But as to the matters of the moment about which you seek my opinion, (1) it is acceptable (*non displicet*) for him to preside over the priests' table at the Games of Mars – provided he allows himself to be monitored by Silvanus' son, who is related to him by marriage; Silvanus will keep him from doing anything that will be noticed and subject to laughter. (2) It is not acceptable (*non placet*) for us for him to watch the Circus Games from the *pulvinar*, for he will be conspicuous and in plain sight in the very front of the spectator seats. (3) It is not acceptable (*non placet*) to us for him to go to the Alban Mount or to remain in Rome during the Latin festival.<sup>14</sup>

The structure of the passage *non displicet nobis ... non placet nobis ... non placet nobis* shows that Livia had sent Augustus and Tiberius three specific proposals to enhance Claudius' public profile – and, by extension, Urgulanilla's. In particular, if Claudius could watch games from the *pulvinar*, his wife could join him here. One cannot help but notice that the first proposal also envisions an important role for Urgulania's grandson, Plautius Silvanus: he will preside over the priests' table at the Game of Mars. We are a long way from the Robert Graves scene where we started. Far from mocking the newly-weds, the two grandmothers, Livia and Urgulania, were trying to *help* them. We would expect Roman grandmothers of the senatorial class to do this: marriage was often part of how a senator launched his political career.<sup>15</sup> The success of this particular union had real implications for Urgulania's family and for the *domus Augusta*, making it especially political.

We are also a long way from Tacitus. Yes, we see Livia initiating a domestic discussion that is also political. And the ending of Augustus' letter suggests that she will make the final decision and should consult with Antonia if she wishes (*Claud.* 4.4). Women were key players in the negotiation. But it was orderly. Livia sent clear proposals to Augustus and Tiberius; they sent her a clear response. The whole process was disciplined, and quite similar to the *consilia* senatorial families, including women, had held long before the principate.<sup>16</sup>

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<sup>14</sup> The parenthetic numbers are, of course, my own.

<sup>15</sup> See, e.g., Treggiari 2019, 76, 129–30, 152.

<sup>16</sup> The classic example of a woman running a *consilium* is Servilia, mother of Brutus: *Cic. Att.* 15.11 (SB 389), *Brut.* 1.18.1–2 (SB 24), with discussions by Osgood 2014, 47–52; Flower 2018; Treggiari 2019, 188–96, 209–10; Webb in this volume.

Turning back from the document to Tacitus, we can see that Urgulania's appeal to Livia for help in her struggle against Piso need not have been some hideous and novel oppression. It was a move in a game of politics, made by one experienced player in response to another.

We might similarly reinterpret Urgulania's final appearance in Tacitus (*Ann.* 4.22). In 24 CE, her grandson Plautius Silvanus, holding the praetorship that year, threw his wife Apronia out a window and killed her. Apronius dragged Silvanus before Tiberius, Tiberius rushed to Silvanus' house and found clear evidence of the crime, and the *princeps* referred the matter to the Senate. Punishment was about to be given when Urgulania sent her grandson a dagger. It was presumed to be a signal from the palace, and Silvanus had his slaves kill him. So Tacitus.

This was a real reversal for the Plautii and Urgulania. The marriage connection to the highly powerful Apronius, a friend of Sejanus, had ended in catastrophe.<sup>17</sup> Moreover, perhaps right around this time, Claudius divorced Urgulanilla and, when a child was born to her five months afterwards, he ordered that the infant be cast naked at her door and disowned.<sup>18</sup> This was another setback. But we should emphasize that still in 24 CE, Urgulania, probably in her mid-80s, remained the head of her family, adroit as ever. Her message to her patently guilty grandson surely was intended, at least in part, to save his estate for his heirs.<sup>19</sup> She was still a force in politics.

## 2. The Greatest Generation

Looking at the larger group of senatorial women, we can say that Urgulania was typical in defending her own and her family's interests. This was what power was for, and if it involved using personal relationships to affect the political process, that was no problem. Urgulania, who must have been born around 60 BCE, had lived through the civil wars and had been able to learn this from an extraordinary older generation of Roman women.<sup>20</sup>

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<sup>17</sup> The relationship between Apronius and Sejanus is suggested by Tac. *Ann.* 6.30.3; Cass. Dio 58.19.1.

<sup>18</sup> Suet. *Claud.* 26.2, 27.1.

<sup>19</sup> For the convention that those who took their own lives before condemnation saved their property from confiscation, see Tac. *Ann.* 6.29.1; Cass. Dio 58.15.1. For further references and discussion, see Griffin 1997, 262–3.

<sup>20</sup> In a path-breaking article, Brennan 2012 argues for a particularly influential generation of high-ranking Roman women, including Terentia, Fulvia, and Servilia, active in the 60s and 50s BCE and then the civil wars that followed. This is my “greatest generation.” I developed Brennan's idea in Osgood 2014, also suggesting that a younger generation came on the scene in the 40s, including Livia, Octavia, Porcia, Hortensia, and others. Also relevant on this younger – one might say “triumviral” generation – are Cluett 1998; Sumi 2004; Welch 2011; Treggiari 2019, 266–76. In this volume, Webb usefully shows that women's interventions in politics long predated

We are talking about Servilia, for instance, the lover of Julius Caesar.<sup>21</sup> Servilia was not above benefiting financially from that relationship, picking up real estate at bargain prices when Pompey's estates were liquidated in the 40s.<sup>22</sup> Earlier, there was the notorious gift of a pearl from Caesar.<sup>23</sup> With her wealth and connections, Servilia fiercely defended her family. Her relationship with Caesar helped to protect her son Brutus when he fought against Caesar, and earlier.<sup>24</sup> After the Ides, she supported Brutus' position in Rome, networked with politicians on his behalf, and negotiated in his absence, probably helping to stage games for him.<sup>25</sup> Getting a senate decree altered was all in a day's work for her.<sup>26</sup> After her son-in-law Lepidus was declared a public enemy in 43, through her influence Cicero pleaded in the Senate on her young grandchildren's behalf.<sup>27</sup>

Julia, the mother of Mark Antony, was equally accomplished.<sup>28</sup> When her husband was executed by Cicero in December of 63, we are told, she paid a visit to Terentia to get help in having him buried.<sup>29</sup> Approaching another woman was conventional, as we have already seen. But when her brother was proscribed by the triumvirs, twenty years later, she burst into the Forum and stormed up to one of them, her son, and proclaimed (*App. B Civ.* 4.37):

*Imperator*, I inform you that I have taken Lucius into my house, still have him there, and will have him there, until you kill both of us together, since it has been decreed that the same penalties apply to those who have taken in the proscribed.

She used her house not just to shelter her brother but to show that her own *pietas* transcended the law; Antony yielded, and Julia's brother was saved.<sup>30</sup> At the start of the very same year,

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these two generations, even if (as I believe) civil unrest provided increased grounds and opportunities for political involvement.

<sup>21</sup> Osgood 2014, 47–52 gives a brief sketch of my views. But the indispensable study of her, and her whole world, is now Treggiari 2019. Münzer 1999, 308–44 was the pioneering treatment, still worth reading.

<sup>22</sup> Suet. *Iul.* 50.2; Macrob. *Sat.* 2.2.5; cf. Cic. *Att.* 14.21.3 (SB 375); Treggiari 2019, 109–10, 164.

<sup>23</sup> Suet. *Iul.* 50.2; Treggiari 2019, 109–10, 121–2.

<sup>24</sup> Plut. *Brut.* 5.1; Cic. *Att.* 2.24.3 (SB 44); Treggiari 2019, 166.

<sup>25</sup> See, e.g., Cic. *Att.* 15.6.4 (SB 386), *Att.* 15.11 (SB 389); full discussion in Treggiari 2019, 187–210.

<sup>26</sup> Cic. *Att.* 15.11.2 (SB 389), 15.12.1 (SB 390).

<sup>27</sup> Cic. *Ad Brut.* 1.18.6 (SB 24); Treggiari 2019, 205–7.

<sup>28</sup> Osgood 2014, 56–8 gives a brief sketch.

<sup>29</sup> Plut. *Ant.* 2.1–2.

<sup>30</sup> See also Plut. *Ant.* 20.3; Cass. Dio 47.8.5.

when Antony was away from Rome and the Senate was about to turn on him, Julia spent the night going round to senators' houses with Antony's wife Fulvia and the couple's young son.<sup>31</sup> At sunrise the next day, the women put on mourning, fell at the feet of the senators as they made their way to the senate-house, and stood outside its doors crying. The move to declare war on Antony failed and an embassy was sent instead.

Civil war drove women like Servilia and Julia to pressure the Senate, even to break the law. In doing so, they were able to draw on long-established practices, including collective action by the *matronae*. While in some ways the women's behavior was atypical – it was not every day that high-ranking women fell on their knees to beg senators in the streets – it could be still considered matronly and is presented positively in later historical accounts. The generation after Servilia's – Urgulania's generation – took inspiration from their elders and also intervened in politics. During the proscriptions, Octavia helped a woman named Tanusia save her husband by staging a sort of demonstration in a theater – even though it was forbidden to aid the proscribed.<sup>32</sup> The (now anonymous) subject of the so-called *Laudatio Turiae*, who very likely came from a far less distinguished, though still wealthy, family, made an intervention at Lepidus' tribunal to restore her proscribed husband.<sup>33</sup> And to return to Octavia, later in the 30s, when her husband's quarrel with her brother reached the point of war and she was ordered by Antony to leave his house, Octavia made sure to do so in visible distress, and took all of his children with her, perhaps with an eye to reconciliation.<sup>34</sup> She was protecting them – and burnishing her own reputation.

The most notable initiative of women in the civil wars was the protest they staged in the Forum in early 42 BCE.<sup>35</sup> The triumvirs had posted a list of 1400 women, whose property would be valued and from whom a contribution to "war expenses" would be assessed. Hortensia, daughter of the great orator, delivered a speech on the women's behalf, a purported copy of which circulated generations later.<sup>36</sup> The episode itself was important, but the fact of its lingering memory even more significant.

As rendered by Appian, Hortensia's speech serves almost as a foundation story for the place of wealthy women in the *novus status* of the principate. Three points are emphasized.

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<sup>31</sup> For this and what follows, see App. *B Civ.* 3.51, 3.61.

<sup>32</sup> Cass. Dio 47.7.4–5; cf. App. *B Civ.* 4.44.

<sup>33</sup> See Osgood 2014, 45–64.

<sup>34</sup> Plut. *Ant.* 54.1–2, 57.3.

<sup>35</sup> See esp. App. *B Civ.* 4.32–4; Val. Max. 8.3.3; Osgood 2006, 86; Osgood 2014, 56–8; Hopwood 2015.

<sup>36</sup> Quint. *Inst.* 1.1.6.

First, women control their own wealth: their land, country properties, townhouses, and dowries. They should not be subject to fixed evaluations, the fear of informers and accusers, or force and violence. Second, property is essential to women because it allows them to proclaim their status; to take it away threatens their ability to live in an upright way. Third, women should be allowed to intervene in politics when their interests are at stake, and the proper way to do this is through the women's network. Appian's Hortensia states: "As befitted women of our rank who wished to make an appeal to you, we had recourse to your womenfolk; but having been treated, by Fulvia, as did not befit us, we have been forced by her into the Forum" (App. *B Civ.* 4.32). Normally women did not have to enter the Forum, but their views could, and should, be represented there.

In the early principate, the role of Livia as well as the other so-called imperial women was to represent powerful women's interests to the *princeps* and – via the *princeps* or other senators – to the Senate, as well as to symbolize the place of women in the political community.<sup>37</sup> On special occasions, Livia hosted public banquets to which women were invited.<sup>38</sup> Livia hosted women in her house, and provided access to the nascent court where so many important decisions were made and key magistracies and administrative posts decided upon.<sup>39</sup> Livia's access to Augustus, Tiberius, and others made her powerful in her own right; she was the conduit for women's concerns, and she could intervene with men or act on matters herself.

We have already seen how Urgulania promoted her interests via Livia. We can add others: Mutilia Prisca, wife of the consul of 32 CE who advanced with Livia's support; Marcia, who obtained a priesthood for her son probably with Livia's help; and Munatia Plancina, to whose story we now turn to see additional evidence of how a woman could take the lead.<sup>40</sup>

### 3. Plancina's Greater Influence

With the discovery of the *Senatus consultum de Pisone patre* there has been new scrutiny on Plancina's role in the murder of Germanicus and her acquittal by the Senate in 20 CE after an

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<sup>37</sup> Purcell 1986 remains the fundamental discussion; see also Welch 2011; Osgood 2014, 71–5, 131–4.

<sup>38</sup> Cass. Dio 55.2.4, 55.8.2; cf. 49.15.1, 49.18.5.

<sup>39</sup> Cass. Dio 57.12.5. For Livia as a friend and patron of women (and men), see Barrett 2002, 186–214; also further below.

<sup>40</sup> Mutilia Prisca: Tac. *Ann.* 4.12.4, 5.2.2; Cass. Dio 58.4.5–7. Marcia: Sen. *Cons. Marc.* 4.1, 24.3.

intervention by Livia.<sup>41</sup> We shall return to the account of this intervention offered by the *senatus consultum* later for the light it sheds on Livia's position in the state, but for now let us mostly consider how Tacitus, our main source, depicts Plancina operating.

Two major episodes of Plancina's life are documented. The first is her time touring the East with Piso after his appointment as governor of Syria in 19 CE.<sup>42</sup> Tacitus takes pains to emphasize that while the two collaborated to make the most of this opportunity, Plancina brought to the partnership her own authority and used it (*Ann.* 2.43.3–4). She had a distinguished lineage: she was the granddaughter, or perhaps daughter, of the great L. Munatius Plancus (cos. 42 BCE).<sup>43</sup> She also had her own wealth. Both gave her status. And so, according to Tacitus, when she and Piso reached Syria, he started to win the troops over by relaxing discipline, while she played her part by participating in military exercises and hurling insults at Agrippina and Germanicus (*Ann.* 2.55.6). Later, after Germanicus' death, she contributed her own slaves to the forces Piso assembled to reenter Syria (*Ann.* 2.80.1).

Piso and Plancina had their own agenda in the East, even if it was not to murder Germanicus, as some in Rome came to suspect. Like other senatorial couples, they were there to accumulate new connections and new financial resources. Passing through Athens on his way to Syria, Piso tried to secure the release of a man named Theophilus, condemned for forgery by the Areopagus (2.55.2). Piso was unsuccessful, but the effort shows how a senator expected to get personal business accomplished during his governorship. The principate did not mean that Augustus or his heirs controlled all patronage.

Indeed, Piso and Plancina had set their sights on a far bigger prize than the gratitude of Theophilus. A key part of Germanicus' mission was to install a new king on the throne of Armenia. The previous king, Vonones, had been expelled and was living in Syria. He was enormously wealthy and brought his fortune with him when he fled to Syria, where he plotted to recover his kingdom. According to Tacitus, Vonones used some of his wealth to bribe Plancina (*Ann.* 2.58.2). But when the king of the Parthians sent envoys to Germanicus asking

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<sup>41</sup> Eck, Caballos, and Fernández 1996. I have drawn on their commentary in what follows, as well as Woodman and Martin 1996; Griffin 1997; Barnes 1998; Flower 1998; Eck 2002; Mackay 2003; Yakobson 2003; Drogula 2015 (an insightful article, although I doubt the main argument, that Germanicus was sent to watch Piso, whom Tiberius was trying to cultivate but did not entirely accept). Translations are taken from Cooley 2011, 312–22.

<sup>42</sup> What follows is based on Tac. *Ann.* 2.43, 2.53–8, 2.68–81.

<sup>43</sup> Eck, Caballos, and Fernández 1996, 87–8; Watkins 2019, 182. To judge by the consulship of her son, L. Calpurnius Piso, in 27 CE, he must have been born around 7 BCE, and so Plancina's birth might be assigned around 23 BCE.

to reestablish friendly relations with Rome, the Parthian also demanded that Vonones be removed from Syria, and Germanicus agreed. Vonones was moved to Cilicia. According to Tacitus, this was not just to please the Parthian king but to snub Piso (*Ann.* 2.58.2). Piso was inclined to favor Vonones because of the “duties and gifts” Vonones had offered Plancina.

Tacitus’ account implies that while it was Vonones who took the initiative in approaching Piso and Plancina for their help, both were receptive. One might even guess that Piso’s refusal in answering Germanicus’ summons for troops in Armenia (*Ann.* 2.57.1) arose from the couple’s eagerness to support Vonones in some way. It is fascinating to note here that Robert Graves, in *I, Claudius*, imagined that Piso was indeed hoping to win a fortune from Vonones by restoring him to the throne of Armenia (290). Graves spun this scenario by a careful, and creative, reading of Tacitus. We can now read in the *senatus consultum* that in 20 CE the Senate had reached this very conclusion (lines 37–45). Piso, the Senate alleged, had been unwilling for Vonones to be moved and had allowed certain Armenians to meet with Vonones with an eye to fomenting trouble there, removing the current king of Armenia, and restoring Vonones. All of this Piso did in exchange for “large bribes from Vonones.”

A full discussion of this whole affair is beyond the scope of this paper. But we should note that there are problems in accepting the *senatus consultum* at face value, since its authors were determined to depict Piso in the worst light possible and were probably guilty of exaggerating Piso’s plans for Vonones.<sup>44</sup> But it does seem entirely plausible that conflict over Vonones was a factor in the breakdown of relations between Piso and Plancina, on the one hand, and Germanicus and Agrippina, on the other. More significant here, however, is how much Tacitus, unlike the *senatus consultum*, implicates Plancina in these events. This is in keeping with his view that the principate empowered dangerous women. In the *Annals*, Plancina functions rather as Urgulania does.<sup>45</sup> A close friend of Livia, she works with Livia behind the scenes, to the detriment of the *res publica*. The two women conspire to destroy Germanicus, secretly conversing with one another before Plancina set out from Rome. In Syria itself, Plancina secretly poisons Germanicus, apparently relying on the services of one Martina.

Of course it is hard to say what really was going on in the East. But, reading against the grain of Tacitus, we might just be able to make out the very different perspective Plancina had had on these events. For Plancina, a tour of the provinces as wife of the governor of Syria

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<sup>44</sup> For this general bias, see, e.g., Eck, Caballos, and Fernández 1996, 145–9; Eck 2002. And for some problems with the account of Piso’s relations with Germanicus, see Eck, Caballos, and Fernández 1996, 162–6.

<sup>45</sup> The key passages are Tac. *Ann.* 2.43.4, 2.71.1–2, 2.74.2, 3.10.2, 3.15.1, 3.17.2.



offered opportunities, not simply to advance her husband's career but to build her own networks and wealth. Once again, friendship with Livia need not have meant some hideously new oppression of fellow Romans but powerful support for Plancina's own initiatives.

The second major episode of Plancina's life was her return to Rome and trial before the Senate in 20 CE.<sup>46</sup> Here we see Plancina taking the initiative in a far more spectacular way. According to Tacitus, it was already Germanicus on his deathbed who accused her along with Piso of murder (*Ann.* 2.71.1–2). Back in Rome, she must have been formally accused of this as well as helping to foment civil war after Germanicus' death. At first, she was ready to share Piso's fate, whatever it was. "But," writes Tacitus, "when by Augusta's secret pleas she obtained pardon, she began gradually to separate herself from her husband and to detach her defense" (*Ann.* 3.15.2). Piso saw this meant his doom. Not only was Plancina going to save herself; her lack of support helped to finish him off. The official story was that he killed himself, although Tacitus cannot help reporting a story that he was murdered (*Ann.* 3.16.1).

As with events in the East, we cannot be entirely sure what transpired between Piso and Plancina in the events leading up to his death. Some of Tacitus' narrative may rest on suppositions made after the trial's outcome was clear. What does seem clear is that, after Piso's death, for two days the Senate discussed the fate of Plancina and Piso's son, and Tiberius spoke on behalf of both of them (*Ann.* 3.17.1–2). He told the senators that his mother had interceded for Plancina. The *senatus consultum* now confirms this: Tiberius "pleaded for Plancina at the request of Augusta and had very just reasons presented to him by her for wanting to secure her request" (lines 113–5). We also learn from the *senatus consultum* that Plancina very likely spoke on her own behalf: "she was now admitting that she placed all her hope in the mercy of our *princeps* and the Senate" (lines 110–1).

Clearly the support of Tiberius and Livia was paramount. But Plancina's appeal to the Senate is significant. She was acknowledging the Senate's power. Already at the time that news of Germanicus' illness had reached Rome, the *plebs*, suspicious of Tiberius and Livia, had stoned the temples of the city in anger.<sup>47</sup> During Piso's trial, members of the *plebs* stood in front of the senate house and – when it appeared that there was insufficient evidence to convict Piso of poisoning – they cried out that if Piso was acquitted, they would take matters into their own

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<sup>46</sup> What follows is based on Tac. *Ann.* 3.1–19 and the *Senatus consultum de Pisone patre*, especially 5–11 and 109–20.

<sup>47</sup> *Ann.* 2.82; Suet. *Calig.* 5–6; note also *Ann.* 3.2.3, 3.4.1, 3.10.2, 3.11.2.

hands.<sup>48</sup> Statues of Piso were even dragged to the Gemonian Steps to be smashed to pieces. But after Piso had paid the price for whatever crimes he committed by losing his own life, everything changed, literally overnight. The Senate as well as Tiberius could start to regain control of the situation. Plancina was reminding senators of that. So, too, was Livia.

#### 4. Livia's Great Favors

As much as any honors she received, Livia's intervention on behalf of Plancina shows her unique role. The Senate did not attempt to exonerate Plancina of her crimes. Rather, Livia's request, conveyed to them by Tiberius, was in itself sufficient – just as Tiberius' was for Piso's son Marcus.<sup>49</sup> When the consul Aurelius Cotta was asked by Tiberius to speak first after the trial concluded, for Plancina Cotta recommended immunity, “on account of the pleas of Augusta.”<sup>50</sup>

At the time, senators might not have found this quite so outrageous as Tacitus seems to. For one thing, as is suggested by all of the honors Livia received from the Senate throughout her life and posthumously, senators could feel indebted to Livia and so willing to do a favor for her. It was not just women who received benefits from Livia. Men did too. We have reports of this in later literary sources, especially Suetonius. The future emperor Galba enjoyed Livia's favor and as a result gained influence during her lifetime and a large bequest from her estate.<sup>51</sup> Otho's grandfather entered the Senate through the influence of Livia.<sup>52</sup> We also see acknowledgment of her role in contemporary sources. Ovid in exile exhorted his wife to plead his case with Livia.<sup>53</sup>

In the *senatus consultum*, the Senate decreed that Plancina should be spared because of the pleas of Tiberius and Livia. But the Senators went further than that, noting that Livia had served the *res publica* by giving birth to the *princeps* and also had bestowed “many great favors towards men of every rank” (lines 116–7). Moreover, Livia “rightly and deservedly could have

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<sup>48</sup> *Ann.* 3.14.4 (source of next sentence too). Note also that according to the *Senatus consultum de Pisone patre*, the *plebs* “with its unrestrained enthusiasm roused itself to the point of carrying out the punishment of Gnaeus Piso senior” (156–8). For a good discussion of the power of the *plebs* in Roman politics in the early principate, see Rowe 2002, 85–101.

<sup>49</sup> See *Senatus consultum de Pisone patre* 111–5.

<sup>50</sup> *Tac. Ann.* 3.17.4.

<sup>51</sup> *Galb.* 5.2.

<sup>52</sup> *Otho* 1.1.

<sup>53</sup> *Ov. Pont.* 3.1.114–8; cf. 3.1.139–45.

supreme influence in what she asked from the senate, but ... used that influence sparingly” (lines 117–8). Livia’s interventions in politics were not something to be ashamed of, not something to be swept out of sight. Rather, they were a cause for celebration and grounds to grant this particular request.

By suggesting that Plancina be spared, Livia was helping a friend. She did not appear in the Senate, but she was also not acting behind the scenes – as we might have inferred from Tacitus. Moreover, she, along with Tiberius, was giving the Senate a way to conclude the trial. In a sense, the Senate was spared the responsibility of deciding on the guilt of Plancina and of Piso’s son. We can make a comparison here with the trial in 17 CE of Appuleia Varilla, Augustus’ great-niece.<sup>54</sup> She was accused of adultery and also treason. Allegedly, she had mocked Divine Augustus, Tiberius, and Livia in conversations. Tiberius told the Senate that he did not wish Appuleia’s comments against him to incur trial. When asked by the presiding consul about the comments against Livia, he had no response. But at the next Senate meeting, he pleaded on Livia’s behalf that aspersions against her also should not be deemed a criminal offense. Execution was the punishment for treason, and Livia was not going to send a woman to her death.<sup>55</sup>

Now of course one could regard the whole acquittal of Plancina cynically, as Tacitus does. Senators, one might think, had no real choice but to yield to Livia and her son. And whatever compliments they paid her really were just to make the best of an awkward situation. Without a doubt there is some truth to this view. But we can also read the decree as the Senate, with the backing of Livia and Tiberius, standing up for its own people – especially now that Piso had paid for his misdeeds (or mistakes).<sup>56</sup> Plancina was not to be dragged down with her husband; her own estate was not to be confiscated. The sons of Piso were to keep their estates too.<sup>57</sup> Young Calpurnia – probably the deceased Piso’s granddaughter – was to receive a dowry of 1 million sesterces and an additional four million sesterces as her *peculium*.<sup>58</sup> Tiberius, Livia, and the Senate, at least officially, were in solidarity against the braying crowds outside the

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<sup>54</sup> What follows is based on Tac. *Ann.* 2.50.

<sup>55</sup> For execution as the punishment of treason: Garnsey 1970, 105–11.

<sup>56</sup> While for the people of Rome, the heart of the trial was Germanicus’ murder, for senators, key and very sensitive questions were the limits of a legate’s authority and the liability of family who traveled with a governor; cf. Havener in this volume.

<sup>57</sup> *Senatus consultum de Pisone patre* 90–104, with Eck, Caballos, and Fernández 1996, 211–8.

<sup>58</sup> *Senatus consultum de Pisone patre* 104–5, with Eck, Caballos, and Fernández 1996, 218–22; on Calpurnia’s identity, see Eck, Caballos, and Fernández 1996, 83–7.

*curia*. The *plebs* were not to exact any more revenge. Plancina and Piso's children were spared. Livia was defended too. She had shown "many great favors to men of every rank": that was a pointed reminder to the mob!

We need not insist that there was total unanimity in the Senate. Doubtless some disliked Plancina and fumed about her helping Piso in his "invasion" of Syria after Germanicus' death. But some senators might have wondered if the return of the governor of Syria to his province really was an invasion.<sup>59</sup> Senators and their wives might also reasonably conclude that the charges of poisoning and witchcraft were out of hand, with little or no evidence to back them up: recall, it was exactly when it became clear there was *not* sufficient evidence that the *plebs* went wild. Senatorial women and men alike could heave a sigh of relief in seeing their peers' fortunes protected. As the speech of Hortensia maintained, women should not have to fear informers or accusers, women needed property to proclaim their status, and women could intervene in politics through the women's network.

Early in his principate, Tiberius won credit for his generosity to Romans of high rank. When the wealthy but intestate Aemilia Musa died in 17 CE, Tacitus writes, her estate should have gone to the *fiscus*, but Tiberius insisted that it go to Aemilius Lepidus instead (*Ann.* 2.48). On another occasion Tiberius offered 1 million HS to the daughter of Fonteius Agrippa when she was passed over in favor of another candidate to become a Vestal virgin (*Ann.* 2.86). Tiberius' generosity, noted by Dio (57.10) as well as Tacitus, was in keeping with the practice of Augustus – and Livia.<sup>60</sup>

Early in life Livia had been a political refugee; she knew what it meant to have nothing.<sup>61</sup> At her lowest moment, her infant son had had to rely on the kindness of Sextus Pompeius' sister in Sicily; female solidarity once again.<sup>62</sup> Like other senatorial women, Livia felt property rights should be defended, and that the worthy who were in need deserved help. It is highly significant that while plenty of attacks against Livia are extant, rapacity – the vice of later imperial women such as Messallina and Agrippina the Younger – is never mentioned.

The Tacitean narrative of Livia has dominated the modern imagination and, as we have suggested, grew more influential still, at least among anglophone scholars, thanks to Robert Graves. But other accounts existed in antiquity that praised her interventions in politics.

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<sup>59</sup> Cf. Eck 2002, offering a more nuanced view of Piso's actions.

<sup>60</sup> But note Tac. *Ann.* 2.27–8 for Tiberius' disinclination to help the impoverished Hortulus.

<sup>61</sup> See, e.g., Barrett 2002, 3–27; Osgood 2006, 172–3, 231–2; Welch 2011, 309–14.

<sup>62</sup> Vell. Pat. 2.75; Suet. *Tib.* 4.2–3, 6.3; Cass. Dio 48.15.3.

Consider Cassius Dio. Certainly Dio has his share of gossip. We get Livia's scandalous marriage: Tiberius Nero gave her away just as a father would (48.44). Dio has stories of the lengths Livia would go to in order to keep Augustus happy: the secret of her marriage, she said, in almost Ovidian vein, was that she pretended to ignore his love affairs (58.2.5). Dio includes allegations about Livia's poisoning too, but they are just that, allegations.<sup>63</sup> In Dio's narrative, Livia is not vexatious to the state, nor to senators.

And it is Dio who records most of her honors, including those following her death.<sup>64</sup> Going beyond Tiberius' fairly moderate recommendations, the Senate decreed that Livia should be mourned a whole year by women. And an arch should be built in her honor, "because she had saved the lives of a number of them, had reared the children of many, and had helped many to pay their daughters' dowries, in consequence of all of which some were calling her Mother of the Country" (58.2.3).

An arch was unprecedented for a woman, as Dio notes.<sup>65</sup> Similarly novel was the title *mater patriae*, which invested her position in the state with all of the authority and honor of a Roman mother. And yet, we are not so far from earlier traditions; women had long been recognized for their *beneficia* to the community, as Webb discusses in this volume. Recall that in his defense of Sextus Roscius in 80 BCE, the first named defender of his client Cicero invokes is Caecilia Metella, "the sister of Nepos, and the daughter of Baliaricus, whose name I mention with the greatest respect" (*Rosc. Am.* 27). It was Caecilia who received Roscius into her house, "destitute as he was, thrown out of his house and driven from his property, and seeking to escape the threats and weapons of thieves: when everyone else had given him up for lost, she came to the help of a friend in trouble"; it was she who insisted that Roscius have a trial (*Rosc. Am.* 27). Obviously the politics of 80 BCE were complex, and there could have been reasons for Cicero to play up Caecilia's role. My point is that the way Cicero speaks of Caecilia in the Forum is not so different from the Senate's language concerning Livia. In both instances women were able to take initiative, and in both instances we are dealing with something more than influence behind the scenes.

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<sup>63</sup> See esp. Cass. Dio 56.30.1–2. But as Allen 2020 argues, the context for this particular passage is Dio's interest in gossip, raised in Livia's own advice to Augustus on how to deal with the conspiracy of Cn. Cornelius Cinna (e.g., 55.14.5, 55.18.5–6). Note also Cass. Dio 53.33.4, 55.10a.10.

<sup>64</sup> For the posthumous honors, see Cass. Dio 58.2. For earlier honors: 49.15.1, 49.38.1, 55.2.5, 56.32.1, 56.46, 57.12.4–5.

<sup>65</sup> Although the arch voted to Germanicus in 19 CE included statues of Germanicus' mother, sister, wife, and daughters. For a helpful discussion of Livia's arch, see Flory 1996, 299–301.

Sadly, the arch for Livia was never built. Tiberius offered to pay for it, but then neglected the project (Cass. Dio 58.2.6). Tacitus adds the information that already in his letter to the Senate about honors for her, Tiberius berated her womanly friendships (*Ann.* 5.2.1–2). Tiberius had been growing distant from his mother, and even before her death, her influence had waned, while that of Sejanus started to grow. Sejanus replaced Livia as Rome’s premier patron after the *princeps* himself.

But her death itself was a turning point, as even Tacitus acknowledges: “thenceforward it was sheer, oppressive despotism; with Augusta safe and sound, there had still been a refuge” (*Ann.* 5.3.1). In *Claudius the God*, Graves’ sequel to *I, Claudius*, we find a begrudging acknowledgment of Livia.<sup>66</sup> After he became *princeps*, Claudius confesses to his wife that even though he disliked Livia, he had come to have more respect for her: “She surely had a wonderfully methodical mind” (113). Of course Graves undercuts even this somewhat muted praise by then having Messallina “smilingly offer ... to play the part of Livia” if Claudius would undertake that of Augustus (113).

But the principate did work better, especially for senators and their close female relations, when Livia was involved with it. She was the living link to earlier generations of women who had skillfully defended their own and their familial interests. In doing so, women were competing individually for prestige, and they could bruise one another in competition. But they were also upholding and enhancing their preeminent rank as a group. The advent of the *princeps* changed many of the rules of Roman politics, yet as the examples of Plancina, Urgulania, and others show, women still found ways to intervene to protect their privileged position, as well as the privileged position of the senatorial order as a whole.<sup>67</sup> Their actions may not always look just to us, and a cynic like Tacitus could criticize them selectively to help prop up his indictment of the principate, but Romans of high rank generally felt they deserved special treatment. To get it, they were willing to take the lead – even women.

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<sup>66</sup> Citations are to the first edition of the novel, Graves 1934b.

<sup>67</sup> For further examples and discussion, see Osgood forthcoming.

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**Part IV:**  
**Political Initiative in Emergencies**

**“He took care of the city and supported it”:<sup>1</sup>**  
**Initiative as a Prerequisite for Fabius’ *cunctatio***

*Tassilo Schmitt*

**Abstract**

At a time when the number of consulships a statesman had held became extremely important in defining his prestige, Q. Fabius Maximus Verrucosus was only able to reach high office when he was already relatively old, in 233. Although he crowned his consulship with a triumph, reiterated it five years later, and became a censor in 230, he did not play a prominent role in the next decade, while a *homo novus* like C. Flaminius was forging a brilliant career. Flaminius’ defeat and death in 217 in the battle of Lake Trasimene gave Fabius an opportunity that he hurried to seize. The college of augurs, in which Fabius held a leading position, found a rupture in Rome’s relationship with the gods and recommended the use of a dictatorship to restore it; the dictator’s task was also to include taking immediate military measures needed for Rome’s protection. Fabius did not limit himself to acting as befitting the *praetor maximus*: he substituted Servilius, the remaining consul, as commander in chief. Although Fabius initially did not rule out a decisive battle, he acted with caution. The riskiness of such an approach is demonstrated by the fact that a plebiscite made the power of the *magister equitum*, Minucius, equal to that of Fabius. The latter was soon able to demonstrate Minucius’ failure, but it was not until the disaster of Cannae that the *cunctatio* coagulated into a maxim that also enabled its inventor to enjoy a grandiose subsequent career. Fabius’ active interference in 217 now appeared in a milder light as an anticipation of an ultimately successful strategy. The literary tradition depicted his inconsiderate use of dictatorial powers as an energetic display of exemplary virtue and thus integrated Fabius’ initiative into senatorial consensus. However, dictatorships to address important tasks were no longer in use after 216.

**Keywords**

Q. Fabius Maximus Verrucosus, dictatorship, political initiative, inaction, Senate, *interregnum*, literary tradition, Fabius Pictor, Livy, Polybius

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<sup>1</sup> Plut. *Fab.* 28: τὴν πόλιν ἀντιλαμβάνόμενος καὶ ὑπερείδων.

In 218, the Romans declared war on the Carthaginians.<sup>2</sup> Their plan was to convey armies from Sicily to North Africa and from Upper Italy to the north-east of the Iberian Peninsula. But Hannibal dared a quick advance across the Ebro to the Rhône and surprisingly moved across the Alps. In the autumn he achieved a victory on the river Ticinus and in the winter another great success on the river Trebia. The Romans were forced in 217 to prevent him from advancing into central Italy. The consul Flaminius was to secure Etruria and went to Arretium; his colleague Servilius took care of the eastern flank at Ariminum.

In 217, on June 21 according to the contemporary calendar, Hannibal wiped out Flaminius' army at Lake Trasimene.<sup>3</sup> The consul himself fell. News of the disaster must have reached Rome quickly, probably on the following day.<sup>4</sup> The city was in alarm. The Senate certainly convened after the first rumors had arrived. A little later, a praetor went to the People, apparently gathered to a *contio*,<sup>5</sup> and announced: "We have been defeated in a great battle."<sup>6</sup>

To avoid the experience which the Romans had had just a few months before, it was necessary to recognize the severity of the situation immediately. At that time, the consul Sempronius, who had been defeated at Trebia, had still attempted to alleviate the repercussions.<sup>7</sup> When the true extent of the disaster became clear, the only reason for which confidence in the authority of the Senate and magistrates did not collapse was that they were again energetically and confidently at work, preparing themselves against Hannibal. However, after Trasimene, such a course of action initially failed. More than that: the path to Rome itself was now open to the enemy. Everything demanded explanation and decision.

However, no such explanation was immediately at hand because the situation remained at first confusing for the Senate, too. What would Hannibal do? Where was the other consul, Servilius, and why did he not react in such a way as to come from Ariminum to aid his colleague? How far could they rely on the allies? Determination and energy were desperately needed.

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<sup>2</sup> All dates are BCE. On the overall interpretation of the Roman-Carthaginian wars, cf. now Sommer 2021, on 217 esp. 165–78.

<sup>3</sup> Ov. *Fast.* 6.768. Huß 1985, 317–24 and Seibert 1993, 135–83 provide an overview of the sources and (earlier) scholarship.

<sup>4</sup> In addition to usual reporters (Plut. *Fab.* 3.4: *πεμφοθεῖς ἄγγελος*), scattered survivors would have ensured that the news spread quickly.

<sup>5</sup> Cf. Schmitt 1991, 127, with n. 178; Frolov 2013, 77–9: the praetor's speech transformed a *coetus* into a *contio*.

<sup>6</sup> So, unanimously, Polyb. 3.85.8 and Livy 22.7.8.

<sup>7</sup> Polyb. 3.75.1; Plut. *Fab.* 3.4; cf. Will 1982, 181.

The means by which the Romans maneuvered out of this dilemma at that time are not directly attested. However, this can be deduced indirectly with great certainty. Already the praetor's appearance before the People could not be limited to the succinct announcement mentioned above: he had to counter the panic.<sup>8</sup> This was not possible without tangible and impressive measures, at least symbolic ones. These had to turn the acknowledgement of the defeat into something meaningful. Religion offered a way out.

The year 217 marked a significant turning point in the history of Roman religion. A comprehensive raft of ceremonies and vows is attested.<sup>9</sup> Even if not all the measures taken later were decided upon right away, preparing the ground for them must have taken place immediately.<sup>10</sup> The acknowledgement of the defeat was directly connected with the recognition of a rupture in Rome's relationship with the gods: the *pax deorum*.<sup>11</sup> The marking of this rupture affected historiography: metaphors of illness and healing shape the depictions of these events.

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<sup>8</sup> Brennan 2000, 660, who interprets Polyb. 3.85.8 in the sense that it was precisely the praetor's appearance before the crowd that triggered "widespread panic," overlooks the fact that there had already been unrest among the People. They "forced" him (3.85.7: ἠναγκάζοντο) to make the announcement. Polybius then adds a hypothetical (ὅσπερ with infinitive!) consideration: if one had been present both at the battle itself and when the announcement was made, one would have observed greater irritation (διατροπή) on the second occasion. In this way, Polybius contrasts the crowd with the Senate. Three days later, the information about Centenius' defeat would also have "irritated" them (Polyb. 3.86.6: διατραπήναι). But that led to productive decisions: διατραπήναι and διατροπή denote the irritation connected with expectations. This can lead either to panic or to a radical but reasonable new approach. It is this difference that mattered to Polybius. Therefore, it is difficult to conclude that the praetor's announcement made the situation worse.

<sup>9</sup> Wissowa 1912, 60, discussing the details unfolding above all in Livy.

<sup>10</sup> According to Plut. *Fab.* 4.3, it was not to serve superstitions, "but to strengthen bravery through pious actions, to take away the fear of the enemies through hope in the gods, and to comfort" (ἀλλὰ θαρρύνων εὐσεβεία τὴν ἀρετὴν καὶ ταῖς παρὰ τῶν θεῶν ἐλπίσι τὴν ἀπὸ τῶν πολεμίων φόβον ἀφαιρῶν καὶ παραμυθούμενος). Cf. Latte 1960, 255.

<sup>11</sup> So correctly Lesiński 2002, 138–44. The sources do not allow us to suggest that, already at that time, Flaminius was accused of violating religious obligations. Such allegations, preserved in the later tradition, can be found for the first time in Coelius Antipater. Cf. Rosenstein 1990, 90; Fiori 2014, 82, n. 94; Lentzsch 2019, 261, 284, 302, 329–31. Polybius' assessment that Flaminius acted carelessly and disregarded good advice (3.80.3; cf. 2.33.7–8), along with the fact that a temple of *Mens* was vowed (Livy 22.10.10, 23.31.9, with Wissowa 1912, 313; Lippold 1963, 346, n. 213; Hölkeskamp 2018, 719), may reflect the judgment of contemporaries. Cf. Dumézil 1966, 458: "*Mens*, that is, reasoning, judgment, the opposite of mad recklessness" ("*Mens*, c'est-à-dire la réflexion, le jugement, le contraire de la folle témérité"). The goddess embodies what Fabius claims for himself also in the annalistic tradition: *mens ratioque*, in contrast to the *temeritas atque inscientia ducum* (the plural shows that not just Flaminius is implied; Livy 22.25.12 and 14). Was Flaminius indeed considered as lacking εὐβουλία? That

From this perspective, there were immediate opportunities for the protagonists: one could ask the gods. The preparation and execution of rituals created possibilities for collecting information, for analysis, and for decision-making without appearing inactive.

According to Polybius, the Senate had not been unsettled initially.<sup>12</sup> Apparently, the senators were able to avoid a public debate on how to react to the defeat: the seriousness of the catastrophe compelled them to reach an agreement and stay united. Their unity found expression in the public acknowledgement of the defeat and the religious activity directly connected with it. In his representation, Polybius almost completely suppresses the second aspect: he was impressed, on the one hand, by the robust steadfastness of the Senate (which his Roman source must have powerfully emphasized), and, on the other hand, was surprisingly insensitive to the operational power of symbolic action. The only recognizable trace of this fact in Polybius' sources is his note that their first measure, when action had become possible, was to sacrifice to the gods.<sup>13</sup> This note – very unusual for Polybius and hardly connected with the immediate context of his account – is the relic of more detailed reports that aimed to underline that the Romans started doing something urgently needed and that this concerned the gods.

The annalistic tradition represented by Livy shows the same course of events despite all the differences in the coloring. Here, too, the praetor counteracts the *ingens terror ac tumultus* with the acknowledgement of the defeat,<sup>14</sup> and the Senate convenes repeatedly and deliberates from early till late under the presidency of the praetors.<sup>15</sup>

The interpretation of this disaster as a consequence of religious misconduct compelled the Romans to consider the ways in which they now were to deal with the gods. During a three-

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Fabius later did not himself dedicate the temple but left this task to a (closely related) praetor shows that this aspect of his dictatorship was no longer in the foreground.

<sup>12</sup> Polyb. 3.85.10.

<sup>13</sup> Polyb. 3.88.7: μετὰ τὴν κατάστασιν θύσας τοῖς θεοῖς. Gelzer 1933/1964, 154/79 has rightly pointed out that the “unbelieving” Polybius otherwise hardly refers to religious actions, which he mentions here even twice; cf. 3.94.9, with Schmitt 1991, 317–22. More generally: Develin 1978, 4, 6, with n. 30; Linke 2000, 277–80; Schmitt 2000, 87, with n. 15; Beck 2005, 286–7, with n. 91; Lentzsch 2019, 262, n. 242, all with further references. For a more detailed account, even if not reliable in every aspect, see Livy 22.9.7–11.1; on this, see now Bellomo 2018, 53.

<sup>14</sup> Livy 22.7.6. If the praetor had then indeed immediately, as Lesiński 2002, 132 puts it, “with no further comments,” returned to the *curia*, he would have not fulfilled his task. Certainly, the praetor was not able to report the details of the battle, but his general assessment was essential.

<sup>15</sup> Livy 22.7.14.

day marathon, the Senate decided to revive the dictatorship as a suitable “remedy” for the “burning pain.”<sup>16</sup>

About a century and a half earlier, in a severe emergency in 363, a search for a suitable means to reconcile the gods and appease unrest among the People had likewise led to a dictatorship. It is evident that the latter had by then absorbed the ancient office of a *praetor maximus*, which had not been in use for a long time, but was understood as essential for adequate communication with the gods.<sup>17</sup> If the allegedly ancient remedy (*seniorum memoria*) did help them to find a way out of their predicament in the fourth century, then it can be suggested from where this suggestion came in 217.

The Republic had procedures and experts for such issues. The augurs were among them. They interpreted what happened as signs from the gods (*augurium oblativum*) and coordinated the appropriate reaction in communication with them (*augurium impetrativum*).<sup>18</sup> In principle, it was their job to make sure that the gods agreed to all important political decisions. The expert knowledge of this college had been traditionally used to determine the specific parameters of a

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<sup>16</sup> “Remedy”: Livy 22.8.5 (*remedium*); “burning pain”: Pol. 3.86.6 (τοῦ πάθους ... φλεγμαίνοντος). Scullard 1973, 46 speaks in this regard of the use of a “traditional remedy.” This is exactly the impression that already the early tradition aims to convey and, at the same time, obscure: that the dictatorship as a military command has long been forgotten (with but one exception), and that it was not the traditional medical treatment actually in use. On the dictatorship more generally, cf. Walter 2017a, 163–4.

<sup>17</sup> Livy 7.3. The historicity of the events of the fourth century should not interest us here. What is crucial is that because Cincius Alimentus dealt with such questions (FRH 2 F9 = Livy 7.3.7), it is clear that the respective views about real or supposed events of the fourth century could exist at the time of the Hannibal War.

<sup>18</sup> Cic. *Div.* 2.74 (on the augural law): *institutum rei publicae causa est, ut comitorum, vel in iudiciis populi, vel in iure legum vel in creandis magistratibus principes civitatis essent interpretes*. Cf. Livy 1.36.6: *auguriis certe sacerdotioque augurum tantus honos accessit, ut nihil belli domique postea nisi auspicato gereretur, concilia plebis, exercitus vocati, summa rerum, ubi aves non admisissent, dirimerentur*. Incorrectly Szemler 1972, 35, with n. 2: “the Senate’s deliberations were initiated in 217 by the new dictator, Q. Fabius.” Szemler overlooks here what he underlines more precisely elsewhere: “One must consider, of course, that magisterial *imperium* was closely connected with *spectio* and *auspicia*, and that any political action was possible only after *auspicato*” (Szemler 1972, 79). The appointment of a dictator is inconceivable without the opinion of the augurs. As dictator, Fabius then builds on this directly. See also Giovannini 1998, 108–9 arguing that the outcome of the auspices and the decision of the Senate were considered identical. Cf. Giovannini 2018, 74–5: “le rôle du collège des augures: ... dans son domaine de compétence, il donnait des avis de droit sacré au Sénat, qui prenait ensuite sa décision conformément au préavis des augures”; Develin 1978, 9–10; and now also Driediger-Murphy 2019.

dictatorship.<sup>19</sup> In this connection, Caesar too was eager to solicit the opinion of the augurs in his own similarly delicate case.<sup>20</sup>

The social standing of the college's members was at least as important as their technical expertise. The college consisted exclusively of the members of consular families, mostly even those who themselves had already been consuls.<sup>21</sup> For the year 217, the membership of the college, – which since the *lex Ogulnia* included four patricians and five plebeians – can be reconstructed in full:<sup>22</sup> the patricians Q. Fabius Maximus (cos. 233, 228),<sup>23</sup> M. Aemilius Lepidus (cos. 232),<sup>24</sup> P. Furius Philus (cos. 223),<sup>25</sup> Cn. Cornelius Lentulus;<sup>26</sup> and the plebeians Sp. Carvilius Maximus Ruga (cos. 234),<sup>27</sup> M. Pomponius Matho (cos. 231),<sup>28</sup> M. Claudius Marcellus (cos. 226),<sup>29</sup> C. Atilius Serranus (pr. 218),<sup>30</sup> and T. Otacilius Crassus (pr. 217).<sup>31</sup> Because of his two consulships and the fact that, at this point, he had been an augur for almost 50 years, Fabius was in a leading position that even Carvilius Ruga could not contest, even though he had held the consulship one year earlier than Fabius. Both can certainly be considered

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<sup>19</sup> Cf. Livy 8.23.13–17. Although there are good reasons to doubt the historicity of the event related here, the passage remains important as a source of information on regular responsibilities from the point of view of the late annalists. The binding together of the dictatorship and the augural discipline thus belonged to the repertoire which defended the inherently republican principles of power sharing against the dictator. Because the augurs watched over the correctness of the procedures, the obstacles in the appointment of a dictator were significant.

<sup>20</sup> Cic. *Att.* 9.15.2.

<sup>21</sup> Szemler 1972, 77–9.

<sup>22</sup> This reconstruction is methodologically sound because the augurs were co-opted for life, Livy recorded for each year since 217 which augur died and who replaced him, and the information on which these notes are based was reliably transmitted. See Szemler 1972, 70–4 and Giovannini 1998 (concerning the tradition).

<sup>23</sup> Livy 30.26.7; Val. Max. 8.13.3: death in 203 during the 62<sup>nd</sup> year of his augurate.

<sup>24</sup> Livy 23.30.15.

<sup>25</sup> Livy 25.2.1.

<sup>26</sup> The future consul of 201 is attested at Livy 39.45.8 as an augur. As Fabius Maximus earlier, Cn. Cornelius Lentulus was coopted at a very young age; he held a quaestorship only in 212. Cf. Broughton 1951, 283; Szemler 1972, 141.

<sup>27</sup> Livy 26.23.7–8

<sup>28</sup> Livy 29.38.7; Schmitt 2000, 102–3.

<sup>29</sup> Plut. *Marc.* 2; since a note on the cooptation is missing in the surviving books of Livy, the cooptation had probably taken place before 218; Plutarch mentions it before the aedileship which Beck 2005, 306 plausibly dates to 226 at the latest.

<sup>30</sup> Livy 22.35.1–2 in combination with Livy 23.21.7; see on this Szemler 1972, 71, n. 2.

<sup>31</sup> Livy 27.6.15.



the prototypes of “strong personalities.”<sup>32</sup> Both augurs must also have been the driving force behind the expertise that ultimately led to the appointment of a dictator. Considering the fact that it was Fabius who became dictator and that he used his office proactively, we can plausibly assume that he became the strongest advocate of this decision, even if we cannot infer with complete certainty that it was his idea to make use of a dictatorship in this situation. It remains essential that the augurs reached a consensus regarding this suggestion.<sup>33</sup>

This does not mean that there was no controversy over the matter. This was only to be expected, since for a generation by this point dictators had been appointed exclusively to hold elections. Moreover, neither the conflicts over the last appointment of a (exceedingly active) dictator in 249 nor the results of that dictatorship commended the reanimation of this office as an effective military command. First, the consul Claudius duped the Senate when he appointed his client Glaucia a dictator.<sup>34</sup> Then, after Glaucia’s enforced abdication, the next dictator Atilius failed to perform as an efficient commander.<sup>35</sup>

The memory of the year 249 turned out to be important in another respect. The decision at the time was made in an extremely tense emotional situation caused by horrendous losses in battle. The dictatorship in 249 was part of exceptional religious efforts culminating in the *ludi saeculares*, celebrated after the Sibylline books had been consulted.<sup>36</sup> From this perspective, one can also see the rationale adopted in 217: to turn to the dictatorship with the focus on religious matters. However, to restrict the office in this way was hardly possible. The city’s defense was too urgent. In the first place, an immediate levy had to be organized.

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<sup>32</sup> Szemler 1972, 78. A tendency towards creative problem solving is repeatedly attested precisely for Carvilius; cf. Feig Vishnia 1996.

<sup>33</sup> Cic. *Fam.* 3.10.9 explains that, in the old days, a key principle of the college was to put personal rivalries aside. This may be an idealization of the past, but at the same time, it reflects the way in which the relationship between the augurs was perceived. Cf. Develin 1978, 17. Beck 2005, 293–5 (cf. 309–10) rejects with good reason the anachronistic idea of the augural discipline’s instrumentalization.

<sup>34</sup> *Per.* 19; *InscrIt* 13.1, 43; *Suet. Tib.* 2.2. Cf. Hölkeskamp 1990/2004, 89–90.

<sup>35</sup> Cass. Dio 36.34; Zon. 8.15.14. An *elogium* calls Atilius *populi primarius vir* (Cic. *Sen.* 61); cf. Beck 2005, 240–3. It is telling that when Cicero praises his achievements (*Pis.* 14; *Planc.* 60; *Tusc.* 1.110; *Nat. D.* 2.165; *Rep.* 1.1; *Leg. agr.* 2.64), he refers to Atilius’ services during his consulship. Had there been anything remotely spectacular during his dictatorship, it would have been mentioned. The results of this dictatorship were so insignificant that later historiography flavored them with victories taken from other contexts (Flor. 1.18.2). Cf. Bellomo 2018, 39, n. 6.

<sup>36</sup> Cens. 17.10; Zos. 2.41–2, with Paschoud 2003, 197–8. See also Bleckmann 2002, 192–3; Lentzsch 2019, 216, n. 39.

This hypothetical reconstruction can be supported by several statements of our sources that allow us a glimpse into the complex situation to which the Senate responded by initiating a dictatorship. There are three difficult pieces of evidence provided by Polybius, Livy, and the *Fasti Capitolini*. Polybius and Livy suggest that decisions were taken temporarily to lift some fundamental political restrictions. These initiatives give us the context in which an *ad hoc* response (illuminated by the *Fasti Capitolini*) followed: to use the dictatorship in order to quickly achieve a leadership capable for action.

(1) Polybius records: “Abandoning therefore the system of government by annually changing responsibilities and by elections of the magistrates, they decided to deal with the present situation more radically, thinking that the duties of government and the circumstances demanded the appointment of a commander with full powers.”<sup>37</sup> The severity of the danger and acute need for action were therefore the decisive prerequisites for the decision. Such a situation necessitated overriding two basic principles of the republican political and military order: the limitation of office to one year and the selection of officials by election.

The repeal of the one-year restriction was not designed to allow staying in office beyond regular terms. It only made sense to remove iteration restrictions formulated by the *leges Genuciae*, as our (later) sources suggest,<sup>38</sup> so that suitable candidates were not excluded for formal reasons.

Abstaining from elections additionally allowed the polity to avoid the public debates that could have undermined the much-needed spirit of unity. Most importantly, however, there was no time to prepare and hold elections.

The partial temporary suspension of some fundamental political principles presupposes that the Senate had previously reached an agreement about this. According to Polybius, this was achieved in the common interest.<sup>39</sup> Circumstances, explanations, and decisions are

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<sup>37</sup> Polyb. 3.86.7: Διὸ καὶ παρέντες τὴν κατ’ ἐνιαυτὸν ἀγωγὴν τῶν πραγμάτων καὶ τὴν αἴρεσιν τῶν ἀρχόντων, μειζόνως ἐπεβάλλοντο βουλευέσθαι περὶ τῶν ἐνεστῶτων, νομίζοντες αὐτοκράτορος δεῖθαι στρατηγοῦ τὰ πράγματα καὶ τοὺς περιστώτας καιροῦς.

<sup>38</sup> On the *leges Genuciae*, see now Bergk 2015, 98–102.

<sup>39</sup> Lesiński 2002, 153–4 misunderstands Polybius twice: when, despite the parenthesis at 3.87.6–9, he assumes that Polybius is “obviously uninterested in presenting the mode of appointing a dictator,” and when he attempts to extract from ἐν ᾧ καιρῷ (3.88.7) – that is from a reference to a *prolonged period of time* – a reference instead to a *specific moment in time*. Polybius was also by no means – *pace* Lesiński – “uninterested” in Hannibal’s campaign in Apulia; cf. Schmitt 1991, 126–8, 160–6. Unfortunately, in all common editions, a conjecture renders Polybius’ otherwise factually convincing representation of Hannibal’s campaign at 3.88.8 unclear; cf. Schmitt 1991, 300. Already Gelzer 1935/1964, 280/233, n. 45 correctly pointed out that the supposed emendation rests solely on

reciprocally consistent and also exclude the possibility that a future dictator could be elected.<sup>40</sup> Otherwise, the boost in efficiency would have been partially wasted away and the unity undermined. It was possible to succeed without the People's approval as long as the Senate acted unanimously. Polybius' presentation is coherent in itself while contradicting not only implicitly but also explicitly a competing tradition according to which some elections (in whichever *comitia* and for whatever office) did take place.<sup>41</sup>

(2) At the same time, this version fits Livy's account which gives us another glimpse into the context for the decision to appoint Fabius as dictator: "In the consulate of Cn. Servilius, when the other consul, C. Flaminius, had fallen at Trasimene, a plebiscite was passed by the authority of the Senate that during the war in Italy the People should have the right to elect as consul any consular whom they wanted and as many times as they wanted."<sup>42</sup> This statement admittedly belongs to a context which is quite suspicious, namely to a speech from the year 210, the details of which certainly have no reliable basis in the sources. But whoever composed this speech in the course of the formation of the annalistic tradition did not invent this plebiscite, because the reference to the latter is not strictly needed to support the example that immediately follows.<sup>43</sup> In this context, the plebiscite serves more as a decoration than a pillar of the argument<sup>44</sup> It was certainly not invented for this purpose but was a detail recorded because it was already present in the tradition.

Even if the report about this plebiscite comes from an older tradition, the regulation need not necessarily be considered historical. However, Rilinger has demonstrated that from 217 onwards, there was indeed a significant deviation from previously respected limitations of

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Livy's version which clearly is late annalistic "Kleinmalerei". To explain the alleged failures as inherent in *πραγματική ιστορία* does not do justice to this concept; cf. on this Meißner 1986.

<sup>40</sup> Lesiński 2002, 156–7 theorizes that Fabius acted as a *dictator designatus* elected by the People. This is entirely unsupported by our ancient sources and is unlikely to have corresponded objectively to what was considered urgent with regard to the gods.

<sup>41</sup> It should be emphasized in response to Beck 2005, 285, who defends the assumption that elections did happen, that "a significantly different source" is reflected in Polybius; see already Schmitt 1991, 135–6. It is incomprehensible why Polybius at 3.87.6 and 9, according to Vervaeke 2007, 197, makes it "obvious" that "both men [sc. Fabius and M. Minucius] were chosen directly by the people."

<sup>42</sup> Livy 27.6.7: *Cn. Servilio consule cum C. Flaminius alter consul ad Trasimenum cecidisset, ex auctoritate patrum ad plebem latum plebemque scivisse ut, quoad bellum in Italia esset, ex iis qui consules fuissent quos et quotiens vellet reficiendi consules populo ius esto.* Cf. Elster 2003, 190–2.

<sup>43</sup> Livy 27.6.8 on L. Postumius Megellus.

<sup>44</sup> So correctly Lundgreen 2011, 87: "Nebenaspekt."

iteration.<sup>45</sup> This change in political practice did not happen *en passant* but was the result of an agreement which could only be achieved in the Senate. In terms of content, this consensus corresponds exactly to what can also be reconstructed from Polybius. We can even go one step further and consider the plebiscite as historical, an articulation of the consensus in the Senate.<sup>46</sup> For, while annalistic accounts of this period ascribe popular policy to the plebeian tribunes (including their opposition to the senatorial majority) in accordance with the late republican practice,<sup>47</sup> here, the *concilium plebis* convenes under the presidency of a tribune without another tribune's veto, playing its old role as an instrument of the Senate.<sup>48</sup> It is explicitly *ex auctoritate patrum* that the People were involved in the legalization of the exceptional regulation for the time of the war against Hannibal.

Polybius and this part of the (probably older) annalistic tradition correspond to the version according to which the Senate essentially agreed to lift iteration restrictions in view of the war in Italy. This eliminated formal restrictions on the selection of suitable office holders.

(3) The *Fasti Capitolini* contain the only explicit reference to the peculiarities of this dictatorship: *interregni caussa*.<sup>49</sup> Since such formulations regularly state the purpose of the

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<sup>45</sup> Rilinger 1978.

<sup>46</sup> Lundgreen 2011, 89 clarifies convincingly that formerly illegal but unavoidable behavior was now permitted but at the same time also restricted just to military emergencies and just to former consuls. The explanation provided by Lundgreen does not depend on the view (articulated since Mommsen) that there had been only a senatorial decree.

<sup>47</sup> Consider the role allegedly played by the plebeian tribune Metilius; on the dubiousness of this tradition, see Schmitt 1991, 189–92.

<sup>48</sup> Hölkeskamp 1990/2004 has demonstrated, using the examples of the trials against the consuls L. Postumius Megellus in 290 and P. Claudius Pulcher in 248, that the tribunes did not express a newly awakened plebeian self-awareness but acted in the interest of the Senate.

<sup>49</sup> *InscrIt* 13.1, 44–5. Lesiński 2002, 137 and Bellomo 2018, 41–9 have shown that the thesis advocated in the recent studies of Gusso 1990 and Mazzotta 2016 is unfounded, namely that the dictator was appointed by an *interrex*. (Dementyeva 1996, 43 agrees with Gusso's interpretation of *interregni caussa* in the *Fasti* but notes that the situation in which Fabius was appointed a dictator was “in a sense” *interregnum*; cf. also Dementyeva in this volume). What is crucial is the observation that *dictator interregni caussa* refers to a purpose rather than to a prerequisite; *caus(s)a* is only used in a final clause. If this is recognized, then the remaining arguments for the view that there had been an *interregnum* lose their force. Consequently, the old idea of Sumner 1975, 255–6 proves to be wrong, namely that Fabius was elected by an assembly under the presidency of the *interrex* P. Cornelius Scipio Asina, whom Sumner for these purposes “removed” from the annalistic report of the consular elections for 216 (*Livy* 22.34.11–35.2) and “transferred” to the period after the defeat at Lake Trasimene.

dictatorship,<sup>50</sup> we may ask whether it is possible to determine from this perspective a plausible meaning of the term *interregnum* here.<sup>51</sup>

An *interregnum* presupposes that the Republic's highest office is vacant due to the death or resignation of its previous holders.<sup>52</sup> That was not the case in 217. Flaminius died, but his colleague Servilius was still in office. Indeed, tradition has it that the appointment of a dictator led to the "suspension" of all other officials (with the exception of the tribunes).<sup>53</sup> But it is impossible to suggest that the dictatorship was initiated with this aim in mind. The only attested purpose of an *interregnum* was to hold elections.<sup>54</sup> But there is no point in "suspending" the authority of a consul if the same result can be achieved directly through a dictatorship to hold elections. Above all, however, the choice of Atilius as the suffect consul for Flaminius is only noted in passing in the literary tradition and took place some time later. Thus, this question was not in the foreground in the days after the defeat at Lake Trasimene.<sup>55</sup>

Therefore, technically, the situation was not about an *interregnum*. To be able to say more, we may leave institutional aspects aside for a moment and turn instead to the question of the extent to which the *interregnum* can be understood as an instrument to reestablish legitimacy. This function is determined by the return of the *auspicia* – the basic competence of the magistrates deriving from their ability to communicate with the gods – to the *patres*.<sup>56</sup> In this process, the patrician members of the Senate reestablish the magistrates' supreme power through *religious* means: the *auspicia* are created anew.<sup>57</sup> In other words, the executive is being set up again by means of securing a new agreement with the gods.<sup>58</sup>

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<sup>50</sup> Although Drogula 2015, 169 points out correctly that our ancient sources always refer to the *causae* but never the *provinciae* of the dictators, he then uses both terms interchangeably in relation to the dictators (see, e.g., 170: "the *provincia* or *causa* assigned to them"). This is highly problematic, given the consistent use of the respective terminology by our sources: the dictator does not have a specific *provincia*; cf. also my argument below.

<sup>51</sup> On the *interregnum* more generally, cf. Jahn 1970. In contrast to what I have formulated earlier (Schmitt 1991, 83, n. 211), below I propose a reading which is less dependent on premises and, therefore, perhaps, more attractive.

<sup>52</sup> Kunkel & Wittmann 1995, 278.

<sup>53</sup> Polyb. 3.87.8; further evidence in Walbank 1957, 422 *ad loc.* Cf. also below.

<sup>54</sup> Kunkel & Wittmann 1995, 280.

<sup>55</sup> Hartfield 1982, 305 (now followed by Bellomo 2018, 44) overlooked this when arguing that, in contrast to the way in which the tasks of a *dictator comitorum habendorum causa* are described, in this case, the task was to elect only a *consul suffectus* rather than the entire college of magistrates.

<sup>56</sup> Cic. *Ad Brut.* 1.5.4; Leg. 3.9; cf. also Dementyeva in this volume.

<sup>57</sup> Kunkel & Wittmann 1995, 35 on Livy 5.31.7, 5.52.9, 6.5.,6; cf. Livy 5.17.3.

<sup>58</sup> Promagistracies seem irrelevant in this context.

From this perspective, the similarities with a dictatorship are striking. Usually, the legitimacy of office is based on the fact that the official is elected after proper auspication. In the case of a dictator, there is no voting. For this reason, the ceremony, actions, and words are especially strictly regulated. Absolute silence before daybreak, together with precise formal requirements, create a vacuum without disturbances.<sup>59</sup> In this emptiness, the will of the gods can become effective.

The correct appointment of the dictator does not provide him with a power different from or higher than that of the other magistrates, but it increases the trust in his divine legitimacy. Here lies the prerequisite for the idea that the dictator suspends the other magistracies simply by his appearance.<sup>60</sup> In practice, this did not happen automatically but depended on the decision of the dictator to subordinate these magistrates to himself.<sup>61</sup> In this respect, he was different from a colleague who could only veto but not demand obedience.<sup>62</sup>

Although the appointment of a dictator is termed *dictatorem dicere*, the nominating official does not have the effective role which an election officer enjoyed, whose function was termed *creare*.<sup>63</sup> In contrast to this, *dicere* suggests that forms are followed and formulas

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<sup>59</sup> Festus 474L, s.v. *silentio: silentium omnis vitii in auspiciis vacuitas*. On the procedure, cf. Kunkel & Wittmann 1995, 668–70, referring to Cohen 1957, 315–6, who argues convincingly that “the peculiar method ... was enveloped in a still more sacred atmosphere than was the case with the choice of other magistrates.”

<sup>60</sup> Since the power of the plebeian tribunes had completely different roots, it was not affected by that of the dictator.

<sup>61</sup> Cf. Masi Doria 2000, 163–83.

<sup>62</sup> This can be clearly recognized in the description of a meeting between the dictator Fabius and the consul Servilius: “Fabius ... relieved Gnaeus of his command, ... sent him ... with orders” (Polyb. 3.88.8: Φάβιος ... Γνάϊον μὲν ... ἀπολύσας τῆς ... στρατείας ἐξάπεστειλε ... ἐντειλάμενος; cf. Plut. *Fab.* 4). Considering Polybius’ passage, it is puzzling that Drogula 2015, 172 is able to conclude that the consul “might willingly defer to the greater *auctoritas* of the dictator, but this was a voluntary recognition of social status and not compulsory obedience to superior authority.” Polyb. 3.88.8 fits even worse with the view that the Senate, rather than the dictator, “stripped Geminus of his command” (Drogula 2015, 174). Therefore, it is also impossible that Fabius was first elected *prodictator* but later correctly appointed by the consul Servilius. For further references and arguments against this, see Bellomo 2018, 52.

<sup>63</sup> For concise observations on this (unfortunately without conclusions), see Mommsen 1887b, 151, with n. 6. Indeed, the verbs *creare* and *facere* are used in connection with the appointment of the *magister populi*. However, Varro, to whom Festus’ note (216L, s.v. *optima lex*) goes back, points out that this office *vulgo dictator appellatur*. But *dictator* is certainly not a “non-technical” term (*vulgo*). Varro does not criticize this, but specifies that the treatment of *magister populi* and *dictator* as equivalents, which for many reasons became a common practice in his day (and, one may add, in the modern research), cannot convince in every respect. Only when it does not come to the differences between *dictator* and *magister populi* (not to be discussed in detail here), can they be treated as

expressed, not that a procedure is being organized. While *creare* establishes order, *dicere* creates a free space in which the prerequisites for order can develop.<sup>64</sup> While in the case of *creatio* the scope of one's own political capacity may not be exceeded, *dictio* only requires the competence to act and the ability to pronounce the formulas. A praetor is not permitted to preside over the election of a consul because he does not have *maior potestas*, but he may, in principle, appoint a dictator because his ability to communicate with the gods, that is to auspiciate for the *res publica*, was no different from that of the consuls.<sup>65</sup>

The possibility to reestablish fundamentally the relationship with the gods by turning to the dictatorship was completely independent of whether one wanted to solve specific tasks by resorting to this office: any type of dictatorship applied. Since any dictatorship was limited in time, but not in the scope of its powers,<sup>66</sup> the *causae* attested in our sources were not legally defined spheres of competence. The reference to the dictatorship of 217 as *interregni causa* does not mean that it had such a limited purpose.<sup>67</sup> Instead, the reference to an *interregnum* reflects the objective of the Senate in appointing a dictator at this point: it acknowledges that, although formally there was no *interregnum* (since a consul was incumbent), the relationship

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equivalents “overall correctly” (*vulgo* may also mean this). Appreciating Varro's reservations, we should also not forget that, for general reasons, too, it is difficult to assume that two very different labels were used simultaneously for the same office. Rather, two different conceptions of an office merged into one in the general (and generally correct – *vulgo*) usage. This means that the pieces of evidence referring to *magister populi*, including the use of the verb *creare* for his appointment, cannot automatically be applied to *dictator*.

<sup>64</sup> In both cases, the appointment is supplemented regularly, but not mandatory, by a *lex curiata*. Cf. Mommsen 1887a, 609–15; Latte 1936/1968, 347; van Haepelen 2012.

<sup>65</sup> Cf. below.

<sup>66</sup> Cf. Mommsen 1887b, 157. Precisely the evidence referred to by Kunkel & Wittmann 1995, 667, with n. 7–8, and now also by Drogula 2015, 170 to argue that a dictatorship is bound to a sphere of action assigned by the Senate (in this sense also Giovannini 2018, 192), clearly shows that the dictator could not be legally prevented from acting beyond the task assigned to him. According to Livy 7.3.9, the dictator L. Manlius, who was appointed to drive a nail, only bowed to the power (*vi*) of the tribunes or acted in reverence (*verecundia*) to them. No one could legally force him to go back to his *causa*. On this question, see the detailed discussion (which includes another relevant case) in Hartfield 1982, 136–45 who concludes: “apparently therefore, *mos*, convention ... deterred those dictators from engaging in the profane world.”

<sup>67</sup> Later, M. Atilius Regulus was elected suffect consul (Polyb. 3.106.2). If Livy 22.25.16 is reliable in this respect, the election took place when Minucius was promoted to a dictator; my skepticism in Schmitt 1991, 190 is exaggerated. After all, Livy 27.6.7 suggests that there was a period of time in which only one consul was available and so referred to as an eponym: after Flaminius' death and before Atilius' election.

of the state with the gods was such as to require the fundamental renewal of that relationship that an *interregnum* would provide.<sup>68</sup>

Taking into account the fact that the levy and the city's defense were on the agenda of the day, we can safely deduce that the dictator was expected to deal with such military tasks. According to "nearly all annals" (*omnium prope annales*) it was a *dictatura rei gerundae causa*, as Livy explicitly tells us: *Fabium dictatorem ... rem gessisse tradunt*.<sup>69</sup>

Since *res*, "affairs", referred not only to the conduct of war (as usual) but also principally in this case to the relationship with the gods, it is impossible that the actors in 217 would have departed from the traditional rules of the appointment.<sup>70</sup> Their observance was an essential prerequisite for the restoration of the *pax deorum*.<sup>71</sup> In particular, one could not avoid the rule according to which, in undisturbed silence before sunrise (*oriens*), the nominating magistrate should himself "rise" (*oriens*) and pronounce the prescribed formulas (*dicere*).<sup>72</sup> The sources

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<sup>68</sup> The consecration of the Temple of Venus Erycina may also refer to this new foundation: the goddess can indeed be linked to Aeneas and thus to Rome's origins; cf. Beard, North & Price 1998, 83–4. On the implicit possibilities (not contradicting the connections with Rome's foundation) for the self-presentation of the *gens Fabia*, cf. Beck 2005, 299–300; Hölkeskamp 2018, 721.

<sup>69</sup> Livy 22.31.8: *Fabium dictatorem adversus Hannibalem rem gessisse tradunt*. Since Livy adds that the dictatorship was *adversus Hannibalem* "against Hannibal," modern scholarship, while accepting that this was a *dictatura rei gerundae causa*, has complained that the correct designation has not been passed down to us.

<sup>70</sup> With reference to Mouritsen 2017, 1–3, Walter 2017a, 231 emphasizes correctly the typically Roman "meticulous observance of formal procedures." Still Sulla and Caesar knew that a precisely regulated *dictio* was required. See on this, e.g., Lesiński 2002, 149; Bellomo 2018, 38.

<sup>71</sup> The concerns attested in Livy and in other branches of the annalistic tradition that this task could not be fulfilled because of the absence of the consul from Rome contradict the observation that a consul outside Rome was able to appoint a dictator on other occasions, cf. Mommsen 1887b, 152; Kunkel & Wittmann 1995, 669, with further references). Servilius, too, could very well have done this. The entire tradition based on this false premise, including the idea that voting should have helped to overcome the alleged shortcoming in the procedure, turns out to be wrong in this respect, too.

<sup>72</sup> Livy 8.23.15, 9.38.14, 23.22.11; Velius Longus, *De orthographia*, GL 7.79.19. The emphasis on "getting up" before sunrise, which is also formally strictly regulated, makes it clear that it was about a new beginning, under the specific circumstances of the religious re-foundation. Cf. Cohen 1957, 315–6, who, however, does not use the structural similarities of *mana* and *imperium* heuristically (in a methodologically appropriate way) but instead substantializes them.



do not report whose task it was in 217.<sup>73</sup> This must have been a praetor.<sup>74</sup> He first announced the decision concerning the dictatorship in a popular assembly.<sup>75</sup> Then, during the night, he appointed Q. Fabius Maximus Verrucosus as dictator. Of course, he followed the Senate's recommendation.

However, we should not assume too quickly that this decision would have meant a departure from the previously chosen strategy. If one wanted a fundamental reorientation, it would have made a lot more sense to choose a (suffect) consul whose command could have been prorogued if needed, so that a new strategy could be pursued for a longer time.<sup>76</sup> However, instead of this, the intention remained to defeat Hannibal in a decisive battle. In the short term this was impossible, but already the preparations for 216, just a few months later, reveal that the Romans did not give up this plan. Only tactical adjustments can be observed: massive mobilization under the command of both consuls aimed to prevent the enemy from reaping the benefits of a victory over smaller contingents. These efforts also suggest that Fabius' own distinctive strategy of avoiding the enemy, later referred to as *cunctatio*, was not the reason that he himself was chosen; the intention was to engage the enemy swiftly and with force. The appointment of M. Minucius as a *magister equitum* confirms this observation.

It is also clear that Fabius' military experience was not a key factor in his appointment as dictator. His accomplishments in this area were at best average. He had celebrated a triumph over the Ligurians in his first consulship in 233. But after the annexation of Sardinia and

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<sup>73</sup> Arguing against Caesar in a similar case, Cicero insisted that only a consul could nominate a dictator. However, Cicero follows a demonstrably partisan opinion, presumably from the Gracchan period; see Schmitt 1991, 327–9. Caesar, on the other hand, was unable simply to refer to the precedent of 217, because the connection had already been obscured in a generation-long debate and because Sulla further complicated the question of the dictator's legitimacy by resorting to an *interrex* to initiate a dictatorship.

<sup>74</sup> Kunkel & Wittmann 1995, 669 rejects (without argument) Plut. *Marc.* 24.7, although it provides important details. Under 426, the appointment of a dictator is reported to happen on the basis of the augurs' expert opinion which entrusted the task to a military tribune (Livy 4.31.4: *augures consulti eam religionem exemere*). If so, then the degree of procedural freedom, as discussed in relevant specialist literature, was even higher. Briscoe (FRHist III, 249 on Coelius F 15) describes the view advocated by Mommsen in 1887b, 147, "that Fabius was in fact nominated by a praetor" as "excessive legalism." However, Briscoe does not differentiate between the two phases of the process clearly articulated by Mommsen, labelling both "to nominate": the choice of a person (as many do, Mommsen erroneously assumes that elections took place), on the one hand, and the appointment, the announcement itself, on the other. Briscoe's judgment of the reliability of the relevant sources is likewise undifferentiated.

<sup>75</sup> On this detail, see Plut. *Marc.* 24.7: *προελθὼν εἰς τὸν δῆμον* ("after prior announcement to the People").

<sup>76</sup> Rilinger 1978, 277, n. 140.

Corsica, the Romans were waging a guerrilla war in Liguria.<sup>77</sup> Fabius' victory there could not compete with the spectacular successes achieved by the Romans against the Celts.<sup>78</sup> Fabius' second consulship in 228 fell in a rather quiet period after Teuta had been defeated and before the Celtic invasion of central Italy was in sight.<sup>79</sup> Finally, in 217, Fabius was well over 75 years old.<sup>80</sup> Thus, it is highly unlikely that the elderly patrician was seen as a strategic and tactical innovator and was made dictator precisely for this reason.

Fabius played no visible role whatsoever in the eventful decade after his second consulship.<sup>81</sup> The evidence of his supposed rejection of an alleged rash declaration of war

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<sup>77</sup> So correctly Beck 2005, 275, although he then attempts (I think, without convincing reasons) to represent Fabius' command in Liguria as different from the previous Roman strategy.

<sup>78</sup> Plut. *Fab.* 23 describes the triumph after the capture of Tarentum in 209 as θρίαμβος λαμπρότερος, a "more brilliant triumph," thus indirectly reconsidering the significance of the earlier celebration.

<sup>79</sup> Roller 2018, 165 assumes that "his iteration as consul just after five years suggests that his contemporaries esteemed him highly." In view of the fact that, as Roller himself admits, nothing is known about this consulship, the evidence we have is insufficient for such conclusions. Since Fabius had become consul and censor only very late in 233, he had to be concerned with at least repeating the successes of his ancestors. To do this, he used the opportunities available in the late 230s and early 220s. But it cannot be determined whether, as Roller thinks, these opportunities consisted in high esteem or in other favorable constellations.

<sup>80</sup> Feig Vishnia 2007 offered a convincing reconstruction of Fabius' early career (similarly now also Richardson 2012, 92, n. 183, although Hölkeskamp 2018, 710, n. 2 considers the result to be "still quite implausible"). Feig Vishnia's reflections on the reasons for which Fabius delayed his early career remain – despite the approval by Richardson 2012, 93 – inevitably speculative. Cf. already Toynbee 1965, 324 who noted a larger time gap in the list of consulships held by the members of the *gens Fabia* before the first consulship of Verrucosus. Toynbee theorized that other members of their faction held the position. If, however, the explanation with reference to factions is no longer convincing today, another type of explanation is required.

<sup>81</sup> It is indicative that Polyb. 3.87.9 mentions and describes Fabius for the first time in connection with the dictatorship. Therefore, Polybius found no convincing evidence that Fabius had been prominent before that. It would be a mistake to question Polybius' representation and assessment (see already Dessau 1916, 363, with n. 2; cf. Walbank 1957, 422 *ad loc.*; Richardson 2012, 94–5) by pointing to his alleged error consisting in the fact that, according to Polybius, Fabius' descendants, in memory of his fame, still called themselves *Maximi*, i.e. "the greatest," although already Rullianus had carried this cognomen. The problem with this criticism is that Polybius does not say that the Cunctator was the first *Maximus*, but only that his descendants no longer refrained from keeping the cognomen in memory of him and that they did this so consistently that he could appear as its new founder (cf. Livy 30.26.8). Since already at that time Carvillii, Domitii, Fulvii, and Valerii, after 211 also Sulpicii and later still others had the cognomen *Maximus* (see an overview in Kajanto 1965, 275–6), not the cognomen as such but rather a combination of the nomen gentilicium and cognomen (*Fabius Maximus*) could serve as a unique feature. In this connection, cf. also Livy 10.47.5 describing Gurges, the consul of 292, only as Q. Fabius Maximi

against Hannibal is just as dubious as the assumption that he was the leader of the Roman embassy to Carthage.

The long speech that Fabius is reported to have given against the war belongs in the context of the senatorial debates whose historicity Polybius sharply and rightly denies.<sup>82</sup> After the Romans had given Hannibal an ultimatum, they were forced to act when he disregarded their demands while staying at Saguntum and then captured and destroyed the city.<sup>83</sup> By this point, at Rome discussion could only have concerned whether the inevitable war could be bound to some limit. The battle of speeches is tangible today mostly in Cassius Dio, but Polybius was already familiar with its earlier version.<sup>84</sup> These speeches had been invented already in the second century by the historians who reflected on the fundamental significance of the outbreak of the war. These historians both allowed logical inconsistencies and selected protagonists who retrospectively seemed to be appropriate for the occasion.<sup>85</sup> The alleged speech of Fabius is a consequence of the fame he acquired later during the war and not one of the sources of that fame.<sup>86</sup> Fabius also did not take part in the embassy sent to Carthage. Otherwise, there would have been no uncertainty in the tradition regarding the identity of the embassy's head, because

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filius, as if Maximus were only specific for the father (Rullianus). Other evidence, too, suggests that this cognomen was at the very least not firmly attached to Gurgus.

<sup>82</sup> Cass. Dio 13.55.1–8; Zon. 8.22.

<sup>83</sup> Polyb. 3.20.1–6. Here, Polybius not only assesses his sources but also precisely outlines the situation: if the Romans still believed to be able to maneuver at the time of Hannibal's attack on Saguntum, after the fall of the city, Rome's reputation as a hegemonic power was at stake.

<sup>84</sup> If the speeches were based on an earlier tradition, Fabius Pictor would also have spoken of this. But since Polybius criticizes only Chaireas and Sosylus, it turns out that he could not accuse Pictor in this connection. We cannot assume that Polybius intentionally chose to spare Pictor. That would have largely devalued his argument: how could one reproach Chaireas and Sosylus for something that Pictor did as well?

<sup>85</sup> Scullard 1973, 41, with n. 3, justifies his trust in the tradition represented by Cassius Dio/Zonaras by arguing that one would have found for Fabius a more prominent antagonist than L. Cornelius Lentulus, who "was not likely to be well remembered by later generations." But the elaboration of this speech duel, invented probably by Hellenistic authors such as Chaireas and Sosylus, belongs to an early stage of the development of Roman historiography, in relation to which material it is difficult to make any statements about the prominence or subordination of Roman senators. On similar issues with M. Fabius Buteo, cf. below.

<sup>86</sup> In this respect, Beck 2005, 282 rightly speaks of a tradition prompted by a legend ("legendendurchwirkten Tradition").

its mission as such would certainly have had a prominent place in the comparatively rich biographical tradition on Fabius.<sup>87</sup>

The falsification by the annalists and the misinterpretation of the composition of the embassy to Carthage reflect the discontent of both ancients and moderns alike over the fact that Fabius initially was not prominent at all in this turbulent period. Indeed, this fact is difficult to explain if it is assumed that Fabius had a brilliant career even before 217.<sup>88</sup> The decision to appoint Fabius as dictator in 217, however, finds an analog in the dictatorship of the similarly aged Fabius Buteo in the year 216.<sup>89</sup> Each time Rome's relationship with the gods or the approval of an *ad hoc* expansion of the Senate were on the agenda, the Romans turned to the consular descendants of the old patrician *gens Fabia*, who had also already served as censors. Ancestry, age, and the *cursus* secured the needed reputability.

Thus, the defeat at Lake Trasimene triggered an intense debate in the Senate. The disruption in the relationship with the gods was diagnosed and understood as the cause of the catastrophe. It was apparently also recognized that the rules and procedures for appointing the magistrates did not meet emergency needs in the short to medium term. The senators reached an agreement on which rules and procedures could be sidestepped for the time of the emergency. In the short term, the dictatorship served especially well as a means to restore the *pax deorum* and, at the same time, to provide immediately for the defense of the city by organizing a levy and by strengthening fortifications.<sup>90</sup> Each of these tasks could have been dealt with in some other way.<sup>91</sup> However, the only "comprehensive solution" available was the dictatorship, which, moreover, was preferable insofar as the gods were concerned. In the medium and long term, the suspension of the regulations of the *leges Genuciae* opened up the opportunity to turn more flexibly to ex-magistrates for the tasks ahead.

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<sup>87</sup> Cf. Beck 2005, 283 (with the sources at n. 73). Levene 2010, 14, with n. 29, makes it clear that only Livy and the tradition that depends on his report Fabius' involvement in the embassy.

<sup>88</sup> As argued more recently by Beck 2005, 272–82.

<sup>89</sup> For Scullard 1973, 274, Buteo was an "outstanding personality." However, Stein 2007, 148–9, with n. 4, has recently called him "reputable" but only of "secondary" importance ("acteur très respectable mais ... secondaire de la vie politique"). Obviously, the scanty information we have may be taken to suggest quite different conclusions.

<sup>90</sup> According to Livy 22.8.7, organizing the defense was *negotium*. Since this meant protecting the Penates, it was considered also a religious duty.

<sup>91</sup> Lesiński 2002, 138–9 rightly points out that, in 296, praetors are said to have organized the defense of the city in a similarly acute situation (Livy 10.21.1–3). Appointing legates probably was not yet considered as an alternative: all the examples mentioned by Lesiński are from the period after 217.

In this connection, Lippold rightly points out that, after the disaster, the initiative for emergency measures originated with the Senate.<sup>92</sup> This conclusion can now be further specified by looking at the steps leading to dictatorship. Its integration into a bundle of religious regulations must be based on a corresponding judgment of the augurs. Fabius generally played a very prominent (perhaps even the most important) role in this body. Given that in the case of 217 there was not only a decision to initiate a dictatorship but that Fabius himself was also endowed with this position, one has to conclude that he himself was the driving force behind this.

His ancestry and *cursus* made him a suitable candidate for the dictatorship, but Fabius' career to this point had not been a glittering one. Although his ancestors had held outstanding positions over the centuries, he advanced his career at a relatively leisurely pace.<sup>93</sup> Certainly the two consulships, a triumph, and a censorship demonstrated that Fabius was ultimately able to meet expectations; but at a time when the prestige deriving from tenure of office was almost the only criterion in assessing one's standing,<sup>94</sup> what he had achieved could hardly satisfy. Indeed, some of his ancestors held the consulship up to five times. His grandfather reached this position three times.<sup>95</sup> Despite Fabius' advanced age, he was far from repeating that success.

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<sup>92</sup> Lippold 1963, 151, insisting, however, that this does not provide a sufficient reason to doubt the "election" of Fabius by the People.

<sup>93</sup> This is the main observation in Feig Vishnia 2007.

<sup>94</sup> On this Jehne 2011 is generally convincing. What is questionable, however, is the late dating to the 230/220s. Jehne 2011, 222–3 bases it on the following observation: "It seems reasonable to assume that the prerogative of the former consul did not develop before the praetorship was downgraded." But it remains uncertain whether the increase of the number of praetors led to this gradation. One could also argue that, the other way around, the gradation allowed the increase of the number of praetors. In the early third century, when the limitations imposed on iteration were being largely observed, it had happened twice in a row that ex-consuls became praetors right after the consulship. This indicates that even then the offices were no longer considered as being of equal value, so that the exercise of a praetorship immediately after holding a consulship was not understood as comparable to the continuation of a consulship; cf. Rilinger 1978, 302; Hölkeskamp 1990/2004, 100 (the praetorship was subordinated to the consulship). The view – now also adopted in Bergk 2015, 284, n. 1043 – that there was no formalized hierarchy in the Senate until the middle of the third century, should, therefore, be redated to at least one generation earlier.

<sup>95</sup> This conclusion depends on whether the consulships attested for Fabius Gurges in 292, 276, and 265 belong to one person or to a father and a son; see on this Beck 2005, 272–3. Since our ancient sources nowhere underline that the son should be distinguished from the father, there was probably only one consul Fabius Gurges. This suggestion does not depend on whether Rullianus was the grandfather or great-grandfather of the Cunctator, which was a matter of controversy already in antiquity. In the first case, the Cunctator would have the consul Gurges as

At the same time, the newcomers like Flaminius were no less successful.<sup>96</sup> Flaminius, too, was consul twice (223, 217), a triumphator (222), and a censor (220). It might even seem as if his death alone had prevented him from quickly surpassing Fabius.

In one respect, however, Fabius had an advantage for which *homines novi* could not immediately compensate – namely, his special qualification for religious matters as a patrician with a spectacular pedigree. The peculiarity of the decisions of 217 demonstrates the way in which Fabius was able to play his trump cards. At the same time, it would certainly be anachronistic to see here nothing more than practical considerations and manipulation; traditionally-minded contemporaries could well have considered the restoration of the *pax deorum* a valid concern.<sup>97</sup> If this was also of political and social benefit, so much the better.

We have already seen that in the previous decades, the dictatorship had been used almost exclusively for holding elections. It was important for Fabius to emphasize the time-honored splendor and the resulting significance of the office. Only recently has it been recognized that the individual aspects of the dictatorship, such as the double allotment of lictors in comparison to the consuls or the rule that the dictator may not mount a horse unless allowed by a special decision,<sup>98</sup> are documented for the first time for Fabius' dictatorship of 217. It is unclear whether this was actually just a matter of ostentatiously following archaic rules or whether Fabius and the augurs themselves established the alleged tradition.<sup>99</sup> In any case, such attributes clearly emphasized the religious complexion of the dictatorship. It contributed to the authority of the office and its ability to communicate with the gods. This shining aura also affected the perception of the person holding the office.

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his father, while in the second case the Cunctator's father would have been the son of Gurgus who would have died before he could reach higher offices. Even if the list of three Fabii at Plin. *NH* 7.133 (also attributing to each of them the position of a *princeps senatus*) is problematic (cf. Ryan 1998, 173–8; Ryan 2003; Bergk 2015, 284, n. 1043), it nevertheless supports the second alternative. If it is accepted, then Gurgus was consul three times but had a son, the father of the Cunctator, who died so early that the fact that he held no high offices did not give any reason for reproach.

<sup>96</sup> For his career, cf. Meißner 2000; Beck 2005, 244–68.

<sup>97</sup> Müller-Seidel 1953 rightly defended Fabius' piety but overestimated the possibility of a plausible reconstruction of actual convictions. Probably more can be said with reference to general mentalities, as in Linke 2000, 284; Linke 2014, 65–8; cf. Beck 2005, 294, all with further references. On the "Fabian piety tradition," cf. now Driediger-Murphy 2019, 178, n. 63.

<sup>98</sup> Polyb. 3.87.8; Plut. *Fab.* 4.

<sup>99</sup> For an overview, see Cornell 2015.

However, Fabius did not limit himself to the ceremonial and symbolic sphere. In response to the disaster caused by Flaminius, Fabius exercised the power to which the consul Servilius had to submit when he had finally made it back to Rome. Displaying his insignia, the dictator degraded the consul to a position of the recipient of orders. Fabius also effectively suspended Servilius from taking any further significant part in the war against Hannibal. The consul's new position as a subordinate fleet-commander could not compensate for the humiliation.<sup>100</sup>

While reporting the beginning of Fabius' dictatorship, Polybius only hints at the dictator's special powers and promises to return to this question later in a more detailed treatment.<sup>101</sup> This reflects the tradition Polybius used. Fabius' conduct apparently raised the question early on, most likely already among his contemporaries, of whether he was interpreting the largely forgotten prerogatives of the office too generously. After he had assigned a minor task to the consul Servilius, it became clear that his dictatorship was not about formalities and relics.

Fabius was certainly soon compelled to justify his actions in terms of military necessity. As long as he only raised troops and organized the defense of Rome, that did not matter. The understanding of Hannibal's successes as a manifestation of divine displeasure offered an important, but overall insufficient, means of justifying the (temporary) suspension of the consul. Fabius had to make the effective assumption of supreme command against Hannibal acceptable and convincing by also formulating a better strategic alternative. He developed such an alternative by reversing the maxim that had been so far characteristic of both Flaminius and Roman warfare in general: instead of massive preparations and preparedness for a decisive battle, Fabius relied on "retrenching" and waiting.

Polybius describes Fabius' strategy and assesses its merits immediately after reporting the consul Servilius' suspension.<sup>102</sup> However, he notes a few chapters later that Fabius himself, despite all his reluctance at the time, still considered a decisive engagement with Hannibal as possible.<sup>103</sup> This evidence, which strictly contradicts Fabius' later image, must be authentic. It suggests that Fabius exercised considerable caution right from the start, but did not initially want to rule out a decisive battle (under his command). A victory would have justified him on all counts. It was only after the Romans had fully recognized the extent of Hannibal's military genius that Fabius' tactical caution developed into a strategic maxim.

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<sup>100</sup> See especially Polyb. 3.88.8; Plut. *Fab.* 4.

<sup>101</sup> Polyb. 3.88.7–9.

<sup>102</sup> Polyb. 3.89.

<sup>103</sup> Polyb. 3.93.1–2.

Fabius' alternative was also politically risky.<sup>104</sup> It surrendered the ability to act to the Carthaginians, although it had to be clear that Hannibal's interest consisted in devastating the country to provide for himself and to demoralize the Romans and their allies. Above all, however, Fabius' decisions provoked great resistance, not least because the property of members of the Senate was now left without protection. The acuteness of the confrontation can now hardly be recognized in the literary tradition, which describes the situation in retrospect. But at least, the debate over Fabius' own estate points to the extent of the anger.<sup>105</sup> Those who accused Fabius of willingly sacrificing someone else's property because his own was not affected reflect the essence of the opposition. Another point of conflict concerned the allies (and their patrons in Rome). Perhaps the symptoms which caused Capua's defection to Hannibal in the next year were already visible in 217.<sup>106</sup> Numismatic evidence suggests there was a need to reassure the loyalty of the allies.<sup>107</sup>

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<sup>104</sup> In his stimulating study of the rewards of risky behavior, Walter 2017b, 363–4 does not fully take this into account when he considers Fabius' actions as limited only to the tactical level in war (“Bereich taktischer Entscheidungen im Krieg”).

<sup>105</sup> See Schmitt 1991, 183–6, where the connection of this detail with the development of the *cunctatio* tradition was not yet recognized.

<sup>106</sup> In his fundamental study, Ungern-Sternberg 1975 (esp. 34–45) demonstrated that Capua's tendency to defect from the Romans became strong only in 216. That the later tradition underlined such sentiments already for 217 may be explained by the fact that it considered Fabius' preferred type of warfare as generally Roman, which it only became in 216, after Cannae. At the same time, it cannot be ruled out that, as early as in 217, isolated responses to the Romans' inability or unwillingness to provide protection did take place or were at least to be feared.

<sup>107</sup> Bleicken 1963/1998 and Instinsky 1964 give good reasons in support of the idea that the Roman coinage with the scene of a *coniuratio* (Crawford 1974, 44, tab. V, 145, no. 29.1; 715, n. 5) was a reaction to the unrest among the allies. Since the copies of these Roman gold coins were made in Capua, they must have been minted earlier in Rome. Bleicken dates them to 216. However, Plin. *NH* 33.3.44 and 33.3.47 is decisive, recording how many years passed after the first Roman silver coin had been minted until gold coin began to be produced. According to the Codex Bambergensis, that was 51 years. However, the year 218 does not provide any reference point for the scene of a *coniuratio*. However, the Codex Riccardianus reads 52. In addition to this, Plin. *NH* 33.3.45 relates that the dictator Fabius intervened in coinage production: “Later, when Hannibal was pressing hard, under the dictator Q. Fabius Maximus, asses were minted of one ounce weight and new exchange-values were also decided ...” (... *postea Hannibale urgente Q. Fabio Maximo dictatore asses unciales facti placuitque ... permutari*; cf. also Zon. 8.26). All in all, the *coniuratio* gold coins should be dated to 217 and understood as a measure to ensure the loyalty of the allies. Elster 2003, 193, no. 85 considers Pliny's reference to the dictatorship of Fabius “as a mere dating.” But since the mention of both Hannibal and Fabius aims at a conscious comparison of the two main actors, Pliny must have implied that the dictator played a decisive role in this reform. The second change mentioned by Pliny can only have taken place later (*placuitque*), which solves the problem rightly recognized by Elster, namely that



Even if Fabius' new strategy would have met with opposition, its implementation was backed by the dictator's power. Even after Hannibal had ridiculed him by the famous trick with the oxen,<sup>108</sup> Fabius continued to exercise his dictatorship as a military position. The only way to confront Fabius was to use the reasons that he himself had underlined for his dictatorship. His opponents succeeded in recalling him to Rome "in order to make sacrifices,"<sup>109</sup> that is, to fulfill his most important religious duties.

When Fabius was absent, the *magister equitum* succeeded in restricting Hannibal's freedom of action,<sup>110</sup> which opened up the possibility to restrain Fabius' further initiatives. The attack was well-considered: Minucius' promotion to the position of a co-dictator meant that Fabius now had a colleague whom he could no longer simply suspend from command.<sup>111</sup> On the other hand, the dictatorship was again subjected to the Senate. Minucius' co-dictatorship was certainly supported by most senators. Through a tribune who certainly was backed by a majority in the Senate, a law was passed which made Minucius a dictator, too. Fabius must have lost the support even of his fellow augurs to such an extent that he had no choice but to submit. The doubling of the number of incumbents deprived the office of its unique characteristic. This decision, together with the experience of the largely uncontrolled power that a determined dictator could exercise,<sup>112</sup> may have contributed significantly to the fact that,

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the silver denarius mentioned in this context was only introduced at "around 212." Elster 2003, 194 herself rightly considers that Pliny "summarized" the measures taken at different points "for the sake of simplicity." Polyb. 3.90.13–14 relates that the allies, despite Roman defeats, had not yet begun to defect and considers this as an indication of their "fear of the *res publica Romana* and high estimation (sc. of her power)" (κατάπληξις καὶ καταξίωσις τοῦ Ῥωμαίων πολιτεύματος). This implies that the loyalty of the *socii* was no longer self-evident and came under considerable pressure.

<sup>108</sup> On this tradition, see Schmitt 1991, 176–8.

<sup>109</sup> Polyb. 3.94.9.

<sup>110</sup> Polyb. 3.101–2.

<sup>111</sup> Polyb. 3.103.3–4. Minucius' dictatorship is also attested epigraphically (CIL I<sup>2</sup> 2, 607 = CIL VI 284 = ILS 11 = ILLRP 118); the attempt of Dorey 1955, to refute this testimony does not convince, cf. Schmitt 1991, 190–1; Bellomo 2017, 158, n. 34.

<sup>112</sup> The extent of this power was not defined by an inherited raft of competencies, but rather was a result of the fact that this office had fulfilled only very limited tasks for generations. So the checks and balances that would otherwise have arisen in practice were not spelled out for it. Only in 217, many fundamental issues about the extent of the dictatorial power became relevant again.

a little later, the dictatorship fell completely out of use,<sup>113</sup> notwithstanding a short period of activity in the first century under completely changed circumstances.

However, Fabius attempted to continue in his full use of the military powers of the office even after Minucius had been made dictator. In practice, this resulted in the same situation that otherwise occurred when two consuls were active in the same area of command,<sup>114</sup> until both dictatorships expired after six months.

The two phases in Fabius' and Minucius' co-dictatorship can already be seen in the earliest tradition still available and are likely to have been strongly influenced by the fame of the later *Cunctator*. At first, the army was divided between Fabius and Minucius. Only after Minucius in his turn had fallen into Hannibal's trap, and his troops were rescued by those of Fabius, did they return to a coordinated command structure.<sup>115</sup> The later tradition represented this as a repentant subordination of Minucius to Fabius,<sup>116</sup> so that the former even abdicated his dictatorship. But there can be no question of that: Polybius makes it clear that both dictators abdicated at the end of their term of office (and after the elections for 216 had been organized).<sup>117</sup> In the annalistic tradition, too, there are still traces of Minucius' further exercise of office. Thus, it is after his alleged subordination to Fabius that the *exercitus Minucianus* is mentioned.<sup>118</sup> The actual change was more likely to have consisted in the fact that now both commanders did not proceed independently. In practice, no profound differences between their strategies could develop because a decisive battle was now out of question anyway, while the recent experience showed the way in which it was possible to proceed with smaller skirmishes.

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<sup>113</sup> Elster 2003, 202 argues that the "incidents" during the dictatorships of 217 compelled Rome to avoid the appointment of a *dictator rei gerundae causa* for a very long time. This conclusion should be specified by pointing out that the developments of 217 (and 216) made the already by-then uncommon option to look now completely unsuitable.

<sup>114</sup> Polyb. 3.103.7–8.

<sup>115</sup> Polyb. 3.105.10.

<sup>116</sup> See especially Livy 22.29.7–30.6; cf. Plut. *Fab.* 27. Recently Hölkeskamp 2018, 711, with n. 7, has accepted the historicity of the new subordination and refers in particular to Fabius' *elogium* (CIL I<sup>2</sup>, p. 193, n. XIII, ll. 9–15 = ILS 56 = InscrIt 13.3, 80; CIL I<sup>2</sup>, p. 193, n. XII = InscrIt 13.3, n. 14 = CIL VI 40953). But one can hardly trust this testimony, as it is explicitly in connection with Fabius' dictatorship that Livy 22.31.8–11 speaks of the fact that the family traditions can be suspected of distorting events *ad maiorem gloriam*.

<sup>117</sup> Polyb. 3.106.1. Cf. Schmitt 1991, 196, with n. 226. Therefore, the vivid annalistic accounts repeatedly discussed in modern research have no *fundamentum in re* and urgently need to be reconsidered by questioning when they were invented and for what reasons.

<sup>118</sup> Livy 22.32.1; cf. Schmitt 1991, 195–6, 311, with n. 129; Bellomo 2017, 159; cf. Bellomo 2019, 157.

We may even say that the situation itself forced the Romans to turn to a *cunctatio*. This also meant that Fabius now certainly had no reason to change his mind.<sup>119</sup>

However, in Rome, Fabius was still unable to convince the Senate.<sup>120</sup> Moreover, the largest Roman army ever was prepared for the year 216. It was supposed to bring victory but was destroyed at Cannae in August 216. Unlike most consulars and the holders of higher magistracies of the previous years, Fabius did not take part in the battle. This can be taken to serve as an indication of how far he had maneuvered himself into the sidelines of the Senate.

Cannae, of course, changed everything. The consul Aemilius Paullus and Fabius' co-dictator Minucius, just as a great number of other senators, fell. As controversial as Fabius' strategy was before Cannae, it became equally inescapable afterwards.<sup>121</sup> The ideas which the 80-year-old had developed in 217 to boost the importance of his dictatorship and to distinguish himself from Flaminius, with which he had at first essentially failed, now *faute de mieux* became the strategy of survival for the *res publica*, whose immediate aim was no longer to win the war but rather to prevent a complete defeat. In the Senate, composed to a considerable extent anew by the censorship of 216, Fabius presented himself as the one who had always known what to do better than others. Three more consulships (215, 214, and 209) and the position of *princeps senatus* (209) show that he finally succeeded not only in meeting the standards set by his ancestors but in surpassing them greatly.<sup>122</sup> The aged Cunctator himself was even able to file all of this clearly in the family tradition on the occasion of the *pompa funebris* for his son. He even had the speech published. Known for centuries, the text was certainly an essential source of the family's image and fame.<sup>123</sup>

Ennius' famous lines call Fabius the only one who ensured the survival of the *res publica*.<sup>124</sup> The initial isolation of the *unus homo* thus became a badge of honor: his self-willed

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<sup>119</sup> Polyb. 3.105.10, whose account takes Fabius' side here, speaks of people following Fabius and his instructions (*παραγγελλόμενα*). The German translation by Drexler 1961, 303 ("befolgten seine Befehle"; "they followed his orders") and the listing in the Polybius Lexicon (s.v. *παραγγέλλω*) focus on the military connotations. But this behavior was the result of a learning process (*διδασκόμενοι*!). Thus, it was not an "order" but rather the inescapability of the current situation that determined their behavior: *παραγγελλόμενα* were, therefore, more an "instruction" or "advice"; Polybius' language allows such a reading.

<sup>120</sup> Polyb. 3.105.9 does not refer to strategic but rather to character issues and – as the link in the following sentence (*οὐ μὴν ἀλλ'*) shows – derives (tendentiously) from the later behavior of the Roman army.

<sup>121</sup> Beck 2005, 295.

<sup>122</sup> Livy 27.11.7–11.

<sup>123</sup> Cic. *Cat.* 12; *Nat. D.* 3.88; *Tusc.* 3.70; *Fam.* 4.6.1; Plut. *Fab.* 1, 24. See on this Hölkeskamp 2018, 737.

<sup>124</sup> Enn. *Ann.* 12.363 Skutsch: *unus homo nobis cunctando restituit rem*. See esp. Walter 2004, 270–2.

exercise of the dictatorship was now seen as a salvation enforced despite *rumores*.<sup>125</sup> Instead of the corresponding attribute σωτήρ,<sup>126</sup> which reminded contemporaries too much of kings, Fabius was given the title of *pater*, which Minucius is said to have used to express his submission.<sup>127</sup> Fabius himself may have given the impetus for such associations at his son's grave: what a "father", who stood by the citizen community in its most difficult hour, and who now also lost his son!

Ennius' epic and the history of its reception also show very clearly the ways in which ambition and excess of initiative in both the religious and military spheres could be tamed: Fabius' approach was now firmly linked with Roman traditions and rules, and his extraordinary initiative was, retrospectively, legally curbed. Livy's report is exemplary: "since taking care of the war would keep Fabius busy, the Senate ordered the praetor M. Aemilius, as had been the advice of the college of pontiffs, to see to it that all these measures were quickly implemented."<sup>128</sup> In spite of the annalistic elaboration, it is clear that the dictator was originally responsible for essentially religious tasks, from which, as this version suggests, a pontifical decree released him.<sup>129</sup> But the *belli cura* must have been so obvious and urgent that there was certainly no need to explicitly include it later in the dictator's list of activities. This invented procedure suggests that in the course of the development of the tradition, Fabius' self-willed interference in the military sphere was retrospectively represented as being a result of the consensus reached in the Senate.<sup>130</sup> What the dictator had *taken* from the Senate happens in that tradition by the agreement of all.

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<sup>125</sup> Enn. *Ann.* 12.364 Skutsch: *noenum rumores ponebat ante salutem*.

<sup>126</sup> When Fabius himself was not directly in view, there was less restraint. According to the model adopted by Dionysius of Halicarnassus, the dictatorship is considered as μία βοήθεια παντός ἐστὶν ἀνιάτου κακοῦ καὶ τελευταίας σωτηρίας ἐλπίς (*Ant. Rom.* 5.77.3); cf. Livy 6.38.3 (*duo ultima auxilia summum imperium summusque civis*), 8.34.2.

<sup>127</sup> Livy 22.30.2.

<sup>128</sup> Livy 22.9.11: *senatus, quoniam Fabium belli cura occupatura esset, M. Aemilium praetorem, ex collegii pontificum sententia, omnia ea ut mature fiant curare iubet*. On the development, dating, and peculiarity of the respective tradition, see Schmitt 1991, 143–59.

<sup>129</sup> That this is a result of a later elaboration rather than a reflection of a more reliable tradition is suggested by the fact that here the praetor M. Aemilius is mentioned, while Livy 33.44.2 relates that the praetor A. Cornelius Mammula was responsible. Plut. *Fab.* 4 presumably draws on an older tradition, according to which the dictator himself commended the *ver sacrum*.

<sup>130</sup> This also suggests that the dictatorship had a clear religious objective even though not a *provincia*.

Fabius Pictor's history is likely to have been crucial for this kind of development of the tradition. This is plausible even if we still assume that Fabius Pictor primarily addressed a Greek audience. For even if Pictor unfolded in detail the peculiarities of the Roman nobility in thought and action (including numerous Fabian *exempla*) in order to make their politics clear and understandable, his work became exemplary for subsequent Roman historiography, such that it can now even be considered as an “exercise in self-understanding and self-assurance” (“Übung in Selbstverständigung und Selbstvergewisserung”) of the Roman elite.<sup>131</sup>

From this perspective, the dauntless transformation and extension by Fabius of the dictatorship assigned to him, originally for a limited purpose, was turned by the annalists into a “traditional remedy.”<sup>132</sup> Speaking more generally, the *cunctatio* came to be understood more and more as the strategy that had always been typical for the level-headed part of the Senate. Such an understanding must have been formulated as a sententious banality quite early; perhaps by Fabius Pictor.<sup>133</sup> In this connection, the defeat at Lake Trasimene became a caesura, which can still be recognized in Livy's summary originating from an earlier tradition: “Such was the famous battle of Lake Trasimene, remembered as one of the few defeats of the Roman people.”<sup>134</sup> In view of this, it was not Fabius but instead Flaminius – whose approach had, in fact, fully corresponded to the strategic maxims used from the beginning of the war up to 216 – who became increasingly understood, even up to the latest modern studies, as the agent of a deviance,<sup>135</sup> which the developing tradition, quite ironically, consistently articulated in religious terms.

Considering his advanced age, Fabius Maximus showed an initiative surprising even for his contemporaries. He exercised the dictatorship, which had not been used for military and political purposes for a long time, as a comprehensive prerogative of action and extended the scope of his office far beyond the task which had been originally entrusted to him. To justify

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<sup>131</sup> Hölkeskamp 2018, 749, who even sees here the historian's intention and a strategic expansion of the media used in the self-portrayal of the *gens Fabia*.

<sup>132</sup> See above. Burden-Strevens 2019 has recently analyzed the way in which the debates over the desirable effects and undesirable side effects of the dictatorship in the late Republic is reflected in Cassius Dio (on Fabius, see Burden-Strevens 2019, 140).

<sup>133</sup> Cf. above on Polyb. 3.105.9.

<sup>134</sup> Livy 22.7.1: *haec est nobilis ad Trasumennum pugna inter paucas memorata populi Romani clades*. On the origin and dating of this assessment, see Schmitt 1991, 125. Fabius Pictor described the event with such meticulousness that Livy even explicitly underlines this (Livy 22.7.4).

<sup>135</sup> Linke 2017, 381 sees Flaminius' “brand” as that of a “pointed political deviance” (“pointierte politische Devianz als Markenzeichen”).

such an extension, Fabius soon could not help but represent it as an opposition to the previous strategy.<sup>136</sup> This initially provoked such strong resistance that Fabius was blocked by the appointment of a co-dictator; this also changed the recently-revived dictatorship to such an extent that it ceased to be used shortly afterwards, only to undergo a second renaissance under completely new circumstances in the first century. At first, the military developments in 217 made Fabius' initiative appropriate for a short term and provisionally. After Cannae, however, Fabius' alternative became the only possible maxim, bringing its inventor the highest fame.

It is significant, however, that the origin of the *cunctatio* in a highly personalized initiative was concealed as much as possible by styling it more and more as the embodiment of ancient Roman *mores*. This approach was suggested because the re-establishment of the dictatorship itself in 217 was already, albeit in a much narrower sense, surrounded by an antiquated and sacred aura. Nevertheless, under these conditions it was still possible to contain Fabius' extravagance. It should be analyzed in more detail to what extent Fabius Pictor's representation of the older Fabii, – who often appear ambivalent in their youth but ultimately all contributed to the development and consolidation of the *res publica*,<sup>137</sup> – was shaped by the intention to shed light on the capacity for the successful integration of political outsiders as a strength of the *gens Fabia* and also of Rome. From this perspective, the dictatorship of the year 217 must have been essential, especially in its provocative shaping by Fabius and the way in which the literary tradition sought to grapple with the experience.

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<sup>136</sup> Since Roller 2018, 163–96 explicitly refrains from reconstructing the events of 217 as precisely as possible (166: "my analysis makes no claim to historical correctness") and only occasionally attempts to place the fragmentary evidence we have in the respective temporal horizon, his analysis of Fabius' representation as a moral innovator is not helpful when it comes to the appreciation of Fabius as a politician and general. Moreover, it hardly suffices simply to confront judgments and statements with one another in order to achieve an adequate historical understanding of the development of even Fabius' image as such. It is necessary to ask what, when, and for which reason one said about events and people in light of what one knew about them.

<sup>137</sup> For a good overview, see Hölkeskamp 2018, 742–8.

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## Political Initiative during *interregna* in the Late Roman Republic

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### Abstract

By looking at the *interregna* of 82, 77, 55, 53, and 52 BCE, this chapter explores who took formal initiative and who, in practice, was the instigator of political action in the late Roman republic in an emergency situation. The first part of the argument revolves around the question of whether the *interrex* was endowed with *imperium* and, therefore, fully capable to take formal initiative in precisely the same way as the highest ordinary magistrates. This issue is a matter of ongoing debate. A positive answer is suggested by the *interrex*' right to propose legislation, as well as by his judicial authority, his inclusion in the *senatus consultum ultimum* as leader of the state, his status as an eponymous magistrate, a curule magistrate, and an individual to whom the exclusive symbols of an *imperium*-holder were accorded – lictors bearing the fasces. The *imperium* of the *interreges* meant that they had formal initiative but its actual implementation is another matter. While late republican *interreges* did make use of this capability (sometimes their formal initiative was even more impressive than that of the *interreges* of earlier periods), it is also beyond doubt that powerful figures (such as Sulla and Pompeius) could stand behind their actions, influencing the *interregnum* and the decisions taken over its course. Among the institutions that showed themselves to be proactive during *interregna* were not only the Senate, but also the plebeian tribunes, who retained their power under the *interrex*, including the right to put forward legislative proposals. In the political struggle of the 80s–50s BCE, which intensified especially during the *interregna*, the popular masses also got involved – now at the instigation of politicians, now, as it seems, spontaneously. However, even under such conditions, legitimate political initiative was thought to rest exclusively with the recognized political institutions, in the first place with the *interrex* himself.

### Keywords

*interregnum*, *interreges*, magistrates, late Roman republic, political initiative, Senate, plebeian tribunes, political leadership

### 1. The *interreges*, *imperium*, and Formal Initiative

Research into the question of who had formal political initiative during the *interregna* of the first century,<sup>1</sup> and who was the real initiator of political actions, is important for the better

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<sup>1</sup> All dates are BCE.

understanding of the regulatory mechanisms governing Roman society of the late republican era in extraordinary situations. First of all, we should analyze the ability of the *interreges* themselves to initiate political actions. The search for an answer to this question rests on the key problem under discussion here: was the *interrex* endowed with *imperium*? This question, to which historiography is no stranger,<sup>2</sup> has arisen anew over recent years. Alexandr Koptev insists that the *interrex* had no *imperium*, even though he was endowed with *ius agendi cum patribus et cum populo*.<sup>3</sup> Consequently, had no right to the legislative initiative characteristic of the highest magistrates with *imperium*. Maria Chiara Mazzotta has recently defended an opposing view.<sup>4</sup> Her principal consideration is that the *interrex*, despite fulfilling only the function of a president in consular elections since the beginning of the Republic and up to the first century (occupying what would otherwise have been a power vacuum), later took on legislative, legal, and military roles in the last century of the Republic. That is, in this period, the *interrex* genuinely played the role of a governing entity. It is this second approach to answering the question that I share (I already recognized the status of the *interrex* as a magistrate and his possession of *imperium* in a monograph of 1998).<sup>5</sup> My certainty that the question of whether the *interreges* possessed *imperium* can be answered positively is supported by a series of arguments whose validity can hardly be questioned by what Koptev has recently suggested.

To begin with, a *tessera* published by Jean Babelon (whose text was subsequently included in the *Corpus Inscriptionum Latinarum*) ascribed to 53, gives clear evidence that in the first century the *interrex* defined the dating system as per the political calendar: *C. Octavius sp(ectavit) id(ibus) Iun(is) Q. Met(ello) int(errege)*.<sup>6</sup> Thus, he took on the role of an eponymous magistrate – a position that in Rome could only be given to a higher-ranking magistrate with *imperium*.

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<sup>2</sup> Rubino 1839, 93; Mommsen 1887, 649, 661; 1864–1879, 271; Lange 1876, 289; Herzog 1876, 512 (see also Herzog 1884, 731); Netushil 1894, 167 considered the *interrex* as a magistrate with *imperium*. Later, this view was adopted, among others, by Vogel 1950, 78; Siber 1952, 77–8; von Lübtow 1952, 157; 1955, 183; De Martino 1958, 216; Meyer 1961, 161; Magdelain 1990; Hölkeskamp 2017, 48. The opposing position was represented at the end of the nineteenth century by Nissen 1885, 49–51 and found supporters over the subsequent decades, including Stavely 1983, 24–57, who denied the *interrex* of magisterial status.

<sup>3</sup> Koptev 2014 and 2016.

<sup>4</sup> Mazzotta 2013 and 2016.

<sup>5</sup> Dementyeva 1998, 84–93.

<sup>6</sup> Babelon 1928, 15. Taf. 2. No. 16; CIL I<sup>2</sup> 2.2663c. Jahn 1970, 14 has incorrectly named the publisher Ernst Babelon (i.e. by the name of Jean Babelon's father, although Ernst died in 1924, 4 years before this publication).

According to Dionysius of Halicarnassus and Livy, ever since the kings, the *interrex* was accompanied by an official bodyguard of lictors with *fasces*.<sup>7</sup> Asconius corroborates this information, describing the situation in 52: “The Clodian mob also besieged the houses of the *interrex* M. Lepidus – for he had been appointed a curule magistrate – and of Milo (who was absent) but driven away by arrows. Then the crowd seized the fasces from the grove of Libitina and took them to Scipio’s and Hypsaeus’ houses, and after that, to the suburban estate of Cn. Pompeius, proclaiming him at one moment consul and at another dictator.”<sup>8</sup> That is, M. Lepidus, already proclaimed *interrex*, was blockaded inside his house by the same crowd that offered the *fasces* to Pompeius and others. This suggests that M. Lepidus was apparently prevented from taking the *fasces* which were to belong to him as an *interrex*. Koptev acknowledges the *interreges*’ assumption of the insignia of power, including the *fasces*.<sup>9</sup> But it is difficult to imagine that, in the republican period, the one entitled to lictors and *fasces* did not have *imperium*.

Cicero, enumerating the magistrates having *ius agendi cum patribus et cum populo*, names not just the consuls, praetors, dictator and the *magister equitum*, but also the *interrex*.<sup>10</sup> This right is understood as consisting of the power of a higher magistrate to address *relationes* to the Senate and *rogationes* to the *comitia*. It is from the *ius agendi cum patribus et cum populo* that the magistrate’s authority over the elections was derived. In addition, the management of specifically consular elections, which is by definition the main purpose of the *interregnum*, was not the prerogative of all *imperium*-holders, but only those who occupied the highest position.

For me, there is no doubt that Cicero counted the *interrex* among the magistrates *cum imperio*. Koptev asserts that the possession of *ius agendi cum patribus et cum populo* by consuls, praetors, the dictator, and his lieutenant by no means also equates the *interrex* with them in all other parameters of magisterial power,<sup>11</sup> not considering that the “parameters” of the listed magistracies are unique to each. While no two magistracies are identical by these metrics, all those named by Cicero in this fragment are *imperium*-holders alongside the *interrex*.

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<sup>7</sup> Dion. Hal. 2.57.2; Livy 1.17.5.

<sup>8</sup> Asc. 33C: *quoque M. Lepidi interregis – is enim magistratus curulis erat creatus – et absentis Milonis eadem illa Clodiana multitudo oppugnavit, sed inde sagittis repulsa est. tum fasces ex luco Libitinae raptos attulit ad domum Scipionis et Hypsaei, deinde ad hortos Cn. Pompei, clamitans eum modo consulem, modo dictatorem.*

<sup>9</sup> Koptev 2014, 83 and 2016, 205.

<sup>10</sup> Cic. *Leg.* 3.10.

<sup>11</sup> Koptev 2014, 83. Cf. Koptev 2016, 205, where it is merely stated that “the interreges were provided with an *ius agendi cum patribus et cum populo* and could summon the People to the centuriate assembly.”

Moreover, Koptev underlines his assertion that “neither the *interrex* nor dictator was a magistrate of the Roman people,”<sup>12</sup> adding in a footnote that with regard to the *interreges*, this has been demonstrated by Ugo Coli. However, in fact, on the pages referred to (54–9, 156–7), as elsewhere, Coli has not tried to demonstrate anything of the kind, being concerned rather with the *imperium* of the kings.<sup>13</sup> Koptev argues that the Romans did not consider the *interreges* magistrates because Livy says: “being private citizens, we (patricians) have auspices which these (plebeians) do not even have as magistrates.”<sup>14</sup> Therefore, patricians carried out the auspices in a time of *interregnum*, “not holding any kind of office.”<sup>15</sup> However, the subject here is the start of the *interregnum*, during which the auspices were transferred to the *patres* who, being private citizens, selected the first *interrex*. The passage is not about – is indeed not even close to being about – the idea of *interreges* having never occupied some kind of magistracy. Livy’s passage addresses the subject of auspices before elections, which are carried out according to an originally patrician duty, and only adds after this that “we ourselves, without the agreement of the people, choose an *interrex* after taking the auspices: even as private citizens, we (patricians) have auspices which these (plebeians) do not even have as magistrates.” If we restore the start of the sentence and the previous phrase, it is abundantly clear that the subject is not the auspices of an *interrex* but the auspices of the *patres* on their determination of the first *interrex*.<sup>16</sup> This is precisely how, for instance, Jerzy Linderski understood the passage: “Appius stresses the exclusive prerogative of the patricians to appoint the *interrex*.”<sup>17</sup> And yet Koptev asserts that, according to Linderski, “the patricians carried out auspices *during* the interregnum as private citizens (*privatim*), without occupying any office or being magistrates,”<sup>18</sup> as if Linderski implied that the incumbent patrician *interreges* were not magistrates.

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<sup>12</sup> Koptev 2014, 82. Cf. Koptev 2016, 216: “...strictly speaking, neither a dictator nor an interrex was an ordinary magistrate.” The addition of “ordinary” in the later publication is indicative.

<sup>13</sup> Coli 1951.

<sup>14</sup> Livy 6.41.5–6: *et privatim auspicia habeamus, quae isti ne in magistratibus quidem habent!*

<sup>15</sup> Koptev 2014, 82. See also Koptev 2016, 207.

<sup>16</sup> Livy 6.41.5–6: *penes quos igitur sunt auspicia more maiorum? nempe penes patres; nam plebeius quidem magistratus nullus auspiciato creatur; nobis adeo propria sunt auspicia ut non solum quos populus creat patricios magistratus non aliter quam auspiciato creet, sed nos quoque ipsi sine suffragio populi auspiciato interregem prodamus et privatim auspicia habeamus, quae isti ne in magistratibus quidem habent.*

<sup>17</sup> Linderski 1990, 36.

<sup>18</sup> Koptev 2016, 207.

Sallust testifies to the fact that *interreges* were accorded authority in the sphere *militiae*: describing the speech given by L. Marcius Philippus in the Senate in 77, he says that in a situation in which M. Lepidus led an army against Rome, the *interrex* Ap. Claudius, together with the proconsul Q. Catulus and others with *imperium*, should defend the city and take measures that the Republic might not come to harm.<sup>19</sup> The phrase employed here by Sallust, *ceteris quibus imperium est*, has been suggested by A. Nissen to mean “with others who, in contrast to him, have *imperium*,” on the basis of which he deduces that the *interrex* was *sine imperio*.<sup>20</sup> But, in this context, it is absolutely clear that the translation ought to be “with others who, like he, have *imperium*,” as there is no attempt on the part of Sallust to contrast the *interrex* with the magistrates *cum imperio*, and L. Marcius hardly suggested strengthening the defense of the city merely by the addition of one more ordinary soldier – the *interrex* Ap. Claudius. In other words, the *interrex* was among those invited to *take charge* of the armed forces when Rome itself needed to be defended, as I already proposed more than 20 years ago. This same interpretation has now been given by Mazzotta.<sup>21</sup> Koptev, however, calls attention to the observation of Briggs Twyman that Ap. Claudius was the consul in 79 assigned Macedonia but he did not travel to the province on account of illness: that is, that he was able to retain his *imperium* further as a proconsul, and, therefore, Claudius “could possess military *imperium* as proconsul, not as *interrex*.”<sup>22</sup> But since the whole purpose of the *interregnum* was that the *interrex* could act in the sphere *domi* (organizing consular elections was his main task indeed) and since it is implied by our ancient sources that the *interrex* was accompanied by lictors with *fasces* also within the city,<sup>23</sup> then we must accept – having drawn up a logically incontrovertible picture – that the *interrex* could not possess his *imperium* as proconsul. Whether or not Claudius was careful not to enter the city while being a proconsul, is, therefore, irrelevant.

Our ancient sources do not report that the proconsul Claudius received a special authorization to retain his *imperium* inside the city. One may suggest that Appius Claudius, being invested with *imperium* as a proconsul, could preside over the electoral *comitia centuriata* because they convened outside the *pomerium*. But this cannot be accepted since a

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<sup>19</sup> Sall. *Hist.* 1.2.22: *uti App. Claudius interrex cum Q. Catulo pro consule et ceteris, quibus imperium est, urbi praesidio sint operamque dent, ne quid res publica detrimenti capiat.*

<sup>20</sup> Nissen 1885, 50–1.

<sup>21</sup> Mazzotta 2013, 63.

<sup>22</sup> Koptev 2016, 207.

<sup>23</sup> As pointed out above, Koptev 2014, 83 and 2016, 205 acknowledges that the *interrex* had *fasces* and *sella curulis*.



promagistrate, although endowed with *imperium*, was not entitled to preside over the *comitia* even outside the city boundary.

In the passage cited above, Asconius calls the *interrex* of 52, M. Lepidus, a curule magistrate: “for he had been appointed a curule magistrate” (*is enim magistratus curulis erat creatus*).<sup>24</sup> Stuart Staveley has cast doubt on whether it is the office of *interrex* that is actually being designated as curule in the given passage.<sup>25</sup> He supports the idea of Friedrich Münzer that M. Lepidus could have been a curule aedile and that it is precisely this that Asconius had in mind when he spoke of him as an *interrex*. This is unsupported by our ancient evidence and has been contested by Joachim Jahn.<sup>26</sup> On the initiation of an *interregnum*, the ordinary magistrates gave up their powers, and in January of 52, the year in question here, the only elections were for tribunes and plebeian aediles (and their deputies); the elections of lower magistrates, initially reserved for patricians, could be called only after the selection of the higher-ranking officials. In a letter to Brutus of 5 May 43, Cicero notes that while there is even one patrician magistrate, the auspices may not return to the *patres*,<sup>27</sup> an opinion also supported by Cassius Dio.<sup>28</sup> This forces me to assume that at the moment of the *interregnum* Lepidus could not have had an ordinary, low-ranking office. It still could be assumed that *is enim magistratus curulis erat creatus* refers to Lepidus’ aedileship at some point earlier than in 52, but if it were so, why would Asconius mention this detail at all?

Koptev develops his own distinct reconstruction of the *interregnum* of 52. For him, the only ancient source here is the commentary by Asconius on the “lost speech of Cicero’s, *Pro Milone*.”<sup>29</sup> But even ignoring this bizarre assertion (Cicero’s *Pro Milone* is fortunately far from being lost), Dio, Plutarch, Appian, and Livy all report the *interregnum* of that year.<sup>30</sup> Nonetheless, Koptev focuses on the alleged inaccuracy of Asconius’ information. A full citation is necessary here:

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<sup>24</sup> Asc. 33C.

<sup>25</sup> Staveley 1983, 196–7. Cf. Koptev 2016, 218–9.

<sup>26</sup> Jahn 1970, 178–9.

<sup>27</sup> Cic. *Ep. Brut.* 1.5.4: *dum unus erit patricius magistratus, auspicia ad patres redire non possunt.*

<sup>28</sup> Cass. Dio 46.45.3: ἐπειδὴ ἀδύνατον ἦν μεσοβασιλέα δι’ ὀλίγου οὕτως ἐπ’ αὐτὰς κατὰ τὰ πάτρια γενέσθαι, πολλῶν ἀνδρῶν τῶν τὰς εὐπάτριδας ἀρχὰς ἐχόντων ἀποδημούντων.

<sup>29</sup> Koptev 2012, 141.

<sup>30</sup> See the sources in Jahn 1970, 176.

“Asconius narrates that in January of 52, when Claudius’ murder took place, the *interregnum*, although prescribed by law, could not be initiated because of the opposition of the tribunes; it was called a month later and carried out shortly before the kalends of March ... At the same time, Asconius mentions Marcus Lepidus, whose house was burnt down after Clodius’ funeral, calling him an *interrex* and magistrate ... This gives the impression that the *interregnum* had already begun in January and that Marcus Aemilius Lepidus was the first *interrex*. However, there is reason to doubt the accuracy of this story. Asconius calls Marcus Lepidus a *triumvir*, something he only became a decade later. In 52, Marcus Aemilius Lepidus did not yet occupy a magistracy of note; he became a praetor only in 49 and a consul in 46. For this reason, researchers have expressed doubt over the fact that he was an *interrex* in 52 ... Asconius’ mistake (or that in the reconstruction of his text) also consists in the fact that he superimposes the appointment of the first *interrex* on the decision of the Senate to establish the *interregnum* at the end of January, forgetting that the latter did not take place.”<sup>31</sup>

In other words, in January of 52 the *interregnum* did not occur, but instead was initiated shortly before 1 March; Asconius forgot about this and extended Lepidus’ office of *interrex* retrospectively to January, something that could not have been the case, as the Senate’s January resolution to initiate the *interregnum* was not realized.

Indeed, January of 52 did not start with an *interregnum*, even though the situation called for one. As Asconius tells us, “Pompeius, Scipio’s son-in-law, and T. Munatius, tribune of the plebs, had not permitted it to be proposed to the Senate that the patricians be convened to appoint an *interrex*” (Asc. 31C: *Pompeius gener Scipionis et T. Munatius tribunus plebis referri ad senatum de patriciis convocandis qui interregem proderent non essent passi, cum interregem prodere stata res esset*). Then, on 18 January, Clodius’ murder took place; on 19 January his body was burnt in the Curia in Rome, leading to the destruction of the Curia by fire; on the evening of the same day, 19 January, as Dio reports, the senators gathered on the Palatine and decided that the patrician senators should elect an *interrex*, something they then did. Dio’s

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<sup>31</sup> Koptev 2012, 141–2 (translation is mine).

words leave no cause for doubt, since a *senatus consultum ultimum* (SCU) was adopted in which the *interrex* was mentioned, together with Pompeius and the plebeian tribunes.<sup>32</sup>

Consequently, following Dio, the *interregnum* began on 19 January after the death of Clodius, rather than being “called a month later and carried out shortly before kalends of March” as Koptev sees it. The more so considering that, according to Asconius, “In the meantime, there was a series of *interreges* appointed one after the other, because the consular elections could not be held due to these same outbreaks of violence caused by the candidates and the same armed bands” (Asc. 33–4C: *fiabant interea alii ex aliis interreges, quia comitia consularia propter eosdem candidatorum tumultus et easdem manus armatas haberi non poterant*). Thus, our sources do not contradict each other. Asconius had every reason to superimpose the appointment of the first *interrex* on the decision of the Senate to establish the *interregnum* at the end of January. Asconius is clearly assigning the *intercessio* of T. Munatius Plancus, which prevented the appointment of the *interrex*, chronologically to the period before the murder of Clodius – as his statement of the sequence of events shows. There is no evidence that the *interregnum* was prevented still further.

Koptev’s doubts as to M. Lepidus having actually occupied the office of *interrex*, despite not serving as a higher-ranking magistrate before January of 52, are unfounded. As Jahn has already demonstrated, the violation of the rule by which only *consulares* were selected as *interreges* was well to be expected at that time.<sup>33</sup> The point is that it was very difficult in the given moment to find a patrician *consularis*: a large number of patricians who had received the consulship during the period after Sulla had already died – Sulla himself, Ap. Claudius Pulcher, M. Aemilius Lepidus (*cos.* 78), Cn. Cornelius Lentulus Clodianus (*cos.* 72), and P. Cornelius Lentulus Sura (*cos.* 71); presumably Cn. Cornelius Dolabella (*cos.* 81), L. Manlius Torquatus (*cos.* 65), Cn. Cornelius Lentulus (*cos.* 56), and Mam. Aemilius Lepidus Livianus (*cos.* 77). Of the remaining consulars, the only patricians were C. and L. Caesar (who were, however, in Gaul), Ap. Claudius Pulcher (*cos.* 54; in Cilicia at the time) and P. Cornelius Lentulus Spinther (*cos.* 57; at that time awaiting a triumph outside the *pomerium*). Thus, the only potential *interreges* were M. Aemilius Lepidus (*cos.* 66), M. Valerius Messalla Niger (*cos.* 61; he indeed became an *interrex* in the course of this *interregnum* of 52), and M. Valerius Messalla Rufus,

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<sup>32</sup> Cass. Dio 40.49.4–5: εὐθὺς γοῦν τῆς δαίλης ἐς τὸ παλάτιον δι' αὐτὸ τοῦτο συλλεγόντες τὸν τε μεσοβασιλέα προχειρισθῆναι, καὶ τῆς φυλακῆς τῆς πόλεως καὶ ἐκείνον καὶ τοὺς δημάρχους καὶ προσέτι καὶ τὸν Πομπήιον ἐπιμεληθῆναι ὥστε μηδὲν ἀπ' αὐτῆς ἀποτριβῆναι, ἐψηφίσαντο.

<sup>33</sup> Jahn 1970, 178.

who had just occupied the consulship. As we can see, the choice in selecting the *interrex* was not a wide one. It can indeed be suggested that the *interrex* of 52 was not the future triumvir, but M.' Aemilius Lepidus (*cos.* 66). Of course, the Triumvirate of M. Aemilius Lepidus (if it was him, and not Manius) would come later. In any case, this uncertainty does not refute the appointment of the first *interrex* on 19 January 52.

Koptev also formulates a position in relation to the *SCU* at the time of the *interregnum* of 52: "This *senatusconsultum* (*senatusconsultum ultimum*) referred to the proconsul Pompeius, but in no way to the tribunes and especially not to the *interrex*. For this reason, from our point of view, Asconius' mention of the *interrex* Lepidus appears anachronistic for the end of January; in fact, the *interregnum* leading to the election of Pompeius as consul probably took place a few days before the kalends of March."<sup>34</sup> In commenting on this statement of Koptev's from his 2012 article, I would like to note the following. First of all, Dio confirms the adoption of an *SCU* in the fragment of his work I cited above and characterizes it as a *consultum* directed at the following actors: the *interrex*, the proconsul Pompeius, and the plebeian tribunes. This information cannot be rejected simply on the basis of doubt in the assertions of Asconius. Secondly, the *interrex* who carried out the consular elections (the election of Pompeius) was not Lepidus at all, but – as is well known – the patrician Ser. Sulpicius Rufus (*pr.* 65, *cos.* 51).<sup>35</sup> For this reason, Koptev's suggestion that Asconius was being anachronistic with regard to the January *interregnum* of Lepidus, quoted here, and allegedly contradicted by the election of Pompeius shortly before the Kalends of March ("in fact, the *interregnum* ..."), is quite simply meaningless.

In a later article of 2016, Koptev proposes yet another reconstruction of the events that neither corresponds to his own initial version nor, which is more important, with the sources. Koptev denies the direct evidence from Asconius (33–4C) of the succession (without hiatus) of one *interrex* by another in 52 (*fiabant interea alii ex aliis interreges*) and argues that there were only two *interreges* (Lepidus and Sulpicius Rufus) with a temporal gap between them. Koptev refers to Asconius' fragment regarding the *senatus consultum* on the election of Pompeius as sole consul.<sup>36</sup> From this, the scholar deduces that Sulpicius Rufus was made *interrex* by this *senatus consultum*, and that he did not receive the office from the hand of the previous

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<sup>34</sup> Koptev 2012, 142–3.

<sup>35</sup> Plut. *Pomp.* 54.5; Asc. 36C.

<sup>36</sup> Asc. 36C.

*interrex*.<sup>37</sup> However, Asconius writes of the Senate's resolution exclusively regarding the election of Pompeius as sole consul. The commentator says not a word about the *interrex* himself also being appointed by this decree (rather than by the previous *interrex*).<sup>38</sup>

It was precisely the absence of the higher magistrates that formed the basic premise for the initiation of an *interregnum*; however, the situation of *interregnum* itself required that all the patrician magistrates, in the absence of consular leadership, ceased to fulfill their official obligations.<sup>39</sup> From a letter from Cicero to C. Trebatius Testa, written in January 53,<sup>40</sup> it is quite clear that in the period of *interregnum*, the *interrex* had judicial functions (although Cicero notes that he was not able to engage in legal matters that would take a long time because of the limited duration of his own power).<sup>41</sup> Koptev notes: “[a]s the law courts were closed during an interregnum, no legal business could be transacted.”<sup>42</sup> However, Cicero does not speak of the impossibility on principle of instigating legal procedures, but merely of the existence of a means to avoid them in practice by requests to the rapidly changing *interreges* for adjournment. Koptev has to admit that “[i]nterreges, albeit as part of a jest, were seen here as holders of some civil jurisdiction.”<sup>43</sup> Apparently implying that this piece of evidence is somehow not good enough, Koptev refers to Andrew Lewis. But Lewis, in fact, says correctly that “for Cicero’s jest to have any substance it must have been at least conceivable that a plaintiff might try to commence (or perhaps only continue) legal proceedings which the defendant could then postpone by an application for an *advocatio*.”<sup>44</sup> In other words, Lewis would be highly unlikely to agree with the view that “the law courts were closed during an interregnum,” and that “no legal business could be transacted.” Furthermore, yet again it becomes unclear on what basis the *interreges* could be “holders of some civil jurisdiction” if they were not in fact magistrates and did not have *imperium*. The possession of judicial power once again bears witness to the *imperium* of the *interreges*.

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<sup>37</sup> Koptev 2016, 219.

<sup>38</sup> Asc. 36C: ...visum est optimatibus tutius esse eum consulem sine collega creari, et cum tractata ea res esset in senatu, facta in M. Bibuli sententiam S. C. Pompeius ab interrege Servio Sulpicio v Kal. Mart, mense intercalario consul creatus est statimque consulatum iniit.

<sup>39</sup> Dementyeva 1998, 83.

<sup>40</sup> Cic. Fam. 7.11: quis enim, tot interregnis, iure consultum desiderat? ego omnibus unde petitur hoc consilii dederim, ut a singulis interregibus binas advocaciones postulent.

<sup>41</sup> Mazzotta 2013, 65.

<sup>42</sup> Koptev 2016, 205, n. 3.

<sup>43</sup> Koptev 2016, 205.

<sup>44</sup> Lewis 2005, 224.

The understanding that the *interreges* were endowed with *imperium* as the highest magistrates in Rome allows us to infer, in consequence, that at the very least they had formal initiative precisely as consuls did. But did the *interreges* demonstrate genuine political initiative in practice, and were there other actors who did?

## 2. Leadership and Initiative during the *interregna* of 82, 77, 55, 53, and 52

The *interregnum* of 82 offers an illustrative example of the realization of formal initiative: proposing a law in the *comitia*. L. Valerius Flaccus (*cos.* 100, *cens.* 97), as *interrex*, famously proposed legislation to appoint a dictator. Appian testifies that this entire *interregnum* was conducted at Sulla's instigation.<sup>45</sup> But the fact of Sulla's coercion of the Senate to select an *interrex* does not indicate at all that during this *interregnum* the *interrex* had powers that were otherwise not part of the regular powers of this office.

In terms of its continuity, the institution of the *interregnum* was by 82 in a much better shape than the dictatorship. In the course of the second century, I can find four cases of *interregna*: in 175, 162, 152, and 109.<sup>46</sup> Besides this, Jahn has drawn attention to the fact that the Roman colonies founded in the second century carried on the institution of the *interregnum*.<sup>47</sup>

Until the first century the Romans, judging by the evidence that has come down to us, possibly only once appointed an extraordinary magistrate through another. Namely, it has been suggested that, in 217, the *interrex* appointed as dictator Q. Fabius Maximus (when one consul had died, the other was cut off from Rome by the Carthaginian forces and there was an urgent need for strong leadership).<sup>48</sup> Carlo Castello's thesis that the appointment of the dictator via the *interrex* is an act included within the loose bounds of the *mos maiorum* – one which had been applied in the fourth and third centuries and was, therefore, legitimate – is rejected by Jahn as I

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<sup>45</sup> App. *B Civ.* 1.98.

<sup>46</sup> Dementyeva 1998, 104.

<sup>47</sup> Jahn 1970, 161. This has now been developed by Bianchi 2011. Analyzing the Roman *interreges* and those of the Italian cities comparatively, Eduardo Bianchi shows that their respective institutions of the *interregnum* slowly took the same model as those in Rome.

<sup>48</sup> CIL V 12. P. 23: *Q. Fabius Q. f. Q. n. Maxim(us) Verucoss(us) dict(ator) interregni caus(sa)*. Gusso 1990, 298 holds that *dict(ator) interregni caus(sa)* means here a dictator appointed because of or due to an *interregnum* (“*dittatore nominato grazie all'interregno, o in virtù dell'interregno*”). However, Schmitt in this volume argues that *dictator interregni causa* refers to a purpose rather than a cause. He maintains that, technically, no *interregnum* preceded Fabius' dictatorship. Cf. also Dementyeva 1996, 43; Mazzotta 2016, 136.

see it.<sup>49</sup> Thus, Sulla's acquisition of dictatorial power in 82 through the *interrex* is (at most) only the second example of such a procedure in the long history of the institution.

The Sullan dictatorship was instituted on the basis of a special law proposed by the *interrex* Valerius Flaccus. On the adoption of this law, one of two legal procedures could have been followed. Either, applying the *lex Valeria* as L. Lange presumed,<sup>50</sup> it was agreed that an *interrex* could elect a dictator, which Valerius Flaccus then did; or the given law already named Sulla as the dictator, as M. Crawford sees events as having progressed.<sup>51</sup> Jahn revived the former approach,<sup>52</sup> relying on the work of E. Schwarz and U. Wilken, emphasizing that in the law introduced to the *comitia* by L. Valerius Flaccus, the *interrex* was fully empowered to appoint a dictator, and points to Cicero's words regarding the fact that Sulla was able to induce the *interrex* to appoint one: *Sulla potuit efficere ab interrege, ut dictator diceretur*.<sup>53</sup> In this, Jahn fundamentally disagreed with Emilio Gabba, who considered Cicero's speech to refer to the later endorsement of an act already effected (an indemnity). Jahn saw in the interregal exercise of *relatio* before the popular assembly a new component of the *interregnum* of the Republic's final century, finding it symptomatic of the period; in the classical Republic this was not required (rather it contradicted in his view the purpose of the institution, namely the holding of consular elections).<sup>54</sup> It was also novel for the first *interrex* to approach the popular assembly with a legislative initiative (ignoring the legend of Tullus Hostilius having been elected under the first *interrex*),<sup>55</sup> because there was "no custom" in former times for the first in the chain of *interreges*, remaining in power for no longer than five days, to bring a proposal on the election of consuls to the *comitia*.<sup>56</sup> But the rapidity of the *interregnum* of 82 and the tumultuous progress of events within it was the consequence of its organization in support of Sulla.

Following Frédéric Hurlet, Frederik Vervaeke has argued that "shortly before the patrician senators chose an *interrex*, the Senate also dispensed the future *interrex* from any legal

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<sup>49</sup> Jahn 1970, 164.

<sup>50</sup> Lange 1876, 152–3.

<sup>51</sup> Crawford 1978, 152.

<sup>52</sup> Jahn 1970, 162.

<sup>53</sup> Cic. *Att.* 9.15.2.

<sup>54</sup> Jahn 1970, 163–4.

<sup>55</sup> Dion. Hal. 3.1.1.

<sup>56</sup> Asc. 43C: *non fuit autem moris ab eo qui primus interrex proditus erat comitia haberi*. See Dementyeva 1998, 93–8.

hindrances concerning the mandatory interval between promulgation and rogation.”<sup>57</sup> If this is so, then Sulla prepared the ground for the future *interrex*’ legislative initiative. He provided Valerius Flaccus with the widest possible freedom of operation but then controlled all of his actions. This, and the ratification of Sulla’s past and more recent measures as proconsul (presumably by the same *lex Valeria* concerning his dictatorship),<sup>58</sup> further expose the behind-the-scenes manipulation and the sequence of the measures adopted immediately before and during the *interregnum*. Thus, paradoxically, the more impressive the formal initiative of this *interrex* was – even by comparison to that of the *interreges* of earlier periods – the less control he had over the political initiative more broadly, the latter being fully in the hands of the proconsul Sulla.

The *interregnum* of 77 was called in the period of political struggle that came after Sulla: the consuls of 78, Q. Lutatius Catulus and M. Aemilius Lepidus, entered into an armed confrontation. Taking charge of the army in Etruria, Lepidus threatened Rome; at the same time, the administrative year ended, new consular elections were not held, and an *interregnum* of unknown duration occurred. Thanks to Sallust we do at least know its principal moment: the Senate, after a rallying speech from L. Marcius Philippus, adopted an *SCU*, in which the *interrex* Ap. Claudius is mentioned first.<sup>59</sup> The standard form of this *senatus consultum* was directed in the first place to the consuls when they were available.<sup>60</sup> Regarding the formulation of the Senate’s extraordinary decree empowering the higher magistrates to combat enemies of society by any means, Cicero says that consuls were always suitably equipped for battle when furnished with just this one line, even if they lacked any actual weapons.<sup>61</sup> Jahn explains the empowerment of the *interrex* by pointing out that through the adoption of an *SCU*, the *interregnum* – which until the time of Sulla had been exclusively an institution responsible for electing new ordinary higher-ranking magistrates – now came close to being a “normal magistracy” in itself.<sup>62</sup>

However, in my opinion, this situation shows that the *interrex*, like the consuls, was a magistrate of the highest rank and one with *imperium* – the only difference being that the latter were ordinary magistrates and the former an extraordinary one. However, as a bearer of

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<sup>57</sup> Vervaet 2004, 83.

<sup>58</sup> Vervaet 2004, 43–4, with n. 23.

<sup>59</sup> Sall. *Hist.* 1.2.22 (cited above).

<sup>60</sup> E.g., Sall. *Cat.* 29.2: *senatus decrevit, darent operam consules ne quid res publica detrimenti caperet.*

<sup>61</sup> Cic. *Mil.* 70: *quo uno versiculo satis armati semper consules fuerunt etiam nullis armis datis.*

<sup>62</sup> Jahn 1970, 167.



*imperium* he was able to fill the role of an ordinary magistrate in all affairs. But in the course of the final century of the Republic, a surge in conflicts arose; because of these, the ordinary procedures to select new consuls broke down and the need to defend Rome against the military actions of its most ambitious politicians increased. The inclusion of the office of an *interrex* in the text of an *SCU* shows that, in the period under discussion, all rights of the consuls – and with them, all kinds of political initiative they possessed – were also accorded to the *interrex*.

Comparing the sources on the *interregnum* of 55 does not allow us to say anything specific about the actions of the *interreges* themselves, other than that they supervised the consular elections. As Dio records, Pompeius and Crassus were elected as consuls during an *interregnum* because none of the previously declared candidates stood against them, even including L. Domitius, who remained in the running until the very last day.<sup>63</sup> It is difficult to define the duration of the *interregnum* of 55 exactly; probably, the elections were held no earlier than 7 January of the administrative year that had begun (under the second or third *interrex*).<sup>64</sup> It seems likely that the *interrex* in charge of the elections was M. Valerius Messalla Niger (*cos.* 61), whose elegy stated that he was three times *interrex*.<sup>65</sup> Jahn is of the view that Messalla may have received the censorship in 53 for his service to Pompeius.<sup>66</sup> Our ancient sources allow us to understand the situation in which the Romans resorted to the *interregnum* in 55, and the personal and factional interests of those politicians who actively encouraged this step to be taken.<sup>67</sup> But it is practically impossible to reconstruct the specific actions of the *interreges* in this year.

The situation is a little more favorable in this regard in the case of the *interregnum* of 53, which was caused by a prolonged election campaign that had ended up in mass vote-buying by candidates and subsequent legal proceedings. Dio reports that it was only in the seventh month that Calvinus and Messalla could be elected as consuls on account of the disorder, characteristic

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<sup>63</sup> Cass. Dio 39.31.1.

<sup>64</sup> Burden-Strevens in this volume points out that the elections were delayed “well past” the end of 56 and conducted “in the early months of 55.”

<sup>65</sup> CIL I<sup>2</sup> 1, p. 201.

<sup>66</sup> Jahn 1970, 172.

<sup>67</sup> Cass. Dio 39.27.

for those times, accompanying the election of magistrates.<sup>68</sup> Appian confirms the duration of the *interregnum* as eight months, saying the cause for this situation was political anarchy.<sup>69</sup>

The holding of elections was also hampered to such an extent because of Pompeius' desire for sole power (to become a dictator by means of an *interregnum* as Sulla had done). At the end of October 54, it is clear that Cicero understood this rationale. He wrote to Atticus that matters would lead to an *interregnum* and were generating much discussion of a dictatorship.<sup>70</sup> In December of that same year, the inevitability of an *interregnum* became clear to Cicero, as his letter to his brother Quintus states.<sup>71</sup> Then, in January 53, writing to C. Trebatius Testa, he bemoans the protracted nature of this *interregnum*.<sup>72</sup>

On 1 January 53, only the plebeian tribunes and aediles were in office (the customary situation for an *interregnum* was that there were no ordinary higher-ranking magistrates nor even the low-ranking ones originally reserved for patricians). The election of consuls only took place in July or August of that year. Dio describes the period before the selection of consuls in 53, that is the period of the *interregnum*. He underlines the fact that Cn. Domitius Calvinus and M. Valerius Messalla Rufus would not have been elected had not Q. Pompeius Rufus, the grandson of Sulla and one of the plebeian tribunes-designate,<sup>73</sup> been imprisoned by the Senate; the same punishment was meted out to other parties of malicious intent, and then Pompeius was asked to deal with them. Furthermore, Dio shows an important aspect of the *interregnum* in question: sometimes, auguries prevented the election of authorities not favorable to the *interreges*. However, it was above all the plebeian tribunes, Dio emphasizes, who prevented the election of the remaining magistrates, directing urban affairs in order to be able to conduct festivals instead of the praetors.<sup>74</sup> This valuable piece of evidence allows us to paint the following picture:

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<sup>68</sup> Cass. Dio 40.45.1–2: ἐν γὰρ δὴ τοῖς αὐτοῖς τούτοις ἔτεσιν ἄλλα τε ἐν τῇ πόλει στασιώδη πολλὰ κὰν ταῖς ἀρχαιρεσίαις μάλιστα ἐγένετο, ὥστε μόλις ἐβδόμῳ μηνὶ τὸν τε Καλοῦνον καὶ τὸν Μεσσάλαν ὑπάτους ἀποδειχθῆναι.

<sup>69</sup> App. *B Civ.* 2.19: μῆνας ὀκτὼ τὴν πόλιν ἄναρχον ἐκ τῆς τοιαύτης ἀσυνταξίας γενώεσθαι.

<sup>70</sup> Cic. *Att.* 4.18.3: *sed accipe alia. res fluit ad interregnum et est non nullus odor dictaturae, sermo quidem multus ...*

<sup>71</sup> Cic. *Q. Fr.* 3.9.3.

<sup>72</sup> Cic. *Fam.* 7.11.1.

<sup>73</sup> Although Dio names Sulpicius Rufus here as an incumbent tribune, he was more of a tribune-designate at that moment (cf. Cass. Dio 40.49, 40.55; Asc. 32–3, 37, 42, 49C).

<sup>74</sup> Cass. Dio 40.45.2–3: καὶ οὐδ' ἂν τότε ἠρέθησαν, εἰ μὴ Κύντος τε Πομπήιος ὁ Ροῦφος ἐς τὸ δεσμοτήριον ὑπὸ τῆς βουλῆς, καίτοι τοῦ τε Σύλλου θυγατρίδος ὄν καὶ δημαρχοῶν, ἐνεβλήθη, καὶ τοῦτο καὶ τοῖς ἄλλοις τοῖς

(1) The Senate took an active role indeed. Q. Pompeius Rufus, elected as a plebeian tribune in 53 for the following year, 52 and, being a tribune-designate, prevented the holding of all consular elections of 53 that had not yet taken place, organizing disturbances, something that provoked the Senate's noted reaction of punishing his and the other active participants' provocation. Jahn was even of the opinion that it is highly likely the Senate laid down this resolution in the form of an *SCU*, in which, alongside the proconsul Pompeius, the acting *interrex* and plebeian tribunes were appointed as those receiving extraordinary powers.<sup>75</sup> Whatever the case, the political initiative of the Senate during the *interregnum* of 53 is reflected with extreme clarity in the narrative tradition.

(2) Pompeius – as a powerful political leader – demonstrated initiative and put the task he received from the Senate to use for his own personal ends. In the words of Plutarch, Pompeius, seeing that the official positions were not being divided up as he desired, decided initially not to prevent public discord, while his supporter, the plebeian tribune C. Lucilius Hirrus, started to persuade the populace to confer dictatorial power on Pompeius.<sup>76</sup> Finally, Plutarch continues – explaining Cicero's action against the conferral of dictatorial power on Pompeius – the latter, ashamed, took measures to put down the disorder, and consuls were elected.<sup>77</sup> It was with Pompeius' support that Cn. Domitius Calvinus achieved a consulship. Christopher Burden-Strevens draws attention to the fact that Appian, Plutarch, and Cicero suppose that Pompeius had been engaging in political maneuvers deliberately in order to achieve the dictatorship, plans that were only thwarted by C. Cato and M. Bibulus; Dio, on the other hand, asserts that Pompeius eventually declined the position willingly and took every effort to provide for the election of consuls for 53 because of the general hatred for dictatorships caused by memories of the cruelty of Sulla. Burden-Strevens refers for a closer understanding of the situation to numismatic material of the 50s suggesting the idea of the triumph of regular magistracies over *regnum*, on the basis of which he infers that the dictatorship in the period of

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κακουργησαί τι ἐβελήσασιν ἐψηφίσθη, τῷ τε Πομπηίῳ ἢ πρὸς αὐτοὺς βοήθεια ἐνεχειρίσθη. ἔστι μὴν γὰρ ὅτε καὶ οἱ ὄρνιθες τὰς ἀρχαιρεσίας ἐπέσχον, οὐ βουλόμενοι τοῖς μεσοβασίλευσι γενέσθαι. μάλιστα δὲ οἱ δημάρχοι, τὰ πράγματα τὰ ἐν τῇ πόλει διέποντες ὥστε καὶ τὰς πανηγύρεις καὶ ἀντὶ τῶν στρατηγῶν ποιεῖν, ἐκόλυον τὰς λοιπὰς ἀρχὰς αἰρεθῆναι.

<sup>75</sup> Jahn 1970, 175.

<sup>76</sup> Plut. *Pomp.* 54.2.

<sup>77</sup> Plut. *Pomp.* 54.3: τότε μὴν αἰδεσθεὶς ἐπεμελήθη, καὶ κατεστάθησαν ὑπάτοι Δομέτιος καὶ Μεσσάλας.

the late Republic had become toxic, with Pompeius' refusal of it an indication of his political vision.<sup>78</sup>

(3) *Interreges* took the auspices or augurs, for their part, auguries: the words of Dio on the fact that the portents were not favorable to the *interreges* must mean they were deprived of the opportunity to hold elections, but whether the *interreges* actually took the auspices themselves is not fully clear – though it appears rather more likely, from this short section of the text, that they did indeed conduct them themselves. On several occasions, the auguries were unfavorable and the elections of consuls had to be delayed; it is possible, of course, that bad omens were being used as an excuse to draw out the electoral process.

(4) During the *interregnum*, the plebeian tribunes retained their office and remained politically active. Not only did they often use their right of *intercessio* in order to prevent the holding of elections, but they were even taking on the higher magistrates' function of holding public festivals. Further still, the tribunes appear to have wielded serious “constitutional” initiative – they proposed the replacement of consuls by consular tribunes (as occurred in the 5<sup>th</sup>–4<sup>th</sup> centuries) – in which case, the highest office would have been attainable by a greater number of pretenders, something that might have flattered the ambition of many Roman politicians: “All tribunes offered various pretexts and proposed that military tribunes should replace the consuls, so that more magistrates might be elected, as once before.”<sup>79</sup>

The plebeian tribunes and aediles, along with their deputies, retained their powers during *interregna*, not only in the late Republic but over the entire course of the prior history of the existence of the tribunate: Livy mentions their activity during *interregna* several times throughout his work.<sup>80</sup> Cicero, speaking of the *interrex* Ap. Claudius Caecus,<sup>81</sup> notes the opposition he experienced on the part of plebeian tribune M'. Curius. Consequently, the assumption of political initiative by plebeian tribunes in the *interregna* of the first century cannot be considered historically specific to this period.

For this extended *interregnum* of 53, historians can name only two *interreges*. One is Q. Caecilius Metellus Pius Scipio Nasica, recorded in the text of the *tessera* cited above, which supports the assumption made from our narrative sources regarding the duration of the

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<sup>78</sup> Burden-Strevens 2019, 146–9.

<sup>79</sup> Cass. Dio 40.45.4: πάντες δ' οἱ δημάρχοι ἄλλας τε σκήψεις ἐμποδίου ἐσέφερον, καὶ χιλιάρχους ἀντὶ τῶν ὑπάτων, ὅπως πλείους ἄρχοντες ὥσπερ ποτὲ ἀποδεικνύονται, καθίστασθαι ἐσηγοῦντο. On consular tribunes, see Dementyeva 2000.

<sup>80</sup> See, e.g., 4.43.8, 7.21.2–3, 20.34.1–3.

<sup>81</sup> Cic. *Brut.* 55.

*interregnum* in that year. The *interrex* it names, patrician by birth, took on plebeian status. Thus, the previously unshakeable rule was now formally broken, according to which the *interrex* must be a patrician and be appointed by patricians.<sup>82</sup> The other name that has come down to us in the sources is M. Valerius Messalla Niger,<sup>83</sup> but it is impossible to assign the period of his status as *interrex* to a particular month.

Of the *interregnum* of 52, Dio reports in the fragment already cited above that,<sup>84</sup> after Clodius was murdered, Milo hoped that the ire of the Senate would extend to the impious actions of his own opponents. And indeed, Dio goes on to state, the senators swiftly assembled in the evening on the Palatine hill, voted to elect an *interrex* and ordained that he, together with the plebeian tribunes and Pompeius, should look to the protection of the city, that it might not suffer any harm. The *interregnum* of 52 extended from the evening of 19 January to the *intercalaris*, that is, it seems, to the 23<sup>rd</sup> day of Mercedonius, the intercalary month, on which the elections were held. Accordingly, Pompeius entered office on the 24th day of the intercalary month.

The case of 52 demonstrates again that a number of individual and collective actors could become prominent on the political scene during an *interregnum*. Thus, the plebeian tribune M. Caelius gathered an important *contio*, in which Milo was able to address the people.<sup>85</sup> Appian asserts that Caelius was bribed by Milo. If so, then once again genuine political initiative belonged not to the one who was endowed with the formal right to initiate.

The adoption by the senators of an *SCU* directly after the appointment of an *interrex* shows that the Senate, too, remained proactive, at least in form. The situation of unrest in the city made it problematic for the *interrex* to conduct consular electoral *comitia*, which also forced the Senate to issue an emergency act. Authority was given into the hands of the *interrex*, Pompeius, and the plebeian tribunes.<sup>86</sup> But it is clear that it was Pompeius' hand that the *senatus consultum* really strengthened: the *interrex* held power only for five days and the tribunes were

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<sup>82</sup> Cic. *Dom.* 38: *auspiciaque populi Romani, si magistratus patricii creati non sint, intereant necesse est, cum interrex nullus sit, quod et ipsum patricium esse et a patriciis prodi necesse est.*

<sup>83</sup> CIL I<sup>2</sup> 1, p. 201.

<sup>84</sup> Cass. Dio 40.49.4–5.

<sup>85</sup> Asc. 33C; App. *B Civ.* 2.22.

<sup>86</sup> Cass. Dio 40.49.4–5; Asc. 34C.

at loggerheads with each other. For this reason, it is only logical that Cicero named Pompeius among those to whom full power was handed by this senatorial decree.<sup>87</sup>

Nevertheless, the senators were naturally obliged in the period of the *interregnum* to seek to control the political situation. Bibulus addressed the Senate, proposing to elect Pompeius sole consul. As Plutarch writes, this was supported by Cato who was not himself ready to initiate such a move but found it appropriate to support an already formulated proposal.<sup>88</sup> In Livy's *Periochae*, the situation is even presented as the Senate's third appointment of Pompeius as consul.<sup>89</sup> This formulation of the Senate's involvement is not surprising, as the holding of elections under the presidency of an extraordinary magistrate was always more decisive in its results than under consular direction. Burden-Strevens defines this election as "a compromise, seemingly orchestrated by the *interrex* Servius Sulpicius," adding: Pompeius was "elected by the people (not "appointed" by the Senate, so it seems)."<sup>90</sup> In my opinion, doubt over the election of Pompeius in the *comitia* is unnecessary; of course, this election took place with the agreement of the Senate and on its initiative, but voting took place in *centuriae*. What is also significant is that, if the *interrex* Ser. Sulpicius was indeed the mastermind behind a genuine compromise, then the situation in 52 was in this respect completely different from that of 82, in which the *interrex* was deprived of real initiative.

The stressful political situation of the *interregnum* of 52 (as during the preceding years) was both defined by the politicians and gave them in turn greater scope for action. The political leaders – Pompeius, Cato, Milo, and others – strove to bring their own interests to bear, no matter which official position they happened to have at any given moment.<sup>91</sup>

To turn to the *interreges* themselves, we know by name three of them in 52: M. Aemilius Lepidus (the first in line), Ser. Sulpicius Rufus (who ended the *interregnum* with consular elections) and somewhere between them M. Valerius Messalla Niger.<sup>92</sup> As mentioned at the beginning of this chapter, in 52, the populace deprived the first *interrex* of initiative by besieging his house; he did not see fit to fulfill the demand for rapid elections, not considering it necessary to break the rule that the first *interrex* does not hold elections. In doing so, he thus

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<sup>87</sup> Cic. *Mil.* 70: ... *Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, cum senatus ei commiserit ut videret ne quid res publica detrimenti caperet ...*

<sup>88</sup> Plut. *Pomp.* 54.4. Cf. App. *B Civ.* 2.23.

<sup>89</sup> *Per.* 107.7–11: ... *a senatu cos. tertio factus est absens et solus, quod nulli alii umquam accidit.*

<sup>90</sup> Burden-Strevens 2019, 132.

<sup>91</sup> Plut. *Pomp.* 54; App. *B Civ.* 2.22.

<sup>92</sup> See the sources in Broughton 1952, 236–7.

did not follow in the footsteps of the *interrex* of 82, L. Valerius Flaccus. Ser. Sulpicius Rufus held the election of only one consul, Pompeius, who did not go on to elect a colleague. Probably, the election of the sole consul in the *comitia* under the presidency of an *interrex* did not break the legal requirements related to the institution of the *interregnum*. Rolf Rilinger gave a whole host of reasons for which it was considered satisfactory for the *interrex* to elect only one ordinary magistrate, assuming that this evolved over the course of history, because originally the *interrex* carried out the election of a single king, and with the republican transition initially chose the sole supreme magistrate that existed at that time.<sup>93</sup>

Last but not least, the masses of regular citizens were prominent in the events of the *interregnum* of 52, having been the principal actor in the unrest. Of course, the crowds were frequently inspired by politicians, and the mob did not always act on its own motives; nevertheless, it is certainly impossible to discount fully the potential of civil outrage at events having forced the people to take collective initiative through mass action of a political nature. Thus, the rationale behind the raging of the crowd that surrounded the house of *interrex* Lepidus can be reasonably explained: only Lepidus and his successor held power during comitial days; 19–20 January were the *dies comitiales*, with the next ones not falling for almost three weeks.<sup>94</sup>

### 3. Concluding Remarks: Unfolding the Potential for Initiative in Times of Crisis

Political initiative in periods of *interregnum* during the late Republic was demonstrated by the *interreges* themselves, although their actions could be influenced by the political figures who inspired the *interregnum*; these leaders, working from behind the scenes, were often the actual initiators of political changes. It is especially in 82 that we observe the way in which the *interrex* could be deprived of genuine political initiative, although the scope of his formal initiative looked even more impressive than that of the *interreges* in earlier stages of republican history.

The Senate continued to act in periods of *interregnum* as a supervisory and administrative body, not only having the right to select the *interrex* (through the agency of patrician senators) but also to hand him additional powers, and to include the *interrex* as the highest official in the formulation of an *SCU*. This emergency decree was issued at least twice in periods of *interregnum* in the late Republic (in 77, 52, and probably in 53). However, again, the instigation of an extraordinary situation by means of an *SCU* (against the background of an already extraordinary *interregnum*) opened the way for strengthening not the personal power of the

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<sup>93</sup> Rilinger 1976, 18.

<sup>94</sup> Jahn 1970, 179.

*interrex* (considering the brevity of his term), but that of other politicians. What is nevertheless indicative is the fact that the *interrex*, on the Senate's initiative, was included as the principal actor in the list of those whose duty it was to ensure no harm was done to the state. These circumstances, as well as the aforementioned use by the *interrex* of the right to legislative initiative, his judicial powers, and besides these his position as a curule magistrate, eponymous magistrate, and holder of such symbols of supreme authority as the lictors with *fascēs* (as our sources mention), force us to consider him a bearer of *imperium*. The *interreges'* possession of *imperium* allowed these officials to take political initiative as a legal right. This is significant because, in this situation, the only actors able to formally take legislative initiative were the *interreges* themselves, whether or not their initiatives were inspired by others.

Apart from the *interreges*, the Senate, and powerful individuals such as Pompeius, others who exercised active initiative in the periods of *interregnum* were the plebeian tribunes. They formally retained their powers as during other extraordinary situations – such as dictatorships – including the power to put forward legal proposals. In 53, they even attempted – not without success – to enlarge the scope for their initiative, filling the vacuum of power and effectively substituting the absent magistrates to a certain extent.

In a situation such as the *interregnum*, the activity of the popular masses outside the institutional framework grew especially powerful. The populace was evidently often directed and used by the tribunes and the other politicians but there are also indications that the people were able to undertake their actions spontaneously, without guidance. And yet, even such independent initiative aimed in the end to secure the legalization of certain decisions by means of regular procedures. Indeed, legitimate political initiative was seen by all actors to emanate exclusively from the recognized political institutions.<sup>95</sup>

Jahn, analyzing the *interregna* of the first century, considered that the institution of the *interrex* in this period of the waning Republic was fully equal to the highest ordinary magistrates: the *interrex* appointed the dictator, introduced laws, ensured civil justice, and was given a mandate based on an *SCU*. For my part, I believe that all this was inherently lodged in the powers of the *interrex* from the beginning, but that in the early and classical Republic no need arose to realize the potential of this power (which indeed emanated from his *imperium*). I agree with Mazzotta that in the final century of the Republic the *interrex* was given legislative, legal, and military tasks and that he played the role of a genuine governing entity in this period. But this in fact was dictated by the new environment in which these tasks were carried out, and

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<sup>95</sup> Cf. Yakobson in this volume.



not at all by any new powers; the fulfillment of these tasks had always been allowed by the legal and political mechanism of the *interregnum*, reaching back to its archaic roots. The emergency situations in the first century revealed the inherent potential of the *interreges* for taking formal initiative; but they also allowed those who stood behind the scenes to push through their own political agendas.

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**Part V:**  
**Leadership at a Time of Change**

# Leadership through Letters: Cicero and Cassius' Correspondence in 44–43 BCE

*Henriette van der Blom*

## Abstract

In the ancient world, letters formed the main means of long-distance communication, while most political negotiation and action took place in face-to-face meetings and institutions. The civil wars of Rome in the first century BCE challenged the position of the City of Rome as the locus of political action; during the civil wars of the 40s and 30s BCE, much political power and leadership was communicated and negotiated through letters rather than in person. Cicero's correspondence with friends, senatorial colleagues and political connections provides a major corpus of such political communication, negotiation and leadership. This chapter applies modern management theory on leadership, specifically "transformational leadership" theory, to Cicero's correspondence with C. Cassius Longinus (one of the murderers of Julius Caesar), in order to assess the nature of Cicero's (attempted) epistolary leadership and to understand the more characteristic features of this leadership through letters.

## Keywords

Cicero, Cassius, letters, leadership, transformational leadership, epistolary leadership, communication, role modelling, vision

## 1. Introduction

In the ancient world, letters formed the main means of long-distance communication.<sup>1</sup> In the Roman state, generals communicated with the Senate and the Roman People through letters, and politicians away from Rome relied on letters to keep abreast with political activity in the City. The civil wars of the first century challenged the position of the City as the locus of political action,<sup>2</sup> with the wars of the 40s as a particularly clear case.<sup>3</sup> During the wars between Caesarians and Pompeians, political power was no longer solely concentrated in the institutions and magistrates in the City of Rome, but also located in individuals and armies spread out over the Empire. Not only military, but now also political initiative and agency took place across the

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<sup>1</sup> I should like to thank Roman Frolov and Christopher Burden-Strevens for inviting me to the conference on taking the lead in the late Republic and early Empire, audiences at the conference and in Liverpool for comments which have helped me shape the contribution, and my colleagues in the EVTL project for wider discussions of epistolary leadership.

<sup>2</sup> See Hölkeskamp in this volume on the performance of politics in Rome.

<sup>3</sup> All dates are BCE.

Empire. While generals had always communicated through letters, the civil wars forced senators and other non-military political actors to operate through the written word, too. Communication, negotiation and political deliberation now took place mainly through letters.

This was not an entirely new phenomenon. The letters of proconsuls and propraeors were not just reports of initiatives and events in and about their *provinciae* but also occasions for political agency regarding funding, positions and status.<sup>4</sup> In that sense, such letters had always been used to influence politics in Rome, especially around foreign policy and the person of the governor. After the triumviral period, one of the characteristics of the Roman emperors was their frequent travels and the resulting development of letters as government tool.<sup>5</sup> But for republican standards, the scale and complexity by which this epistolary communication and political negotiation took place was different during civil war, and our sources for the 40s allow us to analyze this in detail.

Cicero's correspondence with friends, senatorial colleagues and political connections provides a major corpus of such communication, negotiation and deliberation. Scholarship has not neglected this aspect of the epistolary corpus, analyzing Ciceronian modes of epistolary communication of social etiquette, elite concerns and political activity.<sup>6</sup> Here, however, I propose a different approach to Ciceronian attempts to communicate leadership through letters, namely modern management theory on leadership alongside more traditional rhetorical analysis. In particular, I apply the theory of "transformational leadership" to a small sample of Ciceronian letters in order to assess the nature of Cicero's (attempted) epistolary leadership and to understand the more characteristic features of this leadership through letters. This approach forms part of a wider research project into the characteristics of epistolary leadership in ancient

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<sup>4</sup> Cicero's letters from his time as proconsul in Cilicia show this: Cic. *Fam.* 15.1–15.2 (SB 104–5). Cicero called these *litterae publicae*; see White 2010, 141 with notes 7 and 8 for discussion and further evidence. It is also suggested by Sallust's version of Pompey's letter to the Senate: Sall. *Hist.* fr. 2.86 (2.98Maurenbrecher, 2.82McGushin). Rosenblitt 2019, 105–9 analyses this letter historiographically.

<sup>5</sup> Millar 1977, 213–28, 321–36.

<sup>6</sup> Hutchinson 1998 on the literary aspects of the correspondence; Schneider 1998 on political actions through Cicero's letter-writing; Hall 2009 on the social etiquette expressed in the correspondence; White 2010 on Cicero's letters as sources for letter writing and history; Wilcox 2012 on friendship in Cicero's (and Seneca's) letters; Bernard 2013 on the social culture expressed in Cicero's letters; Gildenhard 2018 on Cicero's republic-building in the later letters; Rühl 2018 on Cicero's letters as medium of communication; Rosillo-López forthcoming on informal (political) conversations reported in the letters.

letters with particular focus on the letters of Cicero, St Paul and Seneca.<sup>7</sup> While this project combines ancient letters with modern management theory as well as pagan and Biblical texts, my chapter shall focus on Cicero for reasons of space.

In the following, I start by introducing the “transformational leadership” model to lay the foundation for the analysis of a selection of Ciceronian letters from 44–43. Cicero’s extant correspondence is particularly rich in this period because there are many more letters *ad familiares* – letters to friends and especially political connections – than in earlier periods of Cicero’s life.<sup>8</sup> The possible reasons for this phenomenon is not relevant to my analysis here, but we have most likely lost many of the earlier letters *ad familiares*. Among the letters with particular relevance for a study of leadership strategies, we could focus on the correspondence between Cicero and M. Iunius Brutus, C. Cassius Longinus – the two leaders in the plot on Caesar’s life – Q. Cornificius, D. Iunius Brutus and L. Munatius Plancus. Unfortunately, Cicero’s correspondence with Octavian has not survived – and probably not through accident.<sup>9</sup>

I shall focus on the twelve extant letters between Cicero and C. Cassius Longinus – ten from Cicero, two from Cassius – from the Ides of March onwards and look for transformational leadership elements in Cicero’s letters and how Cassius responded to them. The small size of this letter corpus allows a detailed analysis of a full extant correspondence in the relevant period, which can provide indications of ways to extend this research. The chronological spread of these letters – from May 44 to July 43 – allows the tracing of any development in leadership strategies in one discreet correspondence. Moreover, the character of these letters makes them a good case study for analyzing leadership through letters because we have Cicero’s leadership on display and Cassius’ two responses to it. I shall argue that Cicero’s leadership was characterized by a constant vision but a developing approach to express and support it, and that the transformational leadership model helps to hone in on the successes and failures of Cicero’s leadership.

## **2. Transformational Leadership Model and Methodological Considerations**

The transformational leadership model was developed in the late 1970s and the 1980s as a contrast to what was called “transactional leadership”: where a transactional leader makes clear

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<sup>7</sup> Epistolary Visions of Transformational Leadership project: <http://cas.au.dk/en/evtl> and Becker, van der Blom, Egelhaaf-Gaiser forthcoming.

<sup>8</sup> See White 2010, 56–8, 137–9 on the selection of letters in the extant corpus. On Cicero’s letters as a collection, see Nicholson 1998; Beard 2002; White 2010; Martelli 2015; Grillo 2015; McCutcheon 2016.

<sup>9</sup> Nicholson 1998, 85–6; Keeline 2018, 109.

what is expected and rewards followers when these expectations are fulfilled, the transformational leader motivates followers to look and act beyond self-interest to fulfil a common good.<sup>10</sup> In particular, four characteristics of transformational leadership has been summarized by scholars in the field:

1) The leader develops and articulates a shared vision which set high expectations aimed at motivating, inspiring and challenging followers.

2) The leader serves as a role model to followers and acts in a way which corresponds with the articulated vision.

3) The leader stimulates followers intellectually to engage critically with the assumptions and problems in order that they contribute constructively with own suggestions and ideas.

4) The leader coaches and mentors the behavior of followers and takes the individual needs of followers into account, which helps to boost the followers' trust and satisfaction.

The overall result of this type of leadership, so the model predicts, is that followers are motivated to perform at higher levels than if led by a transactional leader.<sup>11</sup>

The management scholars prefer the word “followers” over “employees” because it captures more situations, also within companies and institutions, than does the word “employees.” In fact, “employees” emphasize hierarchical and transactional aspects of salaried work, whereas “followers” emphasize aspects of will and motivation. This is crucial, because the model concerns exactly ways to motivate others to act in the way the leader wants, also in highly hierarchical or otherwise transactional work environments. The model suggests that in such environments, as well as less formal hierarchical situations, transformational leadership will be more productive than more traditional forms of leadership where the boss gives orders followed by employees.

The model also works for a context known to many engaging with Roman history – the academic world of universities: although salaried and all having some form of “line manager,” academics can also act independently in many respects and sometimes to the frustration of their leaders or peers without serious repercussions. Generally, the more successful leader in such an

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<sup>10</sup> The idea was first formulated by Burns 1978/2012, on which Bass 1985 built and refined the model.

<sup>11</sup> Wang et al. 2011; Matzler et al. 2015. The strong overlap in characteristics between a transformational leader and a charismatic leader is discussed by Antonakis 2011, esp. 265–6 on the overlaps and 276 on the rhetorical skill expected of a charismatic leader.

environment is one who manages to engage and motivate peers and others to do what he or she thinks is the best way forward. We shall see that Cicero's leadership situation has some affinity with academic leadership in practice. In many respects, Cicero's leadership built not on a higher position in a formal hierarchy, but on his status within an informal hierarchy where age, ancestry, career stage (including level of political magistracies held), political networks, public position and the performance of status all played a part, and where social etiquette and expectations set boundaries for the exploitation and expression of this status when negotiating with fellow political operators.<sup>12</sup> Indeed, Cicero's correspondence with his peers offers excellent material for the study of social etiquette and political agency within the Roman republican elite, as Hall has shown,<sup>13</sup> and puts on display the power negotiations of individuals taking initiative and attempting to lead others. Therefore, for the purpose of analyzing epistolary leadership in the late Roman Republic, the word "follower" is useful too, especially when extended to include correspondents of Cicero whom he would like to make a follower, even if this is not yet the case.

The choice of this leadership model for my analysis is, first of all, based on the fact that it is "one of the most influential contemporary leadership theories" in social science and related fields.<sup>14</sup> A second reason is the fact that Cicero, like most other late republican senators, had little to no formal power over fellow senators and therefore could not use techniques belonging to transactional leadership. Instead, we see them using influencing techniques which appealed to other concerns of followers, such as those described in transformational leadership theory, and themselves being influenced by their followers.<sup>15</sup> Finally, initial research within the research group on epistolary leadership in Cicero, Paul and Seneca has indicated that the strategies of leadership and community building used by these letter writers overlap to a great extent with the transformational leadership model. While some overlaps are more prominent for the Pauline and Senecan letters than for Ciceronian letters (and vice versa), the commonalities between Cicero's epistolary leadership strategies and the transformational

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<sup>12</sup> See also Steel in this volume on the initiative of consulars, that is, high-ranking senators without formal powers, and Hölkeskamp in this volume on the performative aspects of politics.

<sup>13</sup> Hall 2009.

<sup>14</sup> Matzler et al. 2015, 815.

<sup>15</sup> For transformational leaders being influenced by followers, see Burns 1978/2012, 26, 58, and further discussion below. For the types of topics Cicero used to influence his correspondents/followers, see Cic. *Ad Brut.* 18.3 (SB 17) with White 2010, 164.



leadership theory suggest that the latter theory is a useful tool for analyzing Cicero's leadership through letters. In the following, I abbreviate this theory to TL.

In addition to the TL model, I shall apply rhetorical theory and contextual knowledge to the analysis of the selected Ciceronian letters. The inclination of ancient historians to understand sources through the historical context is not always the prime concern of other disciplines but it is crucial for understanding Cicero's letters. At the same time, Cicero's education and oratorical practice led to an epistolary prose steeped in rhetorical figures and argumentation, which necessitates the use of rhetorical theory to fully understand his manner of writing and message.<sup>16</sup>

### 3. Leadership through Letters: Cicero and Cassius

The twelve letters between Cicero and Cassius stretch from early May 44 to ca. 1 July 43:<sup>17</sup>

Cic. *Fam.* 12.1 (SB 327): Cicero to Cassius, Pompeii 3 May 44

Cic. *Fam.* 12.2 (SB 344): Cicero to Cassius, Rome c. 25 September 44

Cic. *Fam.* 12.3 (SB 345): Cicero to Cassius, Rome early October 44

Cic. *Fam.* 12.4 (SB 363): Cicero to Cassius, Rome 2 of 3 February 43

Cic. *Fam.* 12.5 (SB 365): Cicero to Cassius, Rome early February 43

Cic. *Fam.* 12.2 (SB 366): Cassius to Cicero, Tarichea 7 March 43

Cic. *Fam.* 12.7 (SB 367): Cicero to Cassius, Rome end of February 43

Cic. *Fam.* 12.6 (SB 376): Cicero to Cassius, Rome March (end) or April (beginning) 43

Cic. *Fam.* 12.12 (SB 387): Cassius to Cicero, Syria 7 May 43

Cic. *Fam.* 12.8 (SB 416): Cicero to Cassius, Rome c. 9 June 43

Cic. *Fam.* 12.9 (SB 421): Cicero to Cassius, Rome June (middle or end) 43

Cic. *Fam.* 12.10 (SB 425): Cicero to Cassius, Rome c. 1 July 43

Over these 14 months, the situation developed rapidly from the political uncertainty shortly after the murder of Caesar to Antonius' successful attempt to gain political and military control over Rome and Italy, which, eventually, led to the formation of the Triumvirate between him, Lepidus and Octavian in the autumn of 43. This period also saw the development in Cicero's political activities from resigned and passive senior consular to active political leader

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<sup>16</sup> As scholarship has long recognized: Hutchinson 1998, 20–4, 47–8; Hall 2009, 53; White 2010, 117.

<sup>17</sup> I am using Shackleton Bailey's chronology and dating of these letters.

of the republican cause in Rome, voiced through his many speeches in the Senate and the *contio* (some of which have survived as the corpus of 14 extant *Philippic* speeches) and traceable in his correspondence with Atticus and *familiares*.<sup>18</sup> His correspondence with Cassius shows this development, too. The events are too many for a brief overview here and I shall instead provide historical context as and when needed for my analysis of the letters between Cicero and Cassius.<sup>19</sup>

Cicero knew Cassius from childhood.<sup>20</sup> Prior to this letter exchange, Cicero and Cassius had exchanged letters when they were both in the east on commands in the late 50s, Cicero in Cilicia and Cassius in Syria as proquaestor after the Carrhae disaster.<sup>21</sup> After Pharsalus, Cicero wrote to Cassius from Brundisium to ask for his advice in his lengthy wait for Caesar's return to Italy and his pardon.<sup>22</sup> After Cicero had obtained Caesar's pardon, Cicero and Cassius exchanged letters, joking about their philosophical allegiances.<sup>23</sup> Cassius was about 20 years younger than Cicero, but the letters do not suggest that Cicero acted in as avuncular a manner towards Cassius as he did to some of Cassius' contemporaries. One of the letters suggests that they were in agreement about the political situation under Caesar's dictatorship even if they dared not write it explicitly for fear of interception.<sup>24</sup> By the Ides of March 44, it was clear that Cassius and Cicero shared views of the tyranny of Caesar, but – as we shall see – not about the necessary actions in the aftermath of the murder.

#### 4. A Visionary leader

Indeed, underlying the entire correspondence after the Ides of March is the shared view that the murder of Caesar was just and, quickly after that, that Marcus Antonius must be stopped in his

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<sup>18</sup> Elements of Cicero's political thought in this period is also expressed in the *De officiis*, written in autumn 44.

<sup>19</sup> For a helpful overview of the events of this period, see Manuwald 2007, 9–31.

<sup>20</sup> Cic. *Fam.* 15.14.6 (SB 106), 15.18.2 (SB 213).

<sup>21</sup> We have only one such letter, but can perhaps assume that more travelled between them: Cic. *Fam.* 15.14 (SB 106) late October 51; for in-depth discussion of this letter, see Hall 2009, 52–60. Cassius mentioned in Cic. *Fam.* 2.10.2 (SB 86), 8.10.1–2 (SB 87).

<sup>22</sup> Cic. *Fam.* 15.15 (SB 174), August 47.

<sup>23</sup> Cic. *Fam.* 15.18 (SB 213), 15.17 (SB 214), 15.16 (SB 215) from Cicero to Cassius and *Fam.* 15.19 (SB 216) from Cassius to Cicero, December–January 46–45; cf. Cic. *Fam.* 7.33.2 (SB 192) to Volumnius Eutrapelus about Cicero being present at Cassius' and Dolabella's (probably literary or philosophical, according to Shackleton Bailey) performances.

<sup>24</sup> Cic. *Fam.* 15.19 (SB 216) from Cassius to Cicero. See also discussion of the ways in which Cicero used letters in the 40s to express his views about the state of politics, Caesar and the *res publica* in Gildenhard 2018, 224–32.

tyrannical ambitions. This is important for understanding a central aspect of Cicero's leadership strategy, namely his constant statements regarding the purpose of the fight against Antonius: the return to what Cicero and others called the free *res publica* (*libera res publica*).<sup>25</sup>

If we go back to the first characteristic of a transformational leader, it was: "The leader develops and articulates a shared vision which set high expectations aimed at motivating, inspiring and challenging followers." Since Cicero was not part of the conspiracy against Caesar, it cannot be said that he led the conspirators into action with the help of his vision. Nevertheless, his views on Caesar's dictatorship were known before the murder and their letter exchange before the murder suggests that Cassius was fully aware of Cicero's views.<sup>26</sup> This helps to explain Cicero's constant references, in the post-Ides letters to Cassius, to the common aim of liberating the *res publica* from the tyranny of Antonius. In early May 44, Cicero wrote to Cassius:

Finem nullam facio, mihi crede, Cassi, de te et Bruto nostro, id est de tota **re publica**, cogitandi, cuius omnis spes in vobis est et in D. Bruto; (...) Reliqua magna sunt ac multa, sed posita omnia in vobis. quamquam primum quidque explicemus. nam ut adhuc quidem actum est, non regno sed rege liberati videmur. interfecto enim rege regio omnis nutus tuetur, ... (...) Haec omnia vobis sunt expedienda, ne hoc cogitandum, satis iam habere rem publicam a vobis. habet illa quidem tantum quantum numquam mihi in mentem venit optare; sed contenta non est et pro magnitudine et animi et benefici vestri a vobis magna desiderat. adhuc ultra suas iniurias est per vos interitu tyranni, nihil amplius. (...) interim velim sic tibi persuadeas, mihi cum rei publicae, quam semper habui carissimam, tum amoris nostri causa maximae curae esse tuam dignitatem.

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<sup>25</sup> The phrase *libera res publica*: Cic. *Fam.* 11.3.4 (SB 336) (M. Brutus' and C. Cassius' letter to Antonius in August 44), Cic. *Phil.* 13.6; Vell. *Pat.* 2.32. Hodgson 2017, 195–219 offers a detailed analysis of Cicero's use and development of the concept *res publica* and the special (and rare) version *libera res publica*, while Arena 2012, 261–76 provides a detailed discussion of the development of the concept *libertas* in the 40s, seen through Ciceronian usage, and van der Blom 2003 focuses on Cicero's actions in this period as a reflection of his political thought.

<sup>26</sup> Cic. *Fam.* 15.19.4 (SB 216) where Cassius argues that an old and clement master (*veterem et clementem dominum*) is better than a new and cruel one (*novum et crudelem*), meaning Caesar and Cn. Pompeius the younger. Cassius would probably not have dared write this if he did not think Cicero agreed.

Believe me, Cassius, I never stop thinking about you and our friend Brutus, that is to say about the whole **country**, whose only hope lies in you both and in D. Brutus. (...) The tasks that remain are many and serious, but all depends on you three. However, let us solve each problem as it arises. As things have gone so far, it appears that we are free of the despot, but not of the despotism. Our king has been killed, but we are upholding the validity of his every regal nod. (...) You and your friends must straighten out the whole tangle. You must not think that you have done enough for your country already. She has indeed had more from you than it ever entered my mind to hope, but she is not satisfied; she wants great things from you, proportionate to the greatness of your hearts and service. So far she has avenged her injuries by the death of the tyrant at your hands, nothing more. (...) Meanwhile, please believe that I have your public standing very much at heart, both for the sake of the commonwealth, which has always been dearer to me than anything else in the world, and for that of our mutual affection.<sup>27</sup>

I have quoted this first extant letter in the post-Ides corpus between Cicero and Cassius at length because it helpfully sets out the main aspects of Cicero's vision of the situation and the necessary tasks ahead:

- 1) the murder of Caesar freed Rome of the despot (*rex*) but not of despotism (*regnum*): Caesar's co-consul Antonius should have been killed along with Caesar because by May 44 it was clear that Antonius aimed at controlling Rome through the legacy of Caesar;
- 2) Cassius, Brutus and D. Brutus did a great deed in killing Caesar, but it is their responsibility to finish the task of freeing Rome from despotism by fighting Antonius; in fact, the only hope (*spes*) lies in the three conspirators;
- 3) Cicero cares for Cassius' *dignitas* because doing so will support the *res publica*, which has always been Cicero's main priority, and because of the mutual affection (*amor nostri*) between Cicero and Cassius.

The first point about the deed half done reappears in several of Cicero's subsequent letters to Cassius, not least in the famous metaphorical description of the murder as a dinner party with leftovers; Antonius being the stale leftover coming to haunt the dinner guests staying behind.<sup>28</sup>

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<sup>27</sup> Cic. *Fam.* 12.1 (SB 327) Cicero to Cassius, Pompeii, 3 May 44: text and translation in Shackleton Bailey 1977 and 1978. For discussion of this letter in relation to leadership, see Becker, van der Blom, Egelhaaf Gaiser forthcoming.

<sup>28</sup> Cic. *Fam.* 12.3.1 (SB 345) (frustration), 12.4.1 (SB 363): the dinner party metaphor.

It is sometimes simply an expression of Cicero's frustration with the situation and sometimes clearly aimed at motivating Cassius to act against Antonius.

The second point about Cassius, Brutus and D. Brutus taking on the responsibility to finish the task of saving the *res publica* from despotism by having taken the first step, and therefore constituting the only hope for the *res publica*, is a constant refrain in Cicero's letters to Cassius.<sup>29</sup> In the quoted letter, Cicero employs all three Aristotelian appeals to communicate this responsibility: the argument that Cassius' deed on the Ides of March reflects his commitment to the free *res publica* and that he therefore must continue the fight is an argument based on *logos* (rational argument). Cassius' participation in the deed reflects his character of possessing *virtus*, an epithet Cicero repeatedly applies to Cassius,<sup>30</sup> which makes the argument about responsibility one from *ethos* (character).<sup>31</sup> Finally, Cicero's continued reference to fighting for the sake of the *res publica* makes it a moral obligation and therefore an argument from *pathos* (emotional appeal): the personification of the *res publica* in the passage quoted above ("she has," "she is," "she wants") elevates this appeal to *pathos*.<sup>32</sup>

Cicero's vision for what should happen in the aftermath of the murder is clear: Antonius and his cronies must be removed in order to free the *res publica* from tyranny, and Cassius, together with Brutus and D. Brutus, are responsible for this task because they initiated the process through their plot against the first tyrant, Julius Caesar. This vision is constant throughout the 14 months covered by Cicero's correspondence with Cassius, and Cicero continues to remind Cassius of it.

## 5. The Leader as a Role Model

This brings us to the second characteristic of a transformational leader, namely that he serves as a role model to followers and acts in a way which corresponds with the articulated vision. In

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<sup>29</sup> Cic. *Fam.* 12.2.3 (SB 344), 12.3.2 (SB 345), 12.6.2 (SB 376), 12.9.2 (SB 421), 12.10.3–4 (SB 425).

<sup>30</sup> Cic. *Fam.* 12.3.2 (SB 345), 12.10.3 (SB 425). For a discussion of the meanings of *virtus* in Cicero, see Balmaceda 2017, 34–47.

<sup>31</sup> White 2010, esp. 144–7 and 152–4 detects in Cicero's letters to D. Brutus, Plancus and other correspondents of this period a two-fold appeal to moral obligation based on correspondent's argued character and to the public esteem, support and *dignitas* which the correspondent can earn if he fulfils his moral obligation. While not exactly parallel to my analysis of Cicero's letters to Cassius, there is certainly also in this correspondence an element of this combination.

<sup>32</sup> See Hodgson 2017, 218–9 on Cicero's rhetorical construct of the *res publica* as capable of decision as if a person or institution.

order to assess this characteristic, we need to consider Cicero's actions from the Ides of March onwards against his correspondence with Cassius. In the first few months after the murder, Cicero considered himself too old to engage directly in the fight against Antonius and he saw Brutus and Cassius as solely responsible for this, as we have seen.<sup>33</sup> When directly challenged in early June to offer his view and contribution at a family *consilium* of Brutus and Cassius, led by Brutus' mother Servilia, Cicero was frustrated by the lack of plan and action on the part of the conspirators but could not offer much advice himself.<sup>34</sup> Cicero's own plan was to join his son, who was studying in Athens, and return to Rome when the new consuls Hirtius and Pansa took up office in January 43; until then, there was no way of stopping Antonius unless Brutus and Cassius acted through military means.<sup>35</sup> But when Cicero in August heard news from Rome about the beginnings of opposition to Antonius and expectations of his own participation in this opposition, he turned back to Rome and spoke out against Antonius in early September 44. Although not yet bolstered by military backing, Cicero embarked on his increasingly belligerent quest to stop Antonius so dramatically illustrated by his *Philippic* speeches.<sup>36</sup>

Cicero's changing engagement with the fight against Antonius from the Ides of March to September 44 corresponds to a changing position as role model to the conspirators. At first, he was seen as a role model only in terms of his vision, not action: he was not invited to participate in the actual murder of Caesar, but his name was called out after the deed. This clearly signaled the conspirators' view that Cicero was their role model, but only in terms of vision.<sup>37</sup> Then, Cicero's speech in the Senate on 2 September – a version later circulated as the first *Philippic* – made Cassius write to Cicero (as we know from Cicero's response to Cassius), praising Cicero's speech (and vote) and arguing that with Cicero's prestige and eloquence, something could be achieved against Antonius.<sup>38</sup> Although Cicero in his response argues against the effectiveness of his oratory in a situation where only few consulars dare speak out and where

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<sup>33</sup> Cicero as old and tired can be traced in his references to his treatises on old age (*De senectute*) and friendship (*De amicitia*) in this period: Cic. *Att.* 14.13.2 (SB 367), 14.19.1 (SB 372), 14.20.4 (SB 374), 14.21.3 (SB 375), 15.1.5 (SB 377), 15.5.1 (SB 383), 15.9.2 (SB 387), 15.10 (SB 388). Brutus and Cassius responsible: Cic. *Att.* 14.4.1 (SB 358), 14.13.2, 6 (SB 367); *Fam.* 12.1 (SB 327). For discussion, see van der Blom 2003.

<sup>34</sup> Cic. *Att.* 15.11 (SB 389) with extensive discussions in Hutchinson 1998, 31–7; Flower 2018; Treggiari 2019, 187–96.

<sup>35</sup> Cic. *Att.* 14.5.3 (SB 359), 14.10.3 (SB 364), 14.11.2 (SB 365), 14.12.2 (SB 366), 15.12.2 (SB 390), 15.25 (SB 403).

<sup>36</sup> This change in Cicero's action is analyzed in van der Blom 2003.

<sup>37</sup> Cic. *Phil.* 2.28, 2.30.

<sup>38</sup> Cic. *Fam.* 12.2.1–2 (SB 344): Cicero to Cassius, c. 25 September 44.

those who do not participate in Senate meetings for fear, it is clear that Cassius presents Cicero as a role model of senatorial action. Moreover, Cicero explains in this and other letters that Antonius alleged, most likely in his speech on 19 September, that Cicero was the mastermind behind the murder of Caesar and leading the conspirators against himself.<sup>39</sup> Both Cassius and Antonius present Cicero as the leader in terms of vision and words, even if not yet in terms of action, thereby suggesting that Cicero was seen by both sides as the role model for the conspirators. Cicero himself in these letters from early autumn 44 downplays the impact of his outspokenness and almost rejects his position as role model.<sup>40</sup>

Nevertheless, the change in Cicero from old and tired consular on the way to Athens to a consular returning to Rome and the Senate presents a significant shift in Cicero's leadership, and paved the way for the second change into open opposition against Antonius (discussed below) and full role model position.<sup>41</sup> Cicero's correspondence from July and August 44 suggests that this first change from leader in vision only to leader in (some) action was caused partly by the criticism and expectations of Atticus, M. Brutus and Cassius and other unnamed people: that Cicero was forsaking his country by leaving Italy at a time of possible action against Antonius.<sup>42</sup> TL theory includes the possibility of followers influencing the behavior and actions of their leader, because the most fruitful TL leader-follower relationship involves mutual stimulation.<sup>43</sup> Here, the followers – Atticus, M. Brutus and Cassius – referred to Cicero's moral

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<sup>39</sup> Cic. *Fam.* 12.2.1 (SB 344): *me auctorem fuisse Caesaris interficiendi criminatur*; 12.3.1 (SB 345): *vestri enim pulcherrimi facti ille furiosus me principem dicit fuisse*. See also Cic. *Phil.* 2.25, 2.28, 2.30, and Manuwald's 2007, 10 discussion with further references. For Cicero's position as leader in spring 43, see Cic. *Ep. Brut.* 12.(1.4a).2 (SB 11) for Brutus' view, Cic. *Phil.* 13.30, 13.40 for Antonius' view, and Cic. *Phil.* 14.20 for Cicero's self-presentation, with White 2010, 140.

<sup>40</sup> In his response to Cassius' encouragement to action in Cic. *Fam.* 12.2.3 (SB 344), Cicero concludes that the situation is too dangerous and that all hope lies with "you," that is, Cassius and M. Brutus.

<sup>41</sup> This two-stage change is analyzed in detail in van der Blom 2003.

<sup>42</sup> Cic. *Att.* 16.6.2 (SB 414), 25 July, suggests that Atticus approved of Cicero's trip to Athens provided Cicero would return to Rome before 1 January 43; Cic. *Fam.* 11.3 (SB 336), 4 August, is M. Brutus' and Cassius' letter to Antonius suggesting an opposition is possible (detailed analysis of this letter can be found in Hodgson 2017, 198–200, 204–8); Cic. *Att.* 16.7 (SB 415), 19 August, is Cicero's elaborate explanation for his decision to return to Italy and Rome in response to news from Rome and M. Brutus about growing opposition to Antonius, and criticism of Cicero's absence from several quarters, including from Atticus, M. Brutus and Cassius.

<sup>43</sup> Burns 1978/2012, 26: "The result of transforming leadership is a relationship of mutual stimulation and elevation that converts followers into leaders and may convert leaders into moral agents." See also Burns 1978/2012, 58. Burns' ideas of the leader-follower relationship has been further developed by focusing on the follower (see Tepper

obligation to act for his *patria*, holding Cicero to account for his moral leadership of the vision to save the *res publica* against the tyranny of Antonius. This is also an element in Cassius' praise of Cicero's speech in the Senate on 2 September 44 (the first *Philippic*).

By the time of his next extant letter to Cassius in early February 43, the situation had changed dramatically: two of Antonius' legions had defected to the young Octavian, who had begun recruiting a private army and opened up conversations with Cicero. Moreover, the governor of Cisalpine Gaul, D. Brutus, had rejected Antonius' attempt to take over the province as its next proconsul. We know from Cicero's letters to D. Brutus and Plancus – the governor of the neighboring province of Transalpine Gaul – that Cicero saw an opportunity for military action against Antonius and for the republican cause and that he tried to influence D. Brutus and Plancus to act with this objective in mind.<sup>44</sup> At the same time, Cicero himself started speaking out in the Senate and the *contio* for D. Brutus and Octavian and against Antonius, and his views about Antonius and Caesar's murder had been circulated to friends and intellectuals in the form of the undelivered second *Philippic* speech and his treatise *De officiis*.<sup>45</sup> The change from a leader in vision to a leader in action was caused by the changed military situation which now benefited and enabled the political opposition to Antonius, and most likely by the continued exhortation of Cassius and possibly others to act.<sup>46</sup>

By early February, the Senate had partly followed Cicero's recommendations to honor D. Brutus and Octavian, but not yet declared Antonius a *hostis*. When Cicero wrote to Cassius in early February, he was frustrated with the lack of communication from Cassius, who was now in the east, and with the ongoing negotiations between the Senate and Antonius. Indeed, he argued in his letter to Cassius that the disappointment of these negotiations led everybody to rally towards Cicero, who was seen as a popular favorite in a good cause (*itaque ad nos*

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et al. 2018) or involving a theory of leader-member exchange to help explain the effectiveness of transformational leadership (see, e.g., Wang et al. 2005).

<sup>44</sup> Cic. *Fam.* 11.5 (SB 353), 11.7 (SB 354), 10.3 (SB 355), 11.6a (SB 356), 10.4 (SB 358), 10.5 (SB 359), 11.8 (SB 360) – all in December 44 or January 43.

<sup>45</sup> Cic. *Phil.* 3–6. *Phil.* 2 lays the ground for the total character attack on Antonius in later *Philippics*; in the *De officiis*, Cicero argued that the murder of Caesar was just (*Off.* 3.32) and that Antonius had destroyed the *res publica* and enslaved its citizens in the name of Caesar's *acta*: *Off.* 1.57, 1.139, 2.3, 2.28, 2.45, 3.2. For Cicero's political messages in *De Officiis*, see Long 1995 and the comment by Griffin 1996, 278–80.

<sup>46</sup> Cic. *Fam.* 12.2 (SB 344): Cicero to Cassius, Rome c. 25 September 44 – analyzed above. For an analysis of Cicero's change from leader in words to leader in action, see van der Blom 2003.



*concurritus, factique iam in re salutari populares sumus*).<sup>47</sup> In this letter, Cicero is certainly presenting himself as a generally accepted role model of action against Antonius.

Rhetorically, this self-presentation was aimed at cajoling Cassius into action because it is followed immediately by a chiding comment about the lack of information about Cassius' actions and whereabouts and the problem of basing the entire enterprise against Antonius on public opinion and rumor as to Brutus' and Cassius' positions in the east. Cicero demands an update from Cassius and suggests it should contain good news. In terms of leadership, Cicero is clearly presenting himself as the leader of the cause in Rome, in the eyes of himself and others, who needs information about the military side of the enterprise in order to successfully combat Antonius from Rome. Cicero therefore presents himself as a role model in terms of both vision and political action to Cassius, who should follow Cicero's leadership and supply the necessary military action in the fight against Antonius. Although this letter shows Cicero at his most direct towards Cassius, his other letters in early 43 show the same concern for regular communication from Cassius and the same position as the leader of the republican cause in Rome, albeit with more politeness.<sup>48</sup>

Importantly, the two letters in the correspondence from Cassius to Cicero appear in this period (March and May 43) and give us unique insights into Cassius' reaction to Cicero's letters and leadership. The first letter from Cassius, written on 7 March in Tarichea (Galilee), is very formal and informs Cicero about events in the east. The tone and content is that of an official letter from a governor to the Roman Senate, and Cassius adds that Cicero shall be informed on other matters via personal communication; evidently, this letter was intended to be shared widely. Cassius reports that he is now in charge of all the legions in Syria and Egypt, exactly as Cicero had proposed as senatorial decree in his speech in the Senate transmitted as *Philippic* 11 a short while before Cassius wrote (although Cicero and Cassius could not know this because of the time lag in the correspondence).<sup>49</sup> The formality of Cassius' letter makes it less useful for gauging Cassius' reaction to Cicero's leadership but it is clear that Cassius responds to earlier letters from Cicero urging action.

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<sup>47</sup> Cic. *Fam.* 12.4.1 (SB 363): Cicero to Cassius, 2 or 3 February 43.

<sup>48</sup> Cic. *Fam.* 12.7 (SB 367): Cicero to Cassius, Rome end of February 43; 12.6 (SB 376): Cicero to Cassius, Rome March (end) or April (beginning) 43.

<sup>49</sup> Cic. *Phil.* 11.26–31.

The second letter from Cassius, written two months later on 7 May was written in response to Cicero's report on the Senate meeting at which he delivered *Philippic* 11. I quote large extracts from this letter because it illustrates a number of relevant points for my analysis:

Legi tuas litteras in quibus mirificum tuum erga me amorem recognovi. videbaris enim non solum favere nobis, id quod et nostra et rei publicae causa semper fecisti, sed etiam gravem curam suscepisse vehementerque esse de nobis sollicitus. itaque quod te primum existimare putabam nos oppressa **re publica** quiescere non posse, deinde, cum suspicari nos moliri <aliquid>, quod te sollicitum esse et de salute nostra et de rerum eventu putabam, simul ac legiones accepi quas A. Allienus eduxerat ex Aegypto, scripsi ad te tabellariosque compluris Romam misi. scripsi etiam ad senatum litteras, quas reddi vetui prius quam tibi recitatae essent, si forte mei obtemperare mihi voluerint. (...) a te peto ut dignitatem meam commendatam tibi habeas si me intellegis nullum neque periculum neque laborem **patriae** denegasse, si contra importunissimos latrones arma cepi te hortante et auctore, si non solum exercitus ad rem publicam libertatemque defendendam comparavi sed etiam crudelissimis tyrannis eripui. (...) haec a te peto non solum rei publicae, quae tibi semper fuit carissima, sed etiam amicitiae nostrae nomine, quam confido apud te plurimum posse. crede mihi hunc exercitum quem habeo senatus atque optimi cuiusque esse maximeque tuum, de cuius voluntate adsidue audiendo mirifice te diligit carumque habet. qui si intellexerit commode sua curae tibi esse, debere etiam se tibi omnia putabit.

I have read your letter [*Fam.* 12.7 (SB 367)], in which I find evidence once again of your singular regard for me. You would appear not only to wish me well, as you have always done both for my sake and the country's, but to have taken a grave responsibility upon yourself and to be very anxious on my account. Because I felt you were persuaded that I could not stand idly by while freedom was stifled [or: while the **state** was oppressed], and because I felt that, suspecting me to be at work, you were anxious about my safety and the outcome of the enterprise, I wrote to you and sent a number of couriers to Rome as soon as I took over the legions which A. Allienus had led from Egypt. I also wrote a dispatch to the Senate, with orders that it should not be delivered until it had been read to you – if my people have seen fit to comply with my instructions. (...) May I ask you to regard my public standing as entrusted to your care, if you recognize that I have declined no risk or labour for the **country's** sake? On your encouragement and advice I have taken

up arms against a set of savage brigands, and have not only raised armies for the defense of commonwealth and liberty but wrested them from the grip of cruel tyrants. (...) I make these requests of you not only for the sake of the commonwealth, which has always been most dear to your heart, but also in the name of our friendship, which I am confident counts for a great deal with you. Believe me, this army under my command is devoted to the Senate and the loyalists, and most of all to you. By dint of constantly hearing about your friendly sentiments they have developed an extraordinary regard and affection for you. Once they realize that you have their interests at heart, they will feel unbounded gratitude as well.<sup>50</sup>

The tone of this letter is much more personal and direct than the other letter from Cassius. This letter also mirrors to a much larger extent the ideas and language of Cicero's letters to Cassius: Cassius opens his letter by repeating Cicero's ideas that their relationship should be termed *amor* and that Cicero's concern for Cassius is for the sake of Cassius himself as well as for the sake of the *res publica*, which we saw at the end of Cicero's letter from early May 44 (quoted above).<sup>51</sup> The only difference is that Cassius in his letter has repositioned the mention of his *dignitas* to later in his letter, but still made sure to include it. Another striking overlap is the repeated use of the phrase *res publica*, which occurs six times in Cicero's letter of May 44 and seven times in Cassius' letter a year later – some of these in parts of the letters which are not quoted here. In almost all of Cicero's letters to Cassius, *res publica* is mentioned, but in none so much as in the letter of May 44.<sup>52</sup> Moreover, Cassius uses the terms *libertas* and *crudelis tyrannus*, which again mirrors Cicero's language in his letters and in his *Philippics*, the latter of which Cassius may have been sent copies.<sup>53</sup> The same use of *libertas* can also be seen in

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<sup>50</sup> Cic. *Fam.* 12.12 (SB 387): Cassius to Cicero, Syria 7 May 43: text and translation in Shackleton Bailey 1977 and 1978. For discussion of this letter in relation to leadership, see Becker, van der Blom, Egelhaaf Gaiser forthcoming.

<sup>51</sup> Cic. *Fam.* 12.1 (SB 327). For discussion of the use of *amo/amor* in Cicero's letters, see Hall 2009, 66–8.

<sup>52</sup> Cicero used *res publica* even more in letters to Plancus, who was difficult to pin down: discussion in White 2010, 150–8 and esp. 157 on *res publica*; Becker, van der Blom, Egelhaaf Gaiser forthcoming also covers some letters of the Plancus correspondence. For a full discussion of the term *res publica* and its usages in this period, see Hodgson 2017, 195–219; Moatti 2017, 2018.

<sup>53</sup> Cic. *Fam.* 12.2.1 (SB 344) Cicero to Cassius (*libertas*); *Phil.* 1.32, 1.34 (*libertas*); 2.20, 2.27, 2.28, 2.30, 2.113, 2.119 (*libertas*), 2.71, 2.99 (Antonius *crudelis*), 2.90, 2.96, 2.117 (Caesar *tyrannus*); 3.8, 3.12, 3.19, 3.28, 3.29, 3.32, 3.33, 3.36, 3.37, 3.39 (*libertas*), 3.3, 3.4, 3.5, 3.28, 3.29, 3.34 (Antonius *crudelis*) and then throughout the following *Philippic* speeches. See Kelly 2008 for discussion of such circulation of speeches.

Brutus and Cassius' communications with Antonius, and Cicero's correspondence with Brutus and Matius, which means that Cicero did not exercise a monopoly over this term, but that he might have influenced other people's usage.<sup>54</sup> The mirroring can also be seen in Cassius' attempt to use some of Cicero's own arguments against him: Cassius returns Cicero's continued emphasis on Cassius' responsibility to fight down Antonius by saying that he has acted on Cicero's encouragement and that Cicero therefore needs to continue his support. Cassius is thus placing some of the responsibility back on Cicero and implicitly declaring Cicero's vision and leadership as essential for the plot against Caesar and the fight against Antonius. Cassius' imitation of Cicero's vision, language and arguments indicates that he wrote his letter with Cicero's letter(s) at hand, knowing that the best way to influence Cicero was through Ciceronian ideas and rhetoric.<sup>55</sup>

This letter from Cassius shows that he appealed to Cicero by rearticulating Cicero's vision of fighting for the *res publica* and for *libertas*, and by presenting Cicero as the civic role model in this fight against tyranny in order to commit Cicero in the continued fight. The first two elements of transformational leadership – vision and role model position – are thus reflected in Cassius' response.

The third and fourth elements in TL are more subtle in Cassius' letter. The third – the leader's stimulation of follower's critical engagement with the issues at hand – can be gleaned through Cassius' confident account of his actions and clear positioning of responsibility on Cicero's shoulders: Cassius is showing that he is acting as Cicero has encouraged him to do since the Ides of March, but also placing the responsibility of these actions on his leader, Cicero. Indeed, Cicero had throughout his correspondence with Cassius encouraged the formulation of a plan and some action while leaving the details up to Cassius (and Brutus).<sup>56</sup>

The fourth element in TL is stronger, namely that the leader coaches or mentors the follower and takes the individual needs of followers into account, which helps to boost the followers' trust and satisfaction. First of all, Cassius says explicitly that he has taken up Cicero's advice, suggesting Cicero's mentoring approach to Cassius, even if the purpose was to place

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<sup>54</sup> Cic. *Fam.* 11.2 (SB 329) and 11.3 (SB 336): Brutus and Cassius to Antonius, 4 August 44; 11.5 (SB 353), 11.7 (SB 354), 11.8 (SB 360), 11.12 (SB 394): Cicero to Brutus; 11.27 (SB 348) and 11.28 (SB 349): between Cicero and Matius. On the meaning and development of the concept of *libertas* in this period, see Arena 2012, 261–76.

<sup>55</sup> Plancus was another who exercised Ciceronian rhetoric against Cicero; see discussion in White 2010, 158; Becker, van der Blom, Egelhaaf Gaiser forthcoming.

<sup>56</sup> Remember the family *consilium* in June 44 after which Cicero despaired at Brutus and Cassius' failure to produce a plan: Cic. *Att.* 15.11 (SB 389).

some responsibility on Cicero. Secondly, Cassius' mention of Cicero's regard for his *dignitas* picks up Cicero's assurance in his letter to Cassius a year earlier that he has Cassius' *dignitas* very much at heart. Cicero's assurance shows that he takes Cassius' personal needs into account because Cassius' standing must have been important to Cassius in light of his elite ancestry and the precarious political and military situation.<sup>57</sup> As a striking comparative example, Julius Caesar exhorted his troops to cross the Rubicon in order to defend his *dignitas*.<sup>58</sup> Cassius' return to Cicero's assurance in his letter a year later signals that he indeed expected Cicero to protect his public standing because Cassius had worked fearlessly and tirelessly for the sake of the *res publica*. Although some might find this exchange around Cassius' *dignitas* transactional rather than transformational, Bass' distinction between the two encourages further consideration: "While both transactional and transformational leadership involves sensing followers' needs, it is the transformational leader who raises consciousness about higher considerations through articulation and role modeling."<sup>59</sup> Cicero's coupling of his regard for Cassius' *dignitas* with his care for the *res publica* and their mutual *amor* shows that he here raises his protection of Cassius' public standing from a personal benefit to Cassius (his ancestry or personal safety, which are not mentioned) to a concern with the survival of the *res publica* and the well-being of their *amicitia*.<sup>60</sup>

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<sup>57</sup> For discussion of the role of *dignitas* in elite Roman society, see Hellegouarc'h 1972, 362–424; Wiseman 1985; Lendon 1997, 30–73; Barschel 2016; Baudry & Hurllet 2016; Griffin 2017. For the use of *dignitas* in Ciceronian letters, see Hall 2009, 12–13; White 2010, 145–7, both explaining it as used in transactional exchanges.

<sup>58</sup> Caes. *BCiv.* 1.7.7, with Raaflaub 1974; Morstein-Marx 2007, and with Cicero's comment: Cic. *Att.* 7.11.1 (SB 134).

<sup>59</sup> Bass 1985, 15–16.

<sup>60</sup> Bass 1985, 15 summarizes Maslow's 1943 and Aldefer's 1969 hierarchies of followers' needs as existence needs (safety and security), need for relatedness (love and affiliation), and need for growth (esteem and self-actualization). Within this hierarchy, Cicero seems to appeal to Cassius' need for relatedness (*amor* – *amicitia*) and need for growth (esteem from working for the restoration of the *res publica* and indeed for the greater good of the *res publica*). Separately, White 2010, 164 discusses the wants and preoccupations of correspondents which Cicero addressed and which ones he omitted: these are generally higher-level needs. Finally, Gildenhard 2011, 162–7 discerns a change in Cicero's attitude to the late republican "motivational nexus" driving elite competition towards the earning of *gloria* and *dignitas*, in which Cicero tried to link *gloria* to an ethical system where true glory could be obtained only through social approval of "good" men. This also suggests a higher-level concern for the wider good of society, as represented by the "good" men in society. See Stone 2008 on *gloria* and the so-called cardinal virtues in Cicero's speeches, treatises and letters of 44; Morrell 2017, 252–67 on Cicero's statements around *gloria* and what qualifies as true *gloria*.

Once Cicero started acting in the fight to free the *res publica* of Antonius' tyranny (before Cassius or Brutus did), and therefore acting as a role model, his care for the needs of followers such as Cassius had more resonance. Indeed, Cassius not only reminds Cicero of his promise to look after Cassius' *dignitas* but adds that his troops are loyal and grateful to the Senate and especially to Cicero because of Cicero's *voluntas* (care/sentiment) towards them. Although Cassius is their general, he suggests that Cicero – as the leader of the republican cause – should also continue his motivating attention to the needs of the soldiers. This is the clearest presentation of Cicero as a transformational leader inspiring not just the top managers in his enterprise but members at all levels within it to follow his vision and role modelling.

Having now analyzed the ways in which Cassius presents himself and Cicero in response to Cicero's earlier letters, we need to consider the purpose of Cassius' presentation. His careful mirroring of Ciceronian rhetoric suggests a serious attempt to persuade Cicero, but of what? On the surface, as mentioned above, Cassius wants Cicero to continue supporting himself and his army against the faction of Antonius. But underneath the polite mirroring of Ciceronian language and ideas, Cassius also puts pressure on Cicero – some would even say threaten Cicero – to fully support Cassius and his soldiers and make this support public. Indeed, Cassius says, only when the soldiers realize that Cicero has their interests at heart will they feel gratitude towards him. In other words, Cassius presents himself as following Cicero's leadership but now also demands that Cicero fulfil his role as leader in supporting Cassius and his troops. Cassius does not make clear whether this is simply support of Cassius and his army in the Senate or whether Cicero needs to ensure funds to support the upkeep of Cassius' soldiers, but it is a test of Cicero's leadership formulated within the parameters which fit the transformational leadership model: Cicero as the role model and visionary leader inspiring and listening to the needs of his follower Cassius and his troops. Leadership, also transformational leadership, comes with responsibilities, and Cicero certainly tried to fulfil his as the civic leader against Antonius.

## **6. Conclusion**

Cicero's correspondence with Cassius shows that Cicero's leadership techniques align with elements in the TL leadership model, and that his leadership was most effective when he was role modelling, rather than just expressing, his vision. According to the TL theory, the role modelling was more effective because it allowed Cicero to show confidence in his vision and thereby to inspire and motivate his followers to act towards fulfilling the vision. This might seem obvious to us, but it clearly was not obvious to Cicero; otherwise, he might have presented

himself as less despondent and more optimistic in the first six months after the murder of Caesar.

Leadership through letters was, and is, evidently not straightforward. The distance in time and place meant delay, sometimes crossing of letters and messages, and inability to use face-to-face persuasive techniques such as gesture, tone of voice and other social engagement, and there was always the danger of interception of letters. These limitations meant that leadership was communicated differently in letters.<sup>61</sup> The necessity of epistolary rather than face-to-face leadership in this period however has the major advantage to us that we can see the leadership up close over 2,000 years later: all the corridor politics and private negotiations of the Roman period is otherwise almost entirely lost to us.<sup>62</sup>

What the transformational leadership model offers to our analysis of leadership in these letters is a different prism through which to understand Cicero's attempts at leadership. Without TL, we might not have honed in on the element of confidence and motivation for effective leadership. TL has also helped to emphasize the element of communicating higher-level needs in followers, such as the survival of the *res publica* or the protection of *dignitas*, over lower-level needs such as safety or personal survival. Finally, TL has shown that the communication of concern for higher-level needs is not transactional leadership, not simply a *do-ut-des* situation, but rather transformational leadership in transcending individual concerns for survival to a shared concern for a common good: the survival of the *res publica* wherein *dignitas* is genuine, genuinely earned, and appreciated by the right people.

This suggests that the TL model could be productively used to analyze leadership in letters and to compare Cicero's leadership vis-à-vis different correspondents in the same period, Cicero's leadership over time, and Cicero's leadership in letters to that of other epistolary leaders. Such analyses could throw new light on Cicero's leadership as well as on the communicative possibilities and limitations of epistolary leadership in the ancient world.

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<sup>61</sup> Another reason for the different communication of leadership in letters, as opposed to speeches, was the need for an individualized approach to influencing techniques tailored to each correspondent: what Cicero thought might work for Cassius was different from what worked in front of the Senate or in the *contio* (see White 2010, 162–4 for some discussion).

<sup>62</sup> Almost because Rosillo-López 2017a; 2017b; 2019; forthcoming has managed to dig out much information about non-formal communication in the late Roman Republic, such as rumor and private political negotiations.

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## The Dynamics of Elite Agency in a Post-Caesar World (44–31 BCE)\*

Hannah Mitchell

### Abstract

Agency is a useful concept for exploring elite ideas about, and experiences of, politics in the period from the death of Julius Caesar to the Battle of Actium. The issue of exerting agency had become particularly acute during the dictatorship of Caesar, and remained so in the following years as the Roman elite struggled with Caesar's legacy. The first part of this chapter deals with the problems of defining and "locating" agency, focusing in particular on how claiming or disclaiming agency became an important aspect of the contemporary rhetoric of self-justification. The central part of the chapter examines different limitations on agency, such as the triumviral powers, proscription, violence, and alliances, and how these were negotiated by elite individuals. This is offset in the final section by an examination of the new or enlarged opportunities for agency which the civil war situation created, such as the negotiation of treaties and the possibility of changing sides. Focusing on the ways in which agency was debated and deployed gives us a multifaceted and dynamic view of the elite experience in this period, which takes us beyond the dominant binary of obedience or opposition to political leaders.

### Keywords

elite, aristocracy, politics, civil war, Triumvirate, agency, autonomy, alliances, *consilium*

But I say nothing. It is not easy to write against someone who can proscribe you.<sup>1</sup>

So wrote C. Asinius Pollio, probably during the Perusine War of 41–40.<sup>2</sup> The complexities of this speech-act capture some of the problems of agency in this generation. The young Caesar *divi filius* had slandered Pollio in verse, and Pollio responded in kind. Pollio's retort was strikingly paradoxical: he claimed to be, but was not in fact, silent. Indeed, to say that writing is not easy is not the same as saying that it is impossible. Pollio presented himself as *almost* powerless in the face of someone who held the absolute power, the ability to command death. This was clever because it was unquestionably true: the young Caesar had proscribed people.

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<sup>1</sup> Macrob. *Sat.* 2.4.21: *at ego taceo. non est enim facile in eum scribere, qui potest proscribere.*

<sup>2</sup> All dates are BCE.

By using his response to draw attention to Caesar's identity as a proscriber and to the power imbalance between them (writing poems versus writing death warrants), he positioned himself as morally superior. But even this reading of the speech-act as a form of telling truth to power is, on further inspection, problematic. Pollio was part of the inner group of politicians who enabled the formation of the Triumvirate, and it was said that he had caused his father-in-law to be put on the list (App. *B Civ.* 4.27). Thus, in this single verse we have a complex engagement with power, violence, resistance, moral accusation, and, if we read in Pollio's own problematic career, perhaps even complicity.

To Syme, Asinius Pollio was the hero and the outlier of his generation: a Caesarian and an Antonian, but also a Republican, overall "an honest man" who resisted autocracy and withdrew from the political conflict when he could.<sup>3</sup> In contrast, Morgan argued that Pollio's creation of an independent and detached persona (chiefly in his *Histories*) was a strategy for forging a path in constrained political circumstances, and that this dilemma of how to be a public figure in the new reality affected the entire Roman elite.<sup>4</sup> In fact, just as we can clearly see Pollio grappling with the problems of agency, our source material also reveals others trying to explore and define their agency in the unusual circumstances.<sup>5</sup> If we focus on how this entire political generation was pushing at limitations and trying to find ways to play an active part in public life, this changing emphasis reveals more dynamism than we might expect in the political culture of the period.<sup>6</sup> It also highlights the extent to which agency is not just a straightforward matter of "who can do what," but a fluid concept that can be claimed and disclaimed, constructed, and performed. In these ways, it played a major role in the rhetoric of the civil wars after the Ides of March.

## 1. Approaching Agency

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<sup>3</sup> Syme 1939, esp. vii, 5–6. Further discussions of Pollio as a politician, historian, and cultural figure, include: Allen 2019; Cornell *et al.* (eds.) 2013, 430–45; Ferriès 2007, 335–41; Osgood 2006a, 251–4, 296–7; Morgan 2000; Bosworth 1972; André 1949.

<sup>4</sup> Morgan 2000, esp. 59–61. Throughout this chapter, I use the term "elite" rather than "aristocracy" as a more appropriate (and less anachronistic) description of Roman society (see van Wees & Fisher, 2015). My use of "elite" follows Nicolet's definition of the "political classes" (as differentiated from the "civic mass") (Nicolet 1980, 3–7).

<sup>5</sup> Osgood 2006a, 2 highlights the need to reconsider the dilemmas of the governing class. Recent articles by Tan (2019) on Agrippa, and Miączewska (2018) on Fufius Calenus, demonstrate the value of reexamining the agency and agenda of these elite individuals.

<sup>6</sup> On withdrawal from triumviral politics: Osgood 2006a, 288–92.

Agency is, in our terms, the ability to act according to one's own will. To the Romans, the word which best encapsulates this is *libertas*, but they did recognize a wider concept akin to our understanding of agency, which could be articulated also with a whole range of terms and expressions, which position someone as an author, initiator, or agent (e.g., *auctor*, *per [hominem]*); attribute to them power, responsibility, or work (e.g., *potestas*, *cura*, *opera*); or emphasize being active, in explicit or implicit contrast to being passive (e.g., *impiger*, *strenuus* versus *iners*).<sup>7</sup> Thus in this discussion I am not limiting myself to appearances of the term *libertas* or its cognates, because it does not have to be present in order to evoke this larger complex of ideas that concern one's ability to act in the world.

Agency was the default for the free, adult Roman man, both in law and in social expectation.<sup>8</sup> We need to recognize that this much larger set of cultural values was still at play even in the historical circumstances of political crisis and civil war.<sup>9</sup> It is in the interplay between these expectations or norms and the unusual circumstances that we best see the tensions and dilemmas of the elite. Both need to remain in our picture as we try to describe their views of agency.

The dominant way to study the Roman elite in this period is through the model of the triumvirs as autocrats and the rest as partisans or followers.<sup>10</sup> There are clearly some important insights from this view, particularly because it highlights the violent and despotic uses of power by the triumvirs. Yet, the triumviral period exhibited many paradoxes. At times, autocratic orders and death sentences were predominant, but at other times, there was a great concern for senatorial procedure or public consent.<sup>11</sup> There is no way, ultimately, to reconcile these contradictory impulses, and thus we need a view of the period with room for both.

This is where a focus on agency, and particularly elite agency, can assist us, because it can explain and contextualize the moments of attempted consensus-building, through a more detailed understanding of the capabilities of, and opportunities for, these individuals. The value of this approach is that it moves us beyond the limiting view of triumviral lackeys and irreconcilable military opponents. These two extremes might explain some aspects of elite behavior in the triumviral period, but between the two poles there is a large space where we

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<sup>7</sup> On *libertas*, see esp. Arena 2012; Brunt 1988; Wirszubski 1950.

<sup>8</sup> Nicolet 1980 demonstrates compellingly the world of the Roman citizen as actor and agent.

<sup>9</sup> Wiseman 1985, 7–10.

<sup>10</sup> Largely due to the influence of Syme 1939. His preferred language is of oligarchs who gave way to dynasts who were leaders of parties or factions. Discussed further below (section 3).

<sup>11</sup> Millar 1973; Ando 2020.

might find many people who were, at times, willing to work with the triumvirs, or to work for peace, but who also retained and asserted their own various opinions on the political issues being confronted at this time. The opportunities these people had for expressing their political agency, and the use they made of them, warrants further scrutiny.

Privileging agency has the further benefit of taking our focus away from motive. While the “why” of individuals’ actions is clearly of fundamental importance in civil war, so too is the “how.” Moreover, the fierce accusation and defense of the period was based not only on who people were, their backgrounds and values, but also on what they did.<sup>12</sup> Invective relied upon tropes, but it also used the specifics of individuals’ actions.<sup>13</sup> Naturally, motive and agency cannot always be kept completely separate, especially when one of the main things people were fighting for was the chance to participate meaningfully in public life, rather than being dominated by a tyrant. But too often we prioritize the invective of character and miss some of the arguments about agency which were also vitally important.

There are some difficulties in attempting to recover these arguments and experiences. Our narrative of the period comes primarily from Appian, Cassius Dio, and Plutarch, supplemented with Suetonius, Nicolaus of Damascus, and Josephus.<sup>14</sup> Generally, these sources were not terribly concerned with the actual processes of political decision-making in this period.<sup>15</sup> This is readily understandable due to the complexity of the civil war situation itself, with political players spread all over the Mediterranean, and the issues of limited communication, rumors, and deliberate secrecy.<sup>16</sup> Moreover, the desire to create a comprehensible reading out of a chaotic situation led these authors (most writing much later) to prioritize the future Augustus and focus on him as a source of power and initiative, and to focus on military events more than political processes.<sup>17</sup> Furthermore, they often emphasized the arbitrary exercise of power in order to juxtapose this to the better condition of life under the principate. Thus, the primary sources give us a limited view of the agency of the wider elite.

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<sup>12</sup> Mitchell 2019.

<sup>13</sup> On triumphal invective: Osgood 2006b; Jehne 2020.

<sup>14</sup> Overviews of the sources: Osgood 2006a, 1–11; Pelling 1996, 4–5. Detailed studies: Gowing 1992; Westall 2015; Welch 2015.

<sup>15</sup> Millar 1973, 51–2.

<sup>16</sup> On means of communication: García Riaza 2020.

<sup>17</sup> For a discussion of the privileging of Augustus’ agency and perspective in both the primary sources and modern scholarship, see Mitchell, Morrell, Osgood & Welch, 2019.

Beyond evidentiary difficulties, our own desire to create a coherent description of this period can tempt us to prioritize the extremes of action and to simplify the choices available to these people.<sup>18</sup> A tendency towards fatalism can lead to reducing the elite's choices to their manner of death, exile, or preferred master.<sup>19</sup> In particular, we expect agency to manifest itself as opposition or disobedience.<sup>20</sup> But agency has a much wider scope than this. Agency can be cooperative. It can be influential without being oppositional. These considerations are particularly important when we examine the friends and allies of the triumvirs, whose agency is often minimized in scholarship. Cooperation can be a hard position to define and defend, and it seems to be the most difficult aspect of agency to recover.

Agency is also a problematic concept in terms of whether it should be understood as an absolute or a continuum. The dichotomy between “free” and “slave” positions this debate in terms of two mutually exclusive categories. But when this metaphor is applied to political action, grades are often introduced.<sup>21</sup> Agency turns out to be a spectrum.

## **2. Arguments about Agency after the Ides of March**

The corpus of Ciceronian writings provides fertile ground for considering the articulations of agency after the Ides of March.<sup>22</sup> In this year and a half, Cicero was intensely concerned with rethinking what it had meant to live with Caesar as dictator and what people had been able to do; defending the agency of the liberators in assassinating Caesar; contending with Antonius as a new threat to the agency of individual politicians and the structures of government; and urging individuals to take initiative in the fight against Antonius.<sup>23</sup> Cicero's perspective is not the only one available to us through these writings. He responded to other points of view about Caesar the dictator and Antonius, and the letters from other individuals provide their own reflections on their former and current agency.

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<sup>18</sup> Osgood 2006a, 2, 267.

<sup>19</sup> A Tacitean theme (*Tac. Ann.* 1.2).

<sup>20</sup> Cf Levick's reconfiguring of the terms of the traditional debate concerning “opposition” to Augustus (Levick 2010, 164–201).

<sup>21</sup> For a discussion of the paradoxes of the slave metaphor as applied to politics, see Roller 2001, 213–87; cf. Brunt 1988, esp. 289.

<sup>22</sup> For an overview, see Lintott 2008, 339–407.

<sup>23</sup> See van der Blom in this volume.



Cicero's attitudes to Caesar the dictator have been well-explored.<sup>24</sup> He consistently presented the dictatorship as a form of slavery.<sup>25</sup> But even in this case there were some nuances. As Cicero came to see Antonius as more of a threat, he reflected that Caesar had been in some ways easier to deal with, because they had had a courteous rapport and mutual respect. The most famous expression of this is when he wrote to Atticus that Caesar had actually been quite patient and lenient with him (*Att.* 14.17.6 (SB 371)). This did not alter Cicero's conviction that Caesar, as he became an immovable part of the government, had become a tyrant.<sup>26</sup> He kept reiterating this in the period following Caesar's death.

If Caesar had been a tyrant, then there was no possible way within the laws to negotiate with him, and so this became an important aspect of Cicero's defense of the liberators for choosing assassination.<sup>27</sup> Cicero presented this as the only option available. It was a praiseworthy show of initiative and responsibility. When it was not possible for individuals to act through the normal channels of government, it was legitimate to take things into one's own hands.<sup>28</sup> Cicero continued to develop this argument to support the young Caesar's initiative in raising veteran legions and convincing the Fourth and Martian legions to fight for him. It was also an important part of his correspondence with Decimus Brutus, Munatius Plancus, and Marcus Brutus in late 44, as he tried to convince them to take initiative in opposing Antonius before the Senate had provided any support.<sup>29</sup> Ratification for their actions would come later, he argued. This line of thinking, that the community relied on self-help initiatives, had always been part of Roman culture.<sup>30</sup> Thus this was a familiar and legitimate form of argument to use at the time, but it placed a heavy burden on individuals while also creating problems of accountability.

Cicero's construction of his own agency in the earlier civil war also underwent fluctuations and modification in these years. As he tried to be conciliatory to those who had taken different political courses, he presented his choice of Pompeius and the republicans as

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<sup>24</sup> Hall 2009b is a good introduction.

<sup>25</sup> Cf. his well-known complaint about *dignitas* without agency (*Fam.* 4.14.1 (SB 240)).

<sup>26</sup> On the development of Cicero's thinking on tyranny at the outbreak of civil war, see Goldenhard 2006.

<sup>27</sup> Cicero's views on tyrannicide contextualized: Lintott 1999, 54–8. For a wide-ranging discussion of assassination: Woolf 2006.

<sup>28</sup> *Libertas* was now, in Cicero's argument, to be pursued through the judgment (*iudicium*) of individuals, rather than the law: see Arena 2012, 261–6.

<sup>29</sup> For more on Cicero's leadership strategies in these months, see van der Blom in this volume.

<sup>30</sup> Lintott 1999, 22–4.

less a matter of free will and more a matter of necessity (*Fam.* 11.27.4 (SB 348)). Cicero could be criticized by both the group who had fought with Caesar and the group who had continued to fight against Caesar after Pompeius' death. Resorting to the argument that he had had no real choice in whom he joined or when he left was an attempt at exculpation.

Cicero also developed this argument to engage with those who had been close to Caesar. Lepidus, in particular, was the beneficiary of this in the *Philippics*. In trying to encourage Lepidus to side with him politically in the present (against Antonius), he conceded that Lepidus had been powerless to do anything of real value under Caesar's dictatorship (*Cic. Phil.* 5.38). Positioning everyone, even his closest supporters, as slaves to Caesar, gave them all something in common.<sup>31</sup>

One of the other major debates of the time concerned the hierarchy of loyalties, and what that meant for the use of agency. Cicero repeatedly expounded the view that the *res publica* should come before friends or allies, and obligations to them.<sup>32</sup> In taking this line, he was particularly attacking the argument which we have represented in Matius' letters.<sup>33</sup> "It was not Caesar I followed in the civil conflict, but a friend whom I did not desert, even though I did not like what he was doing."<sup>34</sup> Matius argued that it was possible to separate the friend from the politician. Cicero thought this a dangerous argument, because actions which supported Caesar as a friend could not really be differentiated from actions which supported Caesar as a politician. He rejected this distinction between public and private services. Matius not only advanced this as a defense of his agency, but also criticized the liberators and their allies for being more restrictive of his freedoms than Caesar had been. He wrote that Caesar had never restricted what he could think or feel, but now the "agents of liberty" (*libertatis auctores*) were telling him he could not mourn his friend because it was not in the public interest (*Fam.* 11.28.3 (SB 349)).

Cicero's response to these arguments was made in the treatises he wrote in 44, *de Amicitia* and *de Officiis*.<sup>35</sup> He tried to counter this argument of loyalty to a friend by contending that true friendship meant agreement in principles and virtues.<sup>36</sup> Matius' statement that he could be

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<sup>31</sup> Mitchell 2019, 169–71.

<sup>32</sup> But this was not unique to Cicero. This hierarchy was also stated forcefully in Brutus and Cassius' letter to Antonius: freedom is more important than friendship (*Fam.* 11.3 (SB 336)).

<sup>33</sup> On Cicero's correspondence with Matius, see esp. Hall 2009a, 60–6; Griffin 1997.

<sup>34</sup> *Fam.* 11.28.2 (SB 349): *neque enim Caesarem in dissensione civili sum secutus, sed amicum, quamquam re offendebar, tamen non deserui.*

<sup>35</sup> Habinek 1990, 167; Long 1995, 224 & *passim*.

<sup>36</sup> Thus, friendship is only possible between good men (*Off.* 1.12). See Konstan 1996, 130–5.

friends with Caesar while also not approving of his political actions was not possible if one followed Cicero's argument through. He suggested that Matius should have renounced his friendship, realizing that Caesar had strayed from the path of virtue, and that no true friendship was possible between them any longer. Cicero's argument provided a strong defense of individual culpability against the cultural value of obligations. In this argument, friendship should never restrict agency, in the sense of causing someone to do what he knew to be wrong or against the interests of the *res publica*.

Further arguments about agency are also represented in the letters of Cicero's other correspondents. In Pollio's three surviving letters to Cicero, he revisits the question of his agency in the earlier civil war, as well as reflecting on the correct use of agency in the present crisis. Pollio presents his choice to fight with Caesar at Pharsalus as one of necessity rather than free will (*Fam.* 10.31.2 (SB 368)). He had enemies on both sides, so he had to choose the camp where he would be free from his worst enemies. Although he would have liked to remain neutral, this would not have been safe. Personal danger was accepted as a legitimate reason for making these decisions. Although he presented his initial choice as one of resigned reluctance, he presented himself as using his agency within this to do what he could for the good of the state. His view of Caesar's power was multi-layered: Caesar decided the big issues, and of course Pollio did what he was told, but where Caesar did not give direct instructions, Pollio used his own initiative to do what he thought was right (*Fam.* 10.31.3 (SB 368)). Pollio gave no details of what these things were. Overall, the argument was an attempt to have it both ways: he was both powerless to choose a side freely or resist Caesar's orders, and he was a responsible moral agent in the way he carried out his free actions.

Pollio's discussion of what he intended to do in the crisis of the war against Antonius in 43 also shows him playing with an argument about agency. He repeatedly complained to Cicero that the Senate and consuls had not authorized him to move outside his province; he had not been given permission to act (*Fam.* 10.31.4 (SB 368), 10.33.1 (SB 409), 10.32.4 (SB 415)). His tone was bitter, as he complained that Plancus has been given direct instructions to aid the *res publica*, while his own loyalty had not been trusted. Nevertheless, despite his frequent recourse to the line that the Senate needed to tell him what to do, he also stated that he was intending to take the initiative in leaving his province and joining the war (*Fam.* 10.33.5 (SB 409)). This assertion provides a jarring contrast with his view that the only way to act would be with a senatorial mandate behind him. He wanted to have it both ways, to be safe behind the authority of the Senate, and to be seen as an independent agent acting for the good of the *res publica*.

Munatius Plancus' letters dwell on similar themes.<sup>37</sup> Throughout the months of December 44 – March 43, Cicero and Plancus debated whether Plancus should take the initiative in opposing Antonius before senatorial authorization. Cicero drew a sharp contrast between Plancus' actions under Caesar's dictatorship and his possible actions now. He argued that Plancus could not have done much to oppose Caesar, but that he now had the agency to effect events, and this agency was provided by his age, eloquence, designated consulship, and his legions (*Fam.* 10.3 (SB 355)). Plancus' own view of the situation was that he was critical of those who promised aid to the *res publica* before they were in a position to deliver it (*Fam.* 10.8 (SB 371)). In this he was perhaps criticizing those like Pollio who professed the right sentiments but did nothing, and he was also wary of what had happened to Decimus Brutus, who had tried to oppose Antonius without sufficient preparation, and was now being besieged. Plancus' letters also show a pragmatic focus on retaining the loyalty of his legions, which he understood as vital to his agency in the situation.

Lepidus also resorted to arguments about agency in defending his change of sides in May of 43 (*Fam.* 10.35.1 (SB 408)).<sup>38</sup> Lepidus stressed that he was politically right-thinking (without being specific about what that meant), and made the claim that the change of sides was done against his will: his own soldiers left him no choice but to join Antonius. It was a common complaint at this time that the soldiers gave the orders, rather than receiving them.<sup>39</sup> The soldiers, especially the veteran legions of Julius Caesar, were important agents in the politics of the period, but on the other hand, it was the responsibility of the commander to keep them loyal to the *res publica* despite inducements to change sides. Plancus' letters from these months show a keen concern with deflecting the overtures of Antonius to his soldiers. As a counter strategy, he was very eager to work with Cicero to make sure that the Senate recognized the importance of these soldiers with material rewards. The way to keep the soldiers from defecting was to make sure that the counter-offer was equally enticing and similarly well publicized. Was Lepidus powerless to stop his soldiers from defecting? Plancus and his envoys, chiefly Laterensis, did not think so. They thought they had been duped by someone who knew that he was going to defect, and who wanted if possible to bring Plancus' legions under his own control as well. Laterensis was so horrified at what had happened that he tried to commit suicide (*Fam.*

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<sup>37</sup> For a fuller discussion of this correspondence, see Mitchell 2019, 165–9, 173–5.

<sup>38</sup> On this letter: Osgood 2006a, 57–8. Further discussion of how and why Lepidus joined Antonius: Weigel 1992, 57–62.

<sup>39</sup> E.g., Cic. *Fam.* 11.10.4 (SB 385); App. *B Civ.* 5.17; Nep. *Eum.* 8.2.

10.23.4 (SB 414)). This seems not to be because he was choosing the manner of his death before he was killed by Lepidus, but rather because he felt such shame at having defended Lepidus' loyalty to the senatorial forces, before being proven wrong.<sup>40</sup>

Lepidus' letter seems like special pleading. After all, he went along with his troops rather than fleeing to Plancus and Decimus Brutus. Yet it shows us a line of argument that was available, that one had no power to affect the situation. Perhaps this angle was itself suggested to Lepidus by Cicero's representation of him in the *Philippics* – that he was unable to influence Caesar the dictator's actions. Others were happy to blame the elder Caesar's inner circle, presumably including Lepidus, for the things which had brought him into disrepute. In this reading, these close allies used their agency to further their own power, and the unpopularity they gained ultimately fell fatally on Caesar.

In the above examples, claiming or denying agency was most often a means of exculpation, of defending one's actions from criticism, but agency was also an important aspect of arguments for being given greater political responsibility and honors. The proquaestor Lentulus Spinther wrote to Cicero and to the Senate from Asia detailing all the things he had accomplished in keeping the province safe from Dolabella (*Fam.* 12.14 (SB 405), *Fam.* 12.15 (SB406)).<sup>41</sup> The letter was an attempt to gain credit for services for the *res publica*, but also a plea for further responsibility, specifically being left in charge of the province for the remainder of the year. Outlining what he personally had done was a way of claiming the glory that should be ascribed to these deeds. Someone would always be held individually responsible. Consider also Cicero's frequent admonishments to Decimus Brutus and Plancus in the early summer of 43: whoever finished off Antonius would get the credit for winning the whole war. It was a spur to action, and a recognition that glory went to individuals.<sup>42</sup> This factor was something that he knew would motivate people, no matter their particular political beliefs about the current crisis.

Debates about agency and initiative form a large part of the source material for 44–43. The Roman elite debated how restrictive Caesar's dictatorship had been, whose actions were responsible for Caesar's unpopularity and (poor) decisions, whether the assassins' actions were necessary self-help or a crime, and when individuals should take initiative. At the end of this period, Cicero was killed in the proscriptions, as he paid the penalty for having taken the lead

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<sup>40</sup> Rauh 2018, 88–9.

<sup>41</sup> For the context of these actions, see Welch 2012, 164–5, 182.

<sup>42</sup> For a discussion of Cicero's theorizing of "true glory" in *de Officiis*, see Long 1995.

in opposing Antonius.<sup>43</sup> In the later glorification of Cicero's heroic end, as revealed in Seneca's *Suasoriae* 6 and 7, this was symbolic of the complete loss of freedom of the community – life changed irrevocably and the voice of the People was lost. This was indeed a sharp turning point, as the proscriptions literally deprived citizens of all of their rights to act, and in the worst-case scenario, their lives. But too often, scholars fail to follow the nuances of the continuing story of elite agency under these new conditions. The death of Cicero was a stark warning, but it also, for us, means a complete change of the types of evidence we have. Without the individual voices of letter-writing, it is harder to see the personal responses to the circumstances, and the rethinking of agency in these new conditions. Yet the limited evidence we do possess shows that despite the violent and horrifying situation of proscription, debates and negotiations concerning agency were ongoing. Many of the letter-writers we have been examining, such as Pollio, Plancus, and Lepidus, did live on, as did others who had not taken such a prominent role in post-Ides politics. They must have been forced to rethink their political positions, but their self-awareness about acting and defending their deeds will not have disappeared overnight. If we try to keep this at the forefront of our analysis, we can see the traces of some of these debates about agency in our sources.

### 3. Restrictions on Agency under the Triumvirs

The triumviral powers gave the young Caesar, Antonius, and Lepidus incredible scope for political control: the ability to appoint magistrates and governors, the command of soldiers, the ability to make *leges*, and the capacity to arbitrate and have their decisions ratified later.<sup>44</sup> These powers set them above the institutions of the *res publica*, and made it virtually impossible for anyone to challenge them through the consulship, the Senate, or the assemblies.<sup>45</sup> The assassins of Caesar had been tried and found guilty under the Pedian law in August of 43, restricting their options to either armed resistance or exile.<sup>46</sup> The proscriptions drew in a wider group, not just assassins but also political sympathizers, whose lives were in danger.<sup>47</sup>

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<sup>43</sup> On the historiography: Gowing 1992, 154–7; Roller 1997.

<sup>44</sup> Vervaet 2020; Lange 2009.

<sup>45</sup> Osgood 2006a, 59–64.

<sup>46</sup> On the significance of the Pedian court, see Welch 2018.

<sup>47</sup> Hinard 1985 analyses the procedure and prosopography of the proscriptions; Osgood 2006a, 62–82 focuses on the social effects; Gowing 1992, 254–69 describes the different approaches of Appian and Dio to their proscription narratives; García Morcillo 2020 discusses the financial aspect of proscriptions and confiscations.

The power of violence stems not only from the harm that it causes to some, but also from the fear that it spreads more widely.<sup>48</sup> Recognizing this, Brutus and Cassius wrote to Antonius in 44 that free men cannot be impelled to act through fear (*Fam.* 16.21.3 (SB 337)). They argued that Antonius' threats were designed to convince onlookers that they were acting in fear, but they knew that their choices would remain free and deliberate. Cicero, throughout 44 and 43, also claimed that he did not fear death. This was the praiseworthy moral position to take. The *laudatores* of Cicero continued this theme: what was death compared to an untarnished reputation?<sup>49</sup> Others took similar stances. The defiant jurist Cascellius, who refused to write a formula covering the triumvirs' confiscations, was cautioned by his friends about his free speech. He answered that his old age and childlessness meant he had nothing to preserve which would cause him to feel fear (*Val. Max.* 6.2.12).

Even in the extreme and often unpredictable violence of the proscriptions, individuals employed any means possible to save themselves or their friends and relations. It was rarely the individuals themselves who could argue for their rights, but friends and relatives protected them, and tried to negotiate for their pardon (or at least their escape).<sup>50</sup> The sources fixate on this issue of what people did when confronted with such restriction of their freedoms, or those of their loved ones, and such dire consequences.<sup>51</sup> In fact, Appian's narrative spends a lot more time on how people responded to these circumstances, the choices they made and the ingenuity they showed, than it does on the triumvirs' role (*B. Civ.* 4.6–51). Friends and relatives were sometimes successful in having names removed from the proscription list; Messalla Corvinus was perhaps the most famous of these (*App. B. Civ.* 4.38). People used their friendship networks, and particularly networks of elite women.<sup>52</sup> Velleius claimed that wives were the most faithful, but sons the least (2.67.2). In considering resistance to the triumvirs we naturally focus on battles, but agency was at work in many different ways. Some supported the proscribed financially, some argued for their defeated friends.

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<sup>48</sup> Full discussion of the use of violence in civil war in Lange 2018. On violence in Roman culture generally: Lintott 1999. The manipulation of fear as a political emotion in this period: Hurllet 2020. The presence of soldiers in the city of Rome was a key feature of the period: Sumi 2005, 187–8.

<sup>49</sup> E.g., see Sen. *Suas.* 6 & 7, with Roller 1997.

<sup>50</sup> The “Laudatio Turiae” inscription gives us a fascinating and detailed insight how one couple managed to survive the proscriptions. See Osgood 2014.

<sup>51</sup> Osgood 2006a, 65–6.

<sup>52</sup> For more on elite female networks, see Webb and Osgood, both in this volume.

When the sources dwell on the extreme changes of fortune in this period, this is sometimes directly discussed as a matter of agency. Messalla had been at the complete mercy of the triumvirs; later during the war against Sextus Pompeius, he had the young Caesar's life in his hands, but protected him (*App. B Civ.* 5.113). The material probably originated in Messalla's own self-justifying account in his memoirs, but the extremes of power and powerlessness caught the imaginations of later historians.<sup>53</sup>

When all was lost, the ultimate expression of agency was to choose the manner and timing of one's own death.<sup>54</sup> Cato's suicide provided the model, and it was followed in this period not only by Brutus and Cassius, but many others.<sup>55</sup> The suicide of Quintilius Varus after the battle of Philippi was particularly poignant in its imagery. Velleius tells us that in his tent he put on the insignia of his offices before being stabbed by his freedman (2.71.2). His final statement – the manner of his death – emphasized his legitimate authority from the state, and conversely the triumvirs' illegitimacy.<sup>56</sup>

The alternative to suicide at this point was being brought before the triumvirs and either killed or pardoned.<sup>57</sup> Pardon was sometimes granted, usually through the intervention of a friend. Lucilius was released by Antonius after Philippi, and then remained with him after Antonius' defeat at Actium (*Plut. Ant.* 69.1, *Brut.* 1). Did he have any choice in his actions after the moment of being spared? The sources do not go quite as far as to claim that he had lost his own agency, but stress that saving someone's life meant that they owed you the utmost gratitude and recompense. Very few people went against this social expectation. One example is M. Titius, who when proscribed, fled to Sextus Pompeius, who protected him. When Sextus was later captured by Titius in Asia in 35, Titius, following Antonius' orders, had Sextus killed. The odium of killing someone who had spared his life tarnished Titius' reputation.<sup>58</sup>

Thus far we have been considering how the Triumvirate and proscriptions limited the agency of individuals, and the various ways in which they fought against this. But we can also consider how the agency of the magistrates, Senate, and assemblies was affected. Since Millar's

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<sup>53</sup> On Messalla's career and his memoirs, see Welch 2009, 200–10.

<sup>54</sup> Although see Hill 2004 for the argument that Roman suicide was more concerned with honor than agency. See also Griffin 1986a & 1986b.

<sup>55</sup> On Cato's suicide and its cultural effect: Rauh 2018.

<sup>56</sup> This example could be considered an illustration of Hill's argument that Roman suicide is primarily concerned with status and "moral witness" (Hill 2004, 183).

<sup>57</sup> On the broader context of *clementia*, see Dowling 2006; Konstan 2005; Griffin 2003.

<sup>58</sup> On Titius, see Welch 2012, 281–3, 300.



1973 study of the triumviral institutions, scholars have been more attuned to the regular functioning of many aspects of the government in this period; magistrates and Senate were positioned beneath the dominance of the triumviral office, but not made obsolete by it.<sup>59</sup> There are some notable instances when initiative was taken through office, such as the consulship of Lucius Antonius in 41, or that of Sosius and Domitius Ahenobarbus in 32.<sup>60</sup> The ongoing functioning of the Senate is most vividly represented in Josephus' accounts of the meeting in 40 in which Herod's kingship was debated and conferred (Joseph. *AJ* 14.384–5, *BJ* 1.284–5).<sup>61</sup> Herod had preliminary meetings with Antonius and Caesar at their houses, the Senate was convened by the consuls, and the discussion was centered on Herod and his family's past services to the state and reasons why Herod would be a good ally in view of the coming Parthian war. Finally, after the *senatus consultum* had been passed, there was a celebratory procession to the Capitol. This episode took place in the period of the intense use of the Senate after the negotiation of the Pact of Brundisium, when all the triumvirs were in Rome, and it usefully reminds us of the ongoing importance of the Senate for the business of empire.

Nevertheless, when focusing on the routine work of politics by these means, it seems clear that these were not the main ways in which political initiative was taken, nor agency expressed, in the triumviral period. There were practical limitations on the magistracies, and office was rarely the means of enacting resistance.<sup>62</sup> We do not know how much agency was exerted in the more mundane aspects of government in these years, as it is beneath the scrutiny of sources concerned with the big picture of politics and war.

The other main area in which agency came into question was in the restrictions on individuals who were on the same side. In explicitly military situations with a hierarchy of command, orders were given and followed – although even in this situation, prominent elite individuals sometimes had trouble accepting directives.<sup>63</sup> But little of this time period as a whole was actually spent in camp. The more common experience was the informal situation of friendship and alliance, expressed by the very broad Latin term *amicitia*.<sup>64</sup> These relationships

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<sup>59</sup> Millar 1973, and see now Pina Polo 2020, Ferriès 2020.

<sup>60</sup> For an analysis of Lucius Antonius' politics and the Perusine War, see Welch 2012, 218–30. On the consulship of Sosius and Ahenobarbus, see the comprehensive discussion by Frolov in this volume.

<sup>61</sup> See Ferriès 2020, esp. 95, for an assessment of the Senate's independence.

<sup>62</sup> On the decline of public speeches as an important aspect of political decision-making in this period, see Osgood 2006b.

<sup>63</sup> Welch 2012, 4.

<sup>64</sup> Discussions of *amicitia*: Brunt 1988, Konstan 1996, Williams 2012.

were governed by a social code which emphasized the value of *fides*, *beneficia*, *officia*, and *gratia*. These have sometimes been taken as providing a strong practical limit on any independent action. Syme's view has been influential in the study of this period; he considered *amicitia* a polite screen for the reality of factions, in which individuals used their agency to advance the faction's interests, thereby increasing their own power and privileges.<sup>65</sup> In *The Roman Revolution*, Syme's stated aim was to identify membership of the group that brought Octavian/Augustus to power. He was much less concerned with the internal dynamics of this group: how they actually established and negotiated the rules of the group, how firm the boundaries of the group were, and how much individual initiative had to be put aside in the interests of the group or cause. This prosopographical interest in defining group membership has continued; a recent example is the 2007 monograph of Ferriès on Antonius' partisans. Even with her caveats about factionalism, her focus remained on defining the group and outlining the careers of group members.<sup>66</sup>

We have already seen that the issue of what was owed to the *res publica* versus what was owed to a friend was sharply contested in the period after the Ides. My contention is that this was still ongoing under the triumvirs. One of the major charges against Brutus and Cassius emphasized in the sources is their ingratitude to Julius Caesar.<sup>67</sup> The riposte was that one did not need to be grateful for something that Caesar had no right to give.<sup>68</sup> In fact, in Brutus and Cassius' letter to Antonius, they emphasized that he (and everyone else) owed *them* gratitude, because they had freed the state from a tyrant (*Fam.* 16.21 (SB 337)). Thus while the importance of gratitude was universally accepted, it could be argued in different ways.

Pina Polo has recently suggested that the use of the suffect consulship in the triumviral period was developed in order to reward loyal supporters of the Triumvirate.<sup>69</sup> It was in the triumvirs' power to appoint consuls (and suffects), and this was clearly done with careful calculation. Nevertheless, it needs to be remembered that to appoint people to the consulship as a reward for their loyalty did not guarantee their future loyalty – nor their usefulness. Dramatic about-faces of political position had been demonstrated in the immediately preceding period by

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<sup>65</sup> Syme 1939, 12 & *passim*.

<sup>66</sup> Ferriès acknowledged that varying degrees of commitment were possible, and that individuals could move into and out of the "Antonian" group easily, but she retained the language of factionalism on the grounds that it conveniently encapsulates a familiar concept, and it is attested in contemporary sources (Ferriès 2007, 12–13).

<sup>67</sup> Rawson 1986, 102, 106; Roller 2001, 176–9.

<sup>68</sup> On the contemporary debate concerning the moral deployment of generosity, see Stone 2008.

<sup>69</sup> Pina Polo 2018 & 2020.

figures such as Decimus Brutus and Gaius Trebonius, who having fought with Julius Caesar throughout the civil war, and having been amply rewarded, then joined the assassins.<sup>70</sup>

In the triumviral period itself, the most notable example is that of Salvidienus Rufus.<sup>71</sup> He was with the young Caesar in Apollonia when he learned of the dictator's death, he apparently remained one of his closest friends in the following years, he led armies though he was only an *eques*, and he was designated consul for 39 (but did not live to hold the office). Yet in the course of negotiating the Pact of Brundisium, Antonius revealed to Caesar that Salvidienus had recently been in discussions to change sides.<sup>72</sup> Salvidienus was summoned to Rome on a pretext, the ultimate decree of the Senate was passed, and he was executed (Vell. Pat. 2.76.4). Salvidienus was dealt with incredibly harshly, naturally to try to discourage others from similar behavior, but it does not change the fact that someone who had supported the young Caesar for years, who had no family name to speak of and no political background, acted on the belief that he had the ability to make independent decisions.

Salvidienus was denounced publicly by the young Caesar in the Senate, which shows a perhaps surprising concern with transparency. The terms of the charges were also nuanced. Dio wrote that Salvidienus was executed as an enemy of both Caesar and the Roman People, and that thanksgivings were offered (48.33.2–3).<sup>73</sup> Velleius preserves the charge that Salvidienus had wanted to rise so high that he could see Caesar and the *res publica* at his feet (2.76.4). Suetonius wrote that Salvidienus had been planning revolution (*res novae*) (Aug. 66.1). It was not enough to betray Caesar; it had to be demonstrated that Salvidienus had also endangered the *res publica*. Livy's *Periochae* noted that while Antonius exposed the crimes, Salvidienus was damned "by his own evidence" (*indicio suo*) (*Per.* 127). Presumably a letter from Salvidienus to Antonius was brought forward. Even so, as Appian recorded, not everyone approved of Antonius' actions in revealing the information (*B Civ.* 5.66). Thus, we have evidence even in this case that Salvidienus' behavior was not universally condemned, and Caesar went to great lengths to demonstrate to the Senate that the case for criminality was clear.

The social values of cooperation and reciprocity had always been complicated for the Roman elite. Now, powerful friends had more to give than ever before, but also the potential to retaliate with extreme force. Yet the case of Salvidienus remained one of the few examples of

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<sup>70</sup> They were accounted as Caesar's *familiarissimi* (Vell. Pat. 2.56.3). Thus, according to Velleius, Decimus paid the penalty he deserved for betraying Caesar: Vell. Pat. 2.64.1–2.

<sup>71</sup> For his career: Syme 1939, 129, 201, 220.

<sup>72</sup> On this episode: Steel 2020, 204–5.

<sup>73</sup> On the development of *hostis* constructions in civil war: Cornwell 2018.

a friend or ally being killed, as distinct from the killing of the assassins of Caesar, the proscribed, or the conquered.<sup>74</sup> The reciprocity of friendship and the ideal of free association also remained part of the dialogue.<sup>75</sup> Before Actium, Asinius Pollio said that whatever *beneficia* Antonius had done for him, he had requited in full (Vell. Pat. 2.76.2–3).<sup>76</sup> They were even, and so Pollio had no obligation to fight for him at Actium. One of the charges made against Antonius in 32 was that when C. Furnius was addressing a hearing in Alexandria, Cleopatra’s litter had passed by, and Antonius rose up and left (Plut. *Ant.* 58). It is a seemingly innocuous example, but a man of great eloquence and weight within the community had been insulted by Antonius. Some of the arguments of those who left Antonius before Actium seem to imply that they felt that they were not treated as their rank deserved.<sup>77</sup> Whatever the power differential, these people still felt strongly that they were not lackeys or minions like the attendants of Cleopatra.

That these issues of good behavior on both sides of the friendship equation were current in the 30s can be seen also from Horace’s *Satires*. Du Quesnay demonstrated the extent to which the poems highlighted the political issue of the young Caesar and Maecenas being good friends to those around them.<sup>78</sup> They were depicted as people who listened to different opinions, who made good decisions, and who could be laughed at. The implication was that these were people who could be dealt with on a give and take basis, rather than aloof autocrats. They respected elite social norms. In the young Caesar’s Rome, elite reciprocity, free conversation, and debate were all possible. This was clearly intended to engage with a widespread idea of the opposite, but as the competition for supporters grew in the 30s, and as the proscribed began to return to Rome after the Treaty of Misenum, asserting and living up to these values became more important. Horace’s picture is significant because it draws attention to the fact that these personal relationships and personal interactions mattered politically.<sup>79</sup>

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<sup>74</sup> Another example is Staius Murcus, one of the key allies of Sextus Pompeius, who was put to death right before the Treaty of Misenum. The sources say that he was accused of treachery and attribute his downfall at least in part to hostility between him and Menodorus. The issue seems to have been a difference of opinion over the intended negotiations with the triumvirs (App. *B Civ.* 5.70–1; Vell. Pat. 2.77.2; Cass. Dio 48.19.1). See Welch 2012, 206–8, 239.

<sup>75</sup> See also Hall 2005 & 2009a for an extensive discussion of the role of politeness strategies in managing elite social relationships.

<sup>76</sup> See Welch 2012, 209–11, on this passage.

<sup>77</sup> Sextus Pompeius was very careful to see that rank and *dignitas* were respected regarding the exiles who fled to him (Welch 2012, 215).

<sup>78</sup> DuQuesnay 1984.

<sup>79</sup> Cf Habinek 1990, 166.

Our evidence only takes us so far in seeing the details of the interactions in these groups. What it does show us is that the Roman elite was still resistant to being treated as though they could be given orders. The issue of how much agency an individual possessed remained important.

#### 4. Opportunities for Agency

Thus far we have been focusing on the restrictions on agency, both the hard limits of proscription and military defeat, and the soft limits inherent in cultural values of obligation and social responsibility, and how people tried to grapple with and push the boundaries in all of these situations. Even in extreme situations, agency could be explored and exerted in different ways. Yet the civil war also created situations which provided new or enlarged arenas for elite agency. These opportunities were used creatively.

One of the most notable features of the triumviral period is the negotiation of treaties and peace deals.<sup>80</sup> War was frequent, but it was also repeatedly averted by successful strategies of conciliation, in which individual politicians played important roles. The Pact of Brundisium in 40, which reformed the alliance between Antonius and the young Caesar after the Perusine War, was one of the most important of these.<sup>81</sup> In Appian, we have the story of Cocceius, noted as a friend of both, negotiating between them. This was followed by the choosing of formal representatives, Cocceius, Maecenas and Asinius Pollio, to negotiate the details of a new deal. This in turn was followed, finally, by the meeting of Caesar and Antonius themselves in person. The intermediaries were vital to this process in part because they were face-saving for the principals; they could argue amongst themselves about terms and concessions, and the *dignitas* of Antonius and Caesar did not have to be harmed.

While the Treaty of Misenum in 39 was initiated by public pressure, it was then brought about by the movement of envoys between the various camps.<sup>82</sup> Sextus Pompeius' mother Mucia was sent to him from Rome to urge him to consider a peace treaty. When the meeting had been decided upon and the fleets came close to each other, friends moved between the groups to continue the discussions. In this case, the friends who carried out the majority of the negotiations are not named (App. *B Civ.* 5.71; Cass. Dio 48.36.1). Interestingly, Dio (48.36.2)

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<sup>80</sup> See Cornwell 2020. García Riaza 2020, 293–8 draws attention to the use of “neutral” locations such as the walls of encampments and rivers or islands for many of the negotiations of the period.

<sup>81</sup> Osgood 2006a, 188–9; Welch 2012, 230–8; Lange 2020.

<sup>82</sup> On the wider significance of the Treaty of Misenum: Welch 2012, 238–51.

says that the Misenum pact was later broken by both sides because both had been forced into it – Caesar by the People, but Sextus by his friends. There was evidently some debate in Sextus’ *consilium* about how to approach this situation and whether to meet at all, and this disagreement led to the death of Staius Murcus.

Other pacts, such as the Tarentum agreement, and the negotiations between Sextus Pompeius and Antonius, also involved a wide group of people – relatives, friends, and people of status who were deemed to be impartial. We do not have the evidence to see just how much these individuals affected the outcomes of the negotiations. The elder Caesar in the *Bellum Civile* complained that it was useless negotiating with envoys, and that he would rather meet Pompeius in person; in this case, his complaint seems to be that the envoys had too little power. On the other hand, Cicero complained to Cassius in February 43 that the envoys to Antonius took things into their own hands too much, and came back from Antonius with a counter-offer (*Fam.* 12.4.1 (SB 363)). It is likely that there were no hard-and-fast rules here, but once given this responsibility, it would depend on the individual the extent to which he asserted his own agency in making or modifying the deal.<sup>83</sup> As the triumvirs depended on these people as intermediaries, it opened up opportunities for them.

Deliberation is another area where we see elite agency at work. This could be quite a formal process, as in the meetings of a *consilium*, or more informal.<sup>84</sup> All of the sources dedicate some space to discussing Octavius’ decision-making after the assassination of Caesar, particularly his choice to accept the name and inheritance (*Vell. Pat.* 2.59.5). The process is particularly emphasized in the narrative of Nicolaus, in which the surrounding group of friends help Octavius by discussing his next step at every stage (e.g., 41, 55, 132). The friends are often treated as a group, unnamed, but sometimes the advice of individuals is also mentioned. Atia, Octavius’ mother, is worried about his safety and advises his return to Rome (38, 54); Philippus, his stepfather, advises him not to accept the inheritance because of the danger (53; cf. *Vell. Pat.* 2.60.1; *Suet. Aug.* 8.3). Such a major decision needed justification, but it is significant that the sources spend so much time not only on the different opinions, but also on how Octavius listened to and reacted to those opinions.

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<sup>83</sup> Further examples in García Riaza 2020, 290–3.

<sup>84</sup> Wiseman discusses the habit of advice-taking to show how properly visualizing this process can free us from some of the misleading scholarly assumptions about Roman familial-aristocratic “factions” (Wiseman 1985, 14–16).

The presence of the *consilium* around Antonius is also quite a notable feature in the sources. After Mutina, when Antonius had been badly defeated and had to consider his next move and wider political future, he discussed these issues with the friends around him (App. *B Civ.* 3.72). The most prominent example of Antonius' processes of deliberation is the lead-up to the Actium campaign. According to Dio (50.3.2), Antonius assembled a kind of Senate around himself and oversaw a formal discussion of the options for action. There were also discussions of the *consilium* when they arrived in Greece, and before the battle itself (Cass. Dio 50.14). The opinions of more of the participants are known in these cases, probably because Antonius' decision not to listen to advice was used by many as the reason for desertion. For instance, Domitius Ahenobarbus advocated sending Cleopatra back to Egypt and conducting the campaign without her (Plut. *Ant.* 56.2). Canidius apparently initially advocated for Cleopatra to stay (Plut. *Ant.* 56.2), but at a later date changed his mind (Plut. *Ant.* 63.3).

Although our sources mostly follow the civil war leaders, and thus show us the political deliberation happening in their presence, occasionally we see political decision-making taking place apart from them. A notable example is the deliberations of Ventidius, Asinius Pollio, and Munatius Plancus, concerning their course of action in the Perusine War. When Lucius Antonius was besieged by the young Caesar at Perusia, the three debated whether and how to bring their legions to his aid. Appian (*B Civ.* 5.35) says that Ventidius and Asinius wanted to attack the besiegers, but Plancus advised them to wait and see what happened. Velleius preserves something similar, albeit in a hostile manner. Velleius says that Plancus, although a supporter of Antonius, did nothing to help Lucius, while two chapters later he praises Pollio for his great exploits in having kept control of particular areas for Antonius and also for managing to negotiate an alliance with Domitius Ahenobarbus, who was commanding a rival fleet (2.74.3–4, 76.2). In both sources Plancus is ascribed the decision (or advice) to do nothing, and this lack of action was something which others could blame him for, with hindsight, quite bitterly. We are not told why Plancus' advice prevailed against the other two generals. In terms of strategy, Plancus' plan may have been more persuasive because it did not require an irrevocable action which committed them to the war; it may also have been the most realistic, since the strategic locations of Agrippa and Salvidienus had already made their chances of success small.<sup>85</sup>

This is a particularly valuable episode because this type of insight into the processes of decision-making is a rarity in our sources for the triumviral period. These senior politicians

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<sup>85</sup> Welch 2012, 229.

were debating their course of action with each other in the absence of any higher authority. Most importantly, this case reminds us that we should not assume a consensus of opinion among people who were allies or who were trying to effect the same outcome. Although all three were friends of Antonius and apparently wanted to support (or at least not harm) his interests, they disagreed about what would, in fact, be in his best interests. There was no clear statement from Antonius about his intentions, and in any case, detailed instructions about what to do would not have been possible in a situation in which Antonius was so far removed from the scene of the action, which was developing rapidly. Thus the circumstances of the civil war itself, with actors spread all over the Mediterranean, gave scope for individual agency.

The final way in which the civil war created opportunities for agency was in the choosing of sides.<sup>86</sup> This is a key moment for seeing individual agency, but although it is the most familiar to us and we might expect more agency – even opportunism – in this situation, it was not the only or even the most prominent way in which people were exercising their agency in this period. The lengthiest narratives concern the freedman admiral of Sextus Pompeius' fleet, Menodorus, who changed sides three times during the Sicilian campaign (App. *B Civ.* 5.78–80, 96, 100–2).<sup>87</sup> It is hard to estimate how typical this was of the process; Menodorus was unusual both because of his lower status and his high command. Other changes of side are sometimes described in terms of the change of location, but without any detail of how this was negotiated politically. Plancus and Titius left Antonius in Greece in 32 and returned to Rome, there divulging the contents of Antonius' will, whether voluntarily or as part of a deal.<sup>88</sup> The majority of the evidence concerns those who changed sides from Antonius to the younger Caesar before Actium.<sup>89</sup> The justification in this case was primarily Cleopatra's participation in the campaign, but this, too, was an argument about agency. It seems that these men may have argued not only that the presence of Cleopatra obscured the Roman issues they were fighting about, but also that her (and her advisors') presence restricted their influence and agency in directing the course of the war.<sup>90</sup> She affected the agency of the group in multiple ways: her perceived excessive influence on Antonius diminished his legitimate agency in making decisions, while also making him less receptive to the advice of his Roman advisors and friends. For those who thought that

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<sup>86</sup> See Appian's famous discussion of the increasing acceptability of soldiers and even commanders deserting (*B Civ.* 5.17).

<sup>87</sup> On Menodorus: Welch 2012, 263–9, 283.

<sup>88</sup> Mitchell 2019, 176–80.

<sup>89</sup> On the nature of the Roman elite's disillusionment with Antonius: Welch 2012, 292–4.

<sup>90</sup> Levick 2010, 45.



at least one of the issues at stake was the principle of collective decision-making, the presence of a female Hellenistic monarch in the *consilium* would have been quite a problem.

In fact, the process of changing sides was probably not always as clear-cut as we might expect. The famous examples suggest big moments of decision and public statements, but this may only have been the case for those who were relatively close to one of the leaders. People who were leading legions, or who had been entrusted with particular political or diplomatic tasks, had particular commitments to renounce. For the vast majority of the Roman elite, things may not have been quite so unambiguous. Many individuals probably maintained friendships with both the young Caesar and Antonius until the actual preliminaries of the Actium campaign.<sup>91</sup> There were around three hundred senators who had been in Rome or Italy, and who only left for the East after Caesar's attack on the consuls in January 32. While an individual may have been closer to one triumvir than the other, there is no clear evidence that would imply that friendship with one triumvir automatically meant cutting off contact with the others in the mid-30s. It is likely that it was quite the opposite – that up until accusations of improper conduct were being made in 32, many had kept their options as wide open as possible. While that probably limited their political progress in the short term, it had the benefit of keeping their options open in the long term.

## 5. Conclusion

Elite agency in triumviral politics comes to the fore strikingly when we move beyond an excessively simple polarity between subservience to dominant leaders and complete (armed) rejection. A large portion of the Roman elite managed at one point or another to come to some sort of accommodation with the triumvirs. This did not necessarily mean complete agreement, or forfeiture in directing their own careers or larger political decisions. Nevertheless, it is likely that there were fluctuations in the amount of agency or influence which people exerted at different points. In the immediate situation and aftermath of the proscriptions, exercising influence was clearly very risky, although not impossible. Some of the proscribed were removed from the lists owing to the advocacy of friends and relatives, showing that even the most brutal use of naked force was not impervious to social pressure, in particular cases, to

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<sup>91</sup> The prudent Atticus kept up his correspondence with both Caesar and Antonius throughout the 30s (Nep. *Att.*). Welch argued that even someone as prominent as Messalla kept up a public friendship with Antonius in the 30s (although his actions were all supportive of the young Caesar after 40) until this became untenable in 32 (Welch 2009, 202–3).

make exceptions.<sup>92</sup> As the instability dragged on, the necessity of winning over and retaining the consensus of a wide group of allies became ever more vital. While the triumvirs tried to reward loyalty (and punish disloyalty), they could never completely guarantee it, especially when a multi-polar world meant the possibility of a better offer. Moreover, the triumvirs could not be everywhere and could not control every practical decision. Individuals had to take the initiative, and they were held responsible for it.<sup>93</sup>

Some opportunities for agency did exist in the magistracies, the Senate, or indeed in armed resistance, but our evidence also shows us more informal contexts in which political agency was exerted in this period. The conditions of the civil war provided opportunities for negotiation and deliberation, and the possibility of negotiating one's own change of sides. The evidence focuses primarily on the more famous of the elite individuals, but also present in our sources are the groups of unnamed advisors and intermediaries, whose agency must also have been complex and dynamic.

The elite Roman individual's sources of influence or agency were much the same as they had been in preceding periods: rank, a noble name, wealth and resources, military skill or success, the ability to speak persuasively, and the ability to apply pressure through family and friends. These things will have been wielded in different quantities and combinations. The elite continued to debate the extent to which *amicitia* could or should constrain individual agency. This was one factor in the calculation of political action, but there were others too, such as beliefs about the *res publica* and how it should operate, and one's own personal safety and security. Individuals weighed up their options differently. Even the best political forecasters could not have predicted what would happen in such unstable times, and the result of one's choices might be death, exile, or defeat. Nevertheless, in their assertions of agency they were also discovering and even determining what many of the other opportunities for agency could be. The value of centering elite agency is that it reveals some of this dynamism of political action and debate.

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<sup>92</sup> The proscribers deliberately broke sacred ties (i.e. of family) (Vell. Pat. 2.67.3); see Welch 2012, 29–30 on this affront to the value of *pietas*. Yet evidently, when it came to appeals for mercy they did respect the intercession of some for their relatives and friends.

<sup>93</sup> On the later developments in the relationship between *princeps* and generals in the field, see Havener in this volume.

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**Seizing Initiative in the Sphere *domi*:  
Magistrates, Promagistrates, and the Senate at the Outset of 32 BCE\***

*Roman M. Frolov*

**Abstract**

Towards the end of the Republic, some powerful promagistrates found themselves at the height of their political and military power and yet also formally excluded from the sphere of domestic politics in Rome. As a result, they were repeatedly compelled not only to influence affairs in Rome at a distance but also to interfere in the sphere *domi* by being personally present near or within the city. Thus, at the beginning of 32 BCE, Octavian – now formally a proconsul rather than a triumvir – took an active part in senatorial proceedings. Girardet’s conjecture, that Octavian was careful not to violate some most evident formal safeguards surrounding the promagistracy, is plausible. However, details reported by Cassius Dio, such as Octavian taking his seat between the two consuls during a Senate meeting, demonstrate that the proconsul successfully appropriated the consuls’ leading role in the Senate. Dio’s passage focuses on changes in political initiative and proactivity – the very ideas which underpinned the Roman understanding of the essence of a magistrate’s power. There are the indications in other parts of Dio’s work of the fact that he indeed recognized a problem in the agency of promagistrates within the sphere *domi*. But the picture that Dio provides is more than the mere result of his own understanding, or even reconstruction, of events. A few parallel cases demonstrate that predecessors, including Caesar and later Lucan, problematized the same issue.

**Keywords**

promagistrates, proconsuls, *privatus*, Triumvirate, Senate, Cassius Dio, sphere *domi*, initiative, immediacy, proactivity

**1. Office and Leadership in the Year 32<sup>1</sup>**

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<sup>1</sup> All dates are BCE unless otherwise stated.



Magistrates in the *libera res publica* were expected to take initiative and lead the state, both *militiae* and *domi*.<sup>2</sup> This expectation and empowerment came with a whole range of restraints, including short terms of office, limited reiteration, and collegiality. Within this system, any non-magisterial political initiative (*viz.* enacted by someone other than an elected magistrate) was potentially a problem, even more so if it emanated from those who were recognized public officials but whose power was not limited in the same way as that of the regular magistrates, even if constrained by its own “checks and balances.” Civil wars in the late Republic were in most cases started by those acting in their capacity as *promagistrates*. Much has been said about their provinces, commands, and legions, but much less about their interference in the sphere *domi*. Each time, after taking control over the city of Rome, they were compelled to search for ways to project their power *militiae* into the sphere of “civil” administration, from which they would – under usual circumstances – have been excluded. A specific difficulty for these agents was the need to secure the legitimate possibility to initiate political action in Rome.

At the outset of the year 32, after approximately 10 years of the Triumvirate, Antonius and Octavian prepared for an open conflict. The consuls were Cn. Domitius Ahenobarbus and C. Sosius, both Antonius’ adherents. Describing their actions, Cassius Dio narrates:

(3) Domitius openly initiated nothing new (ἐνεόχμωσεν) because he had experienced many disasters. But Sosius, since he had not been acquainted with misfortunes, on the very first day of the month very much praised Antonius and inveighed much against Caesar [Octavian]. He would have introduced measures immediately against the latter, had not the plebeian tribune Nonius Balbus prevented it. (4) Caesar, suspecting what Sosius was planning, wished neither to ignore it nor by opposing him to appear to be the one who started (προκατάρχειν) the war. First, he did not come to the Senate and did not stay in the city at all (ὄλως ἐν τῇ πόλει), but invented some excuse for being on travels (ἐξεδήμησε), not only for the reasons given but also in order that he could deliberate at his leisure according to the news and then act by a more careful calculation, if needed. (5) Later he returned and convened the Senate (τὴν τε γερούσιαν ἤθροισε). Surrounded with a guard of soldiers and friends who secretly carried daggers, he sat between the consuls on the curule chair (ἐν μέσῳ τῶν ὑπάτων ἐπὶ δίφρου ἀρχικοῦ) and spoke from there a lot and proportionately in his defence and brought many accusations against Sosius and Antonius. (6) When neither of the consuls nor anyone else dared to say a word

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<sup>2</sup> See Hölkeskamp in this volume.

(φθέγξασθαί τι ἐτόλμησεν), he asked (ἐκέλευσέ) the senators to gather again on a specified day, so that he could prove by certain documents that Antonius was in the wrong. So the consuls, not daring to reply to him (μήτ' ἀντειπεῖν αὐτῷ θαρσοῦντες) and not able to remain silent (σιωπῆσαι), left the city secretly and then proceeded to Antonius, followed by not a few of the other senators.<sup>3</sup>

This passage has been used to support three different propositions: (1) In 32, Octavian (just as Antonius) was still legally a triumvir; Dio, therefore, illustrates Octavian using his triumviral powers in the Senate; (2) Octavian was not a triumvir anymore but he continued to be a promagistrate; Dio, therefore, describes the way in which Octavian used regular proconsular prerogatives in the Senate; (3) Octavian was a promagistrate but he used triumviral powers in the Senate.

However, Catherine Steel is certainly correct in pointing out that “to analyse what happened in these meetings solely in terms of the institutional factors at play does not fully exhaust the significance of what happened” (at the beginning of 32).<sup>4</sup> Besides, the value of Dio’s passage for reconstructing the constitutional situation is, in any case, limited: the circumstances are too exceptional, and the evidence ambivalent.

Yet even though we cannot grasp what happened solely through the lens of constitutional and institutional norms, the rules and convictions that we recognize from earlier periods did establish a framework against which the actions of the triumvirs could have been evaluated.

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<sup>3</sup> Loeb translation, slightly modified. Cass. Dio 50.2.3–6: (3) Ὁ μὲν Δομίτιος οὐδὲν φανερώς, ὥς γε καὶ συμφορῶν πολλῶν πεπειραμένος, ἐνεόχμωσεν· ὁ δὲ δὴ Σόσσιος, οἷα κακῶν ἄπειρος ὢν, πολλὰ μὲν τὸν Ἀντώνιον ἐν αὐτῇ εὐθύς τῇ νομηνία ἐπήνεσε, πολλὰ δὲ καὶ τὸν Καίσαρα κατέδραμε. κἂν παραχρῆμα ἐπ’ αὐτῷ τι ἐχρημάτισεν, εἰ μὴ Νώνιος Βάλβος δημαρχῶν ἐκόλυσεν. (4) ὁ γὰρ Καῖσαρ ὑποτοπήσας τὸ μέλλον ὑπ’ αὐτοῦ γενήσεσθαι, καὶ μήτε περιδεῖν αὐτὸ μήτ’ αὖ ἐναντιωθείς προκατάρχειν τοῦ πολέμου δόξαι ἐθελήσας, τότε μὲν οὔτε ἐς τὸ βουλευτήριον ἐσηλθεν οὔθ’ ὅλως ἐν τῇ πόλει διητήθη, ἀλλὰ τινα αἰτίαν πλασάμενος ἐξεδήμησε, διὰ τε ταῦτα καὶ ἵνα κατὰ σχολὴν πρὸς τὰ ἀγγελθέντα οἱ βουλευσάμενος τὸ δέον ἐκ πλείονος λογισμοῦ πράξῃ· (5) ὕστερον δὲ ἐπανελθὼν τὴν τε γερουσίαν ἤθροισε φρουρὰν τῶν τε στρατιωτῶν καὶ τῶν φίλων ἐγχειρίδια κρύφα ἐχόντων περιβαλόμενος, καὶ ἐν μέσῳ τῶν ὑπάτων ἐπὶ δίφρου ἀρχικοῦ ἰζήσας, πολλὰ μὲν αὐτόθεν ἐκ τῆς ἔδρας καὶ μέτρια ὑπὲρ αὐτοῦ διελέχθη, πολλὰ δὲ καὶ τοῦ Σοσίου τοῦ τε Ἀντωνίου κατηγορήσεν. (6) ἐπειδὴ τε οὔτε ἄλλος τις οὔτ’ αὐτῶν τῶν ὑπάτων οὐδέτερος φθέγξασθαί τι ἐτόλμησεν, ἐκέλευσέ σφας ἐν ῥητῇ ἡμέρᾳ αὐθις συνελθεῖν ὡς καὶ διὰ γραμμάτων τινῶν ἀδικοῦντα τὸν Ἀντώνιον ἐξελέγξων. οἱ οὖν ὕπατοι μήτ’ ἀντειπεῖν αὐτῷ θαρσοῦντες μήτε σιωπῆσαι ὑπομένοντες τῆς τε πόλεως λάθρα προεξεχώρησαν καὶ μετὰ τοῦτο πρὸς τὸν Ἀντώνιον ἀπῆλθον, καὶ σφισι καὶ τῶν ἄλλων βουλευτῶν οὐκ ὀλίγοι συνεφέσποντο.

<sup>4</sup> Steel 2020, 206.

The leading actors might ignore these expectations but in such a case they would risk exposing themselves to censure. Moreover, even Dio's usual *Machtpolitik* way of saying that Octavian was essentially able to do what he did because of brute force still required a point of reference, as we shall see. Indeed, what was the precise moment at which brute force became necessary?

But on top of this, the fragment elucidates something else. If Sosius' speech against Octavian "was premised on an understanding of the world in which consuls directed the activity of the *res publica*,"<sup>5</sup> then our next question should be: how exactly was Octavian able to repudiate the consuls' claim and secure his own leading role in the state? And to what extent, if at all, did he need to challenge the basis of republican institutions for these purposes?

I will argue that Dio's passage focuses on changes in terms of political initiative and proactivity, passiveness and response;<sup>6</sup> these ideas underpinned the Roman understanding of magisterial power and the place of *privati*, including promagistrates, within the world of city politics. Dio's description of the proconsul Octavian's armed guard, his taking the seat between the consuls, and his control over the agenda are all about the effective seizure of political initiative, rather than a sign of the formal continuation of – or unlawful claim for – certain powers. The constitutional situation remained the same at the time of Sosius' powerful demarche and at the moment that the consuls had to flee from Rome. The political situation, on the other hand, had altered dramatically: an *ad hoc* and not a regulative change.

Next, I will underline the indications in other parts of Dio's work that he indeed recognized that the problem was not simply a warlord's attempt to substitute for the republican magistrates but more precisely a *promagistrate's* attempt to do this. This is the point at which the question of legal legitimacy becomes relevant yet again, for Dio describes promagisterial agency outside the sphere of action to which promagistrates had been traditionally confined.

Finally, the picture that Dio gives us is probably more than just a result of his own understanding, or reconstruction, of events. A few parallel cases will demonstrate that his predecessors, including Caesar and later Lucan, problematized the same issue, sometimes in more subtle terms, and sometimes explicitly.

Trying to clarify the official position that Octavian held in the early months of 32 is, therefore, an essential starting point for at least two reasons. First, because we need (obviously) to understand if Young Caesar was now indeed a promagistrate. Secondly, although

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<sup>5</sup> Steel 2020, 206.

<sup>6</sup> Cf. the Greek terminology highlighted in the excerpt above.

constitutional norms and legality do not necessarily define who controls political initiative, they do form powerful expectations and create starting opportunities in this respect.

Modern scholarship has produced three major interpretations of the legal situation at the outset of 32: (1) the Triumvirate formally lapsed at the end of 33; (2) it did so at the end of 32; or (3) it could be retained indefinitely until abdication, abrogation, or the death of its holders (none of which happened to Octavian in 32). I think that the first must be correct and thus, in 32, Octavian was no longer a triumvir but rather a *privatus* with *imperium*, a promagistrate, at the Senate meeting which Dio describes. This is not the place to go into all the details of this old debate but since my further argument depends on accepting one of the opinions put forward in this discussion, a short note is necessary.

First, again, we cannot safely deduce the existence of certain formal powers from the fact of their alleged implementation by Octavian and Antonius.<sup>7</sup> Secondly, the great bulk of our evidence is inconclusive and equivocal and so must be dismissed from the consideration altogether.<sup>8</sup> For example, the use of the triumviral title by Antonius and its non-use by Octavian in 32, the vague references to their promises (both before and after the end of 33) to lay down certain powers, or the inscriptions which cannot be dated securely. Thirdly, the only direct and unequivocal piece of evidence in favor of the end of 32 as the legal term for the Triumvirate remains that of Appian in *Ill.* 28. Although it contradicts the *Res Gestae* and the *Fasti*, this notice could still have been considered seriously were it not for another statement of Appian's. He here suggests that the Triumvirate started in 41, which is clearly wrong.<sup>9</sup> Thus, the evidence that we currently have at our disposal shows that the Triumvirate legally ended at the end of 33.

However, Frederik Vervaet and Carsten Hjort Lange have recently revived the old idea that can potentially allow us to bypass the crux of the legal term: the Triumvirate was one of

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<sup>7</sup> Cf. De Martino 1962, 85–6.

<sup>8</sup> What I mean here, is only the use of this information to clarify the specific technical question of the Triumvirate's temporal limitation. Each and every detail we have still remains important for other purposes, as I hope to demonstrate below.

<sup>9</sup> In *Ill.* 28, Appian says that, in 33, two more years remained of the second five-year triumviral term. This note is fully compatible with, and is even necessitated by, another statement of his (*App. B Civ.* 5.95), from which it follows that the first five years of the Triumvirate ran from 41 up to and including 37 (the second five years, therefore, up to and including 32). Since the date 41–37 for the first term is clearly wrong (the Triumvirate certainly started earlier than that), so must be Appian's statement in the *Illyrian Wars* that the second term continued until the end of 32. See, e.g., Girardet 1995, 154–5; Pelling 1996, 67.

those offices which continued until abrogation, abdication, or the death of its holders, regardless of the temporal limitation.<sup>10</sup> The problem with this line of argument is that it fully depends on accepting the theory of Ugo Coli – an extension of an already highly problematic theory of Mommsen.<sup>11</sup> Very briefly, Coli maintained that, unlike yearly magistracies, non-yearly magistracies established to complete a specific task did not lapse *ipso iure* and could legally be retained past their term, which for them was only “comminatory” (*comminatorio*), i.e. serving more as a guide to good and reasonable conduct than as a prescription. Coli coined for such magistracies the (logically impossible) label *ad tempus incertum*. However, there is no positive evidence in support of this view, for example concerning the early dictatorship and the censorship.<sup>12</sup> Coli’s theory is also self-contradictory. It requires us to accept that the magistracies *ad tempus incertum* formally lapsed only by way of abdication. But if abdication is by definition formally voluntary – as Coli himself admits – then some magistrates were legally entitled to retain their power simply because they decided not to abdicate. Even the completion of the task as such did not, in fact, have any legal effect: according to Coli, an act of abdication was still necessary. However, Coli’s starting point is that precisely the existence of this specific task was the formal reason for which such offices did not lapse *ipso iure*, in the manner in which, for example, the consulate did. But how could the existence of such a task determine the means by which these magistracies formally lapsed if the completion of the task itself did not have any legal consequences in the first place and must be followed by abdication? Coli did make a reservation that the holders of magistracies *ad tempus incertum* could still be compelled to abdicate; but he did not sufficiently appreciate the fact that, in terms of his own theory, this compulsion could only be realized by extra-legal and even illegal means. This has nothing to do with the legal realities Coli initially aimed to reconstruct, and we are forced to believe that the Republic had long relied on either the good-will of the holders of the so-called magistracies *ad tempus incertum* or on the use of violence and moral pressure to check their potential usurpation of power.<sup>13</sup> We can accept this theory only if we ignore the fact that the

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<sup>10</sup> Vervaeke 2009; 2010; 2020, 24–32; Lange 2009, 53–61. But cf. already, e.g., von Lübtow 1955, 358–9 and Brunt & Moore 1967, 48–9.

<sup>11</sup> Against Mommsen’s view that the *außerordentliche constituierende Gewalt* was characterized by non-binding terms, see De Martino 1962, 82–3; Bringmann 1988, esp. 37–8; Bleicken 1990, 68.

<sup>12</sup> So correctly Drogula 2015, 347–8.

<sup>13</sup> The anonymous reviewer pointed out that Coli’s argument does justice to the important difference between the regular annual magistrates (for example, consuls) who were replaced by their successors on a specific date and those magistrates (for instance, dictators) who were not. But should not precisely the absence of a successor

Romans did indeed define specific and unequivocal temporal limitations for their magistracies, including the dictatorship, the censorship, and – most importantly for us here – the Triumvirate.<sup>14</sup>

## 2. Taking the Seat between the Consuls

Herbert Benario, Jochen Bleicken, Klaus Martin Girardet, Geoffrey Lewis, Fred Drogula, and others, building on earlier studies, have argued convincingly that after the Triumvirate lapsed at the end of 33, Octavian was not a simple *privatus* but a *privatus* with *imperium*, one acting *pro magistratu* with powers *militiae*. He retained his *imperium* until entering the city of Rome and kept his *provinciae* until the appointment of a successor. Nothing contradicts the assumption that the Senate meeting described by Dio was convened outside the city walls and not by the proconsul himself but rather by one of the plebeian tribunes.<sup>15</sup> This is compelling – but was Octavian entitled to act in the Senate in the way that Dio reports? Benario and Lewis both admitted the problem but did not elaborate on this issue. Girardet, however, tried to show that in the Senate Octavian acted legally as a holder of the consular *imperium*. Although he now had it *pro consule/pro magistratu*, outside the *pomerium* he was on a par with the consuls.<sup>16</sup> This cannot be accepted.

The fact that Octavian was ready to breach the normal senatorial procedure in order to win the day, and also that there is no need to theorize a legitimate way out for him in each and every case, corresponds much better not only to the logic of this conflict's escalation in general but also to what happened not long after the senatorial meetings of early 32.<sup>17</sup> In the Senate, a proconsul could not be on par with consuls. It was precisely this which constituted for the Romans the difference between the *magistratus* and the *privati* with *imperium* even outside the city boundary. In order to understand how a promagistrate was supposed to act in the Senate

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holding the same office make the automatic expiry of the dictatorship even more necessary than of the consulship, considering that (ex)consul could at least be checked by his successors?

<sup>14</sup> For a detailed analysis of Coli's theory, see Frolov 2019a.

<sup>15</sup> Benario 1975; Bleicken 1990, 82; Girardet 1990a; Lewis 1991; Drogula 2015, 349. See already Kromayer 1888, 7.

<sup>16</sup> Girardet 1990a, 342.

<sup>17</sup> That is, the seizure of Antonius' testament, the deed which Girardet calls illegal (Girardet 1990a, 343). To legitimize all Octavian's actions in this year in his capacity as a proconsul also means to make incomprehensible his later attempts, after 23, to find a longer-term solution (rather than an *ad hoc* one, as in 32) to the problem of the inapplicability of proconsular power in the sphere *domi* (see on this Bleicken 1990, 26).

according to the existing conventions, one need look no further than to the instances when promagistrates gave their reports to the Senate and requested the right to triumph.<sup>18</sup> A promagistrate's competence was strictly limited to his *provincia(e)*. As a proconsul, Octavian himself was not able to preside over the Senate or to obstruct it efficiently while the meeting was in session. Nor would his tribunician *sacrosanctitas* allow this.<sup>19</sup> Thus, regardless of whether a tribune properly convened a senatorial meeting in his interests, Octavian still could not avoid violating both informal and formal political rules concerning the participation of a proconsul in it even though he was undoubtedly able to retain his *imperium* legally. There are, indeed, no hints at his *imperium* being illegal but the inappropriateness of his actions in the Senate is quite clear in Dio's representation.<sup>20</sup>

Apart from this general problem, Girardet also has to deal with the more specific difficulties which Dio's passage implies. One of them is Octavian's retinue with concealed weapons. According to Girardet, proconsuls were always surrounded by a guard of praetorians.<sup>21</sup> However, this hardly suggests that they were able to bring them in the Senate. Appian reports that the triumvirs were officially authorized to have an armed guard,<sup>22</sup> but surely not after the expiry of their office. Besides, there is no direct evidence that even the incumbent triumvirs were formally authorized to bring their armed retinue specifically inside the Senate,<sup>23</sup> even if they did this in practice.<sup>24</sup>

Dio narrates that Octavian's friends were bearing weapons secretly. But why would they if everything was legal? Volker Fadinger maintained that Octavian's armed guard was a logical and understandable measure after the attack of Sosius.<sup>25</sup> He referred to the cases when magistrates secured a guard for the Senate. But he overlooked the fact that Octavian did not ask for the Senate's authorization and his guard defended him from the senators inside the curia

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<sup>18</sup> See the sources in Bonnefond-Coudry 1989, 144–7.

<sup>19</sup> He did not have *tribunicia potestas* at this point (see, among others, Bleicken 1990, 74–9). Hinard 2011 suggested otherwise but his arguments fail to convince. As far as our episode is concerned, Sosius' demarche and Octavian's initial reluctance would not have made much sense if Octavian already had full tribunician powers in 32, especially *ius agendi cum senatu*.

<sup>20</sup> Cf. Lewis 1991, 59–60; Drogula 2015, 349.

<sup>21</sup> Girardet 1990a, 342 (with n. 112).

<sup>22</sup> App. *B Civ.* 5.21; Girardet 1990a, 342, n. 112; Bleicken 1990: 42.

<sup>23</sup> Cf. Vervaeke 2010, 89.

<sup>24</sup> Cf., e.g., App. *B Civ.* 4.7 for one such notice on the triumvirs filling the popular assemblies with soldiers.

<sup>25</sup> Fadinger 1969, 215–6. Similarly already Kolbe 1914, 284–5.

rather than defending the Senate from the threat outside.<sup>26</sup> Even the emperors under normal circumstances did not seem to use an armed guard inside the curia.<sup>27</sup> As Dietmar Kienast points out in response to Fadinger, the use of an armed guard in the Senate can hardly be considered understandable.<sup>28</sup>

Now, Girardet explains the flight of the consuls and many senators from Rome not by Octavian's actions in the Senate but by the fact that, unlike consuls, he had an army at his disposal, which was stationed near Rome and was waiting for a triumph. In the Senate, Octavian only made clear in his speech against Sosius and Antonius that he was ready to use it against his enemies.<sup>29</sup> This interpretation amounts to the conclusion that the consuls took fright because of Octavian's speech (in which he made clear that he was ready to use his army), whereas his armed guard was the regular retinue of a proconsul, which somehow bothered nobody in the Senate.

Octavian taking the seat between the two consuls is another important detail. As Dio's passage in general, so too, is this piece of information ambivalent on the question of Octavian's

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<sup>26</sup> The year 43: Cass. Dio 45.19; 45.22.5; 46.26.7; the year 63: Sall. *Cat.* 50.3; App. *B Civ.* 2.5; Cass. Dio 37.35.3–4. In addition, one may refer to 52 when the Senate convened outside the *pomerium*, near Pompeius' theatre, under the guard offered by the proconsul Pompeius (Cass. Dio 40.50.2; cf. also Asc. 52C). Even accounts of Sulla's convocation of the Senate in order to threaten it implied surrounding the curia with the guard posted outside rather than taking armed friends and soldiers inside the Senate (Val Max. 3.8.5: *occupata urbe senatum armatus coegerat ... agmina militum, quibus curiam circumstedisti*).

<sup>27</sup> Thus, Suetonius mentions that Augustus on a certain occasion was surrounded in the Senate by strongest friends but not an official bodyguard consisting of soldiers (Suet. *Aug.* 35.1). Tacitus reports that soldiers conducted the emperor Tiberius to the Senate in 14 CE (Tac. *Ann.* 1.7.7 *miles in curiam comitabatur*) but Talbert 1984, 159, n. 46 argued that this remark "is perhaps not to be taken literally." In any case, the guard does not seem to be posted inside the curia. In 33 CE, Tiberius asked for an authorization from the Senate to bring with him in the Senate a few military tribunes and centurions (Tac. *Ann.* 6.15.5–6; Cass. Dio 58.18.5; cf. Suet. *Tib.* 65.1). Even under Nero in 66 CE (Tac. *Ann.* 16.27.1), soldiers occupied the space around the Senate house rather than they were posted inside (cf. also Tac. *Agr.* 45: *obsessam curiam et clausum armis senatum*).

<sup>28</sup> Kienast 1969, 400. Octavian had probably already had the experience of similar kind. Thus, Dio describes his use of the guard of soldiers (apparently) in the Senate in 43 (Cass. Dio 46.47.1). But Octavian already was consul at this point, officially entrusted with the task to defend the city. On the other hand, when not yet a magistrate, Octavian is reported to complain that his men had been obliged to lay aside their arms on entering the Senate (46.43.5). Antonius, in his turn, is criticized for using, in 47, a bodyguard of soldiers (Cass. Dio 42.27.2; cf. Cic. *Phil.* 2.112), but did it include their deployment inside the Senate-house?

<sup>29</sup> Girardet 1990a, 340, 342–3.



formal position at the outset of 32: it can be interpreted either as a sign of a coup,<sup>30</sup> or as a proof that he legally remained a triumvir and simply took the place which was his.<sup>31</sup>

Assuming that Octavian now became a promagistrate, Girardet proceeds to explain that he was sitting precisely where he was entitled to sit as a proconsul. Girardet supports this by a reference to the proconsular prerogative to sit on a *sella curulis*.<sup>32</sup> Obviously, this proves neither that proconsuls could take this seat in the Senate, nor that they could do that when consuls were present, nor that they could position it between the seats of consuls.

What Octavian was demonstrating by taking this seat was not that he had the power equal to theirs,<sup>33</sup> but that he was in a superior position. Let us suppose for the sake of argument that Dio could not possibly know which seat Octavian took but simply made up this detail to underline the similarities between Octavian and some other figures.<sup>34</sup> In Book 43, Dio narrates the unprecedented honors given to Caesar. Among these were the right to have an unusual number of lictors during a triumph, to use censorial prerogatives, to appoint magistrates, and other privileges. It is in this context that the right to sit between incumbent consuls in the Senate together with the privilege to give one's opinion first are mentioned.<sup>35</sup> In Book 54, Dio records that (only) in 19, Augustus himself received censorial powers for five years, consular power for life (so Dio), and the right to sit on the curule chair between the incumbent consuls.<sup>36</sup> In Book 59, we find Caligula sitting on a curule chair between consuls on the rostra.<sup>37</sup> Finally, in Book 60, Dio describes how those accused of the conspiracy against Claudius were interrogated in the Senate and how Claudius himself, sitting between consuls on a bench, read out the charges

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<sup>30</sup> Cf., e.g., Kromayer 1888, 7 (with n. 5), 14; De Martino 1962, 86.

<sup>31</sup> See, among others, Kolbe 1914, 285; Wilcken 1925, 79; Vervaeet 2010, 89. In fact, there is no evidence that the incumbent triumvirs formally received the privilege to occupy the seat between the consuls in the Senate (cf. their receiving an *additional* privilege to seat upon chairs of office during public games: Cass. Dio 48.31.3; Kromayer 1888, 12, n. 5). Moreover, the triumvirs were even unlikely to accept precisely this honor because it was too closely associated with the dictator Caesar (see below). Octavian's right to sit with plebeian tribunes (Cass. Dio 49.15.6) is also irrelevant (sitting between the two consuls is quite another matter), although it is interesting to point out that, according to Bleicken 1990, 77, this privilege was given to Octavian as a *privatus* rather than as a triumvir. So, he retained it in 32 together with the tribunician *sacrosanctitas* even when already a promagistrate.

<sup>32</sup> Girardet 1990a, 342, n. 116.

<sup>33</sup> Pace Girardet 1990a, 342. Cf. also Bleicken 1990, 106.

<sup>34</sup> Bleicken 1990, 66, however, believed that this detail could hardly be invented.

<sup>35</sup> Cass. Dio 43.14.3–6.

<sup>36</sup> Cass. Dio 54.10.5.

<sup>37</sup> Cass. Dio 59.12.2.

and then changed to his regular seat. This procedure was followed on other most important occasions.<sup>38</sup> Suetonius corroborates Dio's report concerning Claudius: the emperor occupied the place between the consuls only when major issues were discussed in the Senate.<sup>39</sup> Finally, Suetonius also narrates that, on his return from Pannonia in 9/10 CE, Tiberius sat with Augustus between the consuls.<sup>40</sup> But the occasion was quite unusual: quasi-triumphal honors, which Tiberius received. Peter Brunt has even associated this privilege of Tiberius with his acquiring the right, which Augustus also possessed, to retain his *imperium* upon entering the city, despite being a promagistrate.<sup>41</sup>

In short, for Dio – and not just for him – the one who sits between incumbent consuls is by no means a “regular” proconsul.<sup>42</sup> The privilege expresses the control over the Senate and is so grandiose that it is not always used even by the emperors. Already the physical positioning in between suggests that it is literally central and unique.<sup>43</sup> Finally, occupying the seat between two incumbent consuls was possible for Octavian precisely because he himself was not one of them.<sup>44</sup> His status as a proconsul and his lack of consular powers *domi* paradoxically allowed him to take this position which marked a power greater even than that of the consuls, who formally did have the authority *domi*.

In the end, Girardet effectively undermines his own argument when he refers to Augustus' acquiring, in 19, the right to sit between incumbent consuls as a “new privilege.”<sup>45</sup> If it was new at that time, the proconsul Octavian could not had been legally authorized to take this position already in 32. Moreover, this privilege was offered to Augustus precisely in 19/18 to

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<sup>38</sup> Cass. Dio 60.16.3.

<sup>39</sup> Suet. *Claud.* 23.2. Cf. Mommsen 1887, 403, n. 2.

<sup>40</sup> Suet. *Tib.* 17.2: *medius inter duos consules cum Augusto simul sedit*.

<sup>41</sup> Brunt 1974, 172–3.

<sup>42</sup> Cf. Mommsen 1887, 402–3; Taylor & Scott 1969, 533 (with n. 13); Talbert 1984, 122; Griffin 1991, 30 (with n. 1); Blochmann 2017, 66–8.

<sup>43</sup> More generally, the position in the middle of a group (of peers) seemed to be considered as especially honorable (Plut. *Cic.* 2; cf. also Tac. *Hist.* 2.59.3).

<sup>44</sup> Cf. Talbert 1984, 122: “On their tribunal the consuls sat on seats (*sellae curules*) with a third chair for the emperor (whenever he was not consul) in between them.”

<sup>45</sup> Girardet 1990a, 342, n. 116. See also Girardet 1990b, 119–21. Girardet apparently means that this privilege was new because it could now be used also *intra pomerium*, in contrast to the earlier situation when Octavian had been able to do that only *extra pomerium*, as a proconsul. But such a right of proconsuls *extra pomerium* is not reported by our ancient sources, and it is not easy to imagine that normally proconsuls could sit between the consuls in the Senate when it assembled outside the city boundary. To me, this looks like innovation.

compensate for his lack of a consular office with the associated powers within the city and the sphere *domi* at that time.

The final detail is Octavian's total control over senatorial proceedings. It is quite telling that modern scholars often refer to our episode as the proof of the incumbent triumvirs' priority in presiding over senatorial meetings. Whether we can use the episode to say anything about incumbent triumvirs is doubtful. But the actions of Dio's Octavian in the Senate in 32, despite being merely a proconsul, indeed suggest that he effectively presided over the meeting. Even if we assume that a tribune convened the Senate officially, only Octavian is reported to say anything (or at least anything worth reporting). The tribunes disappear altogether at Cass. Dio 50.2.5, even though just a few lines earlier, at Cass. Dio 50.2.3, the tribune Nonius Balbus is said to make an important move. But who formally convened the meeting at 50.2.5 is not the point for Dio because it is Octavian who ultimately takes charge of the proceedings. In addition to this, the opposing party is depicted as not being able even to respond, let alone to preside over the meeting; the consuls must have been able to do so were it not for the armed occupation of the Senate by Octavian.

Dio also suggests that Octavian invited the senators to the next meeting and announced its agenda. As a mere proconsul, Octavian must have been very careful not to push anything through the Senate which was not related to his *provincia*, assuming that he wanted to play by the rules. He did not have (at least yet) the *provincia* "war against Cleopatra" or, for that matter, any provinces in the East. And since he was no longer a triumvir, he was not authorized to discuss any issues between the triumvirs or concerning any part of the Empire before the senators. Thus, even if we believe that Octavian's announcement of his intentions to provide some documents to the Senate was not a direct breach of any formal regulations, it still contradicted the traditional expectations of what (and how) a proconsul should discuss in front of the senators.

Girardet solves this difficulty by reducing the opposition *domi/militiae* to the differentiation *intra pomerium/extra pomerium*. As a result, Octavian becomes a public official who is acting within the territory where he legally retains his power. However, here, the fundamental differences between *magistratus* and those acting *pro magistratu* are completely lost. Indeed, Octavian was "legally an *imperium*-holder" and "not a simple private citizen,"<sup>46</sup> but in terms of the Roman dichotomy *privatus/magistratus*, all promagistrates were legally

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<sup>46</sup> Girardet 1990a, 348.

*privati*.<sup>47</sup> In practice, this meant that, as Adalberto Giovannini underlined, promagistrates were not supposed to convene the Senate and the People even outside the city boundary.<sup>48</sup>

Scholars often reduce the Roman differentiation between those acting *pro magistratu* and proper *magistratus* to some kind of conservative tradition and “polemical” word usage.<sup>49</sup> But this aberration must be the result of scholarly focus on the usual activities of promagistrates in the provinces, where promagisterial powers were, indeed, virtually the same as magisterial. However, precisely in an exceptional situation such as that of 32, this difference in Roman terms – which in the majority of other cases looks formalistic, forced, or obsolete, and therefore not even worth mentioning in a modern analysis – suddenly becomes relevant again. Dio’s description of the beginning of 32 provides an example of how the Roman understanding of promagistrates as non-magistrates, even *privati* (despite being endowed with public power), could potentially be used to measure and criticize the conduct of any promagistrate, and how this norm could itself be put to the test. Sosius’ sudden activity directed against Octavian is therefore not only an attempt to reinforce the understanding of consuls as leading actors in the state but also an attempt to reinforce (or to make use of) the limitations traditionally imposed on promagistrates. Crucially, Octavian’s solution to this problem at the beginning of 32 neither amounted to the abrogation of the consuls’ office, nor to his own election as consul, nor to the long-term redefinition of promagisterial capabilities. What was this solution?

### 3. Sosius, Octavian, and Political Initiative

Jochen Bleicken maintained that Octavian, now not a triumvir but a promagistrate, simply made use of his old triumviral powers *domi* but did not formally claim them.<sup>50</sup> He had to act this way if he did not want to lose the initiative in Rome (“die Initiative in Rom”).<sup>51</sup> Although it seems to me that an *ad hoc* usurpation of power without formal claims for it is nonetheless a

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<sup>47</sup> This should be argued in detail in a separate study but I generally accept the reasoning of Drogula and his conclusion that all promagistrates were technically *privati* (Drogula 2015, 219–220, with n. 97; see also below on Lucan’s usage of *privatus*). For the opposite view, see Blösel 2009, 42–5.

<sup>48</sup> Giovannini 1983, 42. The so-called *lex de provinciis praetoriis* (Crawford 1996, no. 12, Cnidos copy, col. 4, ll. 31–9) provides a finite list of the civil powers which promagistrates enjoyed but seems to limit the use of these competencies to the original *militiae* provinces of the said officials (and, of course, the list does not include the right to convene the Senate or the People in Rome).

<sup>49</sup> Cf. Berthelet 2015, 159, n. 64.

<sup>50</sup> Bleicken 1990, 66, 82.

<sup>51</sup> Bleicken 1990, 39.

usurpation, Bleicken’s use of the notion “initiative” is indicative. The scholar repeats this word also in connection to the later situation: he underlines that only from 31 on was Octavian able to use the consulate as the foundation for his political initiative and his decisions in the sphere *domi*.<sup>52</sup>

The situation becomes even more interesting if we ask what Dio’s passage tells us about the ability of political actors to introduce new measures, no matter what their constitutional position happened to be at any given moment. An armed guard, taking the seat between the consuls, and control over the agenda are all about the effective seizure of political initiative rather than claiming any formal powers. For example, as mentioned above, when Dio reports that the dictator Caesar was given the privilege to sit between incumbent consuls, he closely connects this to him being awarded the right to give his opinion first. In other words, unaccompanied by a recognized privilege to speak first merely sitting between consuls indicates an *ad hoc* usurpation of the role of a presiding official who also spoke first. At the same time, this step in itself could in no way revive triumviral powers – or redefine proconsular capabilities – outside of the context of this particular meeting.

Already at the very beginning of our passage, Dio says that the consul Domitius “openly initiated nothing new” (οὐδὲν φανερώς ... ἐνεόχμωσεν). Later, when Octavian appeared in the Senate with his guard, both consuls became silent and did not dare even to respond, let alone to propose something themselves. Our ancient authors strongly underline magistrates’ abstaining from taking initiative as the sign of them effectively giving up their power. Consider, for instance, the case of the praetor Caesar in 62 who was suspended by the Senate. As I have argued elsewhere,<sup>53</sup> Caesar’s magistracy was not abrogated, nor were any of his magisterial prerogatives restricted. Nevertheless, both Suetonius and Cassius Dio report that, when threatened with violence, Caesar did not attempt to undertake any action by himself (*quieturus*; οὐδὲν ... ἐνεωτέρισεν).<sup>54</sup> In practice, this meant that he dismissed his lictors, laid aside his robe of office, stopped performing his praetorian duties, and took refuge in his private house. But when the crowd offered him help, he responded to, and made use of, their initiative.<sup>55</sup> In Roman political culture, political passivity did not correspond to how a *magistratus* was expected to behave – to such an extent, indeed, that although formally still a magistrate he could be

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<sup>52</sup> Bleicken 1990, 72, see also 79.

<sup>53</sup> Frolov 2017.

<sup>54</sup> Suet. *Iul.* 16; Cass. Dio 37.44.1.

<sup>55</sup> On popular prompting of elite initiative, see Yakobson in this volume.

compared with a *privatus*, as was Bibulus “in the consulate of Julius and Caesar” or the consul Cinna when he was forced to leave Rome in 87.<sup>56</sup>

Unlike Domitius, Sosius seemed to take initiative and Octavian seemed to lose it at some point. Thus, Klaus Bringmann comments that Octavian waited for the initiative of the opposing side.<sup>57</sup> Waiting for the situation to change does not look like taking initiative. But although according to Dio Octavian wanted precisely *not* to appear to be the one who started something (in this case the war), the actual situation was less straightforward. Namely, Dio narrates that Caesar had already predicted what Sosius would do, i.e. convene the Senate to secure a decree to undermine Octavian’s position. He was not simply waiting but he took active preparations in anticipation of his opponent’s next move. Waiting for one’s opponent to act first can in fact be a calculated strategy, opening up the potential for other initiatives that were not possible before.

In contrast to this, Sosius’ actions may even be completely dismissed as an example of genuine political initiative and leadership, if this is understood not as the matter of political routine, but – more as Arendt envisaged – as something unexpected.<sup>58</sup> Although formally Sosius did take initiative in the Senate, this may be considered as an easily predictable attempt to act again as consuls used to do some years ago, an awkward ceremonial return to a consul’s traditional role as a leader in the state, as if everything were still the same.<sup>59</sup>

But what was it that allowed Octavian to outplay Sosius – at least in Dio’s imagination? Dio’s Sosius apparently planned to force Octavian to make a choice between either forfeiting his *imperium* by entering the city or completely abandoning Rome as a political battlefield. The first senatorial meeting at the beginning of the year had to take place on the Capitol.<sup>60</sup> Thus, the meeting on 1 January guaranteed to convene *in urbe*. The very fact that Octavian was not able immediately to react to, let alone prevent, Sosius’ attack suggests that it happened at the Senate

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<sup>56</sup> On Cinna’s suspension, see Frolov 2019b.

<sup>57</sup> Bringmann 2012, 95.

<sup>58</sup> Arendt 1968, 168–170; Arendt 1958, 178, 189–90.

<sup>59</sup> Cf. also Mitchell’s observation in this volume that there were “practical limitations on the magistracies, and office was rarely the means of enacting resistance” (sc. to the triumvirs).

<sup>60</sup> Bonnefond-Coudry 1989, 69–70, 150; Pina Polo 2011, 18. Against the conclusion that Sosius’ attack occurred on 1 February rather than 1 January, see especially Fadinger 1969, 195–7, n. 1. Lange 2009, 61, n. 42 rightly recalls that 1 January does not contradict the report about the negotiations between the consuls and Octavian because those could take place after Sosius’ attack, while there is no evidence that Sosius had to wait for the *turnus* of the fasces on 1 February to become able to speak in the Senate. See also Osgood 2006, 352, n. 8.

meeting on 1 January in order not to allow Octavian to be present without forfeiting his *imperium*. This is how we can interpret Dio's otherwise rather unnecessary qualification that the consul's demarche took place precisely and immediately on the first day of the month. Sosius could also have been prepared to deal with the opposition of plebeian tribunes. Octavian's situation in 32 recalls that of Caesar in 49.<sup>61</sup> And in 49, the means were found to overcome the veto of the tribunes who were acting in favor of a proconsul.

However, instead of making the choice imposed on him, Octavian opened up a new possibility. He did not undermine the only power he legally held – *imperium* – but neither did he retreat completely: he illegally made an *ad hoc* use of those powers which he no longer possessed, but without claiming their continuing validity or restitution.

The question is, therefore, why the consuls allegedly allowed the Senate to convene outside the city if it was in the interests of Octavian. If the meeting was indeed initiated by a plebeian tribune, then Dio's narrative may imply that Octavian took the consuls by surprise when he appeared there. Only Octavian's movements from and back to Rome made this possible,<sup>62</sup> hence Dio's disregard of other political actors in this episode.

An apparent problem with this straightforward interpretation of Dio's narrative as a generally accurate description of events is that it requires us to assume that Dio's sources knew that Octavian first left the city's surroundings and then appeared at the Senate meeting so unexpectedly that it was too late for the consuls to prevent the proceedings. But the assumption about unexpectedness – which of course does not seem very convincing – is not strictly necessary (although remains possible). If we accept that a plebeian tribune did summon the Senate outside the city boundary, then the consuls were not able to prevent the meeting even if they knew that Octavian was coming as well. There was no secure way to stop the senators from meeting, unless the consuls appeared there in person. In addition, they were not necessarily aware that Octavian would use an armed guard to control the meeting: this, too, can explain the consuls' willingness to take part in the proceedings. Finally, even if they expected that Octavian would come and even if they somehow knew about his intention to use armed men, they still did not have any other option but to come there as well, trying at least to provoke Octavian openly to breach convention and thus undermine his own legitimacy.

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<sup>61</sup> Lewis 1991, 60.

<sup>62</sup> This explanation of Octavian's maneuverings does not contradict the idea that he also might have hesitated for some time and that this hesitation suggests that what he did after that was hardly legitimate and unproblematic.

In the absence of other evidence on this meeting, there is at least one detail in Dio's passage that may support the conclusion that his description may be something more than his own reconstruction of events. Note that Dio somewhat surprisingly explains that Octavian invented some excuse to leave the city before the start of the year 32. Why should Octavian do that if – as we opted for above – he was soon to become a proconsul? There was no need to explain that he needed to stay *ad urbem* as he was waiting for his triumph. Moreover, it is not only modern scholars who are aware of this constitutional limitation; Dio was also. Daniel Emmelius, reconsidering the *pomerium* in a recent dissertation, underlines that it is Dio who consistently connects the limitation of promagistrates' power with the notion of the *pomerium* – a link that is not so apparent in other authors.<sup>63</sup>

Now, Girardet has plausibly suggested that, in our passage, Dio's phrase ὅλως ἐν τῇ πόλει (“entirely in the city”) implies the city more generally, while ἐκδημέω refers to being on one's travels. If so, then Octavian did not even stay *ad urbem* but he left the surroundings as well, which might well have required a formal explanation. That is, not only does this (at first sight) unnecessary detail in Dio not contradict the assumption that Octavian was a promagistrate, but it may also elucidate how Octavian could be able, historically, to mislead Sosius in 32. At the very least Dio elaborates here on the actual practice of politics because he accounts in his narrative very carefully for the peculiarities and restrictions of promagistrates' participation in politics in Rome.

The few options still available to the consuls did not work out. Their silence in the Senate and their subsequent flight from Rome meant that no formal action could be taken in response to Octavian's illegalities in the curia, while – and this is significant – not even Antonius was able to question the legality of Octavian's *imperium*.<sup>64</sup> *Imperium* as such could not be undermined by the proconsul's performance in the Senate as long as this happened outside the city gates.

#### **4. Proconsuls and the City of Rome in Caesar, Lucan, and Dio**

One may suggest that I am simply making too much out of what Dio reports, even if, following Bleicken, we agree that Octavian's taking the seat between the consuls could hardly be invented and even if we assume that something had to happen in the Senate that compelled the consuls

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<sup>63</sup> Cf. Emmelius 2019, 296–9, esp. 297.

<sup>64</sup> Cf. Lewis 1991, 59.



to leave Rome at some point soon after the meeting.<sup>65</sup> Is it possible to corroborate (or refute) Dio's account, at least indirectly?

Apart from the problem of whether Dio's sources could provide such details on the senatorial meetings and especially on Octavian's maneuverings at the beginning of 32, it is not so evident whether Dio was even aware of the development I am trying to underline here. It is certain that he represented Octavian as usurping the role of the consuls in the Senate, but could a Greek senator, writing around the turn of the third century CE, actually appreciate this usurpation as being done specifically by a promagistrate, a *privatus* entitled with *imperium* but not with the power to preside over the Senate?<sup>66</sup> The situation is further complicated by yet another issue: even if, say, Dio did think of Octavian as a proconsul trying unlawfully to control the agenda in the Senate, is such an understanding just Dio's own? Because if it is, his representation of events cannot be easily accepted, and in the absence of other sources on this meeting, we find ourselves in a difficult position.

As already pointed out, no other source reports this Senate meeting; but if we read our passage as a description of how a promagistrate seized initiative in the sphere *domi*, it finds close parallels, of which I will now briefly mention only those in connection to the Senate.

Consider, for instance, the proconsul Sulla's speech in the Senate in 82.<sup>67</sup> More obvious illegalities on the part of Sulla have attracted much scholarly attention but note that we do not hear of a magistrate or a tribune who formally convened the meeting for him. This surely does not prove that the proconsul Sulla himself summoned the senators (significantly, we happen to know that they assembled in the temple of Bellona, that is outside the city gates). But what it does demonstrate is on whose initiative the meeting took place. Compare this with the anonymity of the tribune, who allegedly convened the Senate in 32, or (this time not dependent

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<sup>65</sup> Bleicken 1990, 66.

<sup>66</sup> It is, however, quite reasonable to expect from Dio a general understanding of these kinds of issues. Thus, in his speech of Q. Lutatius Catulus against the project to entrust to Pompeius the command against the pirates, Dio seems to show an awareness of some of the uncertainties and anxieties that might surround the conferral of such a command specifically upon a *privatus* (36.33.3: ἂν τὰς μὲν πατρίους ἀρχὰς καταλύητε καὶ τοῖς ἐκ τῶν νόμων χειροτονουμένοις μηδὲν ἐπιτρέπητε, ξένην δὲ τινα καὶ μηπόποτε γεγενημένην ἡγεμονίαν ιδιώτη προστάξητε). I do not see the reason for which we should degrade this reference to Pompeius' *privatus* status and understand it as merely a "Nebenargument" (*pace* Blösel 2009, 93–4, n. 244). For Dio's Catulus, it is the empowerment of a private individual that devaluates the ancient magistracies (see Burden-Strevens 2020, 85–8 for Dio's awareness of the constitutional implications of Pompeius' status as a *privatus* and the evidence to suggest that this concern was genuinely raised by Pompeius' opponents in 67 or 66).

<sup>67</sup> Plut. *Sull.* 30.3; Cass. Dio 33.109.5; Bonnefond-Coudry 1989, 146.

on scholarly reconstructions) with the anonymity of the tribune whose threat of veto paved the way to Scipio Aemilianus' illegal election as consul in 147. In the latter case, too, political initiative at large did not rest with the tribune (merely a formal or technical right to initiate did).<sup>68</sup>

In 49, Caesar charged the proconsul Pompeius for the convocation of an informal gathering of all senators outside the city, for their mistreatment there, and effectively for his usurpation of the incumbent consuls' role as the conveners of the Senate.<sup>69</sup> In more general and explicit terms, Caesar makes it clear that already before the year 49 Pompeius had violated the fundamental rules surrounding the promagistracy: he administrated provinces and at the same time remained near Rome and thus controlled the city affairs (*urbanis praesideat rebus*). Caesar calls this “*imperia* of a new kind” (*novi generis imperia*).<sup>70</sup> His criticism is articulated in somewhat subtle and ambiguous terms but quite understandably so. In April 49, Caesar, in his turn, participated in the Senate meetings and civil *contiones* in a very similar way in his capacity as a proconsul. Suetonius records that he addressed the senators regarding the condition of the state – *appellatisque de re publica patribus*.<sup>71</sup> However, there were consuls, not proconsuls, whose task was *de re publica appellare* (*consulere, referere*, etc.) – to discuss the general condition of the Republic, normally at the first senatorial meeting at the beginning of the year.<sup>72</sup> This case brings us to a crucial point.

Suetonius' note is too brief to allow us to reach some certainty, but another Latin author describes Caesar's participation in this Senate meeting in some detail: Lucan. He says that the gathering was convened on the Palatine, that is within the city boundary or *in urbe*, where proconsuls could not be present if they did not want to compromise their *imperium* and their claims for a triumph. Lucan also narrates that Caesar himself convened the Senate: all magistrates were absent. Without any consul or praetor in the curule chair, “there was no right to call the Senate” (*nullo cogendi iure senatus*).<sup>73</sup> This can only be a reference to a

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<sup>68</sup> On this occurrence, see Yakobson in this volume.

<sup>69</sup> Caes. *BCiv.* 1.3.1: *misso ad vesperum senatu omnes qui sunt eius ordinis a Pompeio evocantur. laudat < audaces > Pompeius atque in posterum confirmat, signiores castigat atque incitat*. For more on this, see Frolov 2020.

<sup>70</sup> Caes. *BCiv.* 1.85.8: *...omnia haec iam pridem contra se parari; in se novi generis imperia constitui, ut idem ad portas urbanis praesideat rebus et duas bellicosissimas provincias absens tot annis obtineat*.

<sup>71</sup> Suet. *Iul.* 34.

<sup>72</sup> See Pina Polo 2011, 18.

<sup>73</sup> Luc. 3.103–9.

promagistrate's lack of the right to convene the Senate. Finally, Lucan repeatedly employs both here and in a number of other episodes the term *privatus* to indicate the proconsuls Caesar and Pompeius.<sup>74</sup> Although his use of this important notion is complex, what interests us here is that Lucan does call Caesar a *privatus*. There can only be one explanation for such a usage in that instance: the poet exploited the fact that Caesar, in his capacity as a proconsul, lacked the formal powers needed to initiate and lead senatorial proceedings. This is precisely the point where none other than Dio comes up.

Dio reports two things about this same occurrence. First, the proconsul Caesar's Senate, in fact, assembled *not* on the Palatine but "outside the *pomerium*" (ἔξω τοῦ πομηρίου). Secondly, it was *not* Caesar himself but the tribunes M. Antonius and Q. Cassius Longinus who convened the Senate.<sup>75</sup> Unlike Lucan, Dio is not an interested party here, and it is difficult to see why he would make Caesar comply with the rules if he had known from his sources that this were not the case.<sup>76</sup> Therefore, what Lucan does is falsify precisely those two details which make the impression that the proconsul Caesar violated formal regulations imposed specifically on promagistrates. Moreover, not only Caesar's breach of formal rules but also his effective control over the Senate is visible in Lucan's representation: "Caesar was everything" (*omnia Caesar erat*). Lucan defines this explicitly as the domination of a *privatus*: "the Senate assembled to bear witness to a private citizen's voice" (*privatae curia vocis testis adest*). Both authors thus contribute their part. While Dio records Caesar's complying with the formal rules surrounding the promagistracy, Lucan underlines that effectively the proconsul initiated and controlled the proceedings, which was inappropriate (no matter whether he respected formalities or not).

Thus, Lucan, writing in the middle of the first century CE, seems to be fully aware and made use of the fact that Caesar had to deal with the Senate in April 49 while still a proconsul, a *privatus*, who was not entitled to convene and preside over the Senate and could not appear on the Palatine. Later, Dio also recognized this issue because he took steps to explain Caesar's

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<sup>74</sup> On Pompeius, cf., e.g., 2.278 (*duce privato*). The application of the term not only to Caesar but also to Pompeius is significant because it excludes the possibility that the use of *privatus* is only due to Lucan's characterization of Caesar. That Lucan could well incorporate such constitutional subtleties as the difference between magistracy and promagistracy, is demonstrated by 5.44–7 (the termination of the anti-Caesarian consuls' office at the end of 49) in combination with 9.249–51 (*publica iura* is now with Caesar, not his opponents, because he became consul in their place).

<sup>75</sup> Cass. Dio 41.15.2.

<sup>76</sup> Pace Ferrary 1976, 288–9, n. 17.

attempt to adhere at least to the most obvious rules. Thus, control on the part of a promagistrate over the institutions in Rome could well be recognized and criticized by Dio and his sources, as it had been by Lucan and earlier by Caesar himself when he had been writing about Pompeius (*urbanis praesideat rebus*).

Dio's account of the situation at the beginning of 32 is therefore not unique. On the contrary, it corresponds to the elements of the tradition – still visible even to us – wherein a proconsul substituting *magistratus* in Rome, in the Senate, and in civil *contiones* was considered a problem and a transgression of existing norms and conventions. Initiative in the city of Rome was reserved for magistrates. The attempt on the part of a proconsul to seize it – even if he respected regulations which entrusted the convocation of Senate and People to plebeian tribunes or the regular magistrates – compelled our ancient authors to speak of *novi generis imperia*, the expulsion of magistrates and senators from Rome, or the usurpation of power by a *privatus*.

The factor of physical presence seems to be especially important here. Although powerful promagistrates could be involved in the affairs of the city at a distance, using written communication and acting through the agency of others,<sup>77</sup> in the instances mentioned above they did it in person. This is significant because, despite the growing impact of the political initiative originating outside the city of Rome, personal presence *in urbe* (or at least *ad urbem*) still remained necessary to secure and legitimize control over state affairs in the long run.

Dio does not say explicitly in which capacity Octavian addressed the senators in 32. Nor does he elucidate, this time, whether the meeting was convened by a friendly plebeian tribune and took place outside the city boundary. However, elsewhere Dio does pay attention to precisely such matters and makes it clear to us that he is fully aware of the limitations imposed on promagistrates' participation in the Senate meetings. In all probability, Octavian's imperious performance in the Senate – to which characterization Dio pays so much attention – compelled our author to skip constitutional details altogether on this occasion. Perhaps, indeed, he considered them all too obvious to comment on them further.

Provided that Octavian was indeed a proconsul at the beginning of 32, it thus becomes possible to make better sense of Dio's passage by placing it within the broader context of what may be called the interference of powerful promagistrates in the sphere *domi*, their active initiative in domestic politics in Rome – not just an interpretative model of later authors but an historical phenomenon, which they correctly recognized and described, as did the leading actors

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<sup>77</sup> See van der Blom in this volume.

themselves. As the proconsul Caesar was reported by C. Curio to say after having experienced in person the unwillingness of the Senate to cooperate with him in April 49, “everything will originate from me” (*a me inquit omnia proficiscentur*).<sup>78</sup> As it did indeed, even before his becoming a *magistratus* again.<sup>79</sup> Dio’s description of Octavian’s Senate meeting elaborates on how initiative, and therefore power, could be separated from the magistracy in a single crucial moment, undermining the very foundations of the republican political culture even without questioning its institutional framework.

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<sup>78</sup> Cic. *Att.* 10.4.9.

<sup>79</sup> Cf. Cass. Dio 41.43.5: “...while holding the formal titles of consul and proconsul, (Caesar and Pompeius) acted not as these offices allowed but as they themselves wanted.”

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**Part VI:**  
**Fighting for Initiative**

**Potentiality through Conflict:  
Political Initiatives, Conflict, and the Political Evolution of the Roman Republic\***

*Oliver Grote*

**Abstract**

Using Niklas Luhmann's theory of social evolution, this paper examines the way in which conflict and political disputes contributed to the development of the political system of the Roman Republic. This analysis shows that rivalry and conflict – often contributed to by the tribunes of the plebs – led to the variation of predetermined possibilities for action. Observing political initiatives since 133 BC, it becomes apparent that political rivals increasingly used legal means to assert themselves. This tendency caused a *juridification* of the political system. Furthermore, the *senatus consultum ultimum* emerged against the backdrop of recurrent conflicts and evolved into an effective means of action for the Senate. Internalized conflict provided the Roman Republic and its protagonists with potentiality and offered new possibilities for action. Therefore, I propose to speak of *alternatives through crisis* to describe the political evolution of the Roman Republic.

**Keywords**

Roman Republic, conflict, evolution, initiatives, potentiality, juridification, Saturninus, Gracchi, rivals

**1. Introduction: The History of the Roman Republic as a History of Internal Conflicts**

Even a cursory reading of ancient Roman historiography may give the impression that the political history of the Roman Republic can be told as a sequence of internal conflicts. To a certain extent, this is due to the selective perception of the ancient authors. For example, Appian of Alexandria introduces his “Civil Wars” with the words “The plebeians and Senate of Rome were often at strife with each other,”<sup>1</sup> and then spans his range from the legendary uprisings of the plebs in the fifth century to the turmoil following the reforms of the Gracchi. This

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<sup>1</sup> App. *B Civ.* 1.1: Ῥωμαῖοις ὁ δῆμος καὶ ἡ βουλὴ πολλάκις ἐς ἀλλήλους (trans. H. White).

generalizing assessment of the conflictual nature of the Republic seems to result from a consideration of Appian's actual theme: the period since the Gracchi. It quickly becomes apparent, however, that Appian considers the violent conflicts of the Gracchan era to be a historical turning point. In his view, the watershed of 133 separates the dissensions "within the limits of the laws" of former times from the violent conflicts of the Late Republic.<sup>2</sup> Hence, the Alexandrian historian does not project more recent history onto earlier times, but rather compares the different eras based on the material available to him. This is indicated by his detailed enumeration of conflictual issues before 133: "the enactment of laws, the cancelling of debts, the division of lands, or the election of magistrates."<sup>3</sup> Obviously, it was possible to write the history of Rome both before and after the Gracchi as a history of conflicts, but Appian chooses to focus on the epoch of "unseemly violence" and "shameful contempt for law and justice" since the Gracchi.<sup>4</sup>

Livy, our most important source on the Middle Republic, confirms this impression. Almost every year, the Roman historian reports on disputes and conflicts between political actors, be it in the Senate, in popular assemblies, or in other bodies and places in the political sphere. At times, Livy virtually structures his reports on domestic political events by relying on conflicts.<sup>5</sup> Apparently, this is not solely due to his own preferences or to those of his sources. Ancient historians may tend to underexpose trouble-free procedures, although undisputed political decisions undoubtedly occurred and perhaps even dominated everyday political life numerically; however, the conflict-ridden character of the political order was structurally conditioned and could be emphasized but not invented.

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<sup>2</sup> App. *B Civ.* 1.1: ἔριδες ἔννομοι.

<sup>3</sup> App. *B Civ.* 1.1: περί τε νόμων θέσεως καὶ χρεῶν ἀποκοπῆς ἢ γῆς διαδατουμένης ἢ ἐν ἀρχαιρεσίαις.

<sup>4</sup> App. *B Civ.* 1.2: ὕβρις τε ἄκοσμος ἐπέτχεν αἰεὶ δι' ὀλίγου καὶ νόμων καὶ δίκης αἰσχρὰ καταφρόνησις. It is significant that Appian uses the word ἄκοσμος here, which denotes the absence of order (κόσμος). What kind of order he has in mind here becomes obvious from the comparison with *B Civ.* 1.1: Appian contrasts ἔριδες ἔννομοι with ὕβρις ἄκοσμος. Therefore, he implies that in former times order had not been fundamentally questioned, but at most its limits had been extended by conflicts. It was only since the Gracchi that order as a whole has been at stake – an assessment that appears astonishingly sharp-sighted, as will be shown later.

<sup>5</sup> As an example, see the report on the year 184 (Livy 39.38–40), when there were three conflicts within a few weeks (one could possibly add the "trials of the Scipios" which are said to have taken place in 184 as well as in 187, but the chronology of these events is not clearly recorded; see Gruen 1995, 78–9). By using the comparative (*maius certamen*; 39.40.1) and the indefinite pronoun *alius* (39.39.1), which refers here to the disputes already mentioned, Livy connects the respective conflicts of different paragraphs and relates them to each other.

For example, our sources highlight the pressure on magistrates – especially on military commanders – to present themselves as prominently as possible during the limited annual period to which their office was bound. This often led to disputes with the Senate, which as a permanent collective body pursued long-term strategies, whereas magistrates tended to pursue personal interests during their one-year term of office. This permanent conflict constellation was historically shaped by the old conflict remembered as the “Conflict of the Orders,” which had left its mark both on political discourse and on institutions, above all on the tribunes of the plebs with their rights to intercede and veto but also on the dual office of the consulate. Consequently, conflicts are to be regarded as a substantial part of this political system.

This is also suggested by fundamental theoretical considerations on communication as the smallest basic unit of systems and societies: *communications* (and in particular *interactions*, meaning acts of communication among all those present) always arise and take place in the context of acceptance or rejection.<sup>6</sup> To put it differently, communication itself appears either as conflict or as consensus because every sentence can be negated. Since society as a whole consists of an unlimited and unmanageable number of communications following one another, all of which are contingent (i.e., they provide the possibility of either acceptance or rejection), it is statistically impossible for societies to exist without conflict.

The same picture emerges from the different perspective of an observer who does not necessarily have to be a historian or sociologist or even a human being, but can be a social system describing itself in a consensus-oriented way.<sup>7</sup> If a system like the political system of the Roman Republic distinguishes *conflict* from *consensus* to reproduce itself, conflict is then defined as what is on the outside of this form. To keep it simple: even when describing a system seemingly consisting of consensus only, we need the antagonistic phenomenon of conflict to understand the essence of the consensus-based system. In a theoretical thought experiment, a perpetual acceptance of communication as an everlasting consensus may be conceivable; in

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<sup>6</sup> Luhmann 2012, 28–40; for concise remarks on this topic see Luhmann 1982, 131–2. In short, social systems emerge from and consist of communications. Therefore, systems are *autopoietic* because they reproduce themselves on the basis of communications which connect to each other. Luhmann deliberately uses the plural *communications*, which is uncommon in both German and English in this context.

<sup>7</sup> On this and what follows, see Spencer-Brown 1972, esp. 1–7. By drawing a distinction, an *observer* creates a *marked state* and its counterpoint, *the unmarked space*. A *form* is related either to the marked state or to the unmarked space and is, therefore, a unity that consists irreducibly in this duality. The observer who made the distinction and the observed are merely reflections of each other: the form is at once observer and observed (Spencer-Brown 1972, 76).

reality, however, neither a functionally differentiated political system like that of the Roman Republic nor the discourse of consensus (or *concordia*) would have developed if that were the case.<sup>8</sup>

The symbiosis between consensus and conflict becomes even clearer when consensus congeals into a social value in itself. In this case, consensus is defined and thought of in contrast to conflict by discrediting, demonizing, or simply criticizing the latter, but in any case by referring to it. Even if one stresses the consensual elements of the Roman Republican period, conflict is always the other side of the medal, appearing as a possibility, as a threat, as an enemy, as a problem to be solved, or as a past already overcome. Consensus systems in particular work with conflict and allow themselves to get influenced or irritated by conflict. Such a mechanism can be described as “a *re-entry* of the form into the form” as George Spencer-Brown puts it.<sup>9</sup> By conceiving itself as a consensus-based system and thus distinguishing between consensus and conflict, the Roman Republic transferred the conflict into its own system. This was exacerbated by the differentiated political system and its sub-areas, each of which obeyed a different logic.<sup>10</sup> From this vantage point of sociology, conflicts were inescapable and an integral part of the Roman consensus system.

In addition to this, conflicts do not necessarily have only a destructive effect. On the contrary, they are a functional part of political and social systems. Following Niccolò Machiavelli, sociologists such as Georg Simmel, Lewis Coser, or Niklas Luhmann emphasized the socializing effect of conflicts.<sup>11</sup> Conflicts can even provide stability, since they release social or political tensions. Finally, conflicts often serve as a motor for *variation* within a system,<sup>12</sup> because they introduce productive indeterminacy and enable deviations from seemingly predetermined chains of selective acts. Therefore, all variation occurs as a

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<sup>8</sup> On the rhetorical construction of consensus, see Hölkeskamp in this volume.

<sup>9</sup> Spencer-Brown 1972, 56–76; cf. Luhmann 2012, 18–20.

<sup>10</sup> Notwithstanding the fact that one and the same person could take on several of these roles, the consuls – whose term of office was limited to one year and who depended on success – had expectations, goals, and methods differing from those of the Senate or the tribunes of the plebs. The priests like the *flamines* or *pontifices* for their part had quite different expectations, duties, and powers in comparison to a consul or a praetor.

<sup>11</sup> Simmel 1908/1992, 284–382; Coser 1956; 1957; Luhmann 2012, 275–84. For the Roman Republic, see Morstein-Marx 2013, 47, referring to Machiavelli’s ingenious notions in the *Discorsi* 1.4.

<sup>12</sup> Using the term “change within the system,” originally coined by Talcott Parsons (1951/2005, 323), Coser (1957, 202–5, describes the change of political and social structures as a result of conflicts. In contrast, he distinguishes the “change of system when all major structural relations, its basic institutions and its prevailing value system have been drastically altered” (Coser 1957, 202) from the evolutionary way of change through conflict.

contradiction, and from a sociological point of view, changes driven by conflicts are a weighty factor in social and political evolution, if the system is able to *select* and *stabilize* this *variation*.<sup>13</sup>

This paper examines the potential of conflict to establish or expand possible actions within the Roman political sphere in a productive way. A special focus is put on those political initiatives which led to conflict. By analyzing the mechanisms that led to the extension of political measures and by focusing on the *productivity* of conflicts, we may complement the recent picture of the fundamental consensus-orientation of the Roman Republic. This is by no means to deny that such a consensus existed. Instead, I want to stress that *consensus* and *conflict* are two interrelated principles occurring always together, as two sides of *one* “distinction.” In my opinion, the Roman Republic should not exclusively be described as a system based on consensus but also as a system based on *conflict*, which was highly capable of processing conflicts into potentiality. Let us turn to historical examples which give flesh to the theoretical considerations underlined so far.

## **2. Conflict as a Driving Force behind the Development of the Political System**

To begin with, the practice of *prorogatio* is a good example of the evolution of the political system in the context of structural disputes. The growing significance of extending military commands arose out of military requirements, especially out of the need to overcome the limitation of the command to one year which hindered long-term planning (Livy 8.23.11–12). Initially, the Senate’s decision to extend an *imperium* was put to a vote by the People’s assembly.<sup>14</sup> However, the Senate at some point became able to dispense with a decision of the assembly<sup>15</sup> and gradually acquired exclusive control over extensions of military commands during the third century.<sup>16</sup> Thus, the Senate encroached upon fundamental principles of the allocation of offices, which must be seen against the background of conflicts with elected magistrates who insisted on getting especially promising provinces in order to distinguish

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<sup>13</sup> Kuchler 2003, 29–37; Luhmann 1975a; 1975b and 1997/2012, 251–358 (for an overview of the three components of evolution, see 273–4).

<sup>14</sup> This is evident in the first recorded cases of the years 327 and 296: *actum cum tribunis est, ad populum ferrent* (Livy 8.23.12); *ex senatus consulto et scito plebis* (Livy 10.22.9). Cf. Cic. *Leg. agr.* 2.7.17: *etenim cum omnibus potestates, imperia, curationes ab universo populo Romano proficisci convenit*.

<sup>15</sup> In addition to the large number of cases provided by Livy (22.22.1, 23.25.10, 24.10.3, 30.1.3–10, 31.8.10, 32.83, 35.20.6–11, 36.2.9–11, 40.18.6, 40.44.4–5, 41.21.2, 42.4.2, 42.10.12–5, 42.27.6–7), see Polyb. 6.15.6.

<sup>16</sup> Kloft 1977. Cf. Brennan 2014, 33–4.

themselves from their peers.<sup>17</sup> As the rivalry of the *nobiles* intensified, more and more commanders took up military actions on their own without consulting the Senate in advance as would have been customary.<sup>18</sup> That the Senate arrogated sole control over *prorogatio* to itself can be interpreted as an attempt to counter this disposition of magistrates and as an answer to conflicts.

Another example is the emergence of the *senatus consultum ultimum* (*SCU*). It was certainly no coincidence that the Senate passed its first *SCU* during the conflict with C. Gracchus and on the question of his political initiative.<sup>19</sup> Obviously, the senators wanted to avoid another situation like that of 133 at all costs; at that time, they had been unable to persuade the consul in Rome to act against Ti. Gracchus and the tumult surrounding his reforms.<sup>20</sup> The helpless senators, therefore, invented the *SCU* in order to regain the capacity of acting again (we shall have more to say on the *SCU* later). In these and other cases, the conflict led to an extension of the scope of action. From my point of view, the ability which political actors displayed of acquiring new possibilities for action is a significant feature of the Roman Republic. In the following, I refer to this resource – which produces new ideas and political means – as *potentiality*.<sup>21</sup>

Above all, the tribunate of the plebs made a significant contribution to the development of the political system in the course of the Republic – first and foremost when *nobiles* acted against the majority of the Senate by relying on the tribunes of the plebs.<sup>22</sup> In order to achieve their goals, they sometimes resorted to unusual or new methods. Unsurprisingly, the initiative of Ti. Gracchus represented a starting point – although there were of course “forerunners of the Gracchi,” as Lily Ross Taylor pointed out in a famous article.<sup>23</sup> However, the deposition of a tribune by a colleague, first applied by Ti. Gracchus, was the consequence of his specific situation: since Ti. Gracchus’ involvement in the defeat and shameful peace of Numantia

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<sup>17</sup> See, e.g., the struggles over the command in Africa in 202 and 201: Livy 30.27.1–5, 30.40.7–15, 30.43.1–4.

<sup>18</sup> E.g., Livy 37.60.2, 38.45.4–6, 41.1.1. Graeber 2001, 64–6, and van Ross 2018, 52–8 discuss further examples.

<sup>19</sup> Plut. *C. Gracch.* 14; Cic. *Cat.* 1.2.4. For further records concerning the *SCU* in Cicero’s works, see Giovannini 2012.

<sup>20</sup> Plut. *Ti. Gracch.* 19.3.

<sup>21</sup> On *potentiality*, see Luhmann 2012, 21–6, who adopts this term from Edmund Husserl. My postdoctoral thesis, which I am currently writing, is concerned with *potentiality* as a political resource of the Roman Republic.

<sup>22</sup> See, e.g., Russel 2015; Lanfranchi 2015.

<sup>23</sup> Taylor 1962. On the tribunate of the plebs as a factor for change, see Goltz 2002; Russel 2015.

(which had discredited him in the view of wide parts of the Senate),<sup>24</sup> he could not afford to lose in the confrontation concerning his agrarian law. Hence, he was forced to take the risk of breaching a taboo by abrogating his colleague and letting the dispute escalate. His further and likewise unprecedented measures belong to the same context: he confiscated Attalos' inheritance by plebiscite when the Senate had denied him the financial means needed for his agrarian laws, and he pursued re-election as a tribune immediately after the term of his office had ended.<sup>25</sup>

Although Tiberius' iteration was forcibly stopped, his attempt to bypass the principle of annuity set a precedent. From then on, the method of basing political careers entirely on domestic political activities became apparent. Only two years after his attempt at re-election, Tiberius' friend C. Papirius Carbo launched (albeit in vain) a plebiscite to explicitly allow the re-election of tribunes.<sup>26</sup> This initiative might be interpreted as an attempt to transform re-election from a conceivable but scandalous procedure into a feasible practice to allow the tribunes of the plebs to take political initiatives for more than one year. Even the failure of the bill increased the awareness of this method. This is obvious in the aftermath of the conflict: in the following decades, both C. Gracchus and L. Appuleius Saturninus succeeded in being re-elected as tribunes of the plebs.<sup>27</sup> Another example of a deviation from the usual career path of the *nobiles* is M. Fulvius Flaccus, who sided with C. Gracchus and was elected tribune of the plebs in 122 after being consul in 125.<sup>28</sup> Obviously, Ti. Gracchus, who had regarded the tribunate as a permanent option to pursue active politics rather than as a brief episode in one's career, served as the model here: he had drawn attention to an option different from existing career patterns. Later, other conflicts led protagonists like his brother Gaius, Saturninus, or Clodius to take up this *variation*. It is surely no coincidence that all of these conflicts arose from courageous political initiatives.

Admittedly, all these tribunes failed in their attempts to perpetuate their positions. But why? Ti. Gracchus had no chance to be re-integrated into the circle of the nobility after the end

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<sup>24</sup> Cic. *Har. resp.* 43 on the discord between Gracchus and the senatorial elite: *nam Ti. Graccho invidia Numantini foederis, cui feriendo, quaestor C. Mancini consulis cum esset, interfuerat, et in eo foedere improbando senatus severitas dolori et timori fuit, eaque res illum fortem et clarum virum a gravitate patrum desciscere coegit.* Cf. Gwyn Morgan/Walsh 1978, 200–4; Bleicken 1988, 271–5; see also a dense description by Linke 2005, 20–1.

<sup>25</sup> App. *B Civ.* 1.14; Plut. *Ti. Gracch.* 11.2–14.2; Livy *Per.* 58.

<sup>26</sup> Livy *Per.* 59.

<sup>27</sup> App. *B Civ.* 1.21, 1.28, 1.32.

<sup>28</sup> App. *B Civ.* 1.24.



of his tribunate.<sup>29</sup> Thus, he was forced to continue his oppositional role, because he could not hope to advance his career in the traditional way. Due to his personal situation after Numantia, he was dependent on a constant conflict with the senatorial establishment and had to explore new modes of action. Significantly, this conflict took the form of rival political actions, for example when Marcus Octavius tried to block Gracchus' initiative. In this case, Gracchus went too far and pushed the conflict to extremes. It was no longer an internalized conflict of the ruling class, which could have been negotiated politically in discourse, but rather an externalized conflict. Now, Gracchus stood outside the nobility and could not be stopped by the established codes of its political culture; consequently, he was subdued violently, not politically.

From the perspective of the ruling class, he led the political system to its limits. He did so by depriving his opponents not only of their ability to oppose him but also of a chance to take any political initiative. In essence, Gracchus deprived the political system and its protagonists of their potentiality or, put differently, of the choice between different, even contrary, political measures within a process of controversial decision-making with an open outcome. The problem was that Gracchus carried his use of potentiality too far: first of all, he eliminated the counterparts able to hinder him. Probably even more severe was the fact that he tried to perpetuate his unassailable position as a tribune of the plebs and to emancipate himself institutionally and financially from the Senate by using a plebiscite for this very aim. Furthermore, he established an incontestable field commission for his agrarian law. All these actions entailed too much determination, inevitability, and necessity. This restriction of ambiguity and contingency finally led to escalation because political means were no longer open and the system was deprived of its openness for further (and varying) actions. Gracchus' overpowering potential limited the potentiality of the senatorial elite and that of the political system as a whole to such an extent that no chance to initiate a political action was left to them at all. As a result of this powerlessness, violence replaced political methods.

The reaction of the senators illustrates that political power is always based on the availability of possibilities for action and thus on the reserve of potentiality. Consequently, potentiality cannot be actualized constantly if power is to be retained. Since the senators were deprived of this reserve, they were powerless in this situation and therefore resorted to violence as an unambiguous but illusory solution. Obviously, the high ability of Roman politicians to generate potentiality was a double-edged sword: not every conceivable or even feasible

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<sup>29</sup> Blösel 2015, 160.

alternative for action enriched the political space in a productive way. If the political system remained sufficiently open and enough alternatives to act were available without being restricted by overpowering positions like that of Ti. Gracchus, the processing of conflicts worked to the advantage of the entire system. This was the case with the *prorogatio* and the use of plebiscites, which both made the Senate capable of acting although these procedures emerged from structural conflicts. On the contrary, Gracchus obstructed the system and failed. Nonetheless, he left his mark by widening the scope of action and by showing new possibilities to his successors.

One of the tribunes who followed in Gracchus' footsteps was L. Appuleius Saturninus, a three-times tribune of the plebs (in the years 103, 100 and also elected for 99). He doubtlessly stretched the limits of the possible. The reason for his sensational political initiatives, often referred to as popular, may have been his discreditable rejection as quaestor in 104. In this year, he supervised grain imports at Ostia, but was released from this task by the Senate and replaced by M. Aemilius Scaurus, former censor and *princeps senatus*.<sup>30</sup> With Saturninus' later measures against leading politicians and opinion-leaders of the Senate in mind, it can easily be concluded that ambition and rivalry with leading politicians led him to this escalation, or more precisely that he used rivalry to promote his career. Certainly, such personal motives can only be assumed. However, the behavior that Saturninus (and also Gaius Marius, on whom see below) displayed can be interpreted with some probability. Obviously, they were willing to struggle with their rivals by using new political means. In the end, this behavior led to structural changes, perhaps not as the sole factor, but in conjunction with previous and later conflicts.

The political struggles of that time were rooted in the rivalry between C. Marius and Q. Caecilius Metellus Numidicus. As is well-known, Marius had been Metellus' subordinated legate in the Jugurthine War before he became consul and strove for his own command against Jugurtha. In spite of these efforts, the Senate tried to prevent Marius from assuming command in Numidia by proroguing Metellus' command of the previous year. As reported by Sallust, Marius succeeded in getting the tribunes to side with him,<sup>31</sup> with the result that "when the tribune Titus Manlius Mancinus asked the People whom they wished to have as leader of the war with Jugurtha, they chose Marius by a large majority."<sup>32</sup> In other words, Marius used the

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<sup>30</sup> Cic. *Sest.* 39.

<sup>31</sup> Sall. *Iug.* 73.5.

<sup>32</sup> Sall. *Iug.* 73.7: *et postea populus a tribuno plebis T. Manlio Mancino rogatus, quem vellet cum Iugurtha bellum gerere, frequens Marium iussit. sed paulo ... Decreverat: ea res frustra fuit* (trans. J. C. Rolfe).

plebeian assembly and a tribune to override the decision of the senators and to appoint himself as commander. This meant a snub to the Senate, whose competence to allocate commands was passed over. Since this method had once proved to be effective, Marius entered into an alliance with Saturninus during the following years, although this relationship was not comparable to his collaboration with Mancinus, for Saturninus obviously pursued his own interests and policies. Nonetheless, Saturninus helped Marius to achieve his re-election to the consulship for 102.<sup>33</sup>

If we trust the testimony of Orosius (5.17), Saturninus stirred up angry citizens against Metellus when he took office and had him literally besieged by the mob. Orosius explicitly speaks of the *ensor creatus* who was assaulted by the crowd. Since this wording implies temporal and causal coincidence with Metellus' inauguration as censor, Saturninus' act can certainly be seen as an attempt to drive the newly-elected censor out of office. This interpretation has the advantage of explaining Metellus' later attempt to remove Saturninus and Glaucia from the Senate list,<sup>34</sup> which was certainly an act of retaliation against his opponents, all the more so as Saturninus in turn "became again a candidate for the tribuneship in order to have revenge on Metellus."<sup>35</sup> Surely, we do not have to follow this supposed insight into Saturninus' mind, but the most important measure of his tribunate clearly reveals that the result effectively was an intensified rivalry between Saturninus (with Glaucia on his side) and Metellus. Finally, Saturninus forced Metellus into exile by applying a new political technique. In order to safeguard his agrarian law, he added the provision "that, if the People should enact it, the senators should take an oath within five days to obey it, and that any one who should refuse to do so, should be expelled from the Senate and should pay a fine of twenty talents for the benefit of the People."<sup>36</sup>

This procedure not only meant an affront to the Senate, but also aimed at the reversal of a principle and therefore at altering a basic structure. In fact, the senators had been giving their approval to legislative proposals for centuries, initially perhaps after the vote of the People's

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<sup>33</sup> Plut. *Mar.* 14.7–8.

<sup>34</sup> Although the *nota censoria* was formally not a legal but an administrative act, its result came close to a judicial condemnation: Livy does not speak of the *iudicium arbitriumque de fama ac moribus* (23.23.4) of the censors purely by accident. This already hints at a *juridification* of the political sphere (see below).

<sup>35</sup> App. *B Civ.* 1.28: μικρὸν οὖν ὕστερον ὁ Ἀπουλήσιος ὡς ἀμυνούμενος τὸν Μέτελλον ἐς ἑτέραν παρήγγελλε δημαρχίαν; cf. Cic. *Sest.* 101.

<sup>36</sup> App. *B Civ.* 1.29: ... εἰ κυρώσειε τὸν νόμον ὁ δῆμος, τὴν βουλὴν πένθ' ἡμέραις ἐπομόσαι πεισθήσεσθαι τῷ νόμῳ, ἢ τὸν οὐκ ὁμόσαντα μήτε βουλεύειν καὶ ὀφλεῖν τῷ δήμῳ τάλαντα εἴκοσιν.

assembly, and in historical times in advance of the vote (as the usual wording *ex auctoritate patrum ad plebem ferre* indicates).<sup>37</sup> As a dispute of the year 188 shows, it was already conceivable to deviate from this rule at the beginning of the second century (Livy 38.36.7–9): after introducing a bill to the *concilium plebis*, the tribune of the plebs C. Valerius Tappo was severely reprimanded by four of his colleagues for not having consulted the Senate beforehand. Nevertheless, his plebiscite was successful, because it would have been an even worse violation to neglect the People's will. Since this case concerned the bestowal of the franchise on residents and therefore an issue understood as a genuine right of the People by an influential part of the Senate (*populi esse, non senatus ius suffragium, quibus velit, impertire*; Livy 38.36.8), no universal precedent could be established. Nonetheless, the events of 188 demonstrated that certain circumstances made it possible to obtain decisions without the Senate, relying on the People's assembly alone. From now on, this method moved within the framework of *potentiality* and became an instrument that political actors could consider applying.

Later, Ti. Gracchus showed that it was not only a bold idea but also feasible in practice to initiate laws without authorization by the Senate, although such a procedure still predestined polarization and conflict because the resistance of influential senatorial groups was virtually inevitable. Saturninus pushed this gradual stretching of the rules even further. He did not simply hazard the senatorial resistance like Gracchus, who had still regarded the Senate as a competing authority and had bypassed it precisely because in principle he had seen it as a natural component of the political decision-making process. In contrast, Saturninus turned the distribution of authorities upside down. Since he distrusted the majority of the senators, he no longer supposed the Senate would give its approval to his bills. In this way, he refined the technique of implementing political projects by means of plebiscites even against the resistance of the Senate, a method first established by Ti. Gracchus and then also used by Marius to obtain his command against Jugurtha.<sup>38</sup> Saturninus' unique use of a binding oath to enforce his intentions resulted once again from the necessity of asserting himself in the political struggle, but it nevertheless served as an *exemplum* for later measures. As is well known, Caesar's *lex Iulia agraria* contained "a clause requiring the whole senate to swear solemnly that it would uphold the law".<sup>39</sup>

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<sup>37</sup> E.g., Livy 26.33.12, 27.6.7, 27.11.8, 30.40.10, 45.35.4.

<sup>38</sup> Sall. *Iug.* 73.6–7.

<sup>39</sup> Plut. *Cat. Min.* 32.3: προσεψηφίσαντο τὴν σύγκλητον ὁμόσαι πᾶσαν ἢ μὴν ἐπιβεβαιώσειν τὸν νόμον (trans. B. Perrin); App. *B civ.* 1.12.

Given the fact that swearing an oath was a typical legal means of both Roman civil procedure and criminal law,<sup>40</sup> and considering the significant increase in politically motivated court cases,<sup>41</sup> we have to state a connection of two separate systems – more precisely a *juridification* of the political spheres. Two structural developments illustrate this: we can observe (1) that Roman *nobiles* specialized increasingly in juridical activities,<sup>42</sup> and (2) that the dispute over the occupation of the courts dragged on for decades after the Gracchan reforms,<sup>43</sup> clearly showing the growing importance of legal means on the political stage.

With regard to the first point, Cato the Elder's career already marks a change. Possibly starting with the trial of Scipio, he earned his fame essentially by his willingness to dispute with his peers and pursued a proper career as a plaintiff and lawyer and thus within the framework of the judicial system.<sup>44</sup> By Cicero's time, such a career pattern had long been established: in contrast to Cato, who had triumphed in Spain and fought in Greece, Cicero could hardly come up with any military merits. From the very beginning, he embarked on a career path shaped by activities in the fields of science and law, following his teacher L. Licinius Crassus, who had begun his career with the trial of Papirius Carbo.<sup>45</sup> Ti. Gracchus is certainly the best-known example of a *nobilis* pursuing an alternative career, not exactly as a lawyer, but involved in domestic disputes. Consequently, Gracchus chose land reforms as a popular but contentious issue to revive his stalled career. In this respect, too, everyday political life, marked by conflicts and disputes, led to the variation of an existing structure – in this case, the career path of the *nobiles* to the top, previously pursued only by military success. For the *nobiles*, legal conflict functioned as a continuation of political duels by legal means and as a new method to assert oneself in a competitive society. The new career path was accompanied by an evolution of political tools and methods. Judicial procedures such as charges, trials, and other legal means increasingly turned into political instruments. In my opinion, the tendency of *nobiles* to distinguish themselves in domestic politics intensified political rivalry among them and

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<sup>40</sup> Kunkel 1962, 106–13; Kunkel/Wittmann 1995, 93–6; Kaser/Hackl 1996, 82, 268–9; for a brief overview, see Du Plessis 2015, 67–8, 76.

<sup>41</sup> See Gruen 1966, 42.

<sup>42</sup> David 1992, 281–320 and 2011 and Pina Polo 1996, 61 underline the growing importance of speaking in court. On the role of oratory in Roman politics, see Van der Blom 2016.

<sup>43</sup> Cf. Badian 1962; Gruen 1966.

<sup>44</sup> Livy 39.40.6–12.

<sup>45</sup> Cic. *Brut.* 159–60. Crassus is also said to be the first author of a book on rhetoric (Cic. *Brut.* 163); see Pina Polo 1996, 68–9.

therefore led to the development of new political strategies. Apparently, political capital could best be won to the disadvantage and at the expense of other rival members of the nobility. In the course of this development, accusations against political opponents and other judicial methods gained increasing importance and turned into common political tools.

This leads us to the second point: the perpetual disputes on the composition of the courts that gave indirect but ample evidence for frequent lawsuits on political topics. Controlling the courts obviously implicated political power. In the course of C. Gracchus' reform, senators were excluded from the courts in favor of the *equites* for the first time.<sup>46</sup> Thereafter, the *lex Servilia Caepionis* of 106 strengthened the senatorial control of the courts, before Glaucia restored the sole supremacy of the knights only a few years later.<sup>47</sup> Furthermore, "the law forbids one who has been convicted of extortion to speak before the *contio*." The courts thus decided on the possibility of engaging in political activities.<sup>48</sup> By means of his *lex de maiestate*, Saturninus also sharpened juridical means as a weapon in the political sphere.<sup>49</sup> The vague wording of the offense (*maiestas minuta populi Romani*),<sup>50</sup> which virtually encouraged legal prosecutions of personal and political opponents and thereby offered broad and flexible application possibilities, was certainly a deliberate choice. Based on this legislation, Saturninus accused the commanders defeated in the battle of Arausio – including Q. Servilius Caepio,<sup>51</sup> the father of the quaestor of the same name who had prevented Saturninus' *lex frumentaria*.<sup>52</sup> There is no doubt that structural conditions such as the supremacy of the *equites* in the courts provided incentives to use accusations and judicial proceedings against senators.

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<sup>46</sup> The special questions concerning Gracchus' and subsequent laws on the appointment of judges – often referred to as *leges iudicariae* – cannot be addressed here; see, e.g., Griffin 1973; Flach 1973, 100–4; Lintott 1981; for a more recent overview Sion-Jenkis 2000, 114–7.

<sup>47</sup> Caepio: Cic. *Inv. rhet.* 1.92; *Brut.* 164; Tac. *Ann.* 12.60.3; Iul. Obseq. 41. Glaucia: Cic. *Brut.* 224; *Rab. Post.* 20.

<sup>48</sup> *Rhet. Her.* 1.20: *lex vetat eum, qui repetundis damnatus sit, in contione orationem habere* (trans. H. Caplan).

<sup>49</sup> Cic. *Orat.* 2.107–8, 2.164, 2.201.

<sup>50</sup> Cf. Cic. *Inv. rhet.* 2.53: *maiestatem minuere est de dignitate aut amplitudine aut potestate populi aut eorum, quibus populus potestatem dedit, aliquid derogare* ("To attack the majesty of the people is to detract from the dignity, or the rank, or the power of the people, or of those men to whom the people has given power"; trans. C. D. Yonge).

<sup>51</sup> Cic. *Orat.* 2.197–203; Livy *Per.* 67; Val. Max. 4.7.3. See Gruen 1968, 164–5.

<sup>52</sup> *Rhet. Her.* 2.17.

An overview of the years 101 and 100, and of the immediate aftermath of the turmoil surrounding the activities of Saturninus and Glaucia,<sup>53</sup> exemplifies that juridical means had already turned into common methods in the struggle for political success.<sup>54</sup> To give just a few examples: (1) the censor Metellus attempted to remove Glaucia and Saturninus from the Senate. (2) Saturninus forced the senators to swear that they would obey the law. (3) Metellus was condemned to exile. (4) In general, accusations of bribery intensified since Livius Drusus had passed his law to reorganize the courts;<sup>55</sup> obviously, the bribery of judges increased in parallel with the importance of political trials. (5) Appian (*B Civ.* 1.37) notes that knights attempted to launch “vexatious accusations against their enemies” and therefore “persuaded the tribune Quintus Varius to bring forward a law ... whereupon accusers at once brought actions against the most illustrious of the senators.”<sup>56</sup> Obviously, the escalation of the conflicts also changed the power relations between different groups because the influence of the *equites* grew – though their political initiative hinged on political actors such as tribunes of the plebs who could launch formal initiatives.<sup>57</sup> (6) We know of a series of lawsuits against actual and alleged supporters of Saturninus after his death.<sup>58</sup> All these examples demonstrate the immensely increased importance of legal proceedings and hence indicate the juridification of political discourse, which did not contain and regulate conflicts, as one might expect, but rather incited them.<sup>59</sup>

As a result, the intensification of political rivalries led to a structural change of political instruments. We should also take into account the unrestrained use of plebiscites by tribunes of the plebs with the aim to enforce political initiatives against the majority of the Senate. Previously, the resistance of influential senators had made the tribune give in, at least for the most part.<sup>60</sup> Now, the need to distinguish themselves in political conflicts made tribunes often

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<sup>53</sup> On the violent clashes leading to the deaths of Saturninus and Glaucia, see Badian 1984.

<sup>54</sup> Alexander 1990 provides a detailed list of the trials from 149.

<sup>55</sup> App. *B Civ.* 1.35–6.

<sup>56</sup> Καὶ οἱ ἰππεῖς ἐπίβασιν ἐς συκοφαντίαν τῶν ἐχθρῶν τὸ πολίτευμα αὐτοῦ τιθέμενοι, ... αὐτίκα τοῖς ἐπιφανεστάτοις τῶν βουλευτῶν ἐπεγράφοντο κατήγοροι.

<sup>57</sup> Cf. Yakobson in this volume.

<sup>58</sup> Cic. *Rab. Post.* 24–5; *Brut.* 162, 169. See, e.g., Badian 1957; Gruen 1966.

<sup>59</sup> Once again, see Gruen 1966 for the increasing number of political trials. From a sociological point of view, the legal system protects the freedom to dispute which would otherwise be suppressed by cultural and social expectations and norms (see Luhmann 1981, 92–112).

<sup>60</sup> E.g., Livy 27.6.11: tribunes tried to prevent the election of the dictator as new consul of the year. The Senate decided that the election was necessary, so that “the tribunes gave way and the elections were held” (*concedentibus*

unwilling, perhaps even unable to withdraw legislative proposals.<sup>61</sup> In response, the Senate developed the *consultum ultimum* as a suitable way to respond to such advances by tribunes. The conflict with Saturninus drove the senators to resort to this method they had devised against C. Gracchus about 20 years earlier.<sup>62</sup> As the *SCU* proved to be effective, the Senate used it frequently in conflicts of the following years.<sup>63</sup> Therefore, this emergency measure became established as a common method. In other words, the *variation* which occurred in the turmoil of 121 led to the long-term *selection* of this method.

### 3. The *senatus consultum ultimum* as an Instance of the Evolution of Political Methods

If we describe the development of juridification, the use of plebiscites, and of the *SCU*, there are three steps to be identified: (1) due to external circumstances, the usual procedure was modified, resulting in the rejection of what had formerly been a normal step. Examples are senators who resorted to violence in face of irreconcilable conflicts or charges on purely political grounds; both had happened from time to time but had not developed into a fixed pattern. Another example was the phenomenon to ignore the Senate in the run-up to a piece of legislation.

(2) If the variation (i.e. the modification of a political process or testing out new practices) proved to be functional and the circumstances provided lasting incentives, the new alternative was taken up repeatedly. The variation was not forgotten or ignored, but rather offered a new sequence of procedural steps and thus a new structure. This is exactly what we observe since the end of the second century, when politically motivated accusations aimed at harming political opponents became common methods and when the spontaneous empowerment of the senators to use force was taken up in 121 and frequently applied later. It is important to understand that the selection of variation can only occur if the facilities for both of these mechanisms are separated and not concentrated in one and the same authority.<sup>64</sup> The senators, for instance, could

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*tribunis comitia habita*). Livy 38.36.8: after the tribunes had been instructed by influential senators, “they abandoned their opposition” (*destiterunt incepto*).

<sup>61</sup> Cf. Tiersch in this volume.

<sup>62</sup> App. *B Civ.* 1.32; Cic. *Rab. Post.* 20.

<sup>63</sup> On the *SCU*, see Lintott 1968, 149–74; Ungern-Sternberg 1970; Kunkel/Wittmann 1995, 230–8; Golden 2013, 104–49.

<sup>64</sup> Cf. Luhmann 2012, 285. When a single authority exercises control of both variation and selection, such as in segmentary societies, the effect of adopting a particular variation is always obvious to all participants already and is therefore avoided or not even sought.



hardly prevent Scipio Nasica from resorting to violence, but it was in their power to channel this variation later into a formal decree. To give another example: the senatorial elite could not prevent plebeian tribunes from making autonomous decisions in the *concilia plebis* at some point in the 5<sup>th</sup> century. But they could integrate the tribunes into the overall political system in order to use *plebiscita* indirectly.<sup>65</sup> In conclusion, it was the coexistence of several subsystems, each obeying a different logic, that favored evolution: although the subsystems themselves could hardly interfere with each other to prevent innovations, they could nevertheless allow each other to be influenced indirectly in a productive way.

(3) In order to maintain variation, the system tried to adapt to the new structure by eliminating or concealing inconsistencies between the previous state and the established variation. With regard to juridification, the specialization in legal activities by a part of the senatorial upper class can be understood as an adjustment to the new requirements. The aristocracy hereby found a way to stabilize itself by developing a *modus vivendi*. This included not only the emergence of rhetorical textbooks and schools of rhetoric, but also the prohibition of the latter in 92.<sup>66</sup> By this means, the senatorial aristocracy tried to contain the distribution of valuable political resources in order to maintain control over them. Rhetorical skills as a prerequisite for acting in court should remain part of the political culture of the nobility, which as a ruling class had no interest in free access to rhetorical skills whatsoever. Therefore, it is no coincidence that it was precisely the famous orator L. Licinius Crassus, censor since 92, who initiated the ban. Characteristically, Crassus described this consolidating act as in the spirit of their common ancestors (*maiores nostri*) and discredited the unregulated access to rhetoric as a development “against the customs and morals of the ancestors.”<sup>67</sup> We see how the order, which had been disturbed by the new development, rebalanced itself: the nobility made clear what was permissible and what was not and adjusted innovations to its claim to predominance. As a result, the prior state and the innovations were balanced.

In view of the *SCU*, the unprecedented violence after the decree of 121 was explained as a legitimate emergency act: the annalistic tradition claims that an *SCU* had already been passed in 464 and 384.<sup>68</sup> Of course, we deal with unhistorical retrojections shaped by senatorial interpretation. Comparably, Scipio Nasica disguised the call for violence against Ti. Gracchus

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<sup>65</sup> Bleicken 1968.

<sup>66</sup> Cic. *Orat.* 3.93; Suet. *Gram. et rhet.* 25; Gell. *NA* 25.11.1–3.

<sup>67</sup> Gell. *NA* 15.11.2: *maiores nostri quae liberos suos discere et quos in ludos itare vellent instituerunt. haec nova, quae praeter consuetudinem ac morem maiorum fiunt, neque placent neque recta videntur.*

<sup>68</sup> Livy 3.4.9–10, 6.19.3.

by presenting it as an *evocatio*, a legitimate emergency power supposedly used in Rome's early days for calling forth and mobilizing citizens in times of a *sedition*.<sup>69</sup> To enhance the legitimizing effect the *pontifex maximus* Nasica "covered his head with his toga"<sup>70</sup> and evoked religious connotations which related the murder of Gracchus to a *consecratio capitis*.<sup>71</sup> The obvious need for legitimation and stabilization measures resulted from variegated structures which had to be classified and explained to contemporaries by recurring in well-known historical patterns. Likewise, the innovation was embedded in a familiar institutional framework: from this perspective, it was only one step from an ordinary *senatus consultum* to the *senatus consultum ultimum*. If such a stabilization was successful, it was easier to implement the new method in the future.<sup>72</sup>

The three stages of both the juridification of politics and the development of the *SCU* correspond with the three central components of social evolution as systems theory puts it: (1) *variation*, (2) *selection*, and (3) *restabilization*.<sup>73</sup> Therefore, it may be fair to posit an *evolution of the political system* during the period under review. If we look at juridification, it started at the beginning of the second century, as attested by Cato's career, and gradually led to the penetration of both the career path and the political means of the *nobiles* in particular and the political sphere in general. Within the political system (as a chain of political operations), it was now possible to apply actions originally belonging to the legal system. Both legal and political operations could now be interconnected: a *nobilis* was virtually encouraged to respond to political problems by legal means. In terms of systems theory, this led to a *structural coupling*: The binary-coded distinction between *power superiority* and *power inferiority* (alternatively, *enforceability* and *lack of enforceability*), which underlies all operations of political systems,<sup>74</sup> was preceded or followed by the genuine juridical distinction between *legal* and *illegal*.<sup>75</sup> To

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<sup>69</sup> Serv. Aen. 7.614: *evocatio ... nam ad subitum bellum evocabantur, unde etiam consul solebat dicere: 'qui rempublicam salvam esse vult, me sequatur.'* Cf. Serv. Aen. 8.1.

<sup>70</sup> App. B Civ. 1.16: τὸ κράσπεδον τοῦ ἱματίου ἐς τὴν κεφαλὴν περιεσύρατο.

<sup>71</sup> Cf. Linderski 2002, 364–5.

<sup>72</sup> Roman Frolov made me aware of Caes. BCiv. 1.5.3 and 1.7.5–6, which gives a list of anti-state occasions on which it seemed legitimate to pass a *SCU*. This approach implies both a legal opinion and a conception of a *modus vivendi* and can therefore be seen as an interim endpoint of this process of restabilization.

<sup>73</sup> Kuchler 2003, 29–37; Luhmann 1975a; 1975b and 1997/2012, 251–358. On the evolution of legal systems in particular, see Luhmann 1981, 11–34.

<sup>74</sup> On "symbolically generalized communication media" with their binary coding, see Luhmann 2012, 190–239.

<sup>75</sup> By applying the distinction between *moral* and *immoral* in order to judge political actions and utterances, the *moralization of politics* (cf. Ryan 2016) in modern times is a comparable phenomenon.

give one example: Q. Servilius Caepio, who had cracked down on Saturninus' agrarian law, was later convicted of this very act; because he had been quaestor at that time, his intervention had been an operation belonging to the political system but was subsequently judged according to the standards of the legal system.<sup>76</sup> It is significant that juridification did not take effect at this point for the purpose of protecting the political system by containing dangerous tendencies. Such a mild and ordinary form of juridification had developed in Rome from the very point when a legal system started to exist, but was limited to parts of the political system and, above all, to restrictive regulations.<sup>77</sup> Now, in contrast, political actors used the juridification of political discourse to gain political benefit by damaging opponents.<sup>78</sup> Concurrently, we observe both the increase and the intensification of virulent intra-aristocratic disputes. Since one of the main functions of the legal system consists of enabling conflicts, the increasing juridification even offered new opportunities for further conflicts to come. Obviously, conflicts could have a structural self-reinforcing effect: conflicts and rivalry fostered juridification, which in turn fostered (new) conflicts.

This evolution can be outlined historically as follows: the historically grown and then remembered conflict constellation of the "Conflict of the Orders" was internalized and implemented into the political system of the Republic, where it provided latent possibilities (or, formulated in a more actor-centered way, created incentives) for deviations. The conflictual structure of political institutions incorporated indeterminacy into seemingly determined chains of actions, especially in the form of the tribunician *ius intercessionis* and veto. This promoted the evolution of political means to a high extent. For in conflict situations, those involved tended to draw on anything that could bring benefit to themselves or harm their opponents, and the legal system was particularly suited to do so. The juridification of politics again promoted domestic disputes, because it helped to open up legal and thus conflict-specific functions. In addition, consolidatory and restrictive regulations and ideals increasingly eroded in the course of time,<sup>79</sup> for example trust, social consensus, the idea of the common good, and other values which had previously contributed to defusing conflicts or rendering them tolerable. In combination with this, juridification was a weighty factor contributing to the crisis phenomena of the outgoing Republic. Although even in the foregoing decades and centuries, *mos maiorum*

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<sup>76</sup> Cic. *Brut.* 162, 169.

<sup>77</sup> For the latter, see Bleicken 1975, 387–93, who described the "Jurifizierung des *mos maiorum*." Recent treatises on the legal system are Fögen 2002 and Kirov 2005.

<sup>78</sup> Cf. Gruen 1966, 42: "The struggle for leadership in the Senate was once more played out in the courts."

<sup>79</sup> Recently Walter 2019, 183.

had by no means represented a rigid, invariable catalog of normative provisions,<sup>80</sup> it was the recent juridification of both the *mos maiorum* and of the political sphere which created an almost explosive dynamic. The legal system was suited for both detecting and sanctioning “wrong” behavior – this function implied not only punishment but also the possibility of redefining previously impossible acts as consistent with the *mos maiorum*. Norms and rules, though ideally formulated from the perspective of the ruling class and taken for granted, were now the subject of negotiation processes. The parallel juridification of the political space then promoted practices which collided with the *mos maiorum* and other socio-cultural parts of the regulative framework by providing freedom for contingent and deviant behavior. Previously, it had been necessary to reach a consensus among the *nobiles* on practices which were uncommon;<sup>81</sup> in the course of the second century, we can observe the growing tendency to achieve (or to hinder) political aims without regard to senatorial consensus, but by means of legislation and legal action. Above all, the tribunes of the plebs, who since 133 brought alternatives to the ruling order into play, used both legislation and accusations against their political opponents. If their initiatives, brought forward to the legal system (or to a political system which had become juridical), were successful, tribunes like the Gracchi or Saturninus were able to question previously self-evident certainties and continuities which mostly concerned privileges of the Senate and its claim to leadership. Even if they failed, a new method of political action could still emerge from their controversial initiatives, as the Gracchi have shown.

Consequently, Bernhard Linke’s assessment of the “crisis through alternative” – a modification of the famous dictum “crisis without alternative” coined by Christian Meier – could be supplemented as follows:<sup>82</sup> in the light of the previous results, it seems appropriate to me to rather speak of “alternatives through crisis.” There is no doubt, as Linke points out, that the crisis phenomena of the Late Republic emerged out of the (historically relatively new) awareness of alternatives to the traditional order. Nevertheless, there is also no doubt that these alternatives themselves were potentialities resulting from crises and conflictual initiatives. These deviant acts offered alternatives to “business as usual” and helped the system to develop.

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<sup>80</sup> Arena 2015.

<sup>81</sup> At 27.6.8, Livy tells us that the current dictator Q. Fulvius Flaccus justified his re-election as a chief magistrate (in this case to the consulship) by means of “*exempla* on this matter: an old case, that of L. Postumius Megellus ... and a recent case, that of Q. Fabius” (*exemplaque in eam rem se habere, vetus L. Postumi Megelli ... recens Q. Fabii*). The senators agreed with his argumentation (27.6.10).

<sup>82</sup> Linke 2005, 141–2; Meier 1966/1980, xliii–liii.

Therefore, the productive treatment of conflicts crucially contributed to advancing the evolution of the political system in republican Rome. Whether this evolution was pushed too far and ultimately led to the downfall of the Roman Republic cannot be answered here and is another story. However, the fact that conflict and potentiality are intertwined phenomena points certainly in this direction: the ratio was in danger of getting out of balance if protagonists acted too ruthlessly and found too many potentialities at their disposal to achieve their political aims.

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**Losing the Lead:**  
**The Crisis of the Late Roman Republic as a Crisis of Senatorial Leadership**  
*Claudia Tiersch*

**Abstract**

The crisis of the Republic manifested itself as a gradual loss of leadership by the Roman Senate in several stages. The events surrounding the failed Gracchan reforms made it clear that the conservative majority in the Senate, which deeply rejected the redistribution of resources and the extension of rights and privileges to further population groups, succeeded in torpedoing these projects because of its traditionally rooted authority. In the medium term, however, the *optimates* were manifested to a larger audience as a primarily self-centered group using the *res publica* as an instrument for the enhancement of their own power. As a result, Italian soldiers in particular became part of a deep change of traditional *clientela* from a polycentric, cross-layered, and socially integrated phenomenon to horizontal large groups supporting individual politicians. The decisive blow to the Senate's dominance of political leadership came from C. Julius Caesar, who succeeded in massing significantly larger support groups than the Senate did. Finally, the Senate became a victim of the militarization of domestic political conflicts that it had initiated itself in the course of the Gracchan reforms. The principate ultimately meant the subordination of the Senate to the permanent dominance of the *princeps*, who owed his political leadership not least to his rule over the legions, whose members, like other inhabitants of the Roman Empire, saw their concerns as being more likely to be cared for by Augustus than by the representatives of the traditional senatorial regime.

**Keywords**

Senate, institutions, *clientela*, politicization, militarization, Italians, army, *populares*, *optimates*

**1. Introduction**

After 7 January 49,<sup>1</sup> things developed badly for the Roman Senate. A majority of the senators had decided to reject Caesar's claim to announce his candidacy for the consulship *in absentia* and ordered him to run for this magistracy as a private citizen instead. Caesar refused to obey

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<sup>1</sup> All dates are BCE unless specified.

and crossed the Rubicon, starting a civil war.<sup>2</sup> But although Pompeius had assured the Senate that they could easily stand this danger because his veterans were ready to defend the *res publica* and the power of the Senate, his predictions turned out to be premature. Pompeius' veterans did not intervene in this conflict. Caesar succeeded in conquering Italy and Rome. He seized the state treasury, and the appalled senators had no option but to flee from Italy to Greece together with Pompeius. A four-year civil war began which not only affected wide parts of the Roman Empire but also decisively reduced the Senate's scope for political action.<sup>3</sup>

The days of January 49 did not, of course, stop further attempts by the Senate to regain political dominance, for example after the assassination of Caesar or during the second Triumvirate.<sup>4</sup> But Caesar's crossing of the Rubicon represented an important milestone in the reduction of the Senate's authority over the *res publica*.<sup>5</sup> And it was not the first such incident. In fact, the last century of the Roman Republic reveals several events that manifest a repeated loss of control and initiative on the part of the Senate in favor of powerful individuals, or moments when the Senate, the once almighty power group in the *res publica*, had to face mortal dangers when senators were threatened or the *curia* was set on fire.<sup>6</sup> Therefore, it seems rewarding to describe the crisis of the late Roman Republic as a crisis of its leading institution, an institution that lost the lead in favor of powerful individuals – most of them magistrates, who based their power on the groups that felt neglected by the Senate's policy.

Recent scholarship has rightly emphasized that an analysis of the decline of the Republic according to an *optimates/populares* dichotomy is not appropriate. The noun "*populares*" does not encompass a group or a constant political program, but has been applied to several individual politicians, some of them without a clear cut political program or politically active only for a short time, often with an interval of several years between the respective politicians.<sup>7</sup> But it seems more rewarding to approach the problem from another perspective. Although the

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<sup>2</sup> Caes. *BCiv.* 1.5.5–6.5; App. *B Civ.* 2.32–5; Suet. *Iul.* 31.1–32.1; Plut. *Pomp.* 60; *Caes.* 32; Vell. Pat. 2.49.4; *Per.* 109; Cass. Dio 41.4.1; Eutr. 6.19; Raaflaub 1974, 64–8; Raaflaub 2010, 173. Jehne 2017, 223 sums up correctly: "The anti-Caesarians failed because political communication failed. They were neither able to take the longing for peace in the Senate seriously, nor did they understand that Italy had no reason at all to engage in civil war on their side. They were no longer responsive to reality ..."

<sup>3</sup> Plut. *Pomp.* 57.8–9, 60.7; *Caes.* 33.5–10; Cic. *Att.* 7.8.5, 7.20.1, 9.2, 9.15.6; Caes. *BCiv.* 1.27.1; Cass. Dio 41.12.3; Raaflaub 1974.

<sup>4</sup> Gotter 1996 provides a concise overview of this period.

<sup>5</sup> Raaflaub 2010, 179–86.

<sup>6</sup> Lintott 1968, 175–203; Vanderbroeck 1987, 146–53.

<sup>7</sup> E.g., Morstein Marx 2004; Robb 2010; Tiersch 2018.

Senate was always able to eliminate opposing magistrates in cases where the limitation of their office by a one-year term did not prevent them from acting further, the senators were not able to prevent the phenomenon itself that shaped the last century of the Roman Republic: a recurring series of ambitious magistrates interested in gaining political power and prestige by launching political initiatives even against the fierce resistance of the Senate's conservative majority.

These questions lead to the debate about the transformation process in the crisis of the Roman Republic. Modern studies, of course, analyze the complexity of interacting structural factors, including social problems, the failure to meet the challenges posed by the increased size of the Roman sphere of power, and the tensions between social interest groups, which had been given a say in the decision-making process due to the ruling aristocracy's inability to reach a consensus.<sup>8</sup> Moreover, this crisis is also understood as the genesis of new concepts, e.g., in forms of knowledge organization or the state integration of Italians.<sup>9</sup> However, tendencies of political or institutional disintegration, loss of state control, violent anarchy, and civil war in several phases of this epoch remain undeniable.<sup>10</sup>

Uwe Walter has pointed out that this crisis has to be determined in the interplay between actors and institutions. He has linked the disintegration of order in the late Roman Republic with the tendency of the Senate, in response to the political challenges imposed by popular tribunes such as Ti. or C. Gracchus, or consuls such as C. Iulius Caesar or Pompeius, to insist almost exclusively on the defense of their own positions of power, thus completely losing sight of the interests of other population groups.<sup>11</sup> This raises the question of how these population groups succeeded in feeding their interests into the political process, how long the Senate was able to block the realization of these interests, and how lastingly this articulation of interests determined the shifts in power. These considerations interrelate with the tendency of recent research to consider different strata of the Roman population and diverse perspectives inherent

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<sup>8</sup> E.g., Hölkeskamp 2009, 4–7; Breed, Damon & Rossi (eds.) 2010; Walter 2014, 97; van der Blom, Gray & Steel (eds.) 2018; Rosillo-López (eds.) 2019; Hölkeskamp & Beck (eds.) 2019; Hölkeskamp et. al. (eds.) 2019; Hölkeskamp, Karataş & Roth (eds.) 2019c.

<sup>9</sup> Moatti 1997; Wallace-Hadrill 2008; Carlà-Uhink 2017; Hölkeskamp 2019c.

<sup>10</sup> Walter 2019, 179–92.

<sup>11</sup> Walter 2014, 110.

in Roman historiography.<sup>12</sup> Only recently, Cristina Rosillo Lopez has shown the way in which public opinion in Rome was able to gain influence on political decision-making.<sup>13</sup>

At the same time, however, these transformations can also be categorized in current political science debates about questioning the liberal script, about failed states and patrimonial regimes, because the fall of the Roman Republic also meant the failure of republican political institutions.<sup>14</sup> It is therefore necessary to ask more pointedly what the loss of function of the republican institutions and the loss of confidence of Roman citizens in the Senate consisted of, the rupture that eventually led to a less binding effect of the *res publica* on centrifugal forces and to the decline of republican institutions.<sup>15</sup>

This chapter aims to investigate the causes for this development under the assumption that it was not a continuous process but that it took place in several stages in which the possibilities for the Senate to take the lead gradually reduced. The Roman Senate, as a political institution claiming leadership, depended both on a high degree of coherence among its social group and on the acceptance of its authority by broader circles of the population, precisely because the Senate exercised its control of Roman politics only through informal means (or alternatively through institutionalized obstruction). Thus, the overall effectiveness of these informal control mechanisms will have to be examined below in this chapter. How did the position of the Senate as an institution and as a social group shift during the crisis of the Republic?

Whereas during the last third of the second century the Senate had the power to control the state by inhibiting magistrate's initiatives (see section 2 below), the militarization of domestic policy and especially the Social War at the beginning of the first century reduced this power considerably (section 3). The consolidation of control over large armies by powerful individuals such as Caesar, Antonius and Octavian changed the balance of political leadership further (section 4). Peter Fiebiger Bang once stated that the fundamental power base of the principate was Augustus' control over army and taxes.<sup>16</sup> But the question remains: Was it really

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<sup>12</sup> For a range of recent historiographical perspectives on the crisis of the Roman Republic, cf. Osgood, Morrell & Welch (eds.) 2019; Osgood & Baron (eds.) 2019; Lange & Vervaet (eds.) 2019; Burden-Strevens 2020.

<sup>13</sup> Rosillo-López 2018.

<sup>14</sup> Cf. Börzel & Zürn 2020, 8 (with historical comparative questions). See also Eisenstadt 1973; Ruf 2003; Rotberg 2004; Chomsky 2006; Geiß 2011.

<sup>15</sup> Ungern-Sternberg 1998.

<sup>16</sup> Bang 2013, 417–27, 438–49.

only the militarization of Roman politics that changed the balance of political leadership at the expense of the Senate?

## **2. Retaining the Lead – the Senate and Its Strategy to obstruct Magistrate’s Initiatives at the End of the Second Century**

How important was the question of political leadership in the republican constitution? The formal right of initiative, that is the right to submit a political motion to the popular assembly, was reserved for the *magistratus cum imperio*, the consuls and praetors, and beyond that for the plebeian tribunes.<sup>17</sup> However, the possibility to submit a proposal depended upon the hierarchical position of the respective magistrate and upon the number of office holders. Two consuls had better chances to realize their projects than the praetors or the tribunes, however ambitious they might be. But most of all, a complex system of mechanisms of intercession and informal influence of the *nobiles* ensured that in cases of doubt it was more likely that no proposal would have been submitted rather than a proposal against the will of the Senate. It was a system tailored for the Senate as head of the agenda, and a system where military issues had higher priority than domestic matters.<sup>18</sup>

Some problems of social welfare were solved as a result of Rome’s successful expansion by land robbery and booty.<sup>19</sup> This could explain the reason for which many Romans accepted a political culture that required them to renounce essential parts of their political rights.<sup>20</sup> They felt integrated into a system in which the political institutions were counterbalanced by a complex patronal modus of mutual obligations, whereby the client was attached to the patron and the voter to the elected magistrate by complementary *officia* and *beneficia*.

The framework for this kind of political culture deteriorated, however, in several respects in the course of the second century. It was not only the termination of colony foundations in Italy from 177 but also the wars in Spain, with many casualties and less booty, and the fall of Carthage in 146 which made it more difficult for the Senate to legitimate the next external threat instead of dealing with domestic problems such as the growing number of landless people or difficulties with the urban grain supply.

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<sup>17</sup> Walter 2014, 102 and Hölkeskamp in this volume.

<sup>18</sup> Walter 2019, 183. See also Meier 2015.

<sup>19</sup> Hinted at already by Meier 1966, 44–5.

<sup>20</sup> Cf. Flaig 2012, 355–7.

Two episodes may serve as an illustration for the management strategy of the Senate's majority and its proponents to deal with such problems. Valerius Maximus reports that in 138 a heavy increase of grain prices shook Rome. Thereupon the tribune C. Curiatius promoted in the *contio* the idea of subsidizing grain prices by public funds, but his supporters encountered the harsh verdict of the consul P. Cornelius Scipio Nasica Serapio: "Be quiet, I know better what is good for you."<sup>21</sup> Amazingly, the obedient Romans agreed and the motion was stopped. Around the same time, the attempt of C. Laelius to solve the problem of landless Romans by an agrarian reform was thwarted simply because he was admonished by conservative senators to abstain from this project. Both incidents symbolize the huge political authority of the Senate as well as its inclination to prevent the politicization of *gravamina* (to use an expression of Karl-Joachim Hölkeskamp), whenever they did not want to have it on the agenda.<sup>22</sup>

In 133, Ti. Gracchus was absolutely determined to keep the project of his agrarian law on the political agenda. This case demonstrated that the Senate was not only willing to maintain its political dominance, but also adopted the strategy of blocking unwelcome political initiatives at any cost.<sup>23</sup> Every motion of Tiberius was met with growing social pressure. As a first step, leading representatives of the Senate tried to persuade Tiberius to withdraw his project; thereafter they resorted to so-called "compelling gestures" (tears, ragged hairs, torn clothes) to exert further social pressure on Tiberius to compel him to abandon his plans.<sup>24</sup> After he had C. Octavius, the interceding tribune, deposed by the *comitia centuriata*, the countermeasures finally became brutal.<sup>25</sup> He was accused of striving for monarchy, and the Senate's conservative majority sought to prevent his reelection for the tribunate by all means.<sup>26</sup>

When the consul P. Mucius Scaevola refused to take any measures, it was P. Cornelius Scipio Nasica Serapio who proclaimed a *tumultus*, the military emergency call for every Roman to defend the *res publica*. Several senators followed his call, and Tiberius together with many

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<sup>21</sup> Val. Max. 3.7.3: „*Tacete, quaeso, Quirites*”, inquit „*plus ego enim quam vos quid rei publicae expediat intellego*”; cf. Tiersch 2009, 54 and, in this volume, Hölkeskamp and Yakobson.

<sup>22</sup> Hölkeskamp 1997, 234. For the initiative of C. Laelius, see Plut. *C. Gracch.* 8.4–5.

<sup>23</sup> For the agrarian law, cf. Plut. *Ti. Gracch.* 9.2–3; App. *B Civ.* 1.9, 11; *Per.* 58; Val. Max. 7.2.6; Rich 2007; Roselaar 2019.

<sup>24</sup> App. *B Civ.* 1.10; Cic. *Sest.* 103; Flaig 1997; Flower 2013.

<sup>25</sup> The first veto of Octavius: App. *B Civ.* 1.12; Plut. *Ti. Gracch.* 10.2–3; the second veto: Plut. *Ti. Gracch.* 11.1–4, deposition of Octavius: App. *B Civ.* 1.12; Plut. *Ti. Gracch.* 11.4–12.6; *Per.* 58; Diod. Sic. 34/35.7.1; obstruction by the Senate: Plut. *Ti. Gracch.* 13.1–3; Epstein 1983.

<sup>26</sup> Plut. *Ti. Gracch.* 16.1; App. *B Civ.* 1.13–14; Cass. Dio fr. 83.8; *Per.* 58; *De vir. ill.* 64.6.

of his followers was stabbed with legs which the senators had broken from the chairs of the *curia*.<sup>27</sup> Numerous adherents of Tiberius were subjected to special courts and executed.<sup>28</sup>

The tragic outcome of this conflict is remarkable for two reasons. First, it illustrates the authority of the Senate, which was able to intimidate the majority of the Romans and maintain its dominance. Secondly, it was the first time, maybe since the Conflict of the Orders, that the logic of war was transferred into the domestic sphere, a sacred space normally free from violence for all Romans. That the men assumed guilty of this murder did not get away with that, despite their acquittal in the courts, proved the fate of P. Cornelius Scipio Nasica Serapio. He was in the aftermath harassed in the streets, with people calling him “tyrant” and an accursed man. This proved too much for Nasica Serapio, who left Italy and died in Pergamum.<sup>29</sup>

The Senate’s risky approach became even more problematic ten years later when C. Gracchus, the younger brother, as a tribune started to fulfill the legacy of Tiberius.<sup>30</sup> Caius presented a comprehensive political program, destined to solve not only the problems of the landless poor, but the problem of the urban grain supply, enfranchisement of the Italian allies, recruitment of the jury courts, basic treatment standards for military recruits, and legal protection for the lives of citizens.<sup>31</sup> Again, the Senate proved to be better armed for winning the power-struggle than its opponent, resorting even to the counter-demagoguery of the tribune L. Drusus to expel C. Gracchus.<sup>32</sup> C. Gracchus had either underestimated the deadly danger, or his chances to organize a fundamental power base at this time still had its structural limits. The consul C. Opimius again proclaimed a *tumultus*, the Senate used the *senatus consultum ultimum* for the first time as a pseudo-legal justification for its fight against an unwelcome opponent,<sup>33</sup> and the tribunate of C. Gracchus ended in a terrible bloodbath in which he and 3,000 of his

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<sup>27</sup> *Rhet. Her.* 4.68; *App. B Civ.* 1.15–17; *Plut. Ti. Gracch.* 17.1–19.10; *Per.* 58; *Vell. Pat.* 2.3.1–12; *Oros.* 5.9.1–3; Linderski 2002.

<sup>28</sup> *Cic. Amic.* 37; *Sall. Jug.* 31.7; *Val. Max.* 4.7.1.

<sup>29</sup> *Plut. Ti. Gracch.* 21; Rosillo-López 2017a, 98.

<sup>30</sup> Schietinger 2014, 165–82.

<sup>31</sup> *Plut. C. Gracch.* 4.1–3, 5.1–2; *Cic. Rab. perd.* 12; *Per.* 60; *Vell. Pat.* 2.6.3, 32.3; *App. B Civ.* 1.21–2; *Diod. Sic.* 34/35.25.1; Wolf 1972; Flach 1973; Meister 1976; Stockton 1979, 114–61; Sherwin-White 1982; Mouritsen 2006; Lapyrionok 2012; Kendall 2013, 181–99.

<sup>32</sup> For L. Drusus’ politics, see Burckhardt 1988, 54–70.

<sup>33</sup> Ungern-Sternberg 1970, 55–67. Burckhardt 1988, 111–34 highlights the political and ideological claims connected with this legalistic tool. On the *senatus consultum ultimum*, see also Grote in this volume.

adherents were slain by Opimius, supported by other senators and their clients, or executed afterwards.<sup>34</sup>

Despite its violent measures which flagrantly violated Roman civil rights, the Senate's assertiveness as a leading institution in this delicate situation was based on the deterrent effect, on a still widespread social acceptance of the Senate's authority, and on the specificity within the Senate's social group formation. Ti. Gracchus had initially been supported by influential senators: App. Claudius Pulcher, P. Mucius Scaevola, and P. Licinius Crassus Dives Mucianus. However, their influence waned as soon as increasing resistance arose in the Senate. Both leadership and initiative passed to conservative vested interests, such as P. Cornelius Scipio Nasica Serapio, who linked their position to the *mos maiorum* and immediately resorted to violence. Although Scaevola refused to call for violence against Tiberius (unlike C. Marius, who later did so against Cinna and Glaucia), he also failed to prevent the eruption of violence by conservative hardliners. These group configurations took place in later phases as well, but then with different consequences for the Senate as an institution.

Thus, the Senate kept the lead on its own terms, but at a high cost. It had prioritized public order and security under its own leadership at the expense of social welfare and the legal security of Roman citizens. Moreover, it raised the claim that public security and order were the priority as political goals and that the Senate itself was the leading force, the warranty power, destined to guide the Romans to this goal. Yet even then, public opinion could not be silenced completely. When a temple was erected to celebrate the newly restored Concordia, someone secretly wrote on the statue of Concordia: "Insane discord erects a temple for unity."<sup>35</sup>

Perhaps it is not surprising that, after a period of political apathy, the tribunes' attacks against this political culture of suppression and senatorial arrogance originated from failures in foreign affairs. In the war against the Cimbri and Teutones, Rome suffered heavy defeats because of mismanagement, arrogant aristocratic generals, and communication problems; the generals responsible for these defeats were prosecuted.<sup>36</sup> The case of Jugurtha, the Numidian prince, proved that the Roman nobility was largely corrupt and could be manipulated in its foreign policy by money and social relations.<sup>37</sup> The tribunes ascribed these defeats to selfishness, greed, and arrogance as well as to the lack of leadership capacities on the part of

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<sup>34</sup> App. *B Civ.* 1.25–6; Plut. *C. Gracch.* 14.1–18.3; Vell. Pat. 7.2.3; Sall. *Iug.* 31.7, 42.4; Oros. 5.12.9–10.

<sup>35</sup> Plut. *C. Gracch.* 38; Rosillo-López 2017b, 145–6; Pina Polo 2017; Burckhardt 1988, 70–85.

<sup>36</sup> *Per.* 67; Asc. 78C; Rhet. Her. 1.24; Cic. *De or.* 2.124–5, 197–8; Val. Max. 4.7.3; Gran. Lic. 33.24; Lengle 1931; Lewis 1974.

<sup>37</sup> Sall. *Iug.* 20.1, 29–35; Diod. Sic. 34/35.35; *Per.* 64; Allen 1938; von Fritz 1943.



the nobility, in order to advertise for C. Marius, as a man without noble ancestors but full of military capacity as consular candidate. They disputed the claims and abilities of the Senate to successfully lead the *res publica*.<sup>38</sup>

In fact, Marius brilliantly fulfilled the military task assigned to him. Because of his victories against Jugurtha, the Cimbri, and Teutones in the years between 107 and 100, he enjoyed enormous popularity and was essentially a leading man in the *res publica*.<sup>39</sup> But it was not only his victories and his obvious military leading capabilities that made him a problem for the Senate. Bernhard Linke has emphasized the ambivalence of the successful generals' impact on the balance of power within the Roman Senate and especially on the official collective *memoria* shaped by the *nobilitas* and its calculated strategies to shrink the exuberant prestige of victorious generals in public opinion.<sup>40</sup>

The most serious problem from the perspective of the Senate was the unusual power alliance between Marius, the consul, and the tribunes Saturninus and Glaucia that enabled them to combine their political power in order to implement political projects against the will of the Senate for their respective interest groups, and in particular Marius, to get his veterans settled. Glaucia and Saturninus already had a reputation of being in fierce opposition towards the *optimates*.<sup>41</sup> Saturninus even succeeded in mobilizing an enormous pressure group for the enforcement of his political projects.<sup>42</sup> It was only their grave political mistake to get a political opponent assassinated that enabled the Senate to get rid of them. A *tumultus* was again declared and Marius as consul felt compelled to proceed against Glaucia, Saturninus, and their adherents, depriving himself of enormous social support and of any political power for the ensuing years.<sup>43</sup>

The Senate left this battlefield as a winner and, in the following years, it did everything to abolish popular laws now that their initiators had been ousted.<sup>44</sup> Seen from the perspective of a comprehensive senatorial lead in political matters, the subsequent period could have become promising. However, the following decade manifested not only the deep enmities within the nobility and rivalries between nobility and the *equites* on the question of the

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<sup>38</sup> Sall. *Iug.* 73.2–7; Plut. *Mar.* 8.7–91; Cass. Dio fr. 89.3; Tiersch 2018, 43.

<sup>39</sup> See, e.g., Sall. *Iug.* 114.3–4; Plut. *Mar.* 12.1–7; *Per.* 67; Vell. Pat. 2.12.1–2.

<sup>40</sup> Linke 2016.

<sup>41</sup> Cic. *Sest.* 39; *Har. resp.* 43; Diod. Sic. 36.12; Heftner 2005.

<sup>42</sup> *Rhet. Her.* 1.21, 2.17; Cic. *De or.* 2.107, 164, 201; *Inv. rhet.* 2.53; *De vir. ill.* 73.1.

<sup>43</sup> App. *B Civ.* 1.32; *Per.* 69; Flor. 2.4.4–6; Oros. 5.17.5–10; *De vir. ill.* 73.9–12; Cic. *Cat.* 4.4; *Rab. perd.* 18–24, 26–31, 35; Plut. *Mar.* 30.4–31.4.

<sup>44</sup> Mattingly 1969; Mattingly 1975; Schneider 1982/1983; Badian 1984; Beness 1990; Heftner 2006a.

composition of juries, but above all an increasing discontent articulated by the *plebs urbana* and the Italians.<sup>45</sup>

### 3. The Militarization of the Italians and Its Consequences for the Senate

The fatal mistake was the blocking of the complex law project of Liv. Drusus, the conservative tribune, by the *optimates* in 91, although some of them had supported Liv. Drusus initially.<sup>46</sup> Drusus intended to interconnect the interests of several groups: the *equites*, the Italians, the Senate, and the *plebs urbana*. The failure of his plan and his sudden death led to an enormous outburst of rage among the disappointed Italians and to the well-known events of a bloody war in which formerly allied troops fought against each other.<sup>47</sup>

At first sight, it may seem problematic to connect the outcome of this war with the decline of leadership opportunities among the Senate, because the Social War ended with Rome's military victory over her former allies and in return they were granted the citizenship as a sign of compromise and reconciliation.<sup>48</sup> But in reality the war still had negative consequences for the leading position of the Roman Senate. On the one hand, the war resulted in devastations and social impoverishment, forcing many Italians to join the army in order to earn their livelihood. On the other hand, these Italians had the Roman citizenship, but were not integrated politically into republican institutions, because the Senate tried to prevent their enrollment into the Roman *tribus* in order to restrict their voting opportunities.<sup>49</sup> In this respect, it does not seem surprising that they were willing to put their trust rather in powerful politicians such as the tribune Sulpicius Rufus or the consul Sulla than in the Roman Senate.<sup>50</sup> Supporting Sulla's plans to march on Rome meant for his soldiers a possibility to campaign in the East with the prospect to profit from loot and land distributions. Sulla and his soldiers needed each other to support

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<sup>45</sup> For a comprehensive overview, see Schneider 2017, 101–5.

<sup>46</sup> *Per.* 71; *App. B Civ.* 1.35–6; *Val. Max.* 6.2.2, 9.5.2; *Cic. Dom.* 50; *Leg.* 2.14; *De or.* 1.24; *Asc.* 69C; *Vell. Pat.* 2.14.1; *Flor.* 2.5.9; Heftner 2006b; Morrell 2015.

<sup>47</sup> *De vir. ill.* 66.11–13; *Flor.* 2.5.8–9; *App. B Civ.* 1.36–8; *Vell. Pat.* 2.14.1–2, 15.1; *Per.* 71–2; *Diod. Sic.* 37.12–13; *Oros.* 5.18.1; Kendall 2012, 113–18 sees the reasons for Roman intention to wage war against the allies in financial as well as military matters: new citizens must be equipped by using Roman funds, they had to be treated better, and it was more difficult to force them into the army because of their full citizen rights.

<sup>48</sup> *Per.* 76; *Vell. Pat.* 2.21.1; *Oros.* 5.18.26; *ILS* 8888; *App. B Civ.* 1.52–3; *Diod. Sic.* 37.2.9–11; *De vir. ill.* 63.1; *Cic. Arch.* 7; *Schol. Bob.* P. 512 Stangl; *Asc.* 3C; *Plin. NH* 3.138; Kendall 2013, 200–22.

<sup>49</sup> *App. B Civ.* 1.49. On the struggle over Sulpicius Rufus' law to distribute them across all the voting tribes, see *App. B Civ.* 1.55; *Plut. Sull.* 8.6; *Mar.* 35.4; cf. Lintott 1971; Powell 1990; Dart 2019.

<sup>50</sup> *Plut. Sull.* 8.2–3; *App. B Civ.* 1.55; *Per.* 77; Powell 1990.

their respective interests, for which the political institutions and the Senate as their leadership group seemed to be useless at best.<sup>51</sup>

The Senate could only watch these developments helplessly. It was not able to prevent the revision by Marius and Cinna of Sulla's measures.<sup>52</sup> The Senate had to remain passive again, when Sulla, after his return, initiated proscriptions and settled his veterans.<sup>53</sup> Hereby he realized an agrarian program, but now on a much more arbitrary and personal basis than had once been envisaged by the Gracchi.

Sulla's political program as a dictator was aimed at restoring the unlimited dominance of the Senate and abolishing the growing power of the *populares*, but via his dictatorship he also reduced the senators to the status of *clientes*, dependent on his *beneficia*.<sup>54</sup> Moreover, his measures did not, in fact, extend the Senate's scope of action. His often brutal measures also led to severe upheavals in Rome, Italy, and beyond. As a result, the decade following the resignation of the dictator witnessed unrest in Rome and elsewhere.<sup>55</sup>

Alison Rosenblitt rightly warned against underestimating this phase of disintegration in Rome. She has given a valuable in-depth analysis of the affair of the consul M. Aemilius Lepidus, the father of the member of the second Triumvirate. This affair encapsulates the problems of the post-Sullan era. During his consulate in 78, Lepidus apparently attempted to install a complex political program that aimed at a revision of Sulla's initiatives, but was blocked by his colleague and the Senate's conservative majority.<sup>56</sup> Thereupon he did not use his proconsulship in 77 for the administration of Gallia Transalpina and Gallia Cisalpina, but

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<sup>51</sup> App. *B Civ.* 1.57; Plut. *Sull.* 9.5–8.

<sup>52</sup> App. *B Civ.* 1.64, 71–4; Vell. Pat. 2.20.2; Cic. *Phil.* 8.7, with the apt commentary of Heftner 2006, 238.

<sup>53</sup> App. *B Civ.* 1.95–6; Plut. *Sull.* 31.7–11; Cass. Dio fr. 109.14–21; Cic. *Rosc. Am.* 137–8; Flor. 2.9.25–8; Oros. 5.21.4–10; App. *B Civ.* 1.96, 100, 104; Cic. *Leg. agr.* 3.7–8; Lovano 2002.

<sup>54</sup> Sulla's reforms: App. *B Civ.* 1.100; Cic. *Leg. agr.* 3.22; Caes. *BCiv.* 1.7.3; *De vir. ill.* 75.11; *Per.* 89; Tac. *Ann.* 11.22.4; Vell. Pat. 2.89.3; *Dig.* 1.2.2.32; Hantos 1988; Santangelo 2007; Steel 2014. Flower 2010, 73–4 defines this period as Rome's first civil war because of its consequences for the destruction of the social contract.

<sup>55</sup> Resistance in Volaterra and Nola: *Per.* 89; Gran. Lic. 36.8–9; Cic. *Rosc. Am.* 105; Strab. 5.2.6. Santangelo 2014 rightly points out that the main problem of this decade was not the shifting of political alliances, but several practical problems such as the corn supply, the role of Senate and tribunes, and the integration of the Italians.

<sup>56</sup> For Lepidus' speech, see Sall. *Hist.* 1.55 Maurenbrecher = 1.48 McGushin. On Lepidus' uprising more generally, cf. App. *B Civ.* 1.105–7; Oros. 5.22.16–17; Plut. *Pomp.* 16; *Per.* 110; Cic. *Cat.* 3.24; Suet. *Iul.* 3; Eutr. 6.1.5. Cass. Dio 44.8.2, 44.47.4; Rosenblitt 2019, 45–62. Arena 2011 characterizes the conflict between Lepidus and his consular colleague Catulus as a conflict between *populares* and *optimates*, but the reality is more complex since Lepidus also spoke out against the restoration of tribunes' powers, cf. Santangelo 2014, 6.

rather he put himself at the head of the uprising of those in Etruria who suffered most from Sulla. Lepidus marched on Rome but was defeated at the Milvian bridge and at Cosa.<sup>57</sup> The rest of his troops fled to Sertorius in the *Hispaniae*. It is worth asking whether the Spartacus revolt, which gained considerably more power than the previous slave rebellions, acquired its strength also from the participation of uprooted Italians. Each of these conflicts was suppressed by military means, but the social and administrative problems in Rome, Italy, and the provinces remained unresolved.<sup>58</sup>

In spite of the new political restrictions, the 70s witnessed continuous and bitter public strife against the Sullan system, which was challenged by plebeian tribunes such as Cn. Sicinius, Q. Opimius, L. Quinctius, C. Licinius, and M. Lollius Palicanus. Some of them were assailed by their optimate opponents, others lost their life (as Sicinius did). The speech of C. Licinius Macer (tribune 73) in Sallust's *Historiae* is an example of a fierce attack on the *optimates* who tried to prevent any initiative to restore the pre-Sullan political system and to support poorer citizens.<sup>59</sup> Sallust is our testimony for a heated public climate that put the blame for the whole series of violent incidents directly on the Senate – the institution and group that was losing its public reputation step by step.

Interestingly enough, over the years the representatives of the Senate made some concessions, for example regarding the issue of grain supply, apparently to prevent the instrumentalization of food riots by plebeian tribunes.<sup>60</sup> But beyond this, political concessions were extremely limited, such as Aurelius Cotta's law which enabled former tribunes to continue their political career, a measure that was useful rather for ambitious magistrates than for the mass of the Roman citizens.<sup>61</sup>

Eventually, the Senate's attempts to preserve the Sullan system failed. Pompeius and Crassus were elected as consuls for 70, with the explicit election promise to abolish the restrictions imposed on the tribunate. This may have been the first occasion for many years of Roman history that a specific political program was decisive for the outcome of the electoral

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<sup>57</sup> App. *B Civ.* 1.107.

<sup>58</sup> Schneider 2017, 148–59 (at 137, he underlines the lack of support by the free Italian population for the Spartacus revolt).

<sup>59</sup> Sall. *Hist.* 3.48.1–13 Maurenbrecher = 3.34.1–13 McGushin, with Mackie 1992, 52–9; Tiersch 2018, 54.

<sup>60</sup> Gran. Lic. 36.30–45; Sall. *Hist.* 1.55.11 Maurenbrecher = 1.48.12 McGushin; Santangelo 2014, 11.

<sup>61</sup> Sall. *Hist.* 3.48.8 Maurenbrecher = 3.34.8 McGushin; Asc. 66–7C; Santangelo 2014, 9.

vote.<sup>62</sup> Surprisingly, Pompeius and Crassus did not owe their election success to a great public uprising, controversial electioneering, or violent campaigns by popular tribunes. On the contrary, their candidacy found support in the Senate, and no opposing candidates were set up. An explanation for this peculiar fact might be that, on the one hand, a certain resignation was spreading within the Senate. Even the arch-conservative Q. Lutatius Catulus, when asked to give his *sententia* on Pompeius' plans to restore the powers of the tribunate, stated, somewhat disenchanted, that *patres conscripti* had been proven ineffective and immoral in the courts of justice; and that, had they only chosen, in their capacity as judges, to satisfy the *existimatio populi Romani*, the People would not have felt so acutely the diminution of tribunician powers.<sup>63</sup> On the other hand, the Senate might have hoped to win Pompeius and Crassus as allies, especially considering the loyalty that they had already demonstrated as successful generals endowed with extraordinary powers by the Senate in their campaigns against Sertorius and Spartacus.

Whatever the hopes of the *optimates* might have been, they became promptly disappointed. It was not for Pompeius and Crassus to unleash the next stage of a distinctly anti-senatorial policy during their consulship. They merely restored pre-Sullan conditions in the issues of jury benches and the tribunes' powers. But it was the combination of an already critical public climate and the restored powers of the tribunes that led to a peak in the sharp criticism of the Sullan Senate and its members, especially in the early years of the 60s that many sources confirm.<sup>64</sup>

Thus, Antius Restio's law, enacted around 70 or a little later, prohibited all magistrates and magistrates-elect from dining out. In 67, the tribune C. Cornelius initiated a law which permitted exemptions from the law only if two hundred senators were present and the People's assembly approved them. This highly controversial law was part of a whole set of initiatives which C. Cornelius promulgated to limit the traditional power of the *optimates* by juridical means. It was, as already Christian Meier has shown,<sup>65</sup> a popular counterpart to the juridical institutionalization of internal order that the *optimates* had begun in 121 with their law on the

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<sup>62</sup> Plut. *Pomp.* 21.4; Evans 2016, 88; Santangelo 2014, 8 (*lex Pompeia Licinia*); Duplá 2011, 288–9 (Pompeius' popularity as a result of this law).

<sup>63</sup> Cic. *Verr.* 1.15.44.

<sup>64</sup> Varro *Sat. Men.* 264, 378, 452, 499; Cic. *Leg. Man.* 37–8, 64–6; Asc. 57–9, 72–3C; Sall. *Cat.* 12–13; *Hist.* 4.46 Maurenbrecher; cf. a brilliant overview by Blösel 2019, 140.

<sup>65</sup> Meier 1965, 605–6; Meier 1966, 117–51; Griffin 1973.

*senatus consultum ultimum*.<sup>66</sup> Cornelius' package included even more laws such as that which specified that privileges be voted only by the *populus* and the rule that from then on the praetors had to abide by their own edicts.<sup>67</sup>

Wolfgang Blösel has shown how strongly this critical trend within public opinion influenced the development of *imperia extraordinaria*. In 74, the Senate assigned *imperia extraordinaria* without any resistance to L. Lucullus, C. Aurelius Cotta, and M. Antonius for several purposes. At least L. Lucullus proved to be quite successful in the years until 70. In the following years, however, all three of them were attacked as greedy. The allegations, which were brought forward by plebeian tribunes, combined two issues. The first was the reproach that all of them owed their *imperia* to the senatorial clique of Cethegus, i.e. to their personal connections rather than their competence. The second line of attack was the allegation of a lack of success, which, however, pertained more to Lucullus' campaign against Mithradates in the 60s than to his later deeds. This negative reshaping of public opinion was not only a means for attacking the Senate because of its favoritism and regular magistrates for their cowardice,<sup>68</sup> but also of preparing the ground for the *imperium extraordinarium* of Pompeius, this time without the support of the *optimates*.

Certainly, the political allies of Pompeius, such as A. Gabinius, C. Manilius and M. Tullius Cicero, did their best to stage the background in order to persuade the audience to vote for the *imperia extraordinaria* in spite of Catulus and other senatorial opponents who warned about the break of the *mos maiorum*. Especially Cicero in his speech on Pompeius' command against Mithridates in 66 drew a dark picture of the dangers to which Rome had been exposed because of the pirates: terrible famine, the lack of grain, and the disruption of public security.<sup>69</sup> To sharpen this picture he even added up all the incidents of piratical raids that had happened during the last decades, some of them not precisely dateable.<sup>70</sup>

This kind of propaganda would have never been so effective had the Senate not been perceived as preventing legislative projects by all means.<sup>71</sup> Gabinius, after failing with his application for the granting of the extraordinary command in the Senate, turned to his followers.

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<sup>66</sup> On this institution, see Ungern-Sternberg 1970 and Grote in this volume.

<sup>67</sup> Asc. 47–8C.

<sup>68</sup> Plut. *Pomp.* 16.2–3; Sall. *Hist.* 1.55.2; Blösel 2019, 137.

<sup>69</sup> Blösel 2019.

<sup>70</sup> Cic. *Leg. Man.* 32, 55; Blösel 2019, 141.

<sup>71</sup> Burckhardt 1988; de Libero 1992, give an overview of the multitude of legal, political as well as religious obstruction strategies.

When the project was presented at a *contio*, and another tribune announced his veto, Gabinius threatened to depose him.<sup>72</sup> The opposing tribune then withdrew his veto, and the law was passed. The situation recalls what had happened at the time of Ti. Gracchus. But the outcome was quite different, which demonstrates the extent to which the Senate's power had diminished in the meantime.

Wolfgang Blösel points to Cicero's popularly tinted speech for the *lex Manilia* as an indicator of the Senate's unpopularity, which Cicero aptly used for his own purposes. He not only contrasted Pompeius quite sharply with Lucullus, for his military competence as well as for his social and political virtues. Even worse, he drew a very dark portrait of the whole group of *optimates*, especially Q. Lutatius Catulus and Q. Hortensius, whom he blamed for causing fierce resentment on part of the allies and provincials against the Romans. The Roman People, so Cicero, should never trust these senators who on principle overlook the misdeeds of their fellow-senators at the expense of the provincials. In the end, Pompeius received his command.<sup>73</sup>

It would be worthwhile to place the Senate's comparatively reserved reaction to the Catilinarian conspiracy in the context of the public mistrust to which the Senate now appeared to have been exposed.<sup>74</sup> The senators were ready to fight the conspirators in Italy,<sup>75</sup> but limited their violent billing in Rome to the narrow core of the Catilinarians. The unrest of the *plebs* in Rome compelled the Senate to act somewhat reluctantly, in fact rather on the constant pressing instigation of Cicero who was supported above all by Cato.<sup>76</sup> Cicero's measures were very soon attacked as illegal, and Cato had to devise a grain law to pacify the heated situation.<sup>77</sup> That the Senate was determined to regain its ability to lead, however, can be seen in the following years in its instigation of the prosecution of the tribune C. Cornelius for *maiestas* in 66 and 65,

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<sup>72</sup> Cic. ap. Asc. 71–2C; Plut. *Pomp.* 25; Cass. Dio 36.30.1–5.

<sup>73</sup> Plut. *Pomp.* 30, Cass. Dio 36.45; Seager 2002, 51.

<sup>74</sup> Steel 2006; Harrison 2008.

<sup>75</sup> Cf. Nebelin in this volume.

<sup>76</sup> The Senate was warned of the conspiracy by “anonymous letters,” probably written by Cicero, cf. Plut. *Cic.* 15.3; *Caes.* 13.4; Cass. Dio 37.31.1. Unrest of the plebs: Cic. *Cat.* 4.17; Sall. *Cat.* 50.1; Cass. Dio 37.35.3; App. *B Civ.* 2.17. The execution of the conspirators: Sall. *Cat.* 55.1; Plut. *Cic.* 22.1; App. *B Civ.* 2.22; *Per.* 102; Vell. Pat. 2.34.4; Cass. Dio 46.20.5. Cato's role: Sall. *Cat.* 52–3; Cic. *Sest.* 61; *Dom.* 21; Plut. *Cat. Min.* 22–3; Cass. Dio 37.36.3; Will 1992, 36–9; Steel 2006.

<sup>77</sup> Cass. Dio 37.38.1–2; Cic. *Fam.* 5.2.7–8; Plut. *Cat. Min.* 26.2; *Caes.* 8.

although without success because of the brilliant defense by Cicero and his famous speech *Pro Cornelio*.<sup>78</sup>

During this phase, the Senate as an institution was able to exert its dominance for the last time. The reasons for this were, on the one hand, the high authority of the leading senators, such as Q. Lutatius Catulus, who were also able to generate social majorities within the Senate against popular politicians, as well as the occasional absence of Pompeius and his soldier clientele. It became apparent, however, that the Senate's social authority in the Roman public sphere was increasingly eroding due to its adherence to the Sullan reforms, and that the opponents of the Senate were thus gaining greater room to manoeuvre.

The next critical situation for senatorial leadership was, of course, the return of Pompeius in 62 after his brilliant victories in the Roman east against Mithridates and his reorganization of the provincial system. To block the representation of Pompeius' overwhelming social power in Rome the Senate did everything to resist land allocations to his veterans. Finally, Pompeius had to resign, frustrated for the moment.<sup>79</sup> With the return of Caesar from Spain, however, the situation changed completely, as Caesar proposed, in order to facilitate his candidacy for the consulate, an informal union with Pompeius and Crassus. Crassus had been equally frustrated by the Senate, because the Senate had refused to grant the *publicani* a tax reduction despite difficult economic conditions.<sup>80</sup> Caesar promised them to bring through their projects even against the will of the Senate if they would support his candidacy for 59, and he was successful.<sup>81</sup>

When soon afterwards Cato and Bibulus told the consul Caesar that he would not get the proposed settlement law during this year, no matter how much he wanted to have it, because nothing must be changed. They could not predict how wrong they were.<sup>82</sup> Caesar's consulate in 59 marked a year of great helplessness for the *optimates* who literally lost control over the political decision-making process.<sup>83</sup> Pompeius' veterans and other gangs dominated the forum.

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<sup>78</sup> On the political dimension of this process, cf. Asc. 76, 78, 79C; Griffin 1973, 211–13. For a comprehensive overview of this period, cf. Wiseman 1994.

<sup>79</sup> Cass. Dio 37.20.6, 37.49.1–50.2; Plut. *Pomp.* 43; App. *Mith.* 116; Vell. Pat. 2.40.3; Suet. *Iul.* 19.1–2; Cic. *Att.* 1.18.6, 1.19.4, 2.1.8; Rising 2013, 196–221.

<sup>80</sup> Cic. *Att.* 1.17.9, 1.18.3, 7, 2.1.8; *QFr.* 1.1.33; *Planc.* 34.

<sup>81</sup> Suet. *Iul.* 19.2; Vell. Pat. 2.44.2–3; Flor. 2.13.10; *Per.* 103; Cic. *Att.* 2.3.3–4, 2.9.2; Will 1992, 46–51.

<sup>82</sup> Cic. *Att.* 2.3.2; Suet. *Iul.* 20.1; Cass. Dio 38.2.1–3.3, 4.3, 6.1–6; Gell. *NA* 4.10.8; *Per.* 103; App. *B Civ.* 2.10–22; Plut. *Pomp.* 47.3, 48.1; *Cat. Min.* 31.3, 32.1.

<sup>83</sup> Chrissanthos 2019.



Any resistance against the measures was levered out; buckets of dung were thrown over Bibulus' head.<sup>84</sup> A *lex agraria* was passed as well as laws on the *ager Campanus*, the *imperium proconsulare* over Gallia Transalpina and Cisalpina for five years for Caesar, the ratification of Pompeius' decrees in the East, and on the tax reduction for Crassus' publicans.<sup>85</sup> Bibulus as the representative of the conservative senatorial majority, who tried to stop the political measures by intercession, was driven from the forum by violence, spent the rest of the year watching for negative omens, and remained condemned to almost total inactivity in his house.<sup>86</sup>

Much more important, however, was the fact that the Senate did not restore its capacity to lead even after Caesar's departure for the Gallic war. Several aspects may demonstrate this. First, it proved to be impossible to disempower the Triumvirate. The attempts made by the *optimates* and especially by Cicero to draw Pompeius closer to them were initially inconsistent, as the Senate's unwillingness to continue financing Pompeius' grain commission showed.<sup>87</sup> Pompeius was wise enough, despite his difficult relations with Crassus, never to cut off his relations with the other triumvirs. The visible attacks that the *optimates* still undertook to minimize Pompeius' power may have been a rather persuasive reason for him to renew his alliance with Caesar and Crassus at the Lucca Conference.<sup>88</sup>

The extent of their influence can be demonstrated by the events surrounding the elections in 56. They managed to postpone the elections by force. Crassus and Pompeius were elected as the only candidates, Domitius Ahenobarbus, another candidate, having been intimidated into withdrawing his bid.<sup>89</sup> Pompeius' shift towards the *optimates* took place only in the second half of the 50s, after the death of Crassus, but they realized only too late that this would not mean winning over more clients.<sup>90</sup> Perhaps, a relatively stable situation in Italy in the 50s somewhat blurred their vision.

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<sup>84</sup> Plut. *Pomp.* 38.6.2, 48.1–3; Cic. *Vat.* 22; App. *B Civ.* 2.37–41; Cass. Dio 38.6.1–2; Suet. *Iul.* 20.1; Plut. *Cat. Min.* 32; *Luc.* 42.6; Cic. *Att.* 2.16.2.

<sup>85</sup> Cic. *Att.* 2.15.1, 2.16.1–2, 2.17.1, 2.18.2; *Phil.* 2.101; Cass. Dio 38.7.5; Plut. *Pomp.* 48.4; App. *B Civ.* 2.46; Vell. Pat. 2.44.2; Cic. *Vat.* 29; Rising 2015.

<sup>86</sup> Plut. *Pomp.* 48; *Caes.* 14.9; Vell. Pat. 2.44.5.

<sup>87</sup> Cic. *QFr.* 2.6.1.

<sup>88</sup> Suet. *Iul.* 24.1; Plut. *Pomp.* 51.5; *Caes.* 21.6; App. *B Civ.* 2.63; Cass. Dio 39.31.2.

<sup>89</sup> Cass. Dio 39.27.1–3; Plut. *Pomp.* 51.6–8.

<sup>90</sup> Asc. 35–6C; Cass. Dio 40.50.3; Plut. *Cat. Min.* 47.3–4; *Pomp.* 54.5–7; *Caes.* 28.7.

In Rome, the Senate's conservative majority did not succeed in maintaining public order, to which especially the tribune P. Clodius Pulcher became a threat.<sup>91</sup> To defame him as a notorious troublemaker and his adherents as the yeast of Rome, as his archenemy Cicero did, falls short.<sup>92</sup> In fact, Clodius succeeded in mobilizing the urban poor with an astute combination of a law that enabled the distribution of free grain once a month with political measures that supported the self-organizing opportunities of this group.<sup>93</sup>

Moreover, a number of deeply symbolically loaded actions of Clodius were quite cleverly tied up with established Roman traditions which he now turned against their proponents, be those Pompeius or the Roman Senate. Orchestrating insulting chants against Pompeius, building a temple to *libertas* on the site of Cicero's house, and challenging Cicero over the question of the city grain crisis were extremely successful actions, but they intensified the climate of violence in Rome.<sup>94</sup> Clodius finally fell victim to the gangs of his enemy Milo on 18 January 52. The severe outbreaks of violence during Clodius' burial and especially the burning of the *curia* showed clearly that the Senate had not only lost control over public order but above all its own legitimacy.<sup>95</sup>

A further symptom of the Senate's loss of initiative was the lack of coherence within the institution itself. In the 50s, not only the usual noble rivalries but also rising dissent within the ruling class became the symptoms of waning consensus over whom to follow or what to strive for. The situation was characterized by changing, often very short-lived factions that were formed only for specific purposes and collapsed immediately afterwards.<sup>96</sup> Some trials, such as those of Clodius, Milo, Scaurus, and Gabinius, were turned into a farce not only because the juries were bribed, but also because of the ambiguous maneuvering stance of leading men, above all Pompeius.<sup>97</sup> Cicero's letters give a somewhat biased but illustrative picture of these years.

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<sup>91</sup> On Clodius, cf. Tatum 1999; Benner 2017.

<sup>92</sup> Cic. *Sest.* 55; *Pis.* 8–10; Will 1992, 115–19.

<sup>93</sup> On Clodius laws (including lifting the ban on the assemblies of *collegia*), see Asc. 7–9, 13–15, 28–9C; Cic. *Sest.* 33–4, 55–6; *Pis.* 9–10; *Vat.* 18; *Prov. cons.* 46; *Har. resp.* 58; *Red. sen.* 11, 33; *Dom.* 13, 129; *Att.* 3.15.4; *Schol. Bob.* P. 132 Stangl; Cass. Dio 38.13.1–6, 38.14.4–6, 40.57.1–3; Vell. Pat. 2.45.1; Benner 2017; Tatum 1999, 114–49; Nippel 1988, 110–14; Russell 2016.

<sup>94</sup> Nippel 1988, 114–28.

<sup>95</sup> Asc. 32–3C; App. *B Civ.* 2.82–3; Nippel 1988, 128–44.

<sup>96</sup> Cic. *Att.* 4.15.7, *QFr.* 2.14.4; Morrell 2014; Seager 2002, 126 (for the coalition of C. Memmius and Calvinus).

<sup>97</sup> Cass. Dio 39.63.3–5; Cic. *Rab. perd.* 19.32–3.

Especially in the second half of the 50s, elections were repeatedly postponed or heavily affected by violent attacks and bribery. In 54, all consular candidates were prosecuted.<sup>98</sup> Important tasks, such as maintenance of public order, could no longer be enforced by the regular magistrates. Pompeius' extraordinary powers as *consul sine collega* in 52 was the solution which the overburdened Senate unwillingly adopted.<sup>99</sup> Another development which affected the Senate's leadership was the fact that, while in previous decades many changed their political affiliations in favor of the *optimates* after reaching the consulate, now politicians either remained close to the Senate or became close adherents of the triumvirs, as in the 50s was the tribune Curio, with whom the *optimates* had reckoned but who suddenly announced that he was siding with Caesar.<sup>100</sup>

It was a combination of minor incidents that revealed the inability of the Senate to exercise effective control over political processes in a deeply divided society.<sup>101</sup> Although some magistrates supported the Senate, they were not able to ensure the smooth conduct of elections and to prevent Caesar, Pompeius, and Crassus from influencing their outcome or the distribution of provinces. Ateius Capito, who eagerly wanted to block the departure of Crassus for Syria in 54, failed completely and was only able to curse his enemy.<sup>102</sup> Cato, who repeatedly tried to prevent legislative initiatives by using his filibuster tactic, was also unsuccessful. In 52, all ten tribunes of the year produced a proposal that Caesar should return to Rome as Pompeius' colleague for the remainder of the year. But Caesar persuaded them instead to bring in a bill permitting him to stand for the consulship *in absentia* when the end of his command was approaching, because he had not yet finished his work in Gaul. Again, despite Cato's violent opposition, the bill became law.<sup>103</sup> It is indicative that even such an instrument of the Senate as the *senatus consultum ultimum*, applied as a last resort in 52, 49, 48, 47, 43 (three times) and 40, gradually lost its efficiency.

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<sup>98</sup> Cass. Dio 40.45.1, 40.46.3; Plut. *Cat. Min.* 47.1; *Pomp.* 54.2; *Caes.* 28.4; Vell. Pat. 2.47.3; Cic. *Mil.* 37; Asc. 30C.

<sup>99</sup> Asc. 35–6C; Cass. Dio 40.50.3–5; Evans 2016; Morrell 2018.

<sup>100</sup> For the change of sides on the part of several plebeian tribunes in the decade between 110–99, see Doblhofer 1990. For the case of Curio, cf. Cic. *Fam.* 8.6.3–5; Cass. Dio 40.61.1–3; App. *B Civ.* 2.102–3.

<sup>101</sup> For the demonstrations, suppressed by Pompeius' troops, of the *plebs urbana* during the trials of some adherents of Clodius in 52, see App. *B Civ.* 2.91.

<sup>102</sup> Cic. *Att.* 4.13.2; Vell. Pat. 2.46.3; Plut. *Crass.* 16; Cass. Dio 39.39.5–7; App. *B Civ.* 2.18; Oros. 6.13.1; Seager 2002, 125.

<sup>103</sup> Suet. *Iul.* 26.1. Cf. Flor. 2.13.16; Cass. Dio 40.51.2; App. *B Civ.* 2.25; Seager 2002, 138.

#### 4. The Politicization of Soldiers and the Senate

The events surrounding Caesar's crossing of the Rubicon demonstrate especially clearly the Senate's alarming lack of capacity to take the lead. The problem was not only the senators' decision, at the instigation of the leading *optimates* such as Cato and Lentulus, to avoid any compromise with Caesar but also their miscalculations as to the military situation and their lack of military preparations. Marcellus, the consul in 50, handed over a sword to Pompeius, declaring on this occasion that the *res publica* now lay in Pompeius' hands; but this action did not affect the regular command over the troops, because the consuls of 49, C. Cornelius Lentulus and Domitius Ahenobarbus, made a point of reserving this for themselves. Pompeius had no choice but to negotiate for troops, especially with Ahenobarbus – a frustrating venture that weakened the anti-Caesarian coalition enormously.<sup>104</sup> Moreover, the recruiting difficulties and the general reluctance of the people across Italian communities to wage war against Caesar showed that the Italian population was not ready to entrust their fate into the hands of the Senate, whereas Caesar tried to construct a “big coalition of Roman citizens.”<sup>105</sup>

The overhasty flight of Pompeius and large part of the Senate from Rome to southern Italy had even worse repercussions for the Senate's leadership within the state. To label this operation as an evacuation of Rome and Italy could not really mask the truth that it was only the majority of the Senate and the consuls who tried to save themselves without any care for the Italian population.<sup>106</sup> Cicero's correspondence mainly illuminates the interactions of leading politicians, but some sources give a glimpse into the deep disappointment of Italian cities for having been abandoned by the Senate. It was not only Italy. In spite of all threats uttered by Pompeius and his allies, the towns of Oricum and Apollonia opened their gates to Caesar and his troops, declaring that they could not refuse entrance to the official representative of the Roman People or take a stand that ran counter to that adopted by Rome and the whole of Italy.<sup>107</sup> Clifford Ando aptly commented: “... it is important to see in how many instances the Pompeians operated at the wrong end of the polarity: they deliberated in the provinces; they settled public domestic law arrangements while in camp; they made a mockery of the operation

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<sup>104</sup> Cic. *Att.* 8.11a, 8.12a–d.

<sup>105</sup> Cic. *Att.* 9.8.1, 9.12.3; Caes. *BCiv.* 1.3.6, 2.21.5. Raaflaub 2010, 166–73 correctly described Caesar's approach as forming a big coalition against the *factio paucorum*.

<sup>106</sup> Cic. *Att.* 7.8.5, 7.9.2, 9.19.2.

<sup>107</sup> Seager 2002, 162; Raaflaub 2010; Pina Polo 2019. Santangelo 2019 underlines the active role of local notables in both civil wars.

of electoral institutions; they spoke privately rather than before an assembly. The luxury of their camp was only a trifle, the visible signifier of their profound loss of faith with the institutions they claimed to defend.”<sup>108</sup>

During the next four years, the Romans had a numerically reduced Senate which was as incapable of administering Rome and Italy as Marcus Antonius, the *magister equitum* and Caesar’s representative. When two tribunes, M. Caelius Rufus and P. Cornelius Dolabella, introduced bills to address the debt and rent problem that would have ruined the credit system in Italy in 48 and 47, the rump Senate sought its salvation in the *senatus consultum ultimum*, leading to a massacre among the Roman population by Antonius’ troops and poisoning the political climate further.<sup>109</sup> It was up to Caesar to pacify the situation and care for the most urgent problems such as awards of citizenship or pending lawsuits, after he had returned to Rome in 47. Pardon of the former adherents of Pompeius, a reform of the Roman calendar that had got into disarray, a compromise between the interests of creditors and debtors, the institutionalization of grain distribution in Rome, – in all these actions of Caesar the Senate played a low-key role, as colorfully testified by Cicero.<sup>110</sup> It is therefore not surprising that, despite some unpopular measures, the dictator gradually gained a certain popularity for his leading capacities with the urban population and that the Senate came to be perceived by many as a self-referential group whose benefits for the *res publica* were not obvious.<sup>111</sup>

As a result, after Caesar’s assassination, the conspirators’ plan to announce to the grateful *populus* the restitution of their liberty at a public *contio* failed completely. When Brutus stepped before the citizens to communicate the dictator’s death the reaction of the audience was cold silence, a symbol for the common distrust in the governing capacities of the Roman Senate. The violent outbreaks during Caesar’s burial, probably only partially manipulated by Antonius, showed to the Senate that the feeling of liberation from tyranny was not shared by all and that

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<sup>108</sup> Ando 2019, 187.

<sup>109</sup> Caes. *BCiv.* 3.20.1–22.3; Cass. Dio 42.22–6; *Per.* 111; Vell. Pat. 2.68.1–2; Oros. 6.15.10; Cic. *Att.* 11.12.4; *Per.* 113; Cass. Dio 42.29.1–3; Plut. *Ant.* 9.1–4; *Caes.* 51.3; *BAlex.* 65.1–2; Cic. *Att.* 11.10.2, 11.23.3; *Phil.* 2.71, 2.99, 6.11, 10.22, 11.14; Cass. Dio 45.28.3–4; Dettenhofer 1992, 158–65, 167–75.

<sup>110</sup> Cic. *Fam.* 9.15.1, 13.36.1; Will 1992, 275, n. 41; Färber 2020.

<sup>111</sup> Cic. *Fam.* 9.15.4, 13.4–7, 13.36.1; *Att.* 12.6a.2, 16.16a; Suet. *Iul.* 75.4; Malitz 1987, 62. For Caesar’s powers, see Jehne 1987, 43–190; for the reactions of the senators and the limitations on their activity, see Jehne 1987, 264–85, 407–15.

the senators had only limited opportunities to change this attitude.<sup>112</sup> The conspirators were deeply unsettled and eventually left Rome.

However, the next weeks may have weighed the Senate in the hope of getting the *res publica* back under control, mainly because of the attempts of Antonius to find compromises within the senatorial leading group between the Caesarians, *optimates*, and Caesar's assassins.<sup>113</sup> The Senate's political focus to define the stability of the *res publica* essentially top-down, i.e. via the integration and unanimity of the leadership group, followed a long-established pattern. But times had changed decisively. Recent research has revealed the huge importance of the citizen soldiers especially during these years. Wolfgang Blösel points out that it was especially in the civil wars of 40s and 30s that the potential of citizen rights for the new citizens, scattered all over Italy, became clear. They were integrated into the army as citizens. Their lack of rootedness in the traditional hierarchy of Roman society, Blösel notes, opened up the possibility for the outstanding commanders to instrumentalize them politically, i.e. as citizens, in the fight against the old oligarchy.<sup>114</sup>

This social dynamic is reflected in the developments of the following months, such as Marcus Antonius' switch from a compromise with the tyrannicides towards a quite popular politics in August 44.<sup>115</sup> Ulrich Gotter has plausibly explained this change of attitude with reference to the growing pressure due to the rise of Octavian as Caesar's heir and his intense interaction with the Caesarian soldiers and veterans. Consequently, Marcus Antonius, who until then did not have a real *clientela*, was forced to establish one in order to maintain his chances in the conflict with Octavian. The months until the middle of 43 saw a fierce competition between them for the loyalty of their troops, a loyalty that could not simply be bought. When Octavian announced to his soldiers that he planned to march with them on Rome, 9,000 out of 10,000 freshly recruited soldiers left him immediately. He had to refrain from his plans and assured thereupon the Senate of his willingness to cooperate.<sup>116</sup>

This offer appeared to the Senate a promising solution to its problem of insufficient military capacity, because its plan was to get rid of an all-too-powerful Antonius by a militarization of this conflict during the following months. The initial situation seemed

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<sup>112</sup> Cic. *Att.* 14.10.1; *Phil.* 1.1; App. *B Civ.* 2.126–36; Plut. *Cic.* 42; *Brut.* 19–20.1. Cf. Plut. *Caes.* 67; *Ant.* 14; Cass. Dio 44.22–34; Golden 2013, 121.

<sup>113</sup> App. *B Civ.* 2.133–4; Gotter 1996, 25; Osgood 2006, 12–61.

<sup>114</sup> Blösel 2019, 193–4.

<sup>115</sup> Cic. *Att.* 15.9.1, 15.10, 15.11.1; Cic. *Phil.* 2.109. 5.7–8; Gotter 1996, 53, 84–6.

<sup>116</sup> App. *B Civ.* 3.42; Gotter 1996, 94.

promising:<sup>117</sup> Cicero managed to form a coalition among the provincial governors against Antonius when the latter tried to take possession of his province of Gallia Cisalpina, held until then by Decimus Brutus. Decimus was ordered not to transfer his province to Marcus Antonius; a *tumultus* and a *senatus consultum ultimum* were declared. Through the great coalition that included Munatius Plancus, Asinius Pollio, the consuls Hirtius and Pansa the Senate seemed to have regained the capacity to lead. But this soon proved to be an illusion if only because the Senate had to transfer the control to military actors, without having the possibility to influence further developments.<sup>118</sup>

However, even powerful provincial governors were partially doomed to inefficiency in the military campaigns, because it was the loyalty of the soldiers that mattered in this conflict. Although Antonius was defeated at Mutina, he managed to escape with his troops whereas the victorious Decimus Brutus could not count on his soldiers thereafter, because they were refusing to fight against their comrades.<sup>119</sup> Cicero erroneously considered Decimus' position secured and decided to drop Octavian. The latter reacted immediately and led his soldiers on Rome to demand a consulship from the Senate. When the Senate refused to comply, Octavian's soldiers exerted pressure on the senators, and Octavian received what he wanted.<sup>120</sup>

In the meantime, wavering commanders, such as Munatius Plancus and Asinius Pollio, decided to leave the Senate's coalition in favor of Antonius. Some of them, like Lepidus, claimed to be induced by the behavior of their soldiers.<sup>121</sup> Decimus Brutus was finally deserted by his soldiers and slain by a Gallic chieftain.<sup>122</sup> The formalized alliance between Octavian, Antonius, and Lepidus – the second Triumvirate – decisively deprived the Senate of the capacity to act. The subsequent proscriptions cost the lives of 300 senators and 2,000 knights and broke not only the backbone of the Senate but also its anchoring in Italy, the alliances with the *domi nobiles*.<sup>123</sup>

The Senate's loss of importance as an institution was by no means the result of its complete erosion as a social group. Rather, the senators positioned themselves with surprising coherency during the various phases of the crisis. However, the Senate increasingly proved

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<sup>117</sup> Gotter 1996, 134–46.

<sup>118</sup> Gotter 1996, 173.

<sup>119</sup> App. *B Civ.* 3.76; Cic. *Fam.* 11.14.2.

<sup>120</sup> App. *B Civ.* 3.88–90; Cass. Dio 46.44.2; Gotter 1996, 191.

<sup>121</sup> On Lepidus' explaining his change of sides, see Mitchell in this volume.

<sup>122</sup> *Per.* 120; Oros. 6.18.7.

<sup>123</sup> Suet. *Aug.* 27; Kienast 1982, 34–6; Osgood 2006, 62–107.

incapable of politically managing Rome's complex problems and the interest groups behind them. This led to the phases of political anarchy. The neglected groups of the Roman population therefore saw in men like Pompeius, Clodius, Caesar, M. Antonius or C. Octavius more valid administrators of their needs, rather than in the self-referential grouping of the Roman Senate. As a result, despite its military victory over M. Antonius at Mutina in 43, the Senate lost its power to the triumvirs.

Thereafter, the leadership of the Roman *res publica* went over from the body of the Senate to an individual – Octavian – who, under the Triumvirate, received Italy as an area of responsibility. Just as Sulla had done, Octavian won over a loyal *clientela* by settling his veterans in Italy. Moreover, he ordered the centurions to be integrated into the Italian town councils as decurions.<sup>124</sup> Thus not only did he substitute the *domi nobiles* connected with the *optimates* by his own men, but he also separated the centurions as a new local elite from their former connections with other soldiers, an alliance between the two groups having been sometimes uncomfortable for Octavian. Finally, Octavian introduced his adherents into a Senate traumatized by proscriptions, the horrors of which are so vividly described by Appian.<sup>125</sup>

However, the transfer of political leadership did not yet guarantee the smooth functioning of the administration. The problems consisted not only in continuing conflicts between the triumvirs and Sex. Pompeius.<sup>126</sup> Above all, Octavian had to deal with the problem of how to balance the conflicting interests of different groups. The settlement of his veterans at the expense of sixteen Italian municipalities led to serious unrest in Italy.<sup>127</sup> A further problem remained the grain supply of Rome, threatened by Sex. Pompeius until his defeat in 36.<sup>128</sup>

Although Octavian's reputation remained ambivalent in Italy during the Triumvirate because of his extralegal position and his role in the proscriptions, he gradually acquired the essential administrative power based on his social power over the army, the Italian towns, and his adherents in the Roman Senate, as well as on the material resources available to him. A minor detail allows us to estimate the extent of the change in the transfer of political leadership from the Senate and the political institutions of the *res publica* to Octavian and his patronal authority. In 40, the poet Vergil, threatened by the prospect of losing his paternal property, first

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<sup>124</sup> App. *B Civ.* 4.86, 5.127–8; Cass. Dio 49.13–15; Oros. 6.18.33; Kienast 1982, 50; Osgood 2006, 108–51.

<sup>125</sup> App. *B Civ.* 4.16–18; Cass. Dio 47.14.1–2.

<sup>126</sup> For the role of Sex. Pompeius, cf. Welch 2012.

<sup>127</sup> App. *B Civ.* 5.132; Kienast 1982, 50.

<sup>128</sup> Suet. *Aug.* 16; App. *B Civ.* 5.97–8; Cass. Dio 49.1–3; Vell. Pat. 2.80; Kienast 1982, 47.



turned to the consul Asinius Pollio, to no avail. Thereupon he approached Octavian directly and so was able to retain his possessions.<sup>129</sup>

The leadership of the Roman emperors was based not only on such mechanisms as their control over the Roman army, but also on the failure of the Roman Senate to care for the needs of the wider population. In 23/22, a severe food crisis could be alleviated only by Augustus himself.<sup>130</sup> Augustus tried to integrate the Senate into the tasks of everyday administration of Rome, such as firefighting, but he failed completely and had to turn to his own *familia* and his freedmen instead.<sup>131</sup> In 41 CE, after the assassination of the emperor Caligula, the Senate discussed future political alternatives and some of its members uttered their hope to restore the Republic. However, they failed to get wide support and were discouraged by the spontaneous as well as explicit reactions of the Roman population, who were unenthusiastic about the prospect of the Senate's return to power.<sup>132</sup>

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<sup>129</sup> Verg. *Ecl.* 4.11–14; Osgood 2006, 194.

<sup>130</sup> *Res Gestae* 5; Vell. Pat. 2.89.5; Suet. *Aug.* 52; Cass. Dio 54.1.3; Kienast 1982, 92–3.

<sup>131</sup> Cass. Dio 56.12.1; Kienast 1982, 119.

<sup>132</sup> Joseph. *AJ* 19.3.228.

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**Part VII:**  
**Political Initiative Outside of Rome**

**Late Republican Local Rebellions and Marches against Rome:  
Agency and Initiative in the “Catilinarian Insurgency”\***

*Katarina Nebelin*

**Abstract**

Local insurgencies outside the city of Rome often remained beyond the focus of ancient authors and, consequently, of modern scholarship. The case of the so-called “Catilinarian conspiracy” is a rare exception: on the one hand, it is well documented; on the other hand, the ancient sources are highly biased and give only a blurred picture of the insurgents and their motives. A close analysis of the situation of the participants and of the concrete constellations that may have led to the insurgency can thus not only help us to explore the individual options for political agency and initiative of the rural population, but also to determine the economic and political conditions in the countryside of late republican Italy.

**Keywords**

Catilinarian conspiracy, civil war, Etruria, local insurgency, plebeian agency, political violence, rural plebs, Sallust

Political violence and political murder, violent gangs, proscriptions, and civil war are commonly seen as dominant features of the history of the Roman Republic in the first century.<sup>1</sup> Before, violence had been mostly external and connected with fighting foreign enemies, but now it shifted into the center of the political community. However, Roman politics had always included a considerable amount of violence without threatening the political system,<sup>2</sup> and certain forms of political violence were regarded as legitimate self-defense, whether exercised individually or collectively as popular justice.<sup>3</sup> Moreover, the intensity and extent of violence varied over time and space: there were periods of inner peace, and there were certain regions of Italy that remained relatively unaffected by the outbreaks of political violence occurring in other areas.<sup>4</sup>

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<sup>1</sup> Maschek 2018, 18; more skeptically Walter 2019, 184–90. All dates are BCE.

<sup>2</sup> Fagan 2011, 471–6; Walter 2019, 189.

<sup>3</sup> Fagan 2011, 478–9, 488.

<sup>4</sup> Cf. Witcher 2006; Maschek 2016.

The problem is to move from this general level to a more concrete analysis. Ancient authors focused on the city of Rome, so evidence for political violence outside the political center is often sparse and cursory. Nonetheless, when analyzing the crisis and fall of the Roman republic, it seems essential to extend the focus to all Roman citizens – that is, after the Social War, well over one million men all over Italy.<sup>5</sup> Most of them lived far away from Rome and had little opportunity to participate in the political procedures and rituals that took place in the center.<sup>6</sup> Extremely low rates of political participation were common throughout the history of the Roman Republic.<sup>7</sup> Ancient authors did not regard this as a problem at all, and we do not hear of any articulated complaints of the rural population.<sup>8</sup> Modern scholars often have tended to derive from this alleged passivity a general lack of interest in political participation. As Loonis Logghe puts it, “these descriptions of politics ... do not encompass something like plebeian agency.”<sup>9</sup> By “plebeian agency,” he means the plebeians’ ability for and practical implementation of creative, self-determined, and self-conscious political action.<sup>10</sup> In Logghe’s own eyes, the plebeians were not that passive: he holds that although “the political discourse of the *plebs urbana* acknowledged the elites as representing politics,”<sup>11</sup> plebeians could and did communicate their demands and protests directly by way of organized collective actions.<sup>12</sup>

However, Logghe focuses on the urban plebs, a group that was able to interact directly with the political elite in the public spaces of the city of Rome. The plebeians in the countryside

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<sup>5</sup> In the census of 69, 900,000 adult male citizens were counted (Livy *Per.* 98); the actual number must have been higher, as the census did not register all citizens. The free population is estimated at between around five and more than ten million, depending on the demographic model applied; cf. Morley 2001, 50–2, and the short overview of the scholarly debate in Rosenstein 2007, 75–8; see also Brunt 1971, 94–9; Bispham 2016, 96; Isayev 2017, 13–67.

<sup>6</sup> Scheidel 2006, 215 assumes that around 69, about eighty per cent of the Roman citizens lived “too far away from the center readily to contribute to the political process”; see also Harris 1971, 223, 234–6; Mouritsen 2001, 32–3; Isayev 2017, 346.

<sup>7</sup> Scheidel 2006, 220–2, assumes that during the middle Republic, less than ten percent of the citizens attended the magistral elections, and only one to two percent took part in the legislative assemblies.

<sup>8</sup> Mouritsen 2001, 33–6.

<sup>9</sup> Logghe 2017, 64. A good example is Keaveney 1987, 13: “In general, our sources do not furnish us with much evidence for any kind of sophisticated political thinking among the Italian peasantry. Their role is almost always subordinate and supportive of those who were their lords.”

<sup>10</sup> Logghe 2017, 64–5, 72, 74. More theoretical approaches tend to grasp the term more broadly; for example, Emirbayer & Mische 1998, 962 “conceptualize agency as a temporally embedded process of social engagement.”

<sup>11</sup> Logghe 2017, 72–3.

<sup>12</sup> Logghe 2017, 74–6.

were far away from these spaces; they had to deal mainly with the local elites, and if they wanted to address problems located above the local level, they would have to exert drastic forms of “disobedience,” “subaltern resistance,” and “political violence” in order to get noticed in the center. But what did it mean to participate in acts of violence whose legitimacy were controversial? What reasons were there to participate in them? In the following sections, I will discuss these questions with reference to the so-called “Catilinarian conspiracy” of 63 as a case study. To begin with, I will discuss the reasons of the initial insurgency at Faesulae (1); I will then examine the role of the two “leaders” of the insurgency, Manlius and Catiline (2). I will conclude my paper with a brief overview of the conditions and consequences of Catiline’s support for the Faesulae insurgents and its significance for the history of the late Republic (3).

### **1. The Reasons of the Initial Insurgency at Faesulae**

During the consulship of M. Tullius Cicero and C. Antonius Hybrida in 63, L. Sergius Catilina failed at the consular elections for the second time. In his unsuccessful campaign for the consulate of 62, he had called for *novae tabulae*: a partial cancellation of debts and the reduction of the interest rate.<sup>13</sup> During Catiline’s campaign, Cicero increasingly turned against him, accusing him of planning Cicero’s murder and other crimes.<sup>14</sup> The heated atmosphere of that year led to civil unrest in different parts of Italy, most notably in Etruria.<sup>15</sup> To deal with this situation, the Senate had already on 20 or 21 October passed a *senatus consultum ultimum*, thereby formally advising the consuls to do everything that was necessary to prevent the *res publica* from being harmed,<sup>16</sup> but at first the consuls remained inactive. In this situation, Cicero held his later so-called *First Catilinarian* and drove Catiline out of Rome; the latter fled to Etruria and joined up with the insurgents there.<sup>17</sup> At the beginning of November, the Senate declared Catiline and Manlius, the former head of the insurgency, to be enemies of the Roman

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<sup>13</sup> Cic. *Cat.* 2.18; Sall. *Cat.* 21.2; on this strategy, see Schietinger 2017, 174–6, against Giovannini 1995, 29–32. On Roman measures in fiscal crises in general: Waters 1970, 198; Ramsey 2007, 152.

<sup>14</sup> Schietinger 2017, 180–1. On Cicero’s polemics against Catiline in the previous year, see Schietinger 2017, 165–9.

<sup>15</sup> Waters 1970, 208, 212, with reference to Plut. *Cic.* 10.4. See also Harris 1971, 266; Maschek 2018, 95.

<sup>16</sup> Sall. *Cat.* 29.2–30.2; Cic. *Cat.* 1.3–4; Plut. *Cic.* 15.4; Cass. Dio 37.31.1–2.

<sup>17</sup> Sall. *Cat.* 31.6–32.1.

People,<sup>18</sup> and executed several alleged co-conspirators of Catiline.<sup>19</sup> Several proconsuls were ordered to fight Catiline, who was defeated and killed in the Battle of Pistoria in January 62.

The historicity of these events is undisputed, but the underlying motives, plans, and plots ascribed to Catiline and his companions by ancient authors remain obscure. Our main contemporary sources, Cicero as well as Sallust, regard Catiline as a personification of the corrupted moral situation of his time, which influences the way in which they depict Catiline's associates. Both authors list several catalogues of followers, indicating an effort to categorize and "sociologize" Catiline's conspiracy along objective criteria. However, at the same time they undermine this aim through the repetition of only slightly varying accumulations of the 'usual suspects': notorious criminals and lawbreakers, corrupted reprobates in general, outsiders and losers.<sup>20</sup> A central role is taken by the debtors: squanderers from the highest strata as well as impoverished members of the lowest orders of Roman society, and, most significantly, veterans from the colonies established by Sulla.<sup>21</sup> The wide social range of the conspirators is remarkable.<sup>22</sup> In these descriptions, Catiline and his followers appear as a disparate and inhomogeneous conglomerate among which there cannot have been a strong sense of group identity. According to Kenneth Waters, they either formed "the most inefficient gang of criminals ever assembled outside the pages of comic fiction,"<sup>23</sup> or the whole conspiracy was made up by Cicero, who used it to stylize himself as the savior of the city, thereby drawing level with the leading senators because of the immortal fame attached to the deed.<sup>24</sup> While it is not possible to prove this imputation against Cicero, it seems plausible that Catiline was virtually driven out of Rome and into revolt by Cicero's agitation and concrete actions against him. Therefore, it was not Manlius and the Etrurian insurgents who joined Catiline, but Catiline who joined them after he had fled Rome.<sup>25</sup>

The first, initial step, however, was made by Catiline when he involved some of Sulla's veterans in his consular campaign and addressed their grievances. During his campaign for the

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<sup>18</sup> Sall. *Cat.* 36.2.

<sup>19</sup> Sall. *Cat.* 39.6–55.6.

<sup>20</sup> Cic. *Cat.* 1.25–6, 1.33, 2.7–10, and esp. 2.18–23.

<sup>21</sup> Cic. *Cat.* 2.18–21; Sall. *Cat.* 16.4, 17.2, 28.4; Plut. *Cic.* 14.1–2; App. *B Civ.* 2.2; Cass. Dio 37.30.2.

<sup>22</sup> Ledworuski 1994, 140. See also Sall. *Cat.* 24.3.

<sup>23</sup> Waters 1970, 202, see also 199–204; Nebelin 2014, 838, 851–6. On Catiline's alleged plans, see Cic. *Cat.* 1.12, 1.15, 3.2; Livy *Per.* 102; Plut. *Cat. Min.* 22.1.

<sup>24</sup> Waters 1970, 208–15. This thesis is supported by Cicero's self-appraisal in Cic. *Cat.* 3.26.

<sup>25</sup> Waters 1970, 201: "It may be that Manlius' rising in Etruria had no original connection with Catiline."

consulate of 62, Catiline had alluded to the situation of those threatened by debts and impoverishment, perhaps only incidentally.<sup>26</sup> According to Georg-Philipp Schietinger, Catiline attempted to win over the members of the voting units below the first *classis*, as their support for C. Antonius had cost him the victory in the previous consular election of 64.<sup>27</sup> Consequently, he changed his electoral campaign and introduced a “real” political program that included measures against the debt crisis as well as agrarian reform.<sup>28</sup> This does not mean that Catiline saw himself as a social revolutionary or that he propagated drastic social reforms such as a redistribution of wealth; he himself seems to have regarded his calls for debt relief merely as a “unique selling point.”<sup>29</sup> In addition to this, Catiline had “sent sums of money borrowed on his own credit, or that of his friends, to a certain Manlius, at Faesulae,” as Sallust tells us.<sup>30</sup>

Against Sallust’s assumption, the purpose of this transfer might not have been to secretly recruit an army, but simply to encourage the recipients to participate in the election.<sup>31</sup> Maybe Catiline did already have some connections with the inhabitants of Faesulae and especially with Sulla’s former centurion Manlius, as both had been followers of Sulla.<sup>32</sup> Among the dissatisfied, Catiline’s campaign may thus have raised some expectations – and they were bitterly disappointed when he failed, partly because the consul Cicero delayed the election in order to prevent the rural supporters from participating.<sup>33</sup> So, although the Faesulae insurgency had at first no *direct* connection to Catiline,<sup>34</sup> it might have been affected by his peculiar form of electoral campaigning. But why did that provoke such a radical reaction?

Due to the lack of sources, our understanding of the situation in Faesulae is limited. Generally, we have to allow for a variety of different complementary as well as conflicting

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<sup>26</sup> Sall. *Cat.* 20.8–17; according to Sallust, this speech was held in a secret meeting in Catiline’s private house prior to the consular elections for 63. It is surely made up by Sallust, but he might have integrated set pieces of actual speeches of Catiline; cf. Büchner 1960, 161–2; Ramsey 2007, 117, 122.

<sup>27</sup> Schietinger 2017, 169–76.

<sup>28</sup> Schietinger 2017, 174.

<sup>29</sup> Schietinger 2017, 174–5.

<sup>30</sup> Sall. *Cat.* 24.2: *pecuniam sua aut amicorum fide sumptam mutuam Faesulaes ad Manlium quondam portare.*

<sup>31</sup> Ledworski 1994, 207; Ramsey 2007, 136; Schietinger 2017, 175, 179–80. Sall. *Cat.* 27.1 suggests that Catiline also tried to mobilize support in other regions of Italy.

<sup>32</sup> Cic. *Cat.* 1.7, 2.14, 2.20; Asc. 84C; Plut. *Cic.* 10.2, 14.2–3; App. *B Civ.* 2.2; Cass. Dio 37.10.3, 37.30.5. On Catiline’s connections to Sullan veterans at Faesulae and Arretium: Cic. *Mur.* 49; Plut. *Cic.* 14.2. See also Rosafio 1993, 175; Meisner 2011, 133.

<sup>33</sup> Plut. *Cic.* 14.3; cf. Schietinger 2017, 175, n. 151, 181.

<sup>34</sup> Waters 1970, 201: “It may be that Manlius’ rising in Etruria had no original connection with Catiline.”

factors that determined the conditions in the Etrurian countryside in the first century, as the archaeological evidence indicates. From the late second century onwards, Etruria underwent a wide range of transformations, among them a growing specialization of agrarian production, an overall increase in population and of the land cultivated, a concentration of land ownership in the hands of the rich as well as a certain decrease in smallholders and a spread of tenancy.<sup>35</sup> The enfranchisement of the Italians after the Social War fostered their spatial as well as social mobility,<sup>36</sup> which in turn could contribute to the disintegration of rural societies and undermine the legitimacy of local elites who were not able to fulfil their role as mediators.

At the same time, an endemically high potential for violence and “permanence of brigandage” prevailed in most rural areas.<sup>37</sup> The Civil War and the following confiscations and expulsions conducted by Sulla had left a “legacy of insecurity and fear” within Italy, as Peter Brunt has stated, and although these excesses of violence remained locally as well as temporally limited, they nevertheless affected people’s sense of security in the long term.<sup>38</sup> Many Etrurian communities had supported Sulla’s enemies; they were among his main victims.<sup>39</sup> As Robert Witcher has argued with reference to the archaeological evidence, the region of Faesulae underwent an almost shock-like transformation in the aftermath of the Civil War and Sulla’s colonization program: unlike the southern and coastal areas of Etruria, the north had been relatively free from middle Republican colonies and direct control by Rome; instead, the traditional local elites had remained in power.<sup>40</sup> “The breakdown of that order and rising opposition to Rome coincided with the growing need for land for veteran settlement,”<sup>41</sup> all of which inflicted considerable pressure upon the population.

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<sup>35</sup> Rathbone 1981, esp. 15, 19–22; Rosafio 1993; Morley 2011; Scheidel 2004; Witcher 2006; Benelli 2013, 450; Maschek 2018, 120–44, 160.

<sup>36</sup> According to Scheidel 2004, 20, “one of the most essential characteristics of Roman citizenship was *mobility*” in “four spheres: the military, colonization, private migration to cities, and the integration of slaves.” See also Scheidel 2006, 223–4; Nielsen 2013; Isayev 2017, 31; Cadiou 2018, 393.

<sup>37</sup> Brunt 1971, 109; 551–7; Fagan 2011, 477–8; Rieß 2011, esp. 697–702, 706. Suet. *Aug.* 3.1, 7.1 reports that C. Octavius on his way to his *provincia* of Macedonia in 61 dispersed the remains of Spartacus’ and Catiline’s following, who had occupied the territory of Thurii – which means that a considerable group of bandits, rightly or wrongly associated with the two arch-enemies of the Roman People, had established a stronghold in southern Italy.

<sup>38</sup> Brunt 1971, 304, see also 285–93 and Bispham 2016, 93–6. *Pace* Walter 2019, 189.

<sup>39</sup> Brunt 1962, 73; Waters 1970, 206; Brunt 1971, 305–6; Harris 1971, 258–9; Cadiou 2018, 321.

<sup>40</sup> Witcher 2006, 119.

<sup>41</sup> Witcher 2006, 119.



In this context, it is instructive to take a look at the letter allegedly written by the former centurion Manlius, the leader of the insurgency, as cited by Sallust.<sup>42</sup> The authenticity of this document is dubious, but it at least shows what was considered by Sallust, some twenty years afterwards, to be an adequate description of the conditions in Etruria in 63. The purpose of the letter is, on the level of the historiographical narrative, to explain the motives and demands of the insurgents; on the level of Sallust's protagonist Manlius, it is meant to enter into negotiations with Q. Marcius Rex, the proconsul appointed by the Senate to fight them. It could even have been an attempt to garner the support of a legitimate *imperium*-holder who could convey their interests to the Senate. So, the letter is intended to illustrate as well as to justify the actions of the insurgents; due to this, we might expect generalizations and exaggerations.

In this letter, Sallust's Manlius first invokes his own and his companions' right to arm themselves in self-defense against the usurers and the praetor,<sup>43</sup> who are said to have deprived them of their esteem (*fama*), property (*fortuna*), and sometimes even their homeland (*patria*).<sup>44</sup> This dramatic description refers to a situation well-known among rural smallholders, farming at subsistence level and lacking significant surpluses to such a degree that a poor harvest could suffice to set off a debt spiral.<sup>45</sup> Moreover, the ancient sources indicate that there were two more factors which may have separately or in conjunction affected the inhabitants of Faesulae. On the one hand, Cicero stated that in the year of the insurgency, Italy was suffering from a severe debt crisis.<sup>46</sup> On the other hand, the indebtedness of the insurgents is often explained by their status as former soldiers of Sulla by ancient authors: spoiled by the luxuries of the East, they were alienated from farming and unable to economize.<sup>47</sup> Modern authors have challenged this perception for several reasons: Peter Brunt has underlined that most of the soldiers had a rural

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<sup>42</sup> If the letter actually existed, it must have been written around the beginning of November 63: Waters 1970, 201.

<sup>43</sup> Sall. *Cat.* 33.1. On the role of the praetor: Ramsey 2007, 152; cf. Cic. *Cat.* 2.5.

<sup>44</sup> Sall. *Cat.* 33.1. Ramsey 2007, 151 offers an alternative reading: with the following *sed* emended to *sed<e>*, the term *patria sede* would refer to "ancestral abroad," i.e. "to the loss of property rather than exile or flight."

<sup>45</sup> Cf. Morley 2001, 58.

<sup>46</sup> Cic. *Off.* 2.84: *numquam vehementius actum est quam me consule, ne solveretur*. See also Cic. *Fam.* 5.6.2; Val. Max. 4.8.3; Plut. *Cat. Min.* 18; Cass. Dio 37.27.4. Hollander 2005, 230 states that in the Roman world, debt crises occurred repeatedly and can often "be linked closely to warfare," but not in 63, when Italy was "relatively peaceful." Still, it might have been affected by warfare in other parts of the Roman Empire, cf. Giovannini 1995, 24–8; Ramsey 2007, 95; Santangelo 2007, 185–6.

<sup>47</sup> Cic. *Cat.* 2.20; Sall. *Cat.* 11.4–8, 16.4.

background and were used to farming.<sup>48</sup> Moreover, as Sulla's Eastern campaign had taken only four years, it is unlikely that his men had forgotten how to farm in the meantime.<sup>49</sup> If the veterans were totally incompetent, it is obscure how they could have managed to hold out for fifteen years. David Hollander has pointed out that if the "veterans tended to sell their allotments immediately or employ tenants, there could be no connection between their agricultural abilities and indebtedness."<sup>50</sup> Instead, he suggests that the higher level of monetarization of military service, when compared to the "normal" life on a farm, and the military "practice of liquidating assets such as grain, slaves and cattle in exchange for cash" fostered a risky enterprising behavior.<sup>51</sup> In times of debt crisis, when prices tended to fluctuate heavily, this willingness to speculate could have fatal consequences for those with limited resources and few financial securities.

Regardless of its causes, the consequences of the debt crisis were obvious. Unable to repay their debts, the insurgents faced the "harsh law of debt [which] permitted the creditor to put the debtor in bonds," as Peter Brunt has put it.<sup>52</sup> Dispossession, migration to cities, or sliding into tenancy were possible consequences.<sup>53</sup> In these processes, the existing laws and those who executed them in the name of the *res publica*, namely the praetors, acted as associates of the creditors and usurers. Nevertheless, the momentary crisis is not depicted as unresolvable by Sallust's Manlius. In his letter, he does not promote radical changes, but calls for a return to former patterns of behavior, i.e. the restoration of the protection of the law and a debt relief, just as "your forefathers" (*maiores vostrum*) had done before.<sup>54</sup>

The situation described by Sallust's Manlius thus can be interpreted as a form of "decremental deprivation." This term refers to "settings in which group consensus about justifiable value positions has varied little over time, but in which the average attainable value

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<sup>48</sup> Cf. Brunt 1962, 80–4; Brunt 1971, 310–1; see also Keppie 1983, 123–7. Hollander 2005: 235–6 has argued that soldiers from the poorest segments of society often had worked as farmhands before and were not used to manage a farm on their own; those who came from other regions were ignorant of the local conditions. Nevertheless, it is unlikely that all or most of the veterans had belonged to "the poorest segments of society", as François Cadiou's deconstruction of the "classical" account of the proletarianized post-Marian army has shown (cf. Cadiou 2018).

<sup>49</sup> Brunt 1962, 81; Brunt 1971, 310.

<sup>50</sup> Hollander 2005, 232.

<sup>51</sup> Hollander 2005, 233; see also 234–5.

<sup>52</sup> Brunt 1971, 109; cf. Sall. *Cat.* 33.1. On the legal situation, see Ramsey 2007, 151.

<sup>53</sup> Cf. Sall. *Cat.* 58.13–4.

<sup>54</sup> Sall. *Cat.* 33.2. Manlius is referring to the *lex Valeria* of 86; see Barlow 1980; Hollander 2005, 230; Ramsey 2007, 152.

position or potential is perceived to decline substantially”;<sup>55</sup> according to Ted Gurr, this type of deprivation occurs most often in “‘traditional’ societies and in traditional segments of transitional societies,” which applies well to Etrurian peasants in the first century.<sup>56</sup> However, in the end neither this classification nor any of the other factors mentioned above can suffice, when taken separately, to explain the outbreak of the insurgency at Faesulae. Structural developments and underlying problems were always present, and even punctual events like debt crises occurred repeatedly. In my opinion, these factors allow two conclusions: first, there was a high potential to engage in high risk activities in general, not only among Sulla’s veterans.<sup>57</sup> Second, the course of the insurgency, ending in the Battle of Pistoria, was heavily influenced and fostered by Manlius and Catiline. Without them, the widespread dissatisfaction could well have ended in a short-lived eruption which would perhaps not even have been noticed at Rome.

## 2. The Role of Manlius and Catiline

Cicero as well as Sallust identify Manlius as the leader and mouthpiece of the Etrurian insurgents. His status as a former centurion of Sulla’s army indicates that the insurgents, although not all and presumably not even most of them were veterans of the victorious civil war commander,<sup>58</sup> were reasonable enough to submit to a qualified military leader. The centurions were among the most professionalized segments of Roman republican armies; tried and tested, they had already demonstrated their skills in order to be promoted to this position.<sup>59</sup> Therefore, the veterans were used to following their centurions. Even though they had retired and settled down about fifteen years ago, Manlius’ authority might not have weakened since then, as it was customary in military colonies that centurions received greater allotments than their subordinates, and were often appointed as *duoviri* after the founding of the colony.<sup>60</sup> If

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<sup>55</sup> Gurr 1970, 46.

<sup>56</sup> Gurr 1970, 48.

<sup>57</sup> Another example for this readiness to seek radical solutions, and at the same time for the distress behind it, is reported by Jolivet 2013, 164, who records that in Etruria at the beginning of the first century “there was probably a latent state of agrarian crisis, which caused the exile, all the way to Tunisia, of a group of inhabitants of Chiusi, as evidenced by the inscribed boundary *cippi* of Oued Miliane.”

<sup>58</sup> The ancient sources tend to overestimate the share of Sulla’s veterans in Catiline’s supporters, due to the negative image of Sulla’s confiscations and veteran settlements which made his former soldiers ideal targets of all kind of polemics. See for example Cic. *Agr.* 2.68–70; Sall. *Hist.* frg. 1.48.21–2 (*Or. Lep.*); App. *B Civ.* 2.2; cf. Meisner 2011, 125–7.

<sup>59</sup> Schmitthenner 1960, 12–16; De Blois 2000.

<sup>60</sup> Keppie 1983, 92, 97, 102 and esp. 104–12; see also Cadiou 2018, 317.

this was the case with Manlius, he may have been a member of the colony's decurion council and was one of the notables of the community, which made him an obvious candidate for the leadership of the insurgency.

The Faesulae insurgents thus seem to have relied on established structures of military hierarchy and leadership.<sup>61</sup> However spontaneous their initiative against Rome might have been in the first instance, they followed a proven military leader. In addition to this, although Sulla's veterans were most likely a minority among the insurgents, it seems plausible that they formed a kind of core group. Due to their army background, they must have had a close and long-standing relationship with the leader of the insurgency. As they were former fellow combatants, settled in a largely hostile environment,<sup>62</sup> they formed a close community, associated by shared values and similar living conditions.<sup>63</sup> And finally, as former soldiers they were experienced and well attuned to each other, so that the untrained and undrilled participants in the insurgency were able to orientate themselves around them.

This of course does not imply that there were no other ex-soldiers among the insurgents, as the percentage of Roman citizens who had served in the army once in their lifetime was high.<sup>64</sup> Ancient authors, as underlined before, supposed that Catiline's followers outside the city of Rome included a wide range of individuals, among them the rural poor in general, indebted landholders, runaway slaves and, most prominently, the victims of Sulla's confiscations.<sup>65</sup> Kenneth Waters has pointed out that the composition of this group would have raised some practical problems, because "the victims of the Sullan land-appropriations [...] are now found as bed-fellows with their hated suppressors."<sup>66</sup> And indeed, the ongoing tensions

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<sup>61</sup> See also Makhelaiuk in this volume on *auctores seditionis* – the leaders of mutinous soldiers in the late Republic and early Empire.

<sup>62</sup> On the hostility towards Sulla's veterans, see Cic. *Leg. agr.* 2.68–70; further examples in Keppie 1983, 101–4. On the veterans' "lack of a local support network," cf. Hollander 2005, 236 and Santangelo 2007, 183–4.

<sup>63</sup> Cf. Keppie 1983, 110. This is underlined by De Blois 2000, 17–8; see also Brunt 1971, 294 (with reference to Tac. *Ann.* 14.27.3), 305–7. Santangelo 2007, 180 infers from Gran. Lic. 36.36, that the veterans at Faesulae were settled outside the city walls, within a fortified site (*castellum*), "forming a separate community." However, Licinianus deals with the insurgency of 78; it is not clear what had changed fifteen years later.

<sup>64</sup> Scheidel 2006, 220 assumes that "[m]obilization levels normally oscillated between 10 and 15 per cent of all adult men. In times of crisis, [...] they could rise to 20 to 25 per cent." See also Brunt 1971, 448–51; Scheidel 2004, 5–6, 20.

<sup>65</sup> Sall. *Cat.* 28.4. See also Cic. *Cat.* 2.5, 2.8, 2.10; Cic. *Mur.* 49. Whether Catiline allowed the participation of slaves is dubious; *contra*: Sall. *Cat.* 44.6, 56.5; *pro*: Cic. *Cat.* 3.8, 4.4; Cass. Dio 37.33.2.

<sup>66</sup> Waters 1970, 206.

had led to the riots of 78, when the former inhabitants had attacked the Sullan *coloni*. However, these events had taken place fifteen years ago. Of course, it is possible that inner frictions and tensions had persisted and repeatedly led to unrest, but they attracted no attention in the political center and thus were not reported in our sources. On the other hand, these tensions may have remained under the surface until they broke out again after fifteen years. Then again, the antagonism between the victims and the profiteers of Sulla's land distributions could have weakened over the years, and in 63, the old as well as the new settlers were threatened with impoverishment, indebtedness, and the loss of their land. Although I deem the third option the most probable, we cannot rule out either of the other two, and maybe this would not be appropriate: neither the veterans nor the former inhabitants or the other participants should be regarded as monolithic, static blocs. Instead, we should consider the complexity of the whole constellation at Faesulae.

Catiline's arrival there, around the middle of November, further complicated the situation. Shortly before, the insurgents had (if we follow Sallust) received Marcius' answer to Manlius' letter, in which the proconsul had ordered them to lay down their arms and appeal to the Senate and People of Rome as suppliants.<sup>67</sup> There was little doubt that the representatives of the *res publica* would fight them fiercely. What did the insurgents, among them some former members of the semi-professional republican army, hope for at this moment? Did they really believe that they had a realistic chance to attain more than an honorable death on the battlefield? And what did they expect from Catiline's arrival? After all, these men followed Catiline in what turned out to be a kind of suicide mission. What made them so determined to stay with him until death?

Catiline's role in the insurgency must be examined on two levels: first, it is necessary to explain what he himself aimed at; second, the motives of his followers have to be considered. When he arrived at Faesulae, Catiline was in a state in which he had nothing to lose. Humiliated, driven out of Rome by Cicero, and not able to settle his debts,<sup>68</sup> the best he could hope for was a dishonorable life in exile. According to Sallust, he had left Rome the day after Cicero's *First Catilinarian* speech, allegedly travelling to Massilia; on his way, Catiline sent letters to a number of consulars, stating that he voluntarily went into exile in order to protect the *res publica*

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<sup>67</sup> Sall. *Cat.* 34.1. Maybe some among Manlius' men remembered the ineffective attempts of the envoys of the Faesulae insurgents to negotiate with the Senate: Gran. Lic. 36.36–7; cf. Santangelo 2007, 181–2.

<sup>68</sup> Apart from his electoral campaigns, he was also indebted because he had bribed the judges in his *repetundae* trial in 65 ([Q. Cic.] *Comment. Pet.* 10). On Catiline's debts, see also Cic. *Cat.* 1.14; Sall. *Cat.* 16.4, 35.3; App. *B. Civ.* 2.2; cf. Jehne 1995, 71.

from any “insurrection [that] might arise from his defense of himself.”<sup>69</sup> However, Sallust reports that Catiline, when leaving Rome, had proclaimed to take revenge on his *inimici*.<sup>70</sup> On his way north, along the *via Cassia*, he stopped in Arretium, another Etrurian town which had supported him in the consular elections of that year. There he met with C. Flaminius Flamma, perhaps also a centurion of Sulla’s, and armed the neighboring inhabitants.<sup>71</sup> Afterwards, Catiline “marched with his fasces, and other ensigns of authority, to join Manlius in his camp” at Faesulae, another seventy kilometers north.<sup>72</sup> When the news about this reached Rome, both Catiline and Manlius were declared enemies of the Roman People (*hostes populi Romani*) by the Senate.<sup>73</sup>

Catiline’s behavior seems strange at first sight. Kenneth Waters has pointed out that if Catiline had had an elaborate plan for the invasion of Rome, he would have chosen an inappropriate starting point, as “Faesulae was much too distant for a march on Rome.”<sup>74</sup> Instead, it seems as if Catiline was deliberately moving into areas where he could expect to find some backing – pretty much the same strategy that renegades like Sulla, Marius, Cinna, and Lepidus had pursued before him. This does not mean that at this moment any concerted plan for an invasion of Rome existed. Even after Catiline had taken control over the insurgency, he made no attempt to move towards Rome; instead, he tried to march north and escape to Gaul.<sup>75</sup> Obviously the insurgents did not follow him because he had any clear-cut idea of what he was going to do, but despite the lack of it. Correspondingly, it is highly unlikely that they themselves had a fixed plan about how to proceed.

At the beginning of their insurgency, their main goal may have been to draw attention to their situation. As said before, for dissatisfied rural dwellers it could be hard enough to arouse interest for their problems in the political center. This goal was achieved when Cicero linked

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<sup>69</sup> Sall. *Cat.* 34.2: *ex sua contentione seditio orreretur*. On Massilia, see also Cic. *Cat.* 2.14–16.

<sup>70</sup> Sall. *Cat.* 31.9.

<sup>71</sup> Sall. *Cat.* 36.1. Arretium had been one of the last centers of resistance against Sulla; its inhabitants had at least temporarily been deprived of their full citizen rights, and Sulla had confiscated land there but not distributed it among his followers: Cic. *Att.* 1.19.4; Cic. *Caec.* 97; Plut. *Cic.* 16.1, 4; see also Harris 1971, 261–3, 293–4; Santangelo 2007, 176–80; Bispham 2016, 94.

<sup>72</sup> Sall. *Cat.* 36.1: *cum fascibus atque aliis imperi insignibus in castra ad Manlium contendit*. See also Cic. *Cat.* 1.24 and 2.13; Plut. *Cic.* 16.4; App. *B. Civ.* 2.3; Cass. Dio 37.33.2.

<sup>73</sup> Sall. *Cat.* 36.2.

<sup>74</sup> Waters 1970, 201.

<sup>75</sup> Sall. *Cat.* 56.4, 57.1–5; see also App. *B. Civ.* 2.7; Cass. Dio 37.33.3.

the incidents at Faesulae with Catiline's alleged conspiracy.<sup>76</sup> However, this did not mean that anyone took up their cause. It is striking how Manlius' appeal resembled the petitions of Rome's allies to the Senate, and the answer he received from Marcius Rex points in the same direction: Marcius advised him to supplicate to the Senate.<sup>77</sup> In other words, although the former allies had received the Roman citizenship twenty-five years ago, their ability to raise their issues in the political center had not changed significantly. Therefore, the insurgents' last hope was to win over a representative of the political center for their cause, however questionable his legitimacy might have been.

In this situation, Catiline arrived in Etruria with lictors carrying *fasces* and other symbols of military authority, thus assuming official powers to which he was not entitled, in the obvious attempt to direct them against the *res publica*.<sup>78</sup> The Senate reacted immediately and declared him a *hostis*. At the latest from that moment on, the insurgents clearly stood against Rome, as they followed a renegade member of the political elite.<sup>79</sup> On the one hand, this development ensured them the attention of the center. On the other hand, a violent escalation of the conflict became more and more inevitable. This situation cannot have been new to the insurgents, as a closer look at the recent past of Faesulae and of its inhabitants shows.

Irregular recruitment and wars, violent political struggles, and civil war had taken place at Faesulae not even a generation ago; every insurgent must either have experienced them first-hand or have heard about them from someone directly affected. This holds true for Sulla's veterans, who had followed their commander on his second, perhaps even on his first march against Rome and received their land as a direct consequence of Sulla's warfare in Italy, as well as for the victims of these measures. Moreover, the recruitments of Marius and Lepidus must

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<sup>76</sup> Cic. *Cat.* 1.5, 1.7, 2.20.

<sup>77</sup> See Morrell in this volume on how the provincials – without having to resort to an open rebellion – could occasionally call on Rome to act in a particular way and even influence Roman long-term policy and regulations. For Marcius' advice to the insurgents, cf. Sall. *Cat.* 34.1.

<sup>78</sup> According to Sall. *Cat.* 36, Catiline arrived in Etruria *cum fascibus atque aliis imperi insignibus*. As Sallust does not mention the exact number of Catiline's *fasces*, it is impossible to say whether he assumed consular or praetorian authority. He had been officially entitled to the latter, but this had been years ago. App. *B. Civ.* 2.3 and Cass. Dio 37.33.2 report explicitly that Catiline brought the symbols of *consular* authority with him; in this case, the offence would have been even more obvious.

<sup>79</sup> Waters 1970, 215, n. 48 states that “[t]echnically of course those who fought under Catiline's banner [...] were no longer *cives* but *hostes*.”

also have been remembered at Faesulae.<sup>80</sup> In 88/87, C. Marius had sought refuge in Etruria after Sulla had him declared an enemy of the state; he raised irregular troops there and placed them under the command of Cinna.<sup>81</sup> According to Sallust, Catiline's army at Pistoria fought under the eagle standard "Marius was said to have had in his army in the Cimbrian war."<sup>82</sup> Whether this story was true or not, such reminiscences of Marius must have had some importance for the insurgents, otherwise they would not have referred to him in this way. It is also telling that they explicitly linked their own fight to Marius' most prestigious victory over a foreign foe once believed to be threatening the very existence of Rome. Another reference at hand was M. Aemilius Lepidus, the consul of 78, whose agitation against Sulla's confiscations and veteran settlements had incited the inhabitants of Faesulae to expel the veterans from the newly founded colony there.<sup>83</sup> Lepidus was sent to fight the rioters, but he took over their lead and marched against Rome. After he had been defeated, the rest of his army was taken over by M. Perperna and joined Sertorius in Spain; those who were still alive in 70 only then received their citizenship back.<sup>84</sup>

So, the inhabitants of Faesulae must have known that their struggle against Rome under a renegade commander was risky and would most certainly bring about fatal consequences for them should they not succeed. If they followed Catiline despite this knowledge, they must have had good reasons. What were they? Though Marius' and Lepidus' irregular recruitments in the area of Faesulae can be seen as antecedents of Catiline's activities there, a main difference seems to be that they were opponents of Sulla, while Catiline had supported him. This shift in political orientation could be interpreted as a result of the different composition of the local population in the aftermath of Sulla's expropriations. However, the ancient evidence does not suggest that such a "party" affiliation played a decisive role in the insurgency. Instead, the relationship between Catiline and the insurgents was determined by four factors: his physical presence at Faesulae; the role of internalized social hierarchies; the need to gain direct and

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<sup>80</sup> On the generation-spanning connections of Marius, Perperna and Sertorius to Etruria, see Harris 1971, 192–201; on the events from 78 to 63, see Harris 1971, 284–9.

<sup>81</sup> App. *B. Civ.* 1.67; Plut. *Marius* 41.2; Gran. Licin. 35.6 C.

<sup>82</sup> Sall. *Cat.* 59.3: *aquilam [...] quam bello Cimbrico C. Marius in exercitu habuisse dicebatur*; see also Cic. *Cat.* 1.24, 2.13.

<sup>83</sup> Sall. *Hist.* 1.48 (*Or. Lep.*), 1.65, 1.67.3–8 (*Or. Phil.*); Livy *Per.* 90; Plut. *Pomp.* 16.2–3; App. *B. Civ.* 1.107; Gran. Lic. 36.36–7 C.; Exup. 35–8 Z; Cass. Dio 44.28.2.

<sup>84</sup> Harris 1971, 289, concludes: "Those who had lost land cannot have been greatly consoled by the concessions of 70 and 69."



affirmative support; and the parallels between Catiline's own situation and that of the insurgents.

To begin with, it is crucial that Catiline, just as Marius and Lepidus before him, was personally present on site. Their motives and "agenda" were of secondary importance; what mattered was that all of them drew on already existing, direct relationships with the inhabitants of Faesulae or were able to establish them. As said before, it is likely that the insurgents felt the need to attract attention in the political center and among the political elite. When Catiline arrived at their place, equipped with *fascēs* and other signs of military rank, they submitted to his command. Especially Manlius, the former leader, seems to have accepted Catiline's leading role without hesitation – at least no ancient source says otherwise. From the moment Catiline appears at Faesulae, Manlius is described as his subordinate.<sup>85</sup> This willingness to follow Catiline can be seen as a direct consequence of the strong internalization of socio-political hierarchies and social roles decisive for Roman society. All the insurgents, not only those who had been soldiers once in their life, were used to obeying those standing above them in social and political hierarchies. For them, Catiline still was a patrician of praetorian rank and a *nobilis*.<sup>86</sup>

However, Catiline may have felt it quite hazardous to depend only on routinized patterns of obedience in such an extraordinary situation. As long as there was the slightest possibility that they could refuse to follow him, not only his position but also his life were in immediate danger. After all, Catiline was much more of a "contested" leader than Sulla, Marius, Cinna, or Lepidus, who could all claim that they had been illegally deprived of their command and respectively their political office by their political enemies, whereas Catiline had been a private citizen when he was driven out of Rome. He thus needed, even more than Sulla, Marius, Cinna, and Lepidus before him, the direct and affirmative support of his men. Half-hearted acceptance would not suffice in a situation that required an extraordinarily high amount of mutual trust and loyalty. So, it is likely that the insurgents' willingness to trust Catiline and remain loyal to him might also have been fostered by another factor: the parallels between his situation and their own.

If we assume that Sallust's report is accurate overall, then Catiline's situation resembled their own. Driven out of his home city by powerful and unjust enemies, he was exposed to

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<sup>85</sup> Sall. *Cat.* 56.1–61.9. Cicero explicitly speaks of *Manlius, qui nunc Catilina succedit* in command, as he was of higher military rank (Cic. *Cat.* 2.20); see also Waters 1970, 201.

<sup>86</sup> Although he belonged to a relatively unsuccessful *gens*, as Schietinger 2017, 152–9 has pointed out.

indignity and injustice just like themselves. Sallust quotes a letter that Catiline is said to have sent to Rome on his flight to Gaul; as it was read out publicly in the Senate, its general content may be authentic.<sup>87</sup> In this letter, Catiline combines his struggle for his own dignity with his commitment for “the distressed.”<sup>88</sup> Both motives can be found throughout Sallust’s description of Catiline’s conspiracy.<sup>89</sup> They are also mirrored in the letter of Sallust’s Manlius already mentioned, according to which not only the property and homeland, but also the good esteem (*fama*) of the insurgents had been taken away from them.<sup>90</sup> Manlius then closes his letter with a serious threat: if their grievances are ignored, the insurgents, facing their desperate situation, will have no choice but to die fighting, thereby trying to avenge themselves.<sup>91</sup> What is ultimately at stake is, as said before by Manlius, “our liberty, which no honorable man relinquishes but with his life.”<sup>92</sup> So, although Sallust leaves no doubt that he strongly rejects the goals and methods of Catiline and the insurgents, he nevertheless seems to acknowledge their shared feeling of unjust treatment. We know how most of the insurgents died: their willingness to fight until the end indicates that what was at stake might have been neither exclusively nor primarily material interests. The ideology behind this deed can be derived easily: according to the Roman value system, the (imminent) loss of material property was not only a severe problem in itself, but also brought about dishonor, and a honorable death on the battlefield was more respectable than to accept dishonorable treatment passively. From this point of view, the insurgents were able to derive a certain “pleasure of agency” from the fact that they became active and opposed what they perceived as unjust and degrading treatment.<sup>93</sup>

However, Catiline’s role in this context must not be underestimated. In the last speech Sallust puts into his mouth, Catiline encourages his men to go into battle against the government’s troops by claiming that these soldiers are merely fighting for the “power of a small group” (*potentia paucorum*), while “we fight for our country, for our liberty, for our

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<sup>87</sup> Sall. *Cat.* 34.3. Ledworuski 1994, 246–7 assumes that not the wording, but the general contents of the letter may be authentic.

<sup>88</sup> Sall. *Cat.* 35.3: *iniuriis contumeliisque concitatus, quod fructu laboris industriaeque meae privatus statum dignitatis non obtinebam, publicam miserorum causam pro mea consuetudine suscepi.*

<sup>89</sup> See, for example Sall. *Cat.* 20.2–17 and 58.9–14.

<sup>90</sup> Sall. *Cat.* 33.1.

<sup>91</sup> Sall. *Cat.* 33.5.

<sup>92</sup> Sall. *Cat.* 33.4: *libertatem, quam nemo bonus nisi cum anima simul amittit.*

<sup>93</sup> The concept of “pleasure of agency” was developed by Elisabeth Wood to describe the feelings of dignity, “self-determination, autonomy, self-esteem, efficacy, and pride that come from the successful assertion of intention” of militant peasants in El Salvador fighting against their landlords (Wood 2003, 235).

life.”<sup>94</sup> According to Sallust’s description, the insurgents felt abandoned and expected nothing from the political institutions. This feeling seems to have been increasingly widespread in late republican Italy; as the political system failed to provide solutions to the most urgent problems, confidence shifted to individual members of the political elite. At Faesulae, Catiline’s precarious political status as an outsider determined his specific relationship to his men; it was a necessary precondition for him to take the lead in the insurgency.

Catiline may therefore be described as a “nonconstituted leader,” using a term coined by the political scientist Robert Tucker.<sup>95</sup> According to Tucker, a “nonconstituted leader” is someone whose leading role is not authorized and guaranteed by formal, institutionalized settings. Tucker emphasizes the subversive potential of this form of political leadership: when established structures and authorities fail or at least remain inactive, nonconstituted leaders might “show initiative” and fill in the gap by proposing “a course of collective action to meet the situation.”<sup>96</sup> Of course, this description only partly fits Catiline, as he was not the founder of a social movement and did not propagate any elaborated plan,<sup>97</sup> but merely gave the insurgents the occasion to put into practice Manlius’ announcement that they were ready to die in battle.

The only other perspective that can be elicited from Sallust’s account is the plan to fight their way out north, across the Alps.<sup>98</sup> If they had succeeded, the insurgents could have tried to establish a domain of their own, maybe in Gaul or Spain, as Sertorius had done before them. Another obvious parallel was the later abandoned plan of the rebellious slaves in the Third Servile War to cross the Alps and march to Gaul.<sup>99</sup> These plans, however, failed. After the execution of Catiline’s alleged co-conspirators at Rome, several commanders followed the insurgents and cut off their escape route. Catiline was forced to engage the forces of C. Antonius at Pistoia and was defeated in the battle. At this moment there was no doubt that Catiline and the insurgents acted as violent, potentially dangerous enemies of the state, but their last battle

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<sup>94</sup> Sall. *Cat.* 58.6: *nos pro patria, pro libertate, pro vita certamus.*

<sup>95</sup> Tucker 1995, 85–97. I am indebted to Roman Frolov for drawing my attention to this concept.

<sup>96</sup> Tucker 1995, 85–6.

<sup>97</sup> Schmal 2009, 52.

<sup>98</sup> Sall. *Cat.* 56.4, 57.1–3, 58.4. Ramsey 2007, 220 assumes that he wanted to reach the Allobroges, his alleged allies (see Cic. *Cat.* 3.4–13; Sall. *Cat.* 40–7).

<sup>99</sup> Cicero states that Catiline and his men would have turned to brigandage if they had not been defeated quickly: Cic. *Sest.* 12.

is described by Sallust as civil war.<sup>100</sup> From this moment on Sallust's description of the insurgency changes profoundly, as several modern commentators have noticed.<sup>101</sup> This transformation can be situated on two levels: first, on the level of military organization, second, on the level of Sallust's valuation of the insurgency. Both transformations resulted directly from Catiline joining the insurgency.

Sallust at first uses terms like "multitude" (*multitudo*) or "convention" (*conventus*) when he speaks of the insurgents;<sup>102</sup> Cicero states that Catiline's undertaking must rather be called robbery (*latrocinium*) than war (*bellum*).<sup>103</sup> However, after Catiline has joined the insurgents, Sallust refers to them as soldiers (*milites*), legions (*legiones*), and an army (*exercitus*), and he calls Catiline's military meeting a *contio*.<sup>104</sup> Evidently, Catiline's presence changed the way the insurgents were perceived and valued by Sallust – and, one might assume, also by their contemporaries at that time. Furthermore, his arrival at the insurgent's camp also changed their practical organization. Sallust describes Catiline's arrangements in detail: he "formed two legions" out of Manlius' men and those he himself had brought from Arretium, and filled up the cohorts with new recruits and volunteers, so that in the end he had the regular two consular legions.<sup>105</sup> These numbers must be exaggerated, as otherwise Catiline would have been able to recruit up to another eight to ten thousand men.<sup>106</sup> Most of the new recruits were not properly armed, which supports the assumption that they were no veterans, who would have brought

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<sup>100</sup> See below.

<sup>101</sup> Ledworuski 1994, 287.

<sup>102</sup> Cf. Sall. *Cat.* 30.1–2; see Ledworuski 1994, 288–91. The commander of the government's legions tells his soldiers in Sall. *Cat.* 59.5 that they are fighting *contra latrones inermis pro patria*.

<sup>103</sup> Cic. *Cat.* 1.27; see also 2.24. Cicero frequently speaks of Catiline's *impium bellum ac nefarium*: Cic. *Cat.* 1.33; see also 3.16; cf. Ledworuski 1994, 291; Nebelin 2014, 875–6. On the general use of the term *latro* for individuals and groups who were stigmatized and denied the status of equal opponents, see Rieß 2011.

<sup>104</sup> Sall. *Cat.* 52.25, 52.35, 56.1–2, 57.6, 59.3, 61.1.

<sup>105</sup> Sall. *Cat.* 56.1–2: *dum ea Romae geruntur, Catilina ex omni copia, quam et ipse adduxerat et Manlius habuerat, duas legiones instituit, cohortis pro numero militum conplet. deinde, ut quisque voluntarius aut ex sociis in castra venerat, aequaliter distribuerat, ac brevi spatio legiones numero hominum expleverat, quom initio non amplius duobus milibus habuisset.*

<sup>106</sup> Waters 1970, 207; see also Sall. *Cat.* 56.2; App. *B. Civ.* 2.7; Cass. Dio 37.39.1. Many deserted Catiline when they heard about the executions of Catiline's alleged co-conspirators at Rome: Sall. *Cat.* 57.1; Plut. *Cic.* 22.5.

their own weapons with them.<sup>107</sup> Nevertheless, Catiline managed to arrange them in military order.

In Sallust's account of the conspiracy, Catiline thus brought order and organization to Faesulae. Before he arrived there, the insurgents did not have a "proper," qualified leader – that is, in Roman thought, a member of the political elite. Only Catiline's leadership skills transformed the Faesulae insurgents from a disorderly multitude into a well-organized army that was able to wage a "proper" war.<sup>108</sup> Subsequently, they could be regarded as legitimate enemies, not merely rural rioters and brigands. This typical Roman belief in the inability of large groups to organize themselves without elite leaders may have worked in two ways: on the one hand, it influenced the perception of Catiline's followers by contemporaries, on the other hand, it may have affected the insurgents themselves as well. After all, they shared the common assumption about the necessity of hierarchies and fixed command structures. Catiline did exactly what they expected from him when he turned them into an orderly army. If he had not taken the lead in their revolt, maybe they might never have dared to face a battle against a Roman army.

### **3. The Conditions and Consequences of Catiline's Support for the Faesulae Insurgents**

In civil wars, "contested leadership" is a common phenomenon. Usually the claims and demands as well as the leaders of one conflict party are challenged by the other side and *vice versa*. This ambiguity may, under certain conditions, strengthen the position of the "followers," as it can enable them, at least in theory, to opt for one of the conflicting parties.<sup>109</sup> But this could hardly compensate for the fact that ambiguous political activities such as illegitimate warfare, riots, and civil wars are high risk activities. Usually, participants in such activities risk losing not only their social position and reputation, but also their lives.<sup>110</sup> That the insurgents at Faesulae were willing to fight against Rome may thus give a glimpse of the conditions in the

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<sup>107</sup> Not properly armed: Sall. *Cat.* 56.3, 59.3 – which contradicts his earlier statement that Catiline's supporters had secretly built up depots of weapons all over Italy in Sall. *Cat.* 24.2.

<sup>108</sup> Ledworuski 1994, 300 discusses Sallust's description of the *virtus* that Catiline and his followers revealed in battle.

<sup>109</sup> Kalyvas 2006, 94 points out that "election makes a poor analogy for civil war," as local conditions, relations of allegiance, and violence restrict a free choice for one side.

<sup>110</sup> On the high number of casualties in the Battle of Pistoria, see Sall. *Cat.* 61.5–6. What happened to those who survived may be illuminated by Suet. *Aug.* 3.1, 7.1 (see above).

Italian countryside. Being deprived of what they thought to be rightfully owed to them,<sup>111</sup> they felt compelled to restore their dignity and take revenge. Due to the sparse evidence, it is impossible to determine the frequency of such outbursts. In any case, when Cicero linked the alleged conspiratorial activities of Catiline to the upheaval at Faesulae and thus provoked Catiline to fly there and take the lead in the insurgency, this was a combination of unique circumstances.

Even so, the so-called “Catilinarian conspiracy” can shed some light on the problems that persisted in late republican Italy. The enfranchisement of the Italians after the Social War and their equal enrolment in the tribal voting units had been “a political revolution for a city-state like Rome,” as Harriet Flower has underlined.<sup>112</sup> However, the institutional setting as well as the political practices remained unchanged; no serious attempts were made to integrate the rural population living at considerable distance from Rome into the political routines carried on in the political center. Most of the time, this had no direct consequences, but in times of crisis the widespread lack of trust in the political institutions and procedures was manifest. According to Sallust’s description, the Faesulae insurgents were convinced that a violent escalation of their upheaval was the only way to draw the center’s attention to their desperate situation. Maybe the most serious problem of “Catiline’s conspiracy” was that the insurgency at no point really threatened the political center and could be oppressed quite easily. This obscured the fact that the underlying problems had not been solved. Furthermore, it confirmed the idea that it was not the political institutions but only dedicated individuals who would at least try to minister the most pressing problems of the rural population.

This development can be seen as typical for times of internal conflict and civil war, in which “the general image of the social is questioned,” so that “other fields of institutional trust are also questioned, while personal trust remains unquestioned.”<sup>113</sup> In accordance with this, the insurgents’ willingness to follow Catiline was fostered by his presence at Faesulae and the direct relationship between him and the insurgents. Although it seems as if the insurgents had at first acted on their own initiative, they submitted to Catiline when he arrived in their camp and

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<sup>111</sup> Gurr 1970, 23, defines “relative deprivation” as “the tension that develops from a discrepancy between the ‘ought’ and the ‘is.’” For a reflection on the grievances that led to the increasing loss of trust in the late Republic, though basically elite-centered, see Timmer 2017, esp. 260–6.

<sup>112</sup> Flower 2010, 82.

<sup>113</sup> Förster 2014, 50; he draws this conclusion from his analysis of civil war conditions in Côte d’Ivoire. On the importance of “familiarity” for the maintenance of trust in interpersonal wartime relationships see Förster 2014, 57.

brought with him the traditional signs of imperial supremacy. Nevertheless, their dependency was mutual. Catiline was formally not entitled to carry the *fascēs* or command an army and was declared an enemy of the state; he depended on them to accept his illegally assumed position. In this situation, he could not rely on institutionalized habits of obedience but had to gain their support actively. So, Catiline's specific situation simultaneously required and enforced his leadership skills. Not even fifteen years later, Caesar and, after him, Antony and Octavian were in a similar situation – and they were more successful than Catiline.

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## Petitioning for Change in the Republican Empire\*

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### Abstract

This chapter examines some ways in which initiatives on the part of Rome's allies could help to shape the practice of Roman imperial governance. In the second and first centuries BCE, allies and provincial communities regularly petitioned Rome for the grant of privileges, redress of grievances, and, sometimes, regulatory change. Petitions and embassies could work indirectly to shape Roman policy, as in 169, when the Senate responded to allied complaints by introducing new general rules on requisitioning by Roman commanders. But allies also took the initiative in seeking specific changes, as in the case of the Hispanian embassy of 171, which sought and obtained new regulations on the collection of the grain tithe, and a Sicilian petition of 71, which proposed new rules on the collection of money for statues and prosecution in absentia. Furthermore, the Hispanian case and a *senatus consultum* on Stratonikeia of 81 reveal willingness, on the part of the Senate, to effectively ratify proposals presented to it by allied ambassadors. These and other examples suggest a consultative dimension to Roman imperial governance that seems to have gone beyond Hellenistic practice and perhaps gives some substance to the Roman rhetoric of provincials as *socii* (partners or allies).

### Keywords

Roman provinces, embassies, petitions, allies, *senatus consultum*, initiative, governance, cities

When Romans of the late Republic spoke or wrote about their empire, they tended, naturally, to adopt a Rome-centric perspective.<sup>1</sup> Cicero famously described Rome's dominance of the Mediterranean world as a *patrocinium* that had lately degenerated into exploitative *imperium* (*Off.* 2.27). In fact, the common term *socii*, used of provincials and allies alike, suggests a relationship of (unequal) partnership, rather than subjection.<sup>2</sup> Nonetheless, Cicero's speeches

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<sup>1</sup> Cf. Richardson 2008 and Lavan 2013 on the Roman language(s) of Empire. All dates are BCE.

<sup>2</sup> See, e.g., Brunt 1990, 219; Lavan 2013, chapter 1 (stressing, however, its exclusivist implications); Morrell 2017, 8. Cf. Nicols 2014, 187 on *hospitium*, which implied near equality, even if the reality was far from that.

and letters commonly treat provincials as clear subordinates, who would get what they were given, in terms of Roman rule and taxation<sup>3</sup> – although it was in Rome’s interests to ensure a reasonable standard of treatment.<sup>4</sup> A similar perspective prevails in much scholarship on Roman imperialism during the Republic.<sup>5</sup> It is with the arrival of the principate that we see expanded scholarly interest in “outside-in” dynamics of Roman governance.<sup>6</sup> Yet, even the “petition-and-response” model of imperial administration is largely a top-down one, where Roman emperors or officials act on provincial complaints, rather than any kind of partnership in imperial problem-solving.<sup>7</sup>

This chapter suggests another side to the story by examining how petitions from Rome’s allies during the Republic helped to shape the practice of imperial governance, whether indirectly – that is, by prompting Rome to act – or more directly, by actually requesting specific changes to administrative practice or even Roman law.<sup>8</sup> There were of course other ways in which foreigners could seek to influence Roman decision-making, notably through patronage or guest-friend relationships, and indeed such relationships played a key role in the petitioning

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<sup>3</sup> E.g., Cic. *QFr.* 1.1.33–4 (SB 1); *Flac.* 19.

<sup>4</sup> Cf., e.g., Kallett-Marx 1995, 340; Griffin 2008, 101–2; Morrell 2017, esp. 13, 61, 191. That is not to deny a considerable degree of concern for and responsiveness to the interests of the allies, reflected, for instance, in the development of the extortion law and other attempts to grant redress to wronged provincials, or a text such as the *lex de provinciis praetoriis*, which commences with a statement of intent, that “the citizens of Rome and the allies and the Latins, likewise those of the nations who are friends of the Roman People may sail in safety and obtain their rights” (Crawford 1996, no. 12, Cnidos copy, col. II, ll. 6–11: οἱ τε πο- | λῖται Ῥωμαίων οἱ τε σύμμαχοι, ὀνόμα- | τος Λατίνου, ὁμοίως τε τῶν ἔθνῶν οἷτι- | νες ἐν φιλίαι τοῦ δήμου Ῥωμαίων εἰσίν, | ὅπως μετ’ ἀ[σ]φ[α]λείας πλοῦζεσθαι δύνων- | ται καὶ τῶ[v] δ[ι]καίων τυγχάνωσιν; trans. M. H. Crawford).

<sup>5</sup> Including my own previous research, which has focused on Roman efforts to improve provincial governance (Morrell 2017).

<sup>6</sup> The more general shift or expansion of scholarly interest between Republic and Empire is reflected, for instance, in Hoyos 2013 and Champion’s 2004 sourcebook, where chapters treating the provinces, frontiers, Romanization, etc. generally focus on the imperial period.

<sup>7</sup> The essentially “reactive” “petition-and-response” model is associated particularly with Fergus Millar. Edmondson 2015 and Ando forthcoming stress the active role of the emperor. In fact Millar 1992, 253 characterized the majority of imperial pronouncements as “responses to initiatives from others”; however, a distinction can be drawn, as I do below, between initiatives that merely identify a problem and those that propose a solution.

<sup>8</sup> Diplomacy in the Republic is the topic of an extensive bibliography (note, e.g., Eilers 2009 and Canali De Rossi’s ongoing catalogue, *Le relazioni diplomatiche di Roma*); however, I have found little discussion of this kind of non-Roman initiative.

process.<sup>9</sup> But my focus here is on embassies and petitions – that is, on formal requests for rights, remedies, and (sometimes) regulatory change – from provincial communities and “free cities” within Roman *imperium*.<sup>10</sup>

The practice of foreign communities sending delegations to Rome was a longstanding one (and certainly not unique to the Roman period). For the most part, these embassies concerned the rights and privileges of particular cities. A letter of the consuls of 73, M. Terentius Varro Lucullus and C. Cassius Longinus, preserved at Oropos in Boeotia, offers a detailed example of the process that might be involved even in upholding existing rights.<sup>11</sup> In 74, the city of Oropos sent an embassy to Rome to protest the actions of the *publicani*, who had attempted to exploit land belonging to the temple of Amphiaraos, in violation of privileges previously granted by Sulla.<sup>12</sup> The Senate referred the matter to the consuls and a *consilium* of fifteen senators, who decided in favor of the Oropians (in October 73, at least ten months after the Oropian embassy). The consuls then wrote to Oropos, communicating their decision and the corresponding *senatus consultum*; the letter also quotes the *lex censoria*, Sulla’s original grant of land to the temple of Amphiaraos, and a *senatus consultum* of 80 confirming that grant.

Another conventional sort of petition was the request for new privileges. Around 190, for example, the city of Delphi sent an embassy asking that Rome grant inviolability to the temple of Pythian Apollo, ratifying on-the-spot arrangements made by M. Acilius Glabrio in 191. The Senate granted the request, and in 189 the praetor Sp. Postumius Albinus sent letters to Delphi

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<sup>9</sup> Cf., e.g., Badian 1958, esp. 160–1; Eilers 2002, 85–95; Jehne 2009, 159; Westall 2015 (see also Nebelin’s chapter in this volume on aspects of communication and representation in an Italian context). Consultation (formal or informal) between Romans and locals was another channel for provincial input. Badian 1958, 88 gives the example of the Senate calling on King Eumenes for advice on the settlement of Asia in 190/189 (Polyb. 21.18.9). The senatorial commission charged with setting up the province of Asia c. 133 consulted with locals including the βουλευτήριον of Pergamon (SEG 50.1211; Meonodoros, honored in the inscription, afterwards showed *παρρησία* in his dealings with M. Aquillius). Later, Theophanes of Mytilene was able to secure immunity for the city through his influence with Pompeius Magnus (on which see, most recently, Santangelo 2018). The circumstances are obscure, but in this case the initiative may well have belonged to Theophanes. E.g., Mytilene honored Theophanes “who recovered | from the common benefactors, the Romans | the city and its territory and its ancestral freedom” (Robert 1969, 52–3: ἀνακομισσάμενον | παρὰ τῶν κοινῶν εὐεργετῶν Ῥωμ[αίων] | τὰν τε πόλιν καὶ τὰν χώραν | πάτριον ἐλευθερίαν, trans. S. M. Burstein). Plut. *Pomp.* 42.4 states that Pompeius granted freedom to Mytilene διὰ Θεοφάνη. Anastasiadis 1995, however, relates Pompeius’ decision to his policy of *clementia* rather than Theophanes’ influence.

<sup>10</sup> On the status of free cities, see, e.g., Lintott 1993, 36–40.

<sup>11</sup> RDGE, no. 23. For other examples, see *Alabanda* 2; Reynolds 1982, no. 5.

<sup>12</sup> On the dispute, see, e.g., Wallace 2014, 62–9, arguing that it concerned land ownership rather than taxation.

and the Amphictionic League, communicating the decision (RDGE, no. 1). Both these sorts of requests – for the upholding of privileges, and for the grant of new privileges – precisely parallel the sorts of petitions sent by cities of the east to Hellenistic kings, of which various examples may be found (for instance) in Welles’ collection of *Royal Correspondence*.<sup>13</sup> So far, then, the practice of provincials petitioning Rome seems to represent a continuation of Hellenistic practice.

Matters become more interesting where we find communities calling on Rome to act in a particular way – that is, where the request concerns not only the desired outcome, but also the means by which Rome should bring it about. Indeed, such cases can be seen as attempts to intervene in Roman processes of governance and decision-making. One example is an embassy from the free city of Stratonikeia in 81.<sup>14</sup> Sulla had rewarded Stratonikeia for its loyalty during the Mithridatic war by confirming the privileges the city had enjoyed before the war, including autonomy and immunity, and conferring on it additional territories and revenues. After Sulla’s return to Rome, the city sent envoys to secure confirmation of Sulla’s beneficence and to request further privileges, as well as assistance in recovering property and citizens lost during the Mithridatic war. So far, the embassy was conventional enough (although the extent of favor shown to Stratonikeia was striking and a pointed reminder to other cities of the rewards of loyalty to Rome).<sup>15</sup> Interestingly, however, the Stratonikeians’ request for assistance specifically asked “[that] the Senate should issue instructions to the magistrate going to Asia to see to and to turn his attention to (this), that he should see to the restoration of things proved to be theirs, and that their men captured in war should be restored to them.”<sup>16</sup> Further, the Stratonikeians requested that envoys from the city should be given audience before the Senate outside the regular procedure (Il. 65–6).

The Stratonikeians got what they wanted, and in fact the *senatus consultum* passed in response corresponds closely to the envoys’ requests, only expressed in somewhat more precise

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<sup>13</sup> E.g., Welles 1934, no. 15, a letter of Antiochos II to Erythrae, granting the city’s request for autonomy and immunity from taxation.

<sup>14</sup> RDGE, no. 18. Further examples are discussed below.

<sup>15</sup> See, e.g., Santangelo 2007, part II, chapter 1, on Sulla’s generally harsh settlement of Asia after the war, and 51 on the privileged position of Stratonikeia.

<sup>16</sup> RDGE, no. 18, Il. 60–4: [ὅπως] | ἡ σ[ύγ]κλ[ητος τῶι ἄρ]χοντ[ι τ]ῶι εἰς Ἀσίαν πορευομένοι ἐντολὰς | δῶι, ἵνα φρο[ντίς]ηι καὶ ἐπιστροφὴν ποιήσῃται, ὅπως τὰ ἐμφανῆ | αὐτοῖς ἀποδοθῆναι φροντίσῃ, τοὺς τε αἰχμαλώτους | κομίσωνται περὶ τε τῶν [λ]οιπῶν ἵνα τύχωσι τῶν δικαίων· (trans. R. K. Sherk).

language.<sup>17</sup> Thus, the Senate confirmed that Stratonikeia should enjoy its former privileges as well as the new territories and revenues assigned by Sulla (RDGE, no. 18, ll. 91–9). Likewise, it decreed that “whatever proconsul at any time is in charge of the province of Asia shall investigate what things are missing, who stole them, and who (now) possesses them, so that he may see to it that they are recovered from them and restored, and that their prisoners of war they shall be able to recover, and in regard to the other matters shall obtain justice, as may seem to him to be in keeping with the interests of the Republic and his own good faith.”<sup>18</sup> The Senate also agreed to hear embassies *extra ordinem*.<sup>19</sup> Two points here are worth emphasizing: first, that the Stratonikeians approached Rome seeking not only particular outcomes but a particular *senatus consultum*, and one actually giving directions to Roman magistrates; this suggests, furthermore, some familiarity with Roman ways of doing things.<sup>20</sup> Second, the Senate complied with their requests, in terms that seem to essentially ratify the envoys’ proposal.

Of course, we cannot know how far Roman supporters helped to formulate the terms of the Stratonikeians’ request. Much lobbying and behind-the-scenes activity took place before embassies received a hearing.<sup>21</sup> There is even evidence of Roman senators prompting or

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<sup>17</sup> Note particularly the different designations of the governor of Asia at l. 61 and ll. 114–15 (compare, e.g., the various renderings in the *lex de provinciis praetoriis*, Crawford 1996, no. 12).

<sup>18</sup> ll. 114–22: ἀνθύπατος ὅστις ἂν ἀεὶ Ἀσίαν ἐπ[αρχεῖαν] | διακατέχη, ἐπιγνώτω ἅτινα αὐτοῖς ἄ[πε]στιν | οἳ τέ τινες ταῦτα διήρπασαν οἳ τέ τινες δ]ιακατέ-|χουσιν αὐτά, ἵνα παρ’ αὐτῶν ἀποδοθῆναι ἀποκατα-|σταθῆναι φροντίση· ἵνα τε τοὺς αἰχμαλώτους | ἀνακομίσασθαι δύνωνται· ὑπέρ τε τῶν λ[ο]πῶν | πραγμάτων τῶν δικαίων τύχουσιν ο[ὔ]τ[ω] κα]θὼς ἂν | αὐτοῖς ἐκ τῶν δημοσίων πραγμάτ[ων] πισ]τεῶς | τε τῆς ἰδίας φαίνεται (trans. R. K. Sherk).

<sup>19</sup> ll. 129–31. The text here is heavily restored, on the basis of ll. 65–6.

<sup>20</sup> There are parallels between what the Stratonikeians requested (and the Senate decreed) and other cases where the Senate directed magistrates to see to the recovery of persons or property. In 172, the Senate directed the praetors C. Licinius and Cn. Sicinius to restore the freedom of Ligurians sold into slavery by M. Popilius Laenas and to grant them land beyond the Po (Livy 42.22.5; cf. 43.4.12–13 for a similar case concerning the Chalcidians in 170). The later *lex Antonia de Termessibus* (Crawford 1996, no. 19) charged Roman magistrates and promagistrates with facilitating the recovery of free persons and slaves lost by the citizens of Termessus Maior during the Mithridatic war.

<sup>21</sup> See, e.g., Ferrary 2007, who notes that the actual hearing in the Senate was only the culmination of a long process of lobbying (116), in which patrons were particularly important (121). For instance, a decree of Abdera honoring ambassadors from Teos describes the envoys’ daily lobbying of senators in their homes, in an attempt even to secure a hearing in the Senate (Syll.<sup>3</sup> 656); Livy 42.14.6–9 records the unsuccessful efforts of a Rhodian ambassador *per patronos hospitesque* to secure the opportunity to debate Eumenes II in the Senate. In addition, many envoys could call on the hospitality of Roman senators (see, e.g., Livy 42.1.9 and Westall 2015, 28, with further examples; cf. Nicols 2001) – a potential context for informal “brainstorming.” Such interactions between

manipulating allied ambassadors to raise particular grievances or make particular requests.<sup>22</sup> In the case of Stratonikeia, Sulla himself supported the envoys, whose requests in large measure confirmed his own arrangements.<sup>23</sup> Yet, whatever happened behind the scenes, the terms of the *senatus consultum* (and Sulla's letter relaying it to the city) are striking in the initiative they attribute to the Stratonikeians, especially as regards the directions to the governor of Asia. In effect, a Roman dictator and the Roman Senate chose to present themselves, in an official document, as responsive to allied suggestions about how Roman senators and magistrates should do their jobs<sup>24</sup> – and this document was subsequently displayed in prominent place on the wall of the temple of Hekate.<sup>25</sup> It is also worth noting that the provision concerning restitution of property and prisoners of war in the Senate's decree was formulated not as a "one-off" measure, but as a direction to all future governors of Asia.<sup>26</sup>

As interesting as it is in terms of form and process, in substance the Stratonikeian case was limited, like more conventional petitions, to the interests of a particular community. There are examples, however, where one city's petition brought more widespread benefits (whether that was the original intention or not). One is a *senatus consultum* of 169 (Livy 43.17.2), which was probably prompted (in part) by an Athenian embassy the year before.<sup>27</sup> The Athenians complained that the consul P. Licinius and the praetor C. Lucretius had demanded 100,000 measures of grain, even though the city's land was so poor that they relied on imported grain to feed their own farmers; on the other hand, the consul and praetor had made no use of the ships and soldiers Athens had supplied (Livy 43.6.1–3). Another possible prompt was an

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patrons and ambassadors (especially those who made multiple embassies) probably helped to build a cohort of ambassadors conversant in Roman politics and law; see below for some possible examples.

<sup>22</sup> E.g., Livy 38.42 states that M. Aemilius primed Ambracian envoys with accusations, in order to provoke hostility towards M. Fulvius; Appian *B Civ.* 1.23, 34 claims that it was C. Gracchus and Fulvius Flaccus who first stirred up the Italian allies to demand citizenship.

<sup>23</sup> Sulla convened the Senate and spoke for the Stratonikeians (ll. 18–19, 74); he was also charged with implementing various provisions of the *senatus consultum*.

<sup>24</sup> We might contrast Roman responses to the Egyptian king Ptolemy XII Auletes in 57–56. When Ptolemy travelled to Rome in 57, seeking assistance in recovering his throne, the Senate heard his request in the usual fashion and voted for his restoration. However, Ptolemy's subsequent efforts to manipulate the Senate's decision as to *who* would restore him aroused outrage, compounded by his use of bribery and the murder of the Alexandrian ambassadors. See Morrell 2017, 127 and 2019b.

<sup>25</sup> Cf. Santangelo 2007, 51–2.

<sup>26</sup> Note ἀεὶ in l. 114.

<sup>27</sup> Cf. Ferguson 1921, 93; Drogula 2015, 279.



embassy from Abdera, earlier in 170: the Abderans complained that the praetor L. Hortensius had demanded money and grain, then proceeded to sack their city when they asked for time to send ambassadors to the Senate about the matter.<sup>28</sup> In 169, the Senate’s response was a decree in general terms, “that no one should contribute anything to Roman officers for the war except what the Senate should have voted.”<sup>29</sup> Livy and Polybius make clear that the *senatus consultum* applied throughout Greece;<sup>30</sup> indeed, from the wording of the decree (*ne quis ullam rem in bellum magistratibus Romanis conferret ...*), it would appear that it applied everywhere. Furthermore, rules on requisitioning were subsequently incorporated in legislation regulating magistrates in the provinces, including a *lex Porcia* of the late second century and eventually the *lex repetundarum*. These laws can be seen as codifying earlier, piecemeal measures, such as the *senatus consultum* of 169.<sup>31</sup> Thus, although there is no indication that the Athenians or any of the other envoys specifically asked for new regulations of this kind,<sup>32</sup> the decree is an

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<sup>28</sup> Livy 43.4.10; cf. Briscoe 2012, 448. The Senate had already made specific arrangements in the case of the Abderans (Livy 43.4.11–13). The Athenians and Abderans were only two of a number of embassies to approach the Senate in 170 (cf. Livy 43.6.1).

<sup>29</sup> Livy 43.17.2: *ne quis ullam rem in bellum magistratibus Romanis conferret, praeterquam quod senatus censuisset* (trans. A. C. Schlesinger). Polyb. 28.13.11 also records the decree: ... τῷ τῆς συγκλήτου δόγματι τῷ κελεύοντι μηδένα προσέχειν τοῖς ὑπὸ τῶν στρατηγῶν γραφομένοις, ἐὰν μὴ τοῦτο ποιῶσιν κατὰ τὸ δόγμα τῆς συγκλήτου (“the *senatus consultum* which enjoined that no one should attend to requests made by commanders, unless they were acting by a decree of the Senate”; trans. W. R. Paton); cf. 28.16.1. The phrasing of the decree is interesting, in that (unlike later rules, including the *lex repetundarum*) it addresses itself to the allies, rather than to Roman magistrates. The intent, perhaps, was to increase the likelihood of compliance by giving the allies a solid reason for refusing illegitimate demands in the first place, rather than relying on the uncertain prospect of later restitution (efforts by the Senate in recent years to return the property of mistreated allies had met with only limited success; see Livy 43.2 and below on the Hispani in 171). Shortly after the decree was passed, Polybius (as hipparch) invoked it to spare the Achaean league the expense of supplying 5,000 troops requested by Ap. Claudius Centho, without the Senate’s authorization (Polyb. 28.13.6–13). The episode was bound up with Roman politics (tension between Claudius and Q. Marcius Philippus); nonetheless, Polybius’ actions probably reflect how the *senatus consultum* was intended to be used.

<sup>30</sup> Livy 43.17.2 and Polyb. 28.3.3 and record that the envoys C. Popilius and Cn. Octavius conveyed the *senatus consultum* to Thebes and all the cities of the Peloponnese. Livy states that the decree inspired confidence for the future (43.17.3); it was at least intended to secure the loyalty of Greece (Polyb. 28.3.2–3). On the relationship between Livy’s and Polybius’ accounts, see Briscoe 2012, 447–8.

<sup>31</sup> See, e.g., Crawford 1996, 770; Morrell 2017, 131–3.

<sup>32</sup> As far as we know, the *senatus consultum* was a Roman initiative, and one that broke new ground: Brennan 2000, 214 emphasizes that the restriction of *imperium* by the Senate, without a vote of the People, amounted to “a major arrogation of power.”

example of how the allies could influence (indirectly) the development of the legal framework of Roman provincial governance.<sup>33</sup>

Another case comes from the dossier of decrees honoring the Pergamene ambassador Diodoros Paspáros. The dating is uncertain, but recent scholarship favors a first-century date, following Sulla's settlement of Asia.<sup>34</sup> One of the documents (*IGR* 4.292) records benefits obtained by Diodoros not only for his own city but also "for each of the inhabitants of the province" (τοῖς τὴν ἐπαρχεῖαν κατοικοῦσιν ἐκά[στωι], l. 3), including relief from crippling interest rates and the burdens of quartering soldiers. In other words, the Roman response to Diodoros' request – if not the request itself – applied not only to Pergamon but to the entire province of Asia. The significance of Diodoros' achievement is reflected in the extensive honors granted to him (cf. Brennan 2009, 172–4). Unfortunately, we do not know precisely what Diodoros asked for or what the Roman response entailed, but it appears that, as in 169, the Senate took the occasion of a petition from a particular community to establish more general rules.<sup>35</sup>

A further example of this practice reportedly originated not in a civic embassy but in a complaint from a friendly king. In 104, C. Marius sought assistance from Nicomedes III of Bithynia in fighting the Cimbric war. According to Diodorus Siculus (36.3.1), the king declined to assist on the grounds that most of the Bithynians had been seized by the tax farmers and were in slavery in Roman provinces. The claim was, no doubt, a considerable exaggeration (and the nature of the tax farmers' involvement within the kingdom of Bithynia is not clear);<sup>36</sup> nonetheless, the Senate responded by passing a decree "that no free ally should serve as slave

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<sup>33</sup> Cf. Eberle forthcoming on the agency of allied complainants in shaping the *lex repetundarum* and broader ideas of provincial administration.

<sup>34</sup> Jones 2000; followed by, e.g., Santangelo 2007, 60–1; Brennan 2009, 171–2. Pergamon had lost its freedom under Sulla's settlement.

<sup>35</sup> How far this pattern was paralleled in the Hellenistic practice of petition and response is uncertain, since extant royal letters overwhelmingly concern the rights of particular cities, while *diagrammata* and other more general ordinances obscure the processes or prompts that stood behind them (see, e.g., Hatzopoulos 1996, 341–2, 405). Welles 1934, no. 9 (Seleukos I, the year 281) may be an example of one city's request (for recognition of *asylia*) prompting a more general ruling, and one addressed not to the city but to the governor of the district, but text and meaning are uncertain (see Rigsby 1996, 401).

<sup>36</sup> For discussion, see, e.g., Badian 1972, 88; Brunt 1988, 169; Kallet-Marx 1995, 140.

in a province, and that the praetors should take care to see to their liberation.”<sup>37</sup> Diodorus goes on to describe how the implementation of this decree by P. Licinius Nerva in Sicily led to the outbreak of the second slave revolt (Diod. Sic. 36.3.2–3).<sup>38</sup> Once again, it seems, the Senate responded to a specific grievance by laying down new general rules.<sup>39</sup>

Roman response to allied complaint was not the only mechanism by which petitions could drive regulatory change. I have already noted how the Stratonikeians requested from the Senate not only particular privileges but also a particular *senatus consultum*. Still more striking are examples where allied communities petition Rome for specific changes to the practice of Roman governance and even Roman law. The earliest concerns the Hispanian embassy in 171. Envoys from several peoples in the two Hispaniae appeared before the Senate, complaining (inter alia) of extortion by Roman officials (Livy 43.2.1–3). The Senate established a recuperatorial process to hear charges against the magistrates involved, but this produced only limited results: while two defendants chose to go into exile, one was acquitted, and the praetor in charge departed for his province before any more accusations could be brought.<sup>40</sup> It is not clear if the plaintiffs were able to recover their money. But, says Livy, “Though bygones were thus shrouded in silence, for the future the Senate consulted the interests of the Hispani, by which means they succeeded in their request – that a Roman official should not set the price of grain, nor compel the Hispani to sell their five-per-cent quotas at the price he wished, and that no officers should be placed over their towns to collect money.”<sup>41</sup> That is, according to Livy’s account, the Senate essentially ratified a request from the Hispani, *ne frumenti aestimationem magistratus Romanus haberet*, and so forth. In this respect, the outcome resembles the later *senatus consultum* on Stratonikeia, except in this case the Senate’s decree was not limited to

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<sup>37</sup> Diod. Sic. 36.3.2: ὅπως μηδεὶς σύμμαχος ἐλεύθερος ἐν ἐπαρχίᾳ δουλεύῃ καὶ τῆς τούτων ἐλευθερώσεως οἱ στρατηγοὶ πρόνοιαν ποιῶνται (my trans.). Beek 2016, 100, without argument, identifies the decree as a *lex de plagiaris*.

<sup>38</sup> Cf. Cass. Dio 27 fr. 93, without mention of any *senatus consultum*.

<sup>39</sup> *Contra* Rubensohn 1982, 446, who rejects the connection with Nicomedes’ complaint and would restrict the *senatus consultum* to Sicily.

<sup>40</sup> Livy 43.2.3–11. The details of the procedure and the trials need not concern us here.

<sup>41</sup> Livy 43.2.12: *ita praeteritis silentio obliterationis, in futurum tamen consultum ab senatu Hispanis, quod impetrarunt ne frumenti aestimationem magistratus Romanus haberet neve cogeret vicensimas vendere Hispanos quanti ipse vellet, et ne praefecti in oppida sua ad pecunias cogendas imponerentur* (ed. J. Briscoe; trans. A. C. Schlesinger, modified). For the use of *impetro* here, see OLD *impetro* 1b. On the implications for the taxation system in the two Hispaniae, see, e.g., Richardson 1986, 114–15; for present purposes, the exact effect of the Senate’s decree is less important than the fact that it accorded with the envoys’ wishes.

the privileges of a particular city but laid down administrative rules with general application to all Hispani. Furthermore, the request came not from eminent citizens of a free city, but from representatives of tax-paying communities who are not even named in Livy's account.

Another possible example comes from an inscription honoring Menippos of Kolophon (SEG 39.1244). Menippos undertook several embassies to Rome, beginning around 130.<sup>42</sup> These were largely concerned with preserving the legal rights of Kolophon and its citizens against encroachment by Roman governors.<sup>43</sup> But the decree also refers to a more general ruling by Rome: on one occasion, besides securing resolution to a particular dispute with another city, Menippos “also brought (about?) the written addition to the response that, outside the province, it is not proper for the governor to decide matters or meddle in affairs.”<sup>44</sup> Probably this was a *senatus consultum*.<sup>45</sup> Daubner has suggested identifying the ruling with the *lex Porcia*, a law of the last quarter of the second century which laid down various regulations on the behavior of Roman magistrates in the provinces.<sup>46</sup> We know that the *lex Porcia* prohibited a governor from acting outside his province without authorization (specifically, from travelling or leading his army outside the province).<sup>47</sup> In this regard, Daubner argues, it resembles the written decision mentioned in the Menippos decree.<sup>48</sup> Despite this, it is probably safer to think of two separate measures belonging to the same tradition of regulations on commanders (regulations that would eventually find their way into the *lex repetundarum*).<sup>49</sup> In any case, it seems that Menippos' embassy led to a new, general regulation, and one which not only Kolophon but potentially

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<sup>42</sup> See, e.g., Eilers 2002, 125–6.

<sup>43</sup> These efforts can in themselves be considered part of the process of working out principles of Roman administration and the status of free cities at an early stage in the history of the province of Asia: see Ferrary 1991, esp. 754–6; Kallet-Marx 1995, 115–16.

<sup>44</sup> SEG 39.1244, col. 2, ll. 3–7: καὶ προσγεγραμμένον ἤνεγκε τῆι ἀποκρίσει | διότι τῆς ἐπαρχείας ἐκτὸς οὔτε κρίνειν οὔτε | πολυπραγμανεῖν τῶι στρατηγῶι καθήκει, ἰδι- | ὡτατον τῆι δημοκραταίαι καὶ κάλλιστον ἐνέγκας ἀ- | πόκριμα: (my trans.) The other city was most likely Metropolis (cf. col. 1, ll. 50–5). Ferrary suggests that the governor of Asia had tried to take advantage of the dispute to interfere in the affairs of a free city.

<sup>45</sup> See Ferrary 1991, 563 (following L. and J. Robert).

<sup>46</sup> Daubner 2007 (cf. 2006, 241–6). Daubner 2007, 18 and Ferrary 1998, 154–7 date the *lex Porcia* to c. 121; Lintott 1981, 192 and Drogula 2011 argue for a date c. 100.

<sup>47</sup> This provision of the *lex Porcia* is cited in the *lex de provinciis praetoriis* (Crawford 1996, no. 12), Cnidos copy, col. 3, ll. 3–15.

<sup>48</sup> Daubner 2007, 14–15.

<sup>49</sup> On this development generally, see, e.g., Ferrary 1991, 575–6; Drogula 2015, 278–84; Morrell 2017, 139–40. Note also the explicit prohibition of extra-provincial judicial activity in the Senate's ruling, something not attested for the *lex Porcia*.

other free cities as well could rely on in defending their privileges.<sup>50</sup> The inscription does not make clear whether Menippos suggested the actual terms or contents of the Senate’s ruling, but, in view of the initiative attributed to Menippos throughout the decree, it seems reasonable to take ἤνεγκε in the sense of “brought about” and not simply “brought (back).”

Perhaps the clearest examples of the allies steering Roman policy in this way come from Cicero’s *Verrines* of 70. Cicero refers several times to a general petition sent to Rome jointly by the Sicilian cities, protesting various actions by the governor, C. Verres, and requesting Roman intervention.<sup>51</sup> One point concerned money Verres had collected from the cities, supposedly for honorific statues, although he did not actually use the money for that purpose.<sup>52</sup> The Sicilians called on the Senate to decree “That they [*sc.* the Sicilians] should not promise statues to any official unless and until he has left his province.”<sup>53</sup> Cicero emphasizes the novel form of the Sicilians’ request,<sup>54</sup> “For they ask not that no one else should oblige them to erect statues, but that they should not be allowed to do so of themselves.”<sup>55</sup> The rationale was to prevent governors from extorting money and then claiming in defense that it was given voluntarily, since, under the terms of the Sicilian proposal, even voluntary contributions would be prohibited.<sup>56</sup> Quite apart from the specific question of statues, this reversal of emphasis is a

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<sup>50</sup> Ferrary 1991, 564, 575–6. Ferrary suggests that other cities honored Menippos in part for his services in procuring this protection, and that his embassies to Greek cities on behalf of the Romans may have been concerned with communicating the contents of the new *senatus consultum* (Ferrary 1991, 576).

<sup>51</sup> Esp. Cic. *Verr.* 2.2.103, 146–8. Cicero states that the petition was sent to the consuls by all the cities of Sicily.

<sup>52</sup> Cic. *Verr.* 2.2.141–2. It is clear that exploitation of this kind was not restricted to Verres’ governorship: Nicols 2014, 211; cf. Prag 2013, 282–3.

<sup>53</sup> Cic. *Verr.* 2.2.146: *ut statuas ne cui, nisi cum is de provincia decessisset pollicerentur* (trans. L. H. G. Greenwood). The form of the petition was a request for various determinations by the Senate (147: *rogant et orant Siculi patres conscriptos ut ...*; cf. 103). Cicero states that this was the standard form of petitions (which is itself suggestive, in terms of the practice of provincials petitioning for change), though the wording of the provision about statues was novel (see below in the text). Prag 2013, 282–3 takes this as a petition to the consuls to legislate, which may well have been the intended outcome.

<sup>54</sup> *Novi postulati genus* (Cic. *Verr.* 2.2.146); *novum* (147); even *ridiculum* (148). Despite this, there is a parallel with the *senatus consultum* of 169, which sought to restrain Roman magistrates by barring the allies from complying with unauthorized requisitions (see above).

<sup>55</sup> Cic. *Verr.* 2.2.148: *postulant enim, non uti ne cogantur statuere; quid igitur? ut ipsis ne liceat* (trans. L. H. G. Greenwood).

<sup>56</sup> Cic. *Verr.* 2.2.148. Cicero imagines a dialogue with the Sicilians: “You are asking me not to allow you to do a thing which it is in your power to do or not do; ask me rather that no one shall compel you to promise or do it against your will. ‘That is of no use to me’ is the reply, ‘for they will all say they did not compel me; if you would

damning critique of the laws and courts that were supposed to protect provincials against extortion.

The essence of the Sicilian petition seems to have found its way into Roman law, perhaps in Caesar's extortion law of 59, expanded into a more general restriction on honors to governors during their term in office. Prag, among others, has noted the similarity between the terms of the petition and a provision of the *lex repetundarum* attested by a fragment of Paul's *Sentences*.<sup>57</sup> The fragment reads, "Whoever in a *curia* or council shall have been responsible for proposing honors for a governor and his companions, or shall have prepared or seen to the preparation of a decree on that matter, is restrained by the *lex repetundarum*,"<sup>58</sup> which must mean the *lex Iulia de pecuniis repetundis* of 59.<sup>59</sup> The vocabulary of the fragment is post-republican, and the rule speaks of *honores* generally rather than statues specifically. But the subject matter and the aims of the rule correspond closely to the Sicilians' petition, as does its form, framed as a restriction on provincials rather than on Roman magistrates.<sup>60</sup> An Augustan edict to similar effect may have restated or reinforced the republican rule.<sup>61</sup> It seems plausible, therefore, that a novel rule first proposed by the Sicilian cities was taken up in the *lex Iulia* of 59 and became an enduring principle of Roman law.<sup>62</sup> However, even if the Sicilians were not

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save me, apply compulsion to me, so that I am simply not allowed to make the promise.'" (*petis a me, quod in tua potestate est, ut id tibi facere ne liceat; pete potius ne quis te invitum polliceri aut facere cogat. 'nihil egero,' inquit; 'negabunt enim omnes se coegisse; si me salvum esse vis, mihi impone istam vim ut omnino mihi ne liceat polliceri.'* Trans. L. H. G. Greenwood).

<sup>57</sup> Prag 2013, 282–3; cf. Nicols 2014, 211–12; Morrell 2019a, 18.

<sup>58</sup> Paulus, *Sent.* 5.28.2: *lege repetundarum te[netur q]uicumque in curia vel concilio auctor fueri[t] [h]onoribus praesidi comitibusque eius decernen[d]is decretumve su[per] ea re fecerit faciendumve curaverit* (trans. J. R. W. Prag).

<sup>59</sup> Cf. Crawford 1996, 771; Nicols 2014, 212. The *lex Iulia* was the first and last *lex repetundarum* passed following Verres' trial. It remained in force down to Justinian's day, though modified and expanded in various ways.

<sup>60</sup> Nicols 2014, 211 emphasizes this as "the most important and enduring aspect of the Sicilian request."

<sup>61</sup> Cass. Dio 56.25.6: καὶ τῷ ὑπηκόῳ προσπαρήγγειλε μηδενὶ τῶν προστασσομένων αὐτοῖς ἀρχόντων μήτε ἐν τῷ τῆς ἀρχῆς χρόνῳ μήτε ἐντὸς ἐξήκοντα ἡμερῶν μετὰ τὸ ἀπαλλαγῆναι σφας τιμὴν τινα διδόναι ("He [Augustus] also issued a proclamation to the subject nations forbidding them to bestow any honors upon a person assigned to govern them either during his term of office or within sixty days after his departure; this was because some governors by arranging beforehand for testimonials and eulogies from their subjects were causing much mischief"; trans. E. Cary). See Prag 2013, 283; Nicols 2014, 213–14; Morrell 2019a, 18–19.

<sup>62</sup> We know that the *lex Iulia* incorporated a prohibition on senators owning ships (*Dig.* 50.5.3; Paulus, *Sent.* 5.28.3), derived from the *lex Claudia* of 218 (Livy 21.63.3), which Cicero had described in 70 as an ancient and dead law (*Verr.* 2.5.45). It seems likely that the *lex Iulia*, which was more strictly drafted than its predecessors

immediately or directly successful in changing Roman law, it is nonetheless significant that they tried. Viewed in this light, Cicero's comment, that he believed the day would come when foreign nations would send embassies to the Roman People asking for the repeal of the *lex repetundarum* and the abolition of the extortion court,<sup>63</sup> might be seen not merely as courtroom rhetoric but as a reflection of a reality where the allies took a direct interest in the laws and institutions of Roman governance.<sup>64</sup>

Another such attempt – though ultimately unsuccessful – likewise shows the Sicilians as conversant in Roman law and prepared to ask for specific changes. In this case, the prompt was Verres' trial in absentia of Sthenius of Thermae.<sup>65</sup> Sthenius had been Verres' host, but after he obstructed Verres' attempt to steal artworks from the city of Thermae, Verres retaliated by arranging for Sthenius to be accused of tampering with public documents. Verres summoned Sthenius to appear – according to Cicero, without any intention of calling witnesses or hearing pleas – and Sthenius fled to Rome. Verres ruled against Sthenius and invited further charges against the absent defendant. An accuser named M. Pacilius came forward, and Verres summoned Sthenius to appear on 1 December 72. When the day came, neither Sthenius nor Pacilius appeared, but Verres nonetheless pronounced a guilty verdict.

Sthenius reached Rome in the latter part of 72 and appealed to his friends there, including the consuls of that year, Cn. Cornelius Lentulus and L. Gellius Publicola. The consuls promptly proposed a motion in the Senate, "That in the opinion of this House the prosecution of persons in their absence on capital charges should be prohibited in the provinces."<sup>66</sup> Cicero reports numerous *sententiae* in support of Sthenius specifically and a general ruling against trials in absentia (*Verr.* 2.2.95). No decree was passed, however, owing to the intervention of Verres'

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(*Cic. Rab. Post.* 8), also addressed other legal weaknesses identified in the *Verrines*, such as the rules on contributions for statues (cf. Morrell 2017, 134).

<sup>63</sup> *Cic. Verr.* 1.41: *me arbitrari fore uti nationes exterae legatos ad populum Romanum mitterent, ut lex de pecuniis repetundis iudiciumque tolleretur.*

<sup>64</sup> The critique of the extortion court in Diodorus Siculus (34/5.2.3, 37.5.1), probably drawing on Posidonius, likewise reveals provincial interest in Roman institutions and, very possibly, intent to promote positive change (cf. Strasburger 1965, 51–2, n. 88; Morrell 2017, 85, n. 203).

<sup>65</sup> *Cic. Verr.* 2.2.83–99. Sthenius was an extremely influential Sicilian who could count leading Romans, including Pompeius Magnus, among his guest-friends (see esp. *Cic. Verr.* 2.2.110–13), though he did not enjoy universal support in Sicily (see Pfuntner 2015, 358, 367). Stone 2018, 305 characterizes him as head of a cartel of Sicilian farmers.

<sup>66</sup> *Cic. Verr.* 2.2.95: *si patribus conscriptis videretur, ne absentes homines in provinciis rei fierent rerum capitalium* (trans. L. H. G. Greenwood). Cf. *Cic. Verr.* 2.2.100 on tribunician action concerning Sthenius.

father, who promised to call his son into line and protect Sthenius – in vain, as it turned out (§§95–7). Nonetheless, the episode is noteworthy for what Sthenius almost achieved: not only a ruling in his own case, but a new and general prohibition on prosecutions in absentia.

There is some reason to think the consuls' motion was suggested to them by Sthenius himself.<sup>67</sup> At any rate, the general petition from the Sicilian cities included a request for a ban on prosecution in absentia: all Sicily, says Cicero, “prays and entreats this honorable House to decree the prohibition of all prosecutions of absent persons.”<sup>68</sup> Although the proposal was prompted by Sthenius' case (Cic. *Verr.* 2.2.103), once again the phrasing is not specific to Sthenius himself or even to the province of Sicily, but (apparently) of general applicability: *ne absentium nomina recipereantur*.<sup>69</sup> Unfortunately the chronology is unclear: Cicero states that the petition was addressed to “the consuls,” but does not specify which consuls (*Verr.* 2.2.10, 103). This, and the fact that the petition seems to have been a live matter at the dramatic date of the trial in mid-70,<sup>70</sup> might suggest that the consuls were the current consuls, Pompeius and Crassus.<sup>71</sup> If so, it is possible that the Sicilian cities were taking up the terms of the motion proposed by the consuls of 72 – or else that both proposals took their cue from Sthenius himself. Sthenius' influence was great enough to make that quite plausible (see below). In any case, Cicero is very clear in assigning the initiative behind the petition to Sicilians rather than Romans: he even describes the Sicilian envoys priming their patron Cn. Lentulus Marcellinus on what they wanted him to say in the Senate.<sup>72</sup>

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<sup>67</sup> Cic. *Verr.* 2.2.95 says only that Sthenius reported Verres' attack to the consuls and that the consuls therefore responded immediately with their motion (*itaque ... continuo*).

<sup>68</sup> Cic. *Verr.* 2.2.103: *rogare et orare patres conscriptos ut statuerent ne absentium nomina recipereantur*.

<sup>69</sup> If Cicero's wording here is accurate, the Sicilian petition was actually more general than the consuls' proposal in 72, in that it was not restricted to trials in the provinces or to capital charges. Cicero may simply have omitted some details, however.

<sup>70</sup> See Cic. *Verr.* 2.2.146–8, discussed above. Cf. Nicols 2014, 210.

<sup>71</sup> Schwameis 2019, 72 suggests a high probability that the petition was first raised in 71, during the final year of Verres' governorship. Possibly it was drawn up in 71 with the expectation that it would be handled by the consuls of the following year, February being the usual time for hearing provincial embassies (cf. above on the Stratonikeian embassy, which spanned 74 and 73). Nicols 2014, 210, without argument, dates the Sicilian petition to 70. Deniaux 2007, 238 seems to place it in 72.

<sup>72</sup> Cic. *Verr.* 2.2.103: *qua de re Cn. Lentulum, patronum Siciliae, clarissimum adolescentem, dicere audistis, Siculos, cum se causam quae sibi in senatu pro his agenda esset docerent, de Stheni calamitate questos esse, propterque hanc iniuriam quae Sthenio facta esset eos statuisset ut hoc quod dico postularetur* (“You have heard what that distinguished young champion of Sicily, Gnaeus Lentulus, had to tell you about this: that when the Sicilians were putting before him the issue on which he was to support their interests in the Senate, they denounced



One further example of provincial initiative – in this case, of a negative kind – also involves Sthenius of Thermae (Cic. *Verr.* 2.3.18–19). In 75, the Senate authorized the consuls (L. Octavius and C. Aurelius Cotta) to sell the tax-contracts for Sicilian wine, oil, and pulses in Rome and subject to whatever new conditions they saw fit. Previously these contracts had been sold by the quaestors in the province. The *publicani* appealed to the consuls to add some new clauses and otherwise not to depart from the *lex censoria*. Sthenius, however, happened to be in Rome, and opposed the request. The consuls responded, says Cicero, by forming a *consilium* of leading men to consider the matter, and determined to sell the contracts not as the *publicani* wished, but in accordance with the *lex Hieronica* (that is, the traditional arrangements in place in Sicily). Cicero emphasizes that the consuls would not alter the law of Hiero while one Sicilian objected (*uno Siculo recusante*), even though they had been authorized by the Senate and People and even though the proposed changes would have increased Rome’s revenues.<sup>73</sup> In other words, in Cicero’s account, Sthenius had managed to prevent changes to Rome’s taxation system, and at the time of a food and revenue crisis in Rome.<sup>74</sup>

More generally, the example of Sthenius highlights the importance of influential and well-connected individuals in realizing provincial initiatives. In practice, official negotiations often played out as interpersonal dealings between Romans and allies. Ambassadors regularly drew on their personal connections in pursuing the interests of their communities.<sup>75</sup> Even to obtain a hearing, allies needed supporters who were either magistrates themselves and could call the necessary meeting of the Senate (as Sulla did for Stratonikeia, for instance), or could persuade others to do so. The alternative was bribery: two *leges Gabiniae* intended to combat the problem suggest how common it was.<sup>76</sup> Securing a favorable outcome might mean still more

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the treatment of the unhappy Sthenius, and that it was precisely this wrong done to Sthenius that made them resolve to present the petition I speak of”; trans. L. H. G. Greenwood). This is Cn. Lentulus Marcellinus, the future cos. 56. Note that Lentulus seems to have stated, in the public context of the trial, that the Sicilians had instructed him in what to say.

<sup>73</sup> Cic. *Verr.* 2.3.19 (*uno Siculo recusante*). Cf. Stone 2018, 304–5.

<sup>74</sup> See esp. Sall. *Hist.* 2.44.6–7 McGushin (Cotta’s speech); cf. Stone 2018. The changes to taxation arrangements in 75 did not affect the main Sicilian grain tithe. It is also possible that Cicero exaggerates Sthenius’ role; nonetheless, the story – included in a published speech, intended for an “audience” of senatorial jurors – is striking testimony to the potential for provincials to influence Roman policy.

<sup>75</sup> See, e.g., Syll.<sup>3</sup> 656 on the patrons of Teos (presumably the Abderans called on the support of Teos because they lacked Roman patrons of their own: Linderski 2007, 58). Cf. my note on the Abderans above.

<sup>76</sup> One set aside the month of February for the hearing of foreign embassies (Cic. *QFr.* 2.12.3 (SB 16)), the other prohibited loans to foreigners at Rome (Cic. *Att.* 5.21.11 (SB 114)). See, e.g., Bonnefond 1984; Morrell 2017, 55.

lobbying (or money). The success of provincial initiatives could therefore depend, to a considerable degree, on individual influence.<sup>77</sup> One reflection of this is the sort of people who were chosen or volunteered as ambassadors:<sup>78</sup> leading citizens (sometimes eminent philosophers)<sup>79</sup> and especially those with existing Roman connections or who had undertaken previous embassies. To take one example, Hermodoros, who served as ambassador for Oropos in 73, was priest of Amphiaraios and had previously been named an ally by the Roman Senate.<sup>80</sup> Other inscriptions draw an explicit connection between personal influence and diplomatic success: for instance, an inscription honoring Polemaios of Kolophon records that he was judged worthy of Roman friendship and thus achieved a fruitful outcome for his fellow citizens.<sup>81</sup> A number of individuals are known to have undertaken multiple embassies to Rome – at least five, in the case of Menippos of Kolophon, who was also employed as ambassador *by* Rome.<sup>82</sup> Thus, while any provincial community could, in theory, bring complaints or requests before the Senate, in practice, personal influence and connections were distinct advantages.

The foregoing discussion has highlighted a number of cases where Roman senators and magistrates allowed themselves to be guided by the wishes and suggestions of the allies, sometimes down to the wording of particular *senatus consulta*. Even if the workings of patronage and behind-the-scenes lobbying give us cause to question whether what ambassadors said before the Senate was precisely what they planned to say when they left their homes, we can be certain that Romans sometimes publicly represented themselves as essentially doing the bidding of Stratonikeians or Sicilians. All of this suggests a degree of openness, or indeed a consultative dimension to Roman imperial governance that perhaps gives some substance to the Roman rhetoric of provincials as *socii*.<sup>83</sup> That is in fact not surprising, if we consider the

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<sup>77</sup> Cf., e.g., Kallet-Marx 1995, 129–30. Timing, and other unpredictable circumstances, also played a role, as in the case of Sthenius' fortuitous presence in Rome in 75.

<sup>78</sup> Cf. Westall 2015, 25–6; for an example of the selection process, see Reynolds 1982, no. 5.

<sup>79</sup> Notably the Athenian embassy of three philosophers in 155 (Cic. *De or.* 2.155; Plut. *Cat. Mai.* 22.1, etc.); also the Stoic Posidonius of Rhodes (Plut. *Mar.* 45.7). Cf. Westall 2015, 25–6.

<sup>80</sup> RDGE, no. 23, ll. 16–18 (σύνμαχος).

<sup>81</sup> SEG 39.1243, ll. 26–8: φανείς ἄξιος τῆς ἐκείνων | φιλίας τὸν ἀπὸ ταύτης καρπὸν | τοῖς πολίταις περιεποίησεν. Cf. Hepding 1910, no. 2, ll. 12–13 and Hepding 1907, no. 8, ll. 15–16 on Didoros Paspáros, though the text is lacunose; Robert 1960, 326–9, with further examples.

<sup>82</sup> SEG 39.1244, col. III, ll. 7–8. Polemaios (SEG 39.1243) and Pyrrha[kos] of Alabanda (*Alabanda* 2) undertook at least two embassies each.

<sup>83</sup> Cf. Eberle forthcoming, who flags the potential for *socii* to exploit this rhetoric by taking the Romans at their word, as free cities did.

Roman tendency to continue or adapt local administrative and fiscal arrangements (such as the *lex Hieronica* in Sicily, or Attalid regulations preserved in the *lex portorii Asiae*), or the willingness of Roman commanders to take advice from local leaders. It may also add weight to Kallet-Marx' suggestion that Roman rule tended to continue the forms of interstate diplomacy even after the creation of Roman provinces<sup>84</sup> – and not only in dealing with the free cities of the east, but also in settling taxation arrangements in Sicily and the Hispaniae.

It would be interesting to know how far the phenomenon of allied initiatives shaping Roman imperial governance represents a difference or development from Hellenistic practice. As noted earlier, petitions for privileges sent by cities to the Roman Senate continued the pattern of those sent to Hellenistic kings. However, I have been unable to find any pre-Roman example of a *polis* procuring the sort of more general change or regulation discussed here.<sup>85</sup> That may reflect limitations of the evidence, as well as (and partly because of) the character of Hellenistic rule, where all law seems to emanate from the person of the king.<sup>86</sup> Yet, the lack of evidence may be significant in itself. Letters and decrees do not simply document the relationship between city and imperial power but are themselves constitutive of that relationship: as Ma puts it, they are “speech-acts,” “performed in a certain context which influences them and is influenced by them.”<sup>87</sup> Thus, even if Hellenistic kings were equally receptive as the Roman Senate to initiatives from the cities, the difference in discourse is worth noting.

Finally, the cases considered here show that the personal standing of someone like Menippos of Kolophon or Sthenius of Thermae brought advantages in dealing with Rome.

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<sup>84</sup> Kallet-Marx 1995, 165, 182–3 referring particularly to the Senate's role as arbiter between Greek cities.

<sup>85</sup> Requests for *asylia* did seek effect beyond the city in question and *asylia* decrees tend to echo the terms of the original request (see Rigsby 1996, 286–7), but these requests were concerned with religious recognition, not imperial governance. The same applies to Attalos I's direction to the cities subject to him to recognize games in honor of Artemis Leukophyrene at Magnesia (Welles 1934, no. 34). Cf. the above note on Welles 1934, no. 9.

<sup>86</sup> See, e.g., Bikerman 1938, esp. 130–1; Hatzopoulos 1996, 341–2; Ma 2002, 149–50. An interesting exception is a letter of Antigonos I, issuing instructions for the unification of the cities of Teos and Lebedos (Welles 1934, no. 3). Antigonos adopts various suggestions made by the Lebedian envoys regarding laws, taxation, and other arrangements to apply in the new city and at one point specifies that the supply of grain should be established “as the Lebedian ambassadors said” (ὡσπερ οἱ πρέσβεις τῶν Λεβεδίων ἔλεγον, l. 93). In a second letter, Antigonos describes himself soliciting suggestions from both sets of envoys (Welles 1934, no. 4, ll. 112–13). However, the regulations in question concern only the new city and its constituents, not broader questions of imperial governance.

<sup>87</sup> Ma 2002, 20, building on Millar 1992, 637. Cf. Ma 2002, chapter 4 on how euergetic discourse “influenced the reality of empire in an effective and ‘real’ manner” (quotation at 211).

Nonetheless, Livy's account of 171 suggests that the same results were possible for Hispanian envoys whose names are not even recorded. All in all, we are left with a picture of Roman allies, east and west, who were prepared to ask for what they wanted – and sometimes get it.

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**Part VIII:**  
**Political Initiative and Leadership in Military Contexts**



***Omnia deinde arbitrio militum acta: Political Initiative and Agency  
of the Army in Late-Republican and Early Imperial Rome\****

*Alexander V. Makhlaiuk*

**Abstract**

This chapter assesses the political agency of the Roman army “from below” and explores the forms of initiative that could be adopted by the rank and file, including their participation in military mutinies, unrest, and coups d’état. Who were the *auctores seditionis* mentioned in ancient literary sources? When, why, and in what ways did they act as a particular initiative group leading the mass of mutinous soldiers? What was the part of junior- and middle-ranking officers as a counter-force and, in some cases, as initiators, speakers, or organizers of political actions, including in the overthrow of emperors? And what were the mechanics of the troops’ collective activity and decision-making when the military acted in defense of their particular interests or as “king-makers”? To define the situation under the principate, this paper turns to a comparative analysis of the army’s political involvement in the late-republican civil wars and after the Augustan settlement. This comparison demonstrates that Augustus and later emperors failed to depoliticize the army within which the former republican traditions of military community continued to exist, and soldiers often behaved not as mere mercenaries but as a “citizenry in arms.”

**Keywords**

Roman army, political initiative, military mutiny, military unrest, coup d’état, ringleaders

**1. Introduction**

The Latin phrase in the heading of this chapter derives from Tacitus’ account of the assassination of the emperor Galba and his newly adopted heir by the Praetorian Guard in January 69 CE. Here the historian states that “everything was done on the initiative of the

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soldiers” – *omnia deinde arbitrio militum acta*.<sup>1</sup> I use the translation by Antony Birley,<sup>2</sup> because that of Clifford Moore in Loeb edition is somewhat misleading: “The soldiers’ will was henceforth supreme.” Indeed, the meaning of the Latin word *arbitrium* varies very widely: “decision, or task of making a decision, the settlement of a dispute, the power of judging or deciding, control, supervision, command, authority, opinion, choice, wish, desire, inclination, whim, caprice,” etc., and among these “one’s own initiative.”<sup>3</sup> Although “will,” as a synonym to “wish” or “the power of judging,” is possible,<sup>4</sup> in the given passage of Tacitus the choice of the word “initiative” (if not “arbitrariness, highhandedness”) fits much better, taking into account Tacitus’ pejorative tone in portraying mutinous soldiers who in fact organized the assassination of the ruling emperor himself, proclaimed the new ruler, and then themselves chose their own prefects, as well as the Prefect of the City.

In an earlier chapter (1.25), Tacitus relates that Onomastus, one of Otho’s freedmen, selected at Otho’s behest two ordinary soldiers to inspire the disloyalty of the praetorians in order to support a coup against Galba. These two are even called by their names and ranks: the *tesserarius speculatorum* (an officer of the password for the bodyguard) Barbius Proculus, and the *optio* (subaltern) Veturius. Bribed by Onomastus, they launched a “propagandistic” campaign among the guards. Tacitus certainly exaggerates when he claims that the transfer of power from Galba to Otho was handled by that pair of rank-and-file: “two common soldiers undertook to transfer the imperial power of the Roman People – and did transfer it.”<sup>5</sup> Yet the exaggeration is perhaps not too excessive,<sup>6</sup> and the whole story of the overthrow of Galba, as narrated by Tacitus,<sup>7</sup> is in some important respects indicative of the mechanics of the Roman army’s involvement in politics. First, it appears evident that a conspiracy, though planned by a high-ranking ambitious aristocrat, needed the agency of special actors from the ranks of

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<sup>1</sup> Tac. *Hist.* 1.46.1. Cf. 1.45.1: *laudare militum iudicium*; 3.49.2: *nec milites in arbitrio ducum, sed duces militari violentia trahebantur* (“The ranks were no longer directed by the will of their leaders, but the leaders were at the mercy of the common soldiers’ whims”; trans. C. H. Moore). Cassius Dio specifies this sentence in his remark that Otho “had persuaded the soldiers that they could both kill and create a Caesar” (Cass. Dio 63[64].9.2).

<sup>2</sup> Birley 2007, 384.

<sup>3</sup> Glare 2012, 175–6.

<sup>4</sup> Cf. Tac. *Hist.* 1.45.1 (cited above) and 1.12.1 where it is referred that the Upper German legions swore an oath to the Senate and Roman People and allowed them to choose a new emperor – *arbitrium eligendi permittere*.

<sup>5</sup> Tac. *Hist.* 1.25.1: *suscepere duo manipulares imperium populi Romani transferendum et transtulerunt*. Trans. C. H. Moore, slightly modified.

<sup>6</sup> Connal 2012, 43.

<sup>7</sup> On the role of the Praetorian guard in the overthrow of Galba as described by Tacitus, see Ottley 2009, 81–119.

common soldiers who were able to play on the feelings, fears, and corporate interests of their comrades-in-arms. Secondly, to actuate a riot and provide a turning point in the mood of the troops called for some symbolic gestures: in our case, this was the tearing of the standard and throwing down of the emperor's portrait, undertaken by the standard-bearer (*vexillarius*) of the cohort escorting Galba.<sup>8</sup> Thirdly, the mass of the soldiery is shown by Tacitus not as a homogeneous and fully nameless group, but rather as heterogeneous entity with different attitudes and moral inclinations, including the soldiers of higher ranks and the common legionaries and auxiliaries.<sup>9</sup> Lastly, the soldiers' seemingly collective activity, in Tacitus' depiction of Galba's death, is knowingly presented as a series of individual deeds: the historian lists names and ranks not only of the aforementioned *manipulares*, but also of those who were said to have killed Galba (*evocatus* Terentius or Laecanius, or Camurius, a soldier of the Fifteenth legion),<sup>10</sup> as well as the names of the killers of Titus Vinius (this was the *miles legionarius* Julius Carus) and of Calpurnius Piso (these were *Sulpicius Florus e Britannicis cohortibus, nuper a Galba civitate donatus, et Staius Murcus speculator*).<sup>11</sup> By the same token, Tacitus reports that Vitellius afterwards found more than 120 petitions (*libelli*) of soldiers demanding rewards for notable deeds done that day;<sup>12</sup> this fact is symptomatic of the characterization of the soldiers' desire to receive some sort of recognition for their personal involvement in a significant event.<sup>13</sup>

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<sup>8</sup> Tacitus (*Hist.* 1.41.1–2) also indicates his name – Atilius Vergilio – and points out that “this signal made the feeling of all the soldiers for Otho evident” (*eo signo manifesta in Othonem omnium militum studia*). As Campbell holds, “to smash and tear down the imperial *imagines* was not casual vandalism, but a gesture of political and military disloyalty to the reigning emperor, and indeed almost a formal indication of revolt” (Campbell 1984, 99). Cf. Tac. *Hist.* 1.55, 56; Plut. *Galb.* 22, 28; Cass. Dio 63.25.1, 65.10.3; Hdn. 8.5.9.

<sup>9</sup> Tac. *Hist.* 1.25–6. On Tacitus' attitude to soldiers, see Kajanto 1970, esp. 706–9, 712–7.

<sup>10</sup> Tac. *Hist.* 1.41.6.

<sup>11</sup> Tac. *Hist.* 1.42.3, 43.2. Thus, in the entirety of ancient literature, the Tacitus' narrative of Galba's overthrow seems to be the story most filled with personal names of ordinary soldiers participating in a historical event.

<sup>12</sup> Tac. *Hist.* 1.44.3.

<sup>13</sup> These petitioners might have been guided by known precedents, such as the assassination of L. Arruntius Camillus Scribonianus, imperial legate of Dalmatia, who in 42 CE attempted rebellion against the emperor Claudius but in five days was defeated and, according to one version, killed by a soldier named Volaginius who then rose from the lowest rank to the highest one: *e gregario ad summa militia provectum* (Tac. *Hist.* 2.75). As follows from Tacitus' remark, his promotion was due to the assassination of the mutinous commander. For credibility of Tacitus' report, see Parat 2016b, 200.

Certainly all these facts and details exacerbate the drama of Tacitus' narrative, but they can also serve to remind us that any crucial historical event, including a violent seizure of power, is not the simple result of an interplay of certain abstract forces, but ultimately is shaped by the deeds, wills, and feelings of many individual human beings involved, who are able to take the initiative at a crucial moment. They are rarely known by name and even less often do they get a voice on the pages of ancient authors' writings.<sup>14</sup> Nevertheless, it was sometimes these very same people who played a significant role in pivotal political turns of Roman history.

The main purpose of the present contribution is to bring the political initiative and agency of ordinary soldiers into greater focus and to trace their impact on the process of decision making. A closer look at the ancient evidence will be helpful in answering the following questions: To what extent were the rank-and-file of the late-republican and imperial eras politically aware and active? Who were those pivotal figures among the military who exercised politically significant initiatives and agency? What was the concrete role they played – individually or collectively – in initiating riots and in struggles for power, and in choosing and promoting a candidate to supreme power? The answer to these questions seems necessary in order to consider the army as dynamic social units capable of independent agency in the political realm, and to assess more precisely the nature of the army's political influence in general. As a starting point, to justify the questions I set out to answer, I provide a brief overview of the current state of research on the political participation of the Roman army. Then, after summarizing some principal concerns in the ancient authors' general appraisal of the political power of the soldiery, we shall consider the activity of practiced rabble-rousers and ringleaders of military unrest as a particular initiative group which led the mass of mutinous troops.

## **2. The Role of the Army in Roman Politics**

It hardly needs saying that the study of the army's political role is of principal importance for our deeper understanding of the events, developments, and essential characteristics of the late republican and early Imperial periods, as well as the very transition from one to another. This was a period when, as Kurt Raaflaub notes, "the lethal crisis of the Republic was characterized by the militarization of politics and the politicization of the military."<sup>15</sup> The Roman army was

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<sup>14</sup> On the vocalization of rabble-rousers within the mutiny narrative, see Worley 2018. For soldiers' speech acts in ancient literature and history more generally, see Popov 2008.

<sup>15</sup> Raaflaub 2009, 207.

undoubtedly the “principal agent in the destruction of the Republic”;<sup>16</sup> it then became one of the pillars of the imperial power and, mostly, a crucial force in emperor-making.<sup>17</sup>

Not surprisingly, scholarship on the topic of “the Roman army and politics” has a long history which is far too vast for comprehensive analysis here. But one should point out at least some main developments in that field which closely correspond with the issues raised above. On the one hand, the ever-growing bibliography (especially in the past two decades) clearly evinces an undiminished scholarly attention to the army’s role in policy-making. Alongside the traditional studies of concrete cases, motives, and ways in which the armed forces might intervene in politics,<sup>18</sup> the topics of military unrest, mutinies, and usurpations have become especially popular. Obviously, it was in these actions that the political initiative of the troops themselves (private soldiers and the military middle cadre as well) was most clearly manifested, although not all cases of the disobedience of the soldiery were directly related to “big politics,” that is, to the issue of power. Although Arthur Keaveney stated in 2007 that mutiny was not a topic which had received a great deal of attention from scholars,<sup>19</sup> by now studies in this field are legion. They consider the event-history of mutinies in different periods,<sup>20</sup> as well as the specificity of literary narratives about certain military uprisings and usurpations in the writings of ancient authors who tended to explain the endemic unruliness of the army primarily in terms of individual corruption and degeneracy.<sup>21</sup> All that literature in its entirety demonstrates how far research has evolved from quite rare earlier works on military unrest in Rome towards a more nuanced understanding of the internal, social-psychological mechanics of mutinies in terms of collective (mob) behavior and specific rationality.<sup>22</sup> These studies have convincingly argued that late Republican Roman armies were not a plaything of military upstarts, the slavish

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<sup>16</sup> Gruen 1974, 365.

<sup>17</sup> Cf. however Birley 2007 who tends to minimize the imperial army’s significance as a political agent.

<sup>18</sup> Not to mention numerous articles, one can note Harmand 1967; Botermann 1968; Erdmann 1972; Aigner 1974; De Blois 1987. Among more recent books on the topic, see Hildinger 2003; Keaveney 2007. See also the general survey by Alston 2007.

<sup>19</sup> Keaveney 2007, 128.

<sup>20</sup> See, for example, Chrissanthos 1999; Mundubeltz 2000; Brice 2003; Vial 2005; Panaget 2014; Sella 2016; Machado 2017.

<sup>21</sup> Manolaraki 2003; Popov 2008; Fulkerson 2013, 161–85; Master 2016; Dee 2017. The prevailing trend of this scholarship is to present Roman mutiny narratives as uninformative literary constructs. Contra such an approach, see reasonable objection in Brice 2020c, 47.

<sup>22</sup> As to the earlier scholarship on military unrests, I mean, above all, Messer 1920 and Gabba 1975. Recent works include, in particular, Connal 2012; Machado 2017; Brice 2015a and 2020b.

retinues or *clientelae* of powerful magnates; rather, they had to reckon with the requirements and interests first of their staff and military middle cadre – consisting of centurions, prefects, and military tribunes – and the mass of the soldiers afterwards.<sup>23</sup>

Among other topics, the various modes of communication between commanders, leading warlords, emperors and the troops, as well as the collective identity of the Roman military as a specific community, are now under intensive consideration.<sup>24</sup> In the light of this recent scholarship, some previous conceptions and long-held opinions seem to be outdated or at least need substantial corrections, as for instance the conception of the proletarianization of the post-Marian legions and Marius' military reforms in general, including the transformation of the Roman army into a professional armed force with which its political significance is usually connected.<sup>25</sup> These studies identify as the dominating factor of the soldiers' behavior not so much their social origin as their feeling of *belonging to a particular group*; that, however, does not equate to a lack of patriotic state consciousness among the military, even in the imperial era.<sup>26</sup> The armies of both the Late and Middle Republic emerge rather as powerful communities capable of challenging Roman power structures and acting collectively to protect their own interests.<sup>27</sup>

At the same time, some scholars, acknowledging that the late republican political crises and strife owed much to the troops, tend to underestimate the army's participation and initiative in politics under the principate. Thus, Kurt Raaflaub admits that after Caesar's assassination "the soldiers became increasingly aware themselves of their important role," and legions provided something like an independent policy, or at least interfered in politics.<sup>28</sup> At the same time, regarding the early Empire, he comes to conclusion that in all military revolts down to 68 CE "only once did the initiative originate, as in 14 CE, at least partly with the troops. ... In all other cases the generals took the initiative when they succeeded in gaining popularity and (at

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<sup>23</sup> De Blois 2007, 176. See also De Blois 1992.

<sup>24</sup> This is a fashionable theme for dissertations and monographs: Moore 2002; Stäcker 2003; Foulkes 2005; Phang 2008; Mangiameli 2012; Machado 2017; Eaton 2020.

<sup>25</sup> The most radical refutation of this traditional theory of the post-Marian army's proletarianization and professionalization is proposed in a recent book by F. Cadiou who argues that the so-called "post-Marian" (proletarian) Roman army is no more than a historiographical mirage (Cadiou 2018). See also Gauthier 2016 and 2020; a useful survey of previous scholarship can be found in Cadiou 2009. Nevertheless, the old *communis opinio* on the Marian reforms is repeated in some contemporary works (e.g., Matthew 2010).

<sup>26</sup> Speidel 2010.

<sup>27</sup> Machado 2017, 144.

<sup>28</sup> Raaflaub 2009, 206.

least temporarily) the following of the legions against their distant *patronus* in Rome.”<sup>29</sup> Raaflaub supposes that “the chances of a revival of its [the army’s] political activity could therefore be minimized but not eliminated; the latent inclination of the soldiers to politicize continued to exist. This danger could only be checked effectively on the political level, by controlling the leadership of the armies.”<sup>30</sup> Richard Alston makes a more definite conclusion: “The post-Augustan monarchy appears to marginalize the troops ... The soldiers were not at the political heart of the principate.”<sup>31</sup>

This quite common assumption depicts the soldiery rather as a tool for the emperors and ambitious elite players who were the usual culprits behind the elevation of a new ruler. For example, Brian Campbell, drawing the distinction between the army’s *de facto* and *de jure* roles in establishing an emperor in power, argues that soldiers played an essentially nonpolitical role: the imperial army thus cannot be regarded as one of the properly political elements of the state, since the troops were motivated largely by short-term financial gain, service conditions, logistical difficulties, and material position.<sup>32</sup> Benjamin Isaak asserts that the imperial army had no institutionalized means of exerting pressure on political decision-making, and its political role was limited by its structure, namely, “the absence of a class of higher career-officers with permanent commissions... who, in our times, not only organize military coups but exert constant influence in politics...,” and because its regular leadership (centurions) was essentially permanent but of low status, while its high-status leadership (*equites* and senators) was temporary. As a result, the army as a political body did not make or break emperors; rebellions were organized by commanders, not by the common soldiers, although the army was always a potential threat to the ruling elite.<sup>33</sup> However, even if this is the case, it does not counter the fact that the interests and well-being of the soldiers themselves were among the central issues in imperial politics; treating the soldiery as a depoliticized entity leads to a significant underestimation of the Roman army as a specific political constituency.<sup>34</sup>

Furthermore, the imperial army assuredly continued many basic traditions of the republican period, remaining in certain institutional, legal, and ideological respects the “Roman

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<sup>29</sup> Raaflaub 2009, 217.

<sup>30</sup> Raaflaub 2009, 222.

<sup>31</sup> Alston 2007, 192, 211–15.

<sup>32</sup> Campbell 1984, 10, 198, 374–5, 386. For critique of such view, see Foulkes 2005, 225, 281.

<sup>33</sup> Isaak 1992, 383–4.

<sup>34</sup> Foulkes 2005, 226, 281.

citizenry in arms.”<sup>35</sup> Among these traditions, the military *contio* (assembly) deserves special mention as a specific tool for communication between the troops and commander, with its characteristic freedom of speech (*libertas*).<sup>36</sup> It is this institution above all that Ramsay MacMullen had in mind when emphasizing in his seminal 1984 article that “during the principate they [the Roman legionaries] were able gradually to assert their own drill ground and speaker’s hillock as the Empire’s political center. Here the most ancient and quintessentially Roman dilution of democracy produced for the Roman world each succeeding emperor in the 70s, and again in the 190s, and more frequently in the third century. ... If legitimacy is the quality investing a claim that is generally accepted, even above some written law, then we must acknowledge the army’s decisions to be the rightful as well as the necessary determinant of the imperial succession.”<sup>37</sup>

This view corresponds well with Egon Flaig’s theory of the principate as *Akzeptanz-System*.<sup>38</sup> According to this theory, the emperor secured his position through recognition (acceptance) by the army and the city plebs, which was formally approved by the Senate. The emperor did not have legitimacy in the narrow legal sense of the word, since there was no governmental body that could confirm it, and therefore the usurpation of the imperial power by the citizen-soldiers’ acclamation was just as legitimate and normal as stable monarchical rule, and it was considered as a special type of change of power. Accordingly, it was important for pretenders to the throne and ruling emperors to ensure the loyalty of the troops. That was achieved in various ways, first of all with ritual and symbolic actions emphasizing the “honor” the ruler accorded to the military.<sup>39</sup> Therefore, one may add, the army was integrated into the Empire’s political system not only as one of its essential elements, but, in many cases, as either an initiator of the transfer of power transfer or a “legitimator” of imperial succession.

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<sup>35</sup> For more details and arguments of this thesis, see Makhlaiuk 2013 and 2006.

<sup>36</sup> Pina Polo 1995; Rowe 2002, 155–8, 162–3; Chrissanthos 2004; Makhlaiuk 2011; Mangiameli 2012, 350–5. This form of communication implied not only *adlocutio*, that is the commander’s (or emperor’s) speech addressed to the troops, but also direct formal or informal contacts of rank and file with their superiors for exercising *libertas* and expressing their opinions and will (Chrissanthos 2004, 355–7). Cf. also the conclusion in Machado 2017, 157: “Over the course of the first century BCE, it appears that the military *contio* became a space for the expression of popular collective power and agency among Roman soldiers.”

<sup>37</sup> MacMullen 1984, 455–6.

<sup>38</sup> Flaig 1992. See also his further contributions to the topic: Flaig 2011; 2013 and 2015. Some considerations on the army’s part in the “acceptance system,” see in Makhlaiuk 2011.

<sup>39</sup> Flaig 1992, 159–63; Lendon 1997, 252–66; Phang 2008, 179–82, 197–9.



As for the common soldiers' initiative as such, one can note that, in spite of intensive study of the army's political role in general and Roman military mutinies in particular, it has surprisingly been rather neglected by modern scholars. We can find only quite perfunctory passing remarks on the soldiers taking initiative in the political realm. Thus, for example, Arthur Keaveney observes that for the army in the age of the Roman revolution, "to be politicized now does not merely mean responding when a man of authority puts an issue before them, but rather taking the initiative."<sup>40</sup> Stefan Chrissanthos argues that on some occasions the common soldiers could indeed use traditional freedom of speech (*libertas*) "to effect real change," and "sometimes altered the course of various campaigns and, in a few instances, the course of Roman history."<sup>41</sup> Tracing the political culture of the army through mutiny (14 CE), usurpation (Piso in 17–20 CE, Lepidus and Getulicus in 39 CE), and imperial succession (41 CE), Greg Rowe claims that in the latter case, the Senate, the People, and the army struggled for initiative, and this initiative and power now belonged to the new actor – the Praetorian Guard.<sup>42</sup> Claudius' installation "made the fact of the soldier's power and initiative evident to all... and opened a new phase, which was to last, in essence, for the rest of imperial history."<sup>43</sup>

All these conclusions appear to be correct and helpful for further investigation. But there still remains no special examination of this phenomenon which undoubtedly deserves closer study throughout the late-republican and imperial periods, in view of the continued and transformed traditions of the military's political activism. Dedicated research on the impact that individual ordinary soldiers made on the course of events is also lacking in current scholarship, in spite of a recent flourish of interest in the ancient historians' presentation of mutinous troops and their individual leaders (such as the famous troublemaker Percennius).<sup>44</sup> Accordingly, to fill this gap, it is necessary to focus – from an historical perspective – on those individual ringleaders, initiators, and instigators of military unrest who in many cases appeared to be a genuine *spiritus movens* of the army's interference in politics. Before scrutinizing their contribution to the political agency of the army, let us first review the general perception of the elite on the place of the military within the state, as exemplified in the opinions of the ancient

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<sup>40</sup> Keaveney 2007, 55.

<sup>41</sup> Chrissanthos 2004, 365.

<sup>42</sup> Rowe 2002, 169–70.

<sup>43</sup> Rowe 2002, 169.

<sup>44</sup> See, for example, Woodman 2006; Popov 2008; Fulkerson 2006; Bhatt 2016; Worley 2018; Parat 2016a and 2021.

authors. These evaluations should not be underestimated: they are legitimate, albeit biased, assessments of the historical reality.

### **3. The Ancient Authors and the Political Agency of the Army**

When reading ancient narratives on civil wars and rulers' ups and downs in the late republican and imperial Rome, it is hard to escape the impression that it was the Roman legions or Praetorian Guard who primarily initiated a permutation in power relations. They sometimes appear to be the key drivers in political strife and conflicts, acting not only as a passive instrumental force, but as a separate political body with its own interests, tools, and choices (be those conscious or spontaneous). Although the troops' political awareness does not explain all the numerous outbreaks of military indiscipline and mutinies in the first century BCE,<sup>45</sup> in the eyes of many ancient authors, the military camp that turned into a place where seditious soldiers defended their own interests and decided the issue of supreme power.

There are a lot of corresponding expressive assessments by ancient authors concerning the agency of the army as a homogenized entity in political decision-making, beginning from the age of the "Roman revolution" and until the period of the "soldiers' emperors." It suffices to recall some characteristic passages here.

For the age of late-republican civil wars, one passage of Appian is particularly well known. He states: "the soldiers thought that they were not so much serving in the army as lending assistance, by their own favour and judgment, to leaders who needed them for their own personal ends," and the generals realized that "their authority over their armies depended on gifts rather than law," so that "the armies indulged in insubordination toward the leaders of the factions."<sup>46</sup> Plutarch in the introduction to the *Life of Galba* provides a similar opinion regarding the imperial period. After noting that "most people think that a body of soldiers, just like a natural body in full vigour, ought to have no initiative of its own, but should follow that of its commander," he then, concerning the Year of the Four emperors, highlights: "Many dire events, and particularly those which befell the Romans after the death of Nero, ... show plainly that an empire has nothing more fearful to show than a military force given over to untrained and unreasoning impulses." This disaster and collapse happened, in his view, "not so much

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<sup>45</sup> The reasons and motives could be very different: from combat exhaustion and fear to lack of confidence in leadership, pecuniary problems, unduly hard conditions of service, or food shortage etc. See Brice 2020a, 266; Lee 2019, 280–1.

<sup>46</sup> App. *B Civ.* 5.17; trans. H. White.

through the ambition of those who were proclaimed emperors, as through the greed and license of the soldiery, which drove out one commander with another as nail drives out nail. ... The soldiery ushering one in and another out, as in play.”<sup>47</sup>

This general idea of the primacy of the army’s position can easily be illustrated through many other passages. Thus, “with the careful juxtaposition of words,”<sup>48</sup> Tacitus gives a rather sarcastic comment on Nero’s acclamation as emperor at the praetorian camp: *sententiam militum secuta patrum consulta* – “the decision of the troops was followed by decrees from the Senate.”<sup>49</sup> *Sententia* here means a verdict made by the military, although in this very case it had been in fact proposed to the praetorians by court conspirators. But eventually, “the clear priority in time of the military aspect might indicate its greater significance.”<sup>50</sup> This priority is clearly witnessed by a papyrus supposedly relating to the revolt of Avidius Cassius in 175 CE. It is presumably a letter to the citizens of Alexandria in which the mutinous general, after the seizure of power, indicates that he was elected by the “noblest soldiers” – κεχρε[ι]ροτονη[μένους] μὲν αὐτοκράτωρ ὑπὸ τῶν γενναιοτάτ[ων] στρατιωτῶν.<sup>51</sup> As Foulkes rightly states, “in the document a distinction was apparently drawn between election by the troops and the practical assumption of power – the first being used as a justification for the second.”<sup>52</sup>

What is *more important to note* is that under the principate the traditional formula *Senatus Populusque Romanus* was substituted with a new tripartite division: *senatus milesque et populus*. This formula appears for the first time in Tacitus’ account of the oaths sworn to Tiberius and then is repeated in other places and by other authors, sometimes slightly modified.<sup>53</sup> Thus, in his account of the “marriage” of Silius and Messalina in 48 CE, Tacitus claims that this happened before the eyes of “the People, Senate, and soldiery” – *populus et senatus et miles*,<sup>54</sup> and Claudius’ friends advised him to go to the army, to consolidate the praetorian cohorts.<sup>55</sup> According to Plutarch, Galba’s freedman Icelus “announced that while

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<sup>47</sup> Plut. *Galb.* 1; trans. B. Perrin.

<sup>48</sup> Campbell 1984, 378.

<sup>49</sup> Tac. *Ann.* 12.69.2; cf. Cass. Dio 61.3.1.

<sup>50</sup> Foulkes 2005, 232, 235.

<sup>51</sup> SB 10295, lin. 6–8. On this document, see Bowman 1970.

<sup>52</sup> Foulkes 2005, 232.

<sup>53</sup> Tac. *Ann.* 1.7.3. Cf. Suet. *Claud.* 6.2: Tiberius commended Claudius in his testament *exercitibus ac senatui populoque Romano*.

<sup>54</sup> Tac. *Ann.* 11.30.5. Cf. SHA *Heliog.* 17.7: *senatus populi ac militum*.

<sup>55</sup> Tac. *Ann.* 11.31.1. Cf. Suet. *Claud.* 10; Joseph. *BJ* 204–214.

Nero was still alive... the army first, and then the Senate and People (τὸ στράτευμα πρῶτον, εἶθ' ὁ δῆμος καὶ ἡ σύγκλητος) had proclaimed Galba emperor.”<sup>56</sup> These examples demonstrate that the army became a recognized element in the establishment and maintenance of imperial power.<sup>57</sup> Indeed, such a “new and violent” wording clearly designates “the contrast between republic and principate”;<sup>58</sup> it means if not the emergence of a new institutional unit, then at least some validation of the updated geography of power in Rome, in which the army has won its unpreventable place.<sup>59</sup>

Furthermore, if the rhetoric of the *Scriptores Historiae Augustae* is to be believed, it became frequent in the third century for the army to be perceived as the primary vehicle of an imperial acclamation (i.e., before the Senate was called upon to express its view). In this respect, a quotation from Severus Alexander’s biography shows a kind of summation of the logical outcome of the long process. The biographer points out: “the soldiers had now grown accustomed to appoint their own emperors, often in a disorderly fashion, and also to change them at will, sometimes alleging in their own defense that they had taken action only because they did not know that the Senate had named a ruler.”<sup>60</sup> Even in the case of the emperor Tacitus’ elevation – when the troops, on the murder of Aurelian by conspirators,<sup>61</sup> had no candidate of their own choosing and sent an embassy asking the Senate to choose a new sovereign at their discretion –<sup>62</sup> the army’s primacy is explicitly alluded to in fictitious speeches addressed to the soldiers. The speakers (including the newly elected emperor himself) emphasize that the Senate elected Tacitus according to the decision, will, and approbation of all the troops.<sup>63</sup> More than

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<sup>56</sup> Plut. *Galb.* 7.2; trans. B. Perrin.

<sup>57</sup> Foulkes 2005, 232.

<sup>58</sup> Ando 2007, 366.

<sup>59</sup> Cresci Marone, 2005, 157 (with the reference to Sordi 1996, 476).

<sup>60</sup> SHA *Alex.* 1.6: *milites iam insueverant sibi imperatores et tumultuario iudicio facere et item facile mutare, adferentes nonnumquam ad defensionem se idcirco fecisse quod nescissent senatum principem appellasse.* Trans. D. Magie.

<sup>61</sup> These were, admittedly, the middle cadre officers under the leadership of a general (*dux*) named Mucapor (Drinkwater 2005, 53), though the conspiracy itself was initiated by the imperial secretary, a freedman Eros. For Tacitus’ personality and elevation, see Johne 2008.

<sup>62</sup> Aur. Vict. *Caes.* 35.9: *milites amissa principe legatos statim Romam destinant, uti suoapte arbitrato patres imperatorem deligerent.* Cf. SHA *Aur.* 40.1–2; SHA *Tac.* 2.1–7.5; *Epit. de Caes.* 35.8.

<sup>63</sup> SHA *Tac.* 7.3: *Vos, sanctissimi milites et sacratissimi vos Quirites, habetis principem, quem de sententia omnium exercituum senatus elegit;* SHA *Tac.* 8.4: *Dedit, sanctissimi commilitones, senatus principem, quem petistis; paruit praeceptis et voluntati castrensium ordo ille nobilissimus;* SHA *Tac.* 8.5: *...me, sanctissimi*

that, Zonaras in his account of Tacitus' ascension to the throne first records the voting of the troops (τὸ στρατιωτικὸν δὲ αὐτὸν ἀνηγόρευσε), and then the decision of the Senate and People (γνώμη τῆς συγκλήτου τε καὶ δήμου).<sup>64</sup>

Highly characteristic and indicative in this respect is the terminology used by ancient authors (mostly later ones),<sup>65</sup> which clearly attests that the troops, who at their military assemblies (*contiones*) proclaimed emperors, acted as a specific electoral body – if not in a strictly legal sense, then at least in an ideological one. Verbs such as Latin *eligere*, *creare*, *facere*, *declarare*, *pronuntiare*, *nuncupare*, *appellare* and corresponding Greek words (χειροτονεῖν, ἀναγορεύειν, ψηφίζεσθαι, φέρειν τὰς ψήφους) are used, and the actions of the army are designated respectively as *suffragium*, *iudicium*, *concilium*, ψῆφος. Significantly, in many cases the decisions of the military proclaiming the emperor are reported to have been accepted and approved by the whole army: *consensus omnium militum, a cunctis militibus, ψήφῳ πάντων*,<sup>66</sup> and sometimes as a decision by common soldiers.<sup>67</sup>

In any event, the expression (and its varieties) “was proclaimed by the soldiers,” which not infrequently occurs in literary sources describing the elevation of a new emperor, is too broad a generalization and can cover very different realities that are surely much more complicated than this phrase suggests.<sup>68</sup> It would be a mistake to take such narratives at face value. But, in spite of the explicit prejudices and biases of elite authors towards the soldiery,<sup>69</sup> the totality of such statements reveals at least a certain ideology. Behind this ideology lies the historical reality of the soldiery's collective agency and a significantly increased politicization of the army in the age of the *Soldatenkaiser* in comparison with the Augustan age. In any event, this collective agency is unimaginable without the decisions of individual soldiers.

#### 4. Individual *auctores seditionis* and Collective Action

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*commilitones, primum vos, qui scitis principes adprobare, deinde amplissimus senatus dignum hoc nomine iudicavit.*

<sup>64</sup> Zonar. 12.28.

<sup>65</sup> A thorough analysis of this terminology, see in Pabst 1997, 37–45.

<sup>66</sup> Pabst 1997, 24–5 (with references).

<sup>67</sup> Cf., e.g., *iudicio manipularium* in Aur. Vict. *Caes.* 37.6, where such a wording indicates a usual practice of that period.

<sup>68</sup> Cf. Panaget 2014, 258.

<sup>69</sup> As a characteristic example one can recall a passage in the biography of Tacitus, in which the author claims that the soldiery give credence to any falsehood, for they hear it when angry, being often drunken and almost always devoid of counsel (SHA *Tac.* 2.4).

Of course, it is a difficult task to reveal the concrete internal mechanics of the soldiers' political agency. It is even more important (and difficult) to distinguish those real and mostly nameless and invisible actors from the rank-and-file or lower ranking officers who initiated, prepared, and sometimes led military riots and mutinies, in the course of which the troops upheld their corporate interests and demands, dictated their will to commanders or overthrew former rulers, and promoted and proclaimed new emperors. Although there is relatively little evidence to show those individuals' motives and deeds as a substantial contributory and causal factor in crucial political events, my main concern in the following part of this chapter is with the political role of the military not in general terms as a homogenized political entity (*milites, exercitus, legiones, turba*), but, so to speak, "from below." I shall try to use the "bottom up" approach: that is, to examine some instances and ways of taking initiative by those ordinary soldiers and junior officers who were ultimately responsible for the army's collective action and who were usually labelled by our ancient authors as *auctores seditionis* (or *capita, duces, principes seditionis*, or θρασύτατοι, 'the most audacious', as Cassius Dio pejoratively designates them)<sup>70</sup>: ringleaders, troublemakers, initiators, formentors or instigators of military unrest which took various forms – from simple expressions of grievances to open armed rebellion and coups d'état.<sup>71</sup> Accordingly, we will primarily examine military mutinies as "collective, violent (actual or threatened), direct opposition to established military authority,"<sup>72</sup> but also some military conspiracies as "the conscious combination of [military] men, often generals or their subordinate officers, for a *coup d'état* or revolt in the field."<sup>73</sup> Besides that, a mutiny might emerge as part of a military conspiracy, although, as a rule, these were not initiated by individual common soldiers.<sup>74</sup> Such an approach is in line with those modern theories of collective (crowd) behavior which "tend to restore the decision-making power of the individual

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<sup>70</sup> Dio uses this term exclusively for the instigators of military rebellions (Parat 2021, 144). Cf. Mallan 2015, 159.

<sup>71</sup> The classification of four types of military indiscipline is proposed in Brice 2015a, 106; Brice 2015b, 75; Brice 2020b, 115–9 (with Table 9.1 'Matrix of indiscipline' at 115). Accordingly, ancient authors use an array of terms (both nouns and verbs) including: *seditio* (mutiny, revolt, insubordination), *motus* and *defectio* (rebellion), *res novae* (revolution), *desciscare* (to defect, revolt), *discordia* (discord), *turba* (disturbance), *tumultus* (riot), *bellum civile* (civil war), *coniuratio* (conspiracy), *infidelitas* (disloyalty), *desertor* (defector), *desero* and *relinquo* (to desert) – in Latin, and στάσις (strife, conflict, mutiny), νεωτερίζω and νεοχμώω (to revolt), ἐμφύλιος πόλεμος (civil war), θορυβέω and ταρασσώω (to cause an uproar, tumult), συνωμοσία and ἐπιβούλευμα (conspiracy), μεθίστημι (to defect), and ἀταξία (disorder, indiscipline) – in Greek. See Brice 2003, 76 and Brice 2015a, 105, n. 6.

<sup>72</sup> Brice 2015b, 71–2.

<sup>73</sup> Kaegi 1981, 4.

<sup>74</sup> Brice 2020b, 118.

and emphasize rational action over irrational submersion.”<sup>75</sup> It is also necessary to keep in mind that “leadership in mutinies... gives rise to the chicken-or-egg conundrum of whether the leader makes the mutiny or the mutiny makes the leader.”<sup>76</sup> In any event, “‘typical’ mutinies can tell us a lot about how the army began to be seen as a powerful and emotional force.”<sup>77</sup>

Although one of the most typical metaphors for military sedition was madness and mental illness (*furor, rabies, vecordia*) which embraces a mass of seditious soldiers like a contagious disease,<sup>78</sup> ancient authors nevertheless recognized the key role of individual soldiers in trouble-making. One may quote for instance a remark by Vegetius, who wrote, not without a kind of preconception: “an army never breaks out in dissent with equal enthusiasm, but is incited by a few who hope to escape punishment for vices and crimes by involving large numbers in wrongdoing.”<sup>79</sup> Perhaps it is this understanding (of course along with other motives, including the need for dramatic literary effects) that led ancient authors to introduce individual ringleaders in their mutiny narratives.

In addition to the episodes mentioned in the Introduction above, let us recall some cases in which the individual initiative of a common soldier is directly connected with the making of an emperor. The famous episode of Claudius’ elevation is the first worth calling to mind. According to our sources, on the assassination of Caligula in January 41 CE, Claudius, frightened by the clamor, had hid in a dark corner of the palace where he was recovered by a soldier who recognized him as Germanicus’ brother, hailed him as emperor, and then conducted him to the praetorian camp at the Viminal gate where praetorians entrusted him with the supreme power.<sup>80</sup> Josephus gives a name for this soldier, Gratus, and points out that it was he who called his fellow-soldiers to choose Claudius as emperor, asking him to accept the throne of his ancestors.<sup>81</sup> Aurelius Victor calls this soldier *Vimius*, adding that he was *ortus Epiri, centurio e cohortibus* – “a native of Epirus, centurion from the [praetorian] cohorts.”<sup>82</sup> Leaving aside the reliability of this episode as a whole and the other possible reconstructions of the

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<sup>75</sup> Connal 2012, 37. For these theories as applied to military mutinies in republican Rome, see Machado 2017.

<sup>76</sup> Rose 1982, 568.

<sup>77</sup> Fulkerson 2013, 166.

<sup>78</sup> For an analysis of corresponding topoi, see Manolaraki 2003, 9–56; Woodman 2006; Aranita 2009.

<sup>79</sup> Veg. *Mil.* 3.4: *numquam enim ad contumaciam pari consensu multitudo prorumpit, sed incitatur a paucis, qui vitiorum scelerumque inpunitatem sperant peccare cum plurimis.* Trans. N. P. Milner.

<sup>80</sup> Cassius Dio tells us about some soldiers who entered the palace for the purpose of plundering it (60.1.2).

<sup>81</sup> Joseph. *AJ* 19.212.

<sup>82</sup> Aur. Vict. *Caes.* 3.16. Cf. Suet. *Claud.* 10.1–2; Cass. Dio 60.1–3.

conspiracy against Caligula and Claudius' ascending to the throne,<sup>83</sup> it should be recognized that the very idea to make an ordinary soldier a pivotal decision-maker in choosing a future emperor is quite illustrative in showing that, at least in the eyes of some ancient authors, there was nothing impossible in an individual soldier taking initiative in the political realm. It is apparent that such an individual act could have a trigger effect on the events that followed.

Another striking example of an individual soldier's initiative can be found in Tacitus' report about a centurion, Claudius Flaventinus. After having been dishonorably discharged by Galba, he managed to incite the fleet at Misenum to revolt by forging letters from Vespasian in which he promised to the men a reward for their treason. It is remarkable that the historian treats this episode as "an illustration of the weight that a bold stroke on the part of a single individual may have in time of civil strife" – *tantum civilibus discordiis etiam singulorum audacia valet*.<sup>84</sup>

Cassius Dio in his narrative of the reign of Heliogabalus not only reports attempts to arouse an insurgency among the legions in Syria made by two legion legates aspiring to seize the imperial power (a Verus and a Gellius Maximus, both otherwise unknown); he also mentions the son of a centurion, a worker in wool, and even a private citizen who, respectively, tried to incite the III Gallic and IV Scythian legions as well as the fleet stationed at Cyzicus to rebellion.<sup>85</sup> We have no further information about these persons and their motivation, and they did not belong to the military, but Dio accompanies this information with the following moralizing sentence, similar to that of Tacitus cited above: "and there were many others elsewhere, as it was the simplest thing in the world for those who wished to rule to undertake a rebellion, being encouraged thereto by the fact that many men had entered upon the supreme rule contrary to expectation and to merit." He adds besides that he ascertained the information from trustworthy men and, concerning the fleet, personally learned by investigation while in charge of Pergamum and Smyrna.<sup>86</sup>

Naturally, the personal and collective motivations of the soldiers venturing into open revolt against their commander-in-chief or ruling emperor could vary significantly in each individual case, as has been convincingly demonstrated in a series of recent studies.<sup>87</sup> There is no room to discuss this issue in any detail here. However, it is worth noting that the nearest

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<sup>83</sup> Modern scholars tend to distrust this Josephus' version and argue that Claudius himself was involved in the plot. See Jung 1972; Levick 1990, 29–39; Barrett 1989, 176–7; Barrett 1996, 82.

<sup>84</sup> Tac. *Hist.* 3.57.1; trans. C. H. Moore.

<sup>85</sup> Cass. Dio 80(79).7.2–3.

<sup>86</sup> Cass. Dio 80(79).7.3–4. Trans. E. Cary.

<sup>87</sup> Chrissanthos 1999; Chrissanthos 2001; Mundubeltz 2000; Brice 2003; Connal 2012; Lee 2019.



triggers that drove the military toward political participation were often based on spontaneous emotional reactions and were far from “big politics” as such. If we go beyond the chronological framework of the period under review, one instance of this kind could be cited: an anecdotal story told in one of Libanius’ speeches.<sup>88</sup> He records that in 303 CE, soldiers sent to work at the harbor in Seleucia were forced to bake their bread at night and were unable to get sufficient sleep. Then they urged their commander to assume the imperial title and to lead them to Antioch. This rebellion, however, was eliminated by the town dwellers themselves.

Of course, much more detailed and realistic accounts of mutineers’ motives, as well as exceptionally vivid portraits of the instigators of military unrest, are produced by Tacitus, who is generally distinguished by a special attention to military rebellions and the role of these people in the preparation and development of soldiers’ actions.<sup>89</sup> The most famous of those rebellious leaders is, of course, Percennius,<sup>90</sup> a private soldier (*gregarius miles*), probably one of the recruits conscripted in the aftermath of the slaughter of Varus’ legions,<sup>91</sup> who instigated a mutiny among the legions in Pannonia after Augustus’ death in 14 CE. Tacitus represents him as a real catalyst of the military uprising and gives him an historical identity, pointing out that he was a former applause-leader (*claqueur*) of the Roman theatre who had “bold speech” and a “dramatic zeal,” such that he was well-skilled in manipulating his audience toward action.<sup>92</sup> Collecting unsophisticated, unstable, and dissatisfied men around him, as a skilled demagogue he agitated them in night conversations, made speeches as if in an assembly (*velut contiabundus*), and prepared his assistants in sedition (*seditionis ministri*).<sup>93</sup> More than that, it is via Percennius’ speech (an *oratio obliqua* written in characteristically Tacitean style) that

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<sup>88</sup> Lib. *Or.* 20.18.

<sup>89</sup> There is vast scholarship on literary intentions and narrative specificity of Tacitean depictions of soldier mutinies: Kotze 1996; Williams 1997; *O’Gorman 2000*, 25–39, 48–9; Manolaraki 2003; Malloch 2004; Pagan 2005; Fulkerson 2006; Woodman 2006; Bhatt 2016. Tacitus’ attitude is especially evident in comparison with the concise narrative of Cassius Dio (see Parat 2016a and 2021). Surely, when using Tacitus’ account of mutinies, one should not overlook the fact that “each mutiny is to no small extent Tacitus’ own creation, based indeed on a reliable outline of what actually happened, and somewhat influenced by stock material, but imaginatively and originally elaborated” (Goodyear 1972, 196).

<sup>90</sup> It would be tempting to connect or identify this individual with Marcus Percennius, [*mil(es)? l]eg(ionis)(?) IV*, commemorated in a fragmented inscription from Dalmatia (*CIL* 3.14933), but there are no strong arguments in favor of such an identification.

<sup>91</sup> Cf. Tac. *Ann.* 1.31.4; Cass. Dio 57.5.4.

<sup>92</sup> Tac. *Ann.* 1.16.3: ... *dux olim theatralium operarum ... procax lingua et miscere coetus histrionali studio doctus.*

<sup>93</sup> Tac. *Ann.* 1.17.1.

Tacitus quite realistically outlines the brutal circumstances, hardships, and principal complaints of the soldiers:<sup>94</sup> terrible living conditions, low pay, the savagery and bribes of the centurions, physical abuse, delayed discharge from service, and worthless land as a retirement award.<sup>95</sup>

The Tacitean version presents reliable factual content and meaningful points about legionary service that stand in contrast to Velleius who emphasizes only the extremity, madness, and rebellious ardor of the soldiers:<sup>96</sup> he writes that the army, “seized at the same moment by a form of madness and a deep desire to throw everything into confusion... wanted a new leader, a new order of things, and a new Republic. Nay, they even dared to threaten to dictate terms to the Senate and to the emperor. They tried to fix for themselves the amount of their pay and their period of service. They even resorted to arms; the sword was drawn; their conviction that they would not be punished came near to breaking out into the worst excesses of arms. All they needed was someone to lead them against the State; there was no lack of followers.”<sup>97</sup> However, Velleius, providing a more generalized overview of both mutinies, highlights more clearly the possible political aims of the rebels (*novum ducem, novum statum, novam ... rem publicam*). The “program” presented by Percennius did not assume anything like that. Moreover, when, after the legate Junius Blaesus had intervened, the legionaries agreed to elect Blaesus’ son, a tribune, as their deputy to be sent to the princeps, they instructed him to ask only that their term of service be limited to sixteen years,<sup>98</sup> while other requirements would be named after satisfying this. This fact might have meant that all the radical demands

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<sup>94</sup> On this episode and the speech as a rhetorical construct of historical reality see first of all different treatments by Auerbach 2003, 33–40 (who believes that Tacitus actually has no interest in the facts underlying the soldiers’ demands and expresses them so graphically in Percennius’ speech for purely aesthetic and rhetorical reasons) and Bhatt 2016 (who argues, contra Auerbach, that the soldiers in Tacitus’ account are presented as aggrieved, reasoned, and fully conscious political agents). See also Worley 2018. For the realness of soldiers’ complaints, cf. Keppie 1997, 93.

<sup>95</sup> Cf. the legionaries’ grievances addressed at the assembly to Germanicus in *Ann.*1.35.1–3. Additionally, they demanded the money they were owed by Augustus’ will.

<sup>96</sup> Bhatt 2016, 166.

<sup>97</sup> Vell. 2.125.1–3: *rabie quadam et profunda confudendi omnia cupiditate novum ducem, novum statum, novam quaerebant rem publicam; quin etiam ausi sunt minari daturos se senatui, daturos principi leges; modum stipendii, finem militiae sibi ipsi constituere conati sunt, processum etiam in arma ferrumque strictum est et paene in ultima gladiatorum erupit impunitas, defuitque, qui contra rem publicam duceret, non qui sequerentur*. Trans. F. W. Shipley.

<sup>98</sup> Such a condition, obviously, was of equal importance for both veterans and recently levied recruits.

formulated by Percennius were not accepted at once, and the legionaries might have been inclined to compromise with the authorities.

Another active instigator of the insurrection in the Pannonian legions was Vibulenus, also a *gregarius miles*.<sup>99</sup> He appears on the stage, when, as Tacitus observed, the violence was burning more feverishly and the mutiny acquired additional seditious leaders (*plures seditioni duces*). Tacitus composes Vibulenus' direct speech, pronounced at a *contio* where he was lifted onto the shoulders of bystanders before the tribunal and aimed at further stimulating the mass of soldiers. Generally, he is portrayed as a most skillful and insidious provocateur who does not hesitate to make the most impudent lies (he offers a heart-wrenching account of the unjust slaughter of his brother by the order of Blaesus);<sup>100</sup> he is able to choose the right moment, the suitable style of speech, and dramatic gestures appropriate to the soldiers' mood for inciting in them the hatred of commanders.

Perhaps the initial success of Percennius and Vibulenus was due not only to their individual "talents," but also, at least in part, to the composition of the audiences they were addressing: these might have primarily been those legionaries who, like Percennius and the soldiers of the German legions, were city-bred recruits recently levied from the inhabitants of Rome after the Varus' disaster (*vernacula multitudo ... lasciviae sueta* – "an indigenous crowd ... inured to recklessness"). It was these men who, in Tacitus' words, began to influence the simple minds of the rest of the rank and file.<sup>101</sup> One can assume that they gained the defined political experience in the theater and circus in Rome – the places where, as Yavetz observed, passive crowds became active.<sup>102</sup>

Although these two instigators in the Pannonian legions, by and large, failed to make the rebellion a totally violent movement and fully radical in its demands, they nevertheless played a crucial part at the first stage of the uprising, acting both as organizers and as a kind of trigger. Their fate, as reported by Tacitus, was grievous. Both were underhandedly murdered shortly after a lunar eclipse occasioned a marked turn in the legionaries' mood. Drusus, the son of Tiberius, charged to suppress the mutiny, chose a drastic measure: "he ordered Vibulenus and Percennius to be summoned and killed. Many transmit that they were buried within the leader's

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<sup>99</sup> Tac. *Ann.* 1.22–3.

<sup>100</sup> This "brother" was allegedly sent to the Pannonian legions from the army in Germany for discussing collective interests. But it soon became clear that there was no murder and no brother at all (*Ann.* 1.22.1–2). Nevertheless, this did not prevent him from remaining among the leaders of the rebellion.

<sup>101</sup> Tac. *Ann.* 1.31.1–4.

<sup>102</sup> Yavetz 1969, 19–20. Cf. Flaig 1992, 46–7.

pavilion, others that the bodies were flung away outside the rampart as a demonstration.” Then the major agitators of the disturbance (*praecipuus turbator*) were searched out and partly cut down by centurions and soldiers of the praetorian cohorts, partly handed over by the maniples themselves as evidence of their loyalty.<sup>103</sup> Such fast and cruel reprisals, no doubt, testify to at least two important things: that the principal leaders of the disturbance still posed a serious threat; and that soldier community was by no means unanimous, having been deeply split thanks in large part to the efforts of the commanding authority.

The sedition of the Rhine legions was more large-scale and violent because of their greater numbers and hopes that Germanicus would be ready to lead the army against the new princeps. By noting this, Tacitus from the very beginning imbues the soldiers in Germany with a political purpose and hints that the uprising could potentially be transformed into usurpation.<sup>104</sup> He also specially points out that, in contrast with the Pannonian mutiny, the emergence of the insurrection in the German army had no individual ringleaders: “this was not one, like Percennius among the Pannonian legions... but many faces and voices of sedition (*non unus haec... sed multa seditionis ora vocesque*).” The only circumstance the historian clarifies is that the main instigators were the soldiers newly conscripted from the lower class in the city of Rome.<sup>105</sup> It is noteworthy that these nameless activists, according to Tacitus, not only appealed to the material and professional interests of the soldiers, like Percennius, but also claimed the political significance of the army as such: as Tacitus expresses in their imagined thoughts, “in their hands lay the Roman cause, they said, by their victories was the state increased, theirs the nomenclature which commanders adopted.”<sup>106</sup> The historian also emphasizes coherence and unanimity in the soldiers’ actions: “they were neither scattered in disarray nor under the influence of a minority but flared up together and fell silent together – with such uniformity and consistency that you would have believed them to be directed.”<sup>107</sup> However, it is difficult to believe that the internal self-organization the soldiers demonstrated,

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<sup>103</sup> Tac. *Ann.* 1.29.4–30.1; trans. A. J. Woodman.

<sup>104</sup> Bhatt 2016, 172.

<sup>105</sup> Tac. *Ann.* 1.31.1–4; trans. A. J. Woodman.

<sup>106</sup> Tac. *Ann.* 1.31.5: *sua in manu sitam rem Romanam, suis victoriis augeri rem publicam, in suum cognomentum adscisci imperatores*. Trans. A. J. Woodman.

<sup>107</sup> Tac. *Ann.* 1.32.3: *quod neque disiecti nec paucorum instinctu, sed pariter ardescerent, pariter silerent, tanta aequalitate et constantia, ut regi crederes*. Trans. A. J. Woodman.

after having killed or moved away most officers,<sup>108</sup> was possible without the galvanizing effort of certain leaders from the rank and file themselves. Such a tradition was deeply rooted in the Roman army.<sup>109</sup>

In any event, the mutiny of the German legions is shown by Tacitus as a primarily collective activity. Besides the newly conscripted legionaries, only veterans are pointed out as a more active part, complaining especially fiercely at an informal assembly convened in the camp when Germanicus had arrived there;<sup>110</sup> and in the entirety of the Tacitean account of this mutiny there is only one common legionary named: Calusidius,<sup>111</sup> who offered his own drawn sword to Germanicus when the latter had been ready to plunge it into his chest, and said that it was sharper. But this gesture appeared too savage even to the rest of the troops seized with rage.<sup>112</sup>

Ultimately, those anonymous rebel leaders in Germany also suffered a sad fate. In Lower Germany, after Germanicus had restored control, they were caught and then judged by their own comrades-in-arms at a special *contio*: those whom the soldiers deemed guilty were thrown to them to be massacred.<sup>113</sup> The most loathsome and seditious troublemakers of the still-rebellious V Alaudae and XXI Rapax legions were also put to death by the loyal soldiers (eagle- and standard-bearers, first of all): the latter, encouraged by the legate Caecina, caught the offenders in their beds in the middle of the night and slaughtered them in fratricidal fighting.<sup>114</sup>

Thus, given the traditional severity of the Roman military law toward any disobedience and indiscipline,<sup>115</sup> it is evident that ringleaders who took the initiative in initiating and

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<sup>108</sup> Despite his prejudice towards seditious soldiers, Tacitus mentions that “watches, pickets, and anything else which their immediate need indicated, were assigned by the men themselves” – *vigilias stationes, et si qua alia praesens usus indixerat, ipsi partiebatur* (*Ann.* 1.32.3; trans. A. J. Woodman). See also *Ann.* 1.25.1, 28.4, 32.3; cf. Livy 28.24.10 (on the mutineers in the army of Scipio).

<sup>109</sup> Makhlaiuk 2006, 240–3.

<sup>110</sup> Tac. *Ann.* 1.35.2.

<sup>111</sup> Cassius Dio, reporting the same apophthegma (57.5.2), leaves the soldier anonymous.

<sup>112</sup> Tac. *Ann.* 1.35.5–6.

<sup>113</sup> Tac. *Ann.* 1.44.3–5.

<sup>114</sup> Tac. *Ann.* 1.48.3.

<sup>115</sup> Even *voceferatio* (outcries, shouts) and *levis querela* (minor complaints) were considered as a *sedition* and were subject to rather severe punishment (*Dig.* 49.16.3.20), to say nothing of any open unrest or conspiracy (*coniurationem, aut factionem, aut seditionem moliri adversum praesidem suum* – *Dig.* 49.16.3.19); at the same time, it was the ringleaders (*capita et auctores coniurationis aut seditionis*) who were subject to death penalty first of all (*Ex Ruffo leges militares* 10).

activating mutiny did a very risky and sometimes fatally dangerous job. However, most mutineers in the age of the civil wars remained unpunished.<sup>116</sup> In terms of a modern theory, they were especially active within the first two phases of a mutiny which are labeled as *trigger* and *mobilization* (the third is *restoration of control*).<sup>117</sup> As Brice argues, at the stage of mobilization when participants are “recruited” and organized or directed, formal and informal leaders play a key role in keeping the mutiny going.<sup>118</sup> Rarely mentioned by name, these leaders undoubtedly stood behind the army’s collective actions, and their impact on the course of events should be by no means underestimated. However (un)realistic and (un)reliable the Tacitean imagery of these troublemakers might be, they present a rare instance of non-elite voice and political agency.

More than that, according to Tacitus even some of the middle military cadre occasionally took part in causing trouble.<sup>119</sup> Such behavior also finds parallels in late republican history, when centurions and military tribunes took on the role of speakers of the troops.<sup>120</sup> Although such a practice was relatively rare under the Empire, in some cases, in the midst of unrest and

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<sup>116</sup> Brice 2020a, 263.

<sup>117</sup> Rose 1982, 565–7. Brice convincingly demonstrates the applicability of this theory to the analysis of Roman military mutinies: Brice 2015a, 2020b and 2020c.

<sup>118</sup> Brice 2020c, 51.

<sup>119</sup> Tac. *Hist.* 1.55.4: *nullo legatorum tribunorumve pro Galba nitente, quibusdam, ut in tumultu, notabilibus turbantibus* (“No one of the legates or tribunes made any effort in Galba’s behalf; some, as is usual in an uproar, were conspicuous in causing trouble”). On this role, see De Blois 1992; De Blois 2007, 176.

<sup>120</sup> Schmitthenner 1960, 12–3. For centurions, see, e.g., App. *B Civ.* 3.48, 86, 88. However, Augustus made them “a privileged corps of officers who owed everything to the Princeps, thanked him with unconditional loyalty, and henceforth represented an important element of stability” (Raaflaub 2009, 212). Consequently, in most cases, the centurions were on the side of the official authorities and thence during the riots they were subjected to reprisals from the rank and file. The mutinies of 14 CE illustrate this very well (Tac. *Ann.* 1.23.4, 32.2–5, 44.7). Tacitus tells us about a heroic centurion, Sempronius Dens, who tried to protect Calpurnius Piso and lists by name four centurions who ventured to defend Galba’s images and were thrown into chains (*Hist.* 1.43.1, 56.1). Interestingly, in the moment of proclaiming Otho as emperor, the praetorians did not allow the tribunes and centurions to be admitted to the tribunal on which their candidate was raised (Tac. *Hist.* 1.36.2). For seditious military tribunes one may call to mind the story of the tribune Ofillius. When in the course of the mutiny after the battle of Philippi the legionaries were demanding their war prizes, while Octavian promised them only additional honors instead of money and discharge, this demagogic officer claimed that the rewards for soldiers are lands and money and promised to defend the soldiers’ fair cause. But he disappeared on the following day, having been, apparently, killed by the order of young Caesar. This fact so terrified the soldiers that they no longer dared to give utterance to their complaints singly, but only in groups. In turn, Octavian tried to conciliate their leaders in various ways (App. *B Civ.* 5.128–9).

civil war, such factors as political ambitions, personal offenses, fear of punishment for crimes committed,<sup>121</sup> or innate moral degeneracy could urge upper-level officers or even high military commanders to become the instigators of betrayal and insurrection.<sup>122</sup> Tacitus indicates that soon after Vitellius' arrival at Cologne, in late November 68, he was being urged to bid for the throne by two legionary legates, Caecina Alienus and Fabius Valens.<sup>123</sup> At the same time, Tacitus stresses the initiative of the legions themselves: they "made a secret compact with each other (*obstringuntur inter se tacito foedere legiones*), into which the auxiliaries were admitted as well."<sup>124</sup>

However, strife and tensions might occur between common soldiers and their commanders plotting a coup, as in the case of the legate of Dalmatia, Arruntius Camillus Scribonianus, who attempted to revolt against the emperor Claudius but, in a few days, was killed by his own soldiers;<sup>125</sup> the commanders who had incited them to secede from the emperor were also killed.<sup>126</sup> Sometimes the troops could act as a kind of court and decided the fate of their high-ranking commanders, as did the Vitellian soldiers who demanded the execution of the Gallic chiefs fighting on the side of Vindex.<sup>127</sup> Vitellius was also forced to satisfy most troops' requirements of executing the most hated officers.<sup>128</sup>

Nevertheless, regarding the internal "mechanics" of the soldiery's collective actions, it is important to note that in situations when the opinion and decision of the soldiers acquired paramount political importance, as in choosing new emperor, the officers participating in a conspiracy practiced a kind of preliminary "agitation work" prior to assembling a *contio militum*. It could most often be conducted by commanders through preliminary individual talks with junior officers and some of the most faithful rank and file (οἱ τῶν στρατωτῶν ἐξέχοντες);<sup>129</sup> officers might assemble single detachments for such conversations.<sup>130</sup> Sometimes the soldiers themselves discussed the situation in their own circles.<sup>131</sup>

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<sup>121</sup> Tac. *Hist.* 1.5, 53, 55; Suet. *Otho.* 1.2; cf. *Senatus consultum de Pisone patre*, lines 45–9.

<sup>122</sup> Tac. *Hist.* 1.60; *BAfr.* 54; cf. Cass. Dio 68.3.3.

<sup>123</sup> Tac. *Hist.* 1.52.3–53.2, 57.1.

<sup>124</sup> Tac. *Hist.* 1.54.3.

<sup>125</sup> Or, in Tacitus' version, by the one soldier, see note 13 above.

<sup>126</sup> Suet. *Claud.* 13.2; *Otho* 1.2; Cass. Dio 60.15.2–4. For an analysis of the sources, see Parat 2016b, 193–5.

<sup>127</sup> Tac. *Hist.* 2.94.

<sup>128</sup> Tac. *Hist.* 1.58.

<sup>129</sup> Hdn. 2.7.7.

<sup>130</sup> App. *Mith.* 59; Amm. Marc. 15.5.16, 27.6.5; Hdn. 2.7.7; 2.9.7; SHA *Prob.* 10.3–4; Zosim. 2.40.2; 47.2.

<sup>131</sup> App. *B Civ.* 4.123, 5.129; Tac. *Ann.* 1.16.5; Joseph. *AJ* 19.2.1.

The result of such discussions and meetings could be the use of such a characteristic form of collective soldiering activity as the election of deputies and exchanges of embassies to the opposite side in civil war or, during an uprising, between different units for making joint decisions.<sup>132</sup> It suffices to recall some examples. C. Cassius in his letter informed Cicero that the soldiers of Bassus, who refused to hand over the legion to Cassius, sent envoys to him against the will of their commander in order to take the side of the Republicans.<sup>133</sup> The army of Brutus, having learned of his death in the battle of Philippi, sent embassies to Anthony and Octavian to seek forgiveness.<sup>134</sup> In 41 BCE, Caesarian veterans provided the arbitration of disagreements between Antony and Octavian by holding an assembly on the Capitol and passing a resolution which was transferred to young Caesar, who was present, and to the other party through an embassy. Octavian's opponents called these veterans a "Senate in hob-nailed boots" – βουλὴν καλιγᾶταν, *senatus caligatus* in Latin.<sup>135</sup> Suetonius mentions that the legions of Upper Germany, refusing to swear an oath to Galba, decided to send envoys to ask the Praetorians to choose an emperor who would be acceptable to all troops.<sup>136</sup> According to Tacitus, in 69 CE, on behalf of the Syrian army, a centurion Sisenna was sent to Rome to the Praetorians, carrying the image of interlaced right hands – a symbol of peace and consent.<sup>137</sup>

An army's embassies could also be sent to the Senate or to the emperor himself. Thus, in 43 BCE, Octavian, demanding consular power from the Senate on behalf of the troops, sent 400 soldiers as envoys to Rome.<sup>138</sup> Tacitus in his account of the Pannonian mutiny narrates that armies sent envoys not only to each other, but to the emperor too.<sup>139</sup> Although there is no suggestion that proclamation of Vespasian in July 69 CE was initiated from below,<sup>140</sup> Tacitus points out that, in Judaea, "it was all done by the impetus of the soldiers,"<sup>141</sup> and at the conference of Vespasian's supporters in Berytus, along with the high-ranking commanders renowned centurions and soldiers also arrived, as well as selected representatives of the legions

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<sup>132</sup> Cf. for the late-imperial period Pabst 1997, 183, 297, n. 305. On informal channels of information exchange between the military, see Eaton 2020, 100–3.

<sup>133</sup> Cic. *Fam.* 12.12.3.

<sup>134</sup> App. *B Civ.* 4.135.

<sup>135</sup> Cass. Dio 48.12.1–3.

<sup>136</sup> Suet. *Galb.* 16.2.

<sup>137</sup> Tac. *Hist.* 2.8.

<sup>138</sup> Suet. *Aug.* 26.1; App. *B Civ.* 3.88; Cass. Dio 46.42.4–43.4.

<sup>139</sup> Tac. *Ann.* 1.19.3–4, 22.1.

<sup>140</sup> Birley 2007, 385.

<sup>141</sup> Tac. *Hist.* 2.79.2 (*cuncta impetu militum acta*).



from Judaea.<sup>142</sup> In these cases, the embassies were organized not so much by the soldiers themselves as by the commanders. However, we know the facts of the direct initiative of the troops. According to Cassius Dio, the legions in Britain, having been punished by Pertinax for attempting to revolt, elected a delegation of one and a half thousand soldiers and sent it to Rome to the emperor Commodus who received them and satisfied their demands by giving them the praetorian prefect Perennis – whom they had accused of conspiring against the emperor – to execute.<sup>143</sup>

All these facts confirm well that ordinary soldiers genuinely possessed various formal and informal methods “to express their opinions, not just among themselves, but directly to their superiors.”<sup>144</sup> There is no doubt that the military authority, as well as emperors themselves, had to reckon with these opinions and were in need of a dialog with the rank and file to influence them, if possible,<sup>145</sup> or were forced to submit to the will of the mass of the soldiery.

## 5. Conclusions

Summing up, it appears reasonable to assume that the soldiery’s role in the political realm was far from a mere tool in the hands of ambitious elite players. This appears especially obvious in military unrests and coups d’état which demonstrate what power non-elite groups could attain in the Roman world; and one of the most important parts in the political agency of the army was played by those individual ringleaders who were, undoubtedly, brave and audacious men ready to risk their lives. Despite the ancient writers’ biases and strong tendentiousness toward the army, and mutinous soldiers in particular, it is evident that the impact of *auctores seditionis* was of decisive importance at major stages of the development of rebellions, but especially in the first phase when it was necessary to overcome fear of the military authorities and the inertia of habitual obedience – that contrast “between unbridled license and obedient submission” (*diversitas licentiae patientiaeque*) which Tacitus marks at one point,<sup>146</sup> when, in his words, “the foulest of crimes was dared by a few, desired by more, and acquiesced in by all.”<sup>147</sup>

Considering the specific role of the leaders of a mutiny and the particular forms of its occurrence, one cannot but pay attention to one significant and very characteristically Roman

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<sup>142</sup> Tac. *Hist.* 2.81.3.

<sup>143</sup> Cass. Dio 72(73).9.2<sup>2</sup>–4.

<sup>144</sup> Chrissanthos 2004, 357.

<sup>145</sup> Cf. Eaton 2020, 122.

<sup>146</sup> Tac. *Hist.* 4.27.3; trans. C. H. Moore.

<sup>147</sup> Tac. *Hist.* 1.28.2; trans. C. H. Moore.

tradition manifested during the uprisings. This is a tradition of the internal self-organization of common legionaries.<sup>148</sup> The astonishing ability of Roman soldiers to organize themselves is revealed in the fact that even during a serious rebellion, despite the excesses inevitable in such a situation, the soldiers sought to maintain the usual routine of camp life and to perform their duties.<sup>149</sup>

It is fair to conclude that even when the army finally became professional and the status of legionaries as Roman citizens lost much of its political significance, they did not behave as simple mercenaries; their actions were somehow identified with the collective goals of the Empire and a responsibility that can be qualified as civil in a broad sense.<sup>150</sup> The military disturbances were never directed against the Roman state as such. Rather, citizen soldiers felt themselves participants in the sovereign power, its partners and backbone, considering themselves entitled to defend their own interests not only by petitions addressed to the authorities, but also by weapons if necessary – *precibus vel armis*.<sup>151</sup> Accustomed to act collectively and take initiative on the battlefield, the Roman soldiers may well have considered taking collective action for their own interests as socially acceptable.<sup>152</sup>

In moments of crisis of power, a military rebellion could be initiated by ambitious aspirants to the throne who competed for support of their subordinates. Only upon the successful outcome of such an undertaking could the instigators of disobedience and mutiny from the ordinary soldiers and officers count on impunity and rewards. But in the civil wars of the late Republic, most mutineers managed to go unpunished.<sup>153</sup>

Under the Empire, the professional interests of the army as a specific community were inextricably linked with the issue of the supreme power on which the provision for the soldiers' needs and demands depended. Therefore, almost every insurgency was a political act, regardless of whether its aim was to change the holders of power or to satisfy the purely professional needs of soldiers. It should be emphasized that a series of military coups and soldiers' insurrections in the history of the Roman Empire would probably be impossible without those "mutinous traditions" that had taken shape in Rome's early times. This potential

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<sup>148</sup> MacMullen 1984, 454–5.

<sup>149</sup> On the significance of this ability in the context of the insurgency in Etruria in 63–62 BCE, cf. Nebelin in this volume.

<sup>150</sup> Cf. Carrié 1989, 113–4; Flaig 1992, 165; Speidel 2010.

<sup>151</sup> Tac. *Ann.* 1.17.1.

<sup>152</sup> Machado 2017, 121.

<sup>153</sup> Cf. Brice 2020a, 263.

“rebelliousness” of the army, along with other factors, dictated a special mode of relations between the emperor and the army, which included such an element as patron-client relations. Any depoliticization of the army was unattainable, and it was important to take measures so that the army as a political force and a source of political legitimacy was fully on the side of the ruling emperor. The Roman army as a specific political constituency should by no means be underestimated, and the ancient authors’ assessments of its decisive role in the fall of the Republic and in emperor-making should be taken seriously. Common soldiers were sometimes leading protagonists in the principal theatre of politics, perfectly capable of acting on their own initiative: this was an ancient tradition of the Roman army as an institution of the armed citizen body which could take initiative and possessed the will and means to adjudicate their *sententia* or *iudicium militum*, so that their *arbitrium* was not a mere unreasoned arbitrariness but rather a rational choice. Such a mode of behavior was ultimately based on “the ability of the private soldier to think and act for himself.”<sup>154</sup>

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<sup>154</sup> Messer 1920, 160.

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# The Emperor and his Generals: Military Agency in the Early Principate

Wolfgang Havener

## Abstract

From the establishment of the principate, complete control of the military sphere constituted one of the crucial foundations of imperial power. Augustus and his successors went to great lengths to monopolize access to actual as well as symbolic military resources. This immensely affected both the self-presentation and the self-understanding of the members of the senatorial elite, who were deprived of the possibility to generate social prestige from successful military operations and to employ this prestige in the competition over political and social pre-eminence. The affair surrounding the campaign of M. Primus against the Odrysae in 24/23 BCE clearly demonstrated that under these conditions, taking the initiative bore a high risk for a general. At the same time, a commander's willingness to act on his own accord and without consultation in critical situations still constituted a crucial prerequisite for successful military operations. The conflicts which could potentially result between the senatorial commander on the spot and the imperial commander in chief entailed a constant tightrope act for the former. By analyzing the case studies of Primus, Varus, and Corbulo, this chapter aims to illustrate the limits of senatorial agency in the field as well as the potential political repercussions and the ways in which these problems were perceived and interpreted in historiographical literature.

## Keywords

military agency, war, trial, defeat, Primus, Varus, Corbulo

## 1. Introduction

*Meo iussu et auspicio*: “under my command and auspices two armies were led at almost the same time into Aethiopia and the Arabia which is called Fortunate, and substantial enemy forces of both peoples were slaughtered in battle and many towns captured.”<sup>1</sup> In chapters 26–33 of his *Res Gestae*, the first Roman *princeps* Augustus gives an impressive account of his military and diplomatic exploits. The whole passage is centered exclusively on his person, and on his

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<sup>1</sup> *Res Gestae* 26.5: *meo iussu et auspicio ducti sunt duo exercitus eodem fere tempore in Aethiopiam et in Arabiam quae appellatur Eudaemon, magnaue hostium gentis utriusque copiae caesae sunt in acie et complura oppida capta* (trans. A. Cooley). If not otherwise indicated, translations are taken from the LCL. I would like to thank the participants of the conference (especially Marietta Horster and Uwe Walter) as well as the editors for helpful comments. I am also grateful for the valuable advice given by Henning Börm, Johannes Geisthardt, and Benjamin Biesinger on an earlier version of this paper.

accomplishments as the ultimate authority regarding the fields of war and peace as well as foreign policy: “I extended the boundaries of the provinces,” “I brought under control” Gaul, Spain and Germany, “my fleet” sailed the Oceanus and the Rhine, “I added Egypt to the empire of the Roman people,” “I subdued the enemy and recovered from Spain and Gaul and from the Dalmatians several military standards which had been lost by other generals.”<sup>2</sup> The list could be continued. In a document whose main purpose was to present to posterity the achievements of the man who was its protagonist as well as its author, such a style can of course be expected. Accordingly, all the other passages of the text exhibit similar formulations that were suited to drive the message home to the audience at Rome and in the provinces.<sup>3</sup>

However, with regard to the specific guiding questions of the present volume and its focus on the aspect of agency, it might be worthwhile to recapitulate the implications of the specific way in which Augustus chose to present his military achievements – especially as in the field of warfare and military matters the discrepancy between this presentation and the actual events could become blatantly manifest.<sup>4</sup> Most of the accomplishments listed by the *princeps* had not been achieved by Augustus himself or even in his presence. From the rather ill-fated Cantabrian campaign in the first half of the 20s BCE, Augustus had not led an army into battle in person or participated in actual fighting. And yet, within a strategy termed by J. Rich as “economy with the truth,” his formulations aptly described the political practice.<sup>5</sup> Even though Augustus no longer campaigned in person, each and every military undertaking was intimately linked to him regardless of who actually led the campaign or commanded the army in the field. The regulations and compromises that were negotiated between the *princeps* and the members of the senatorial elite during the prolonged process of the establishment of the principate were designed to ensure that Augustus and his successors would not lose grip on the most important foundation of their sovereign position: the complete and exclusive control over the military sphere in all its forms, ranging from the command structures and the formulation of strategic principles to the crucial field of the public presentation of military success. From Augustus onwards, the *principes* took enormous efforts to monopolize access to actual as well as

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<sup>2</sup> *Res Gestae* 26.1: *fines auxi*; 26.2: *pacavi*; 26.4: *classis mea*; 27.1: *Aegyptum imperio populi Romani adieci*; 29.1: *signa militaria complura per alios duces amissa devictis hostibus recipravi ex Hispania et Gallia et a Dalmateis*.

<sup>3</sup> On the character of the *Res Gestae* in general, see Heuss 1975; Ramage 1987; Ridley 2003.

<sup>4</sup> See also Havener 2016, 193–200.

<sup>5</sup> See Rich 2010.

symbolic military resources.<sup>6</sup> Most emperors followed Augustus' model and either did not participate in military ventures at all or stepped in only when it came to skimming off the prestige. Actual campaigns and the day-to-day business of warfare continued to be conducted by generals deriving mostly from the senatorial elite. Due to the absence of the commander in chief as well as the protracted lines of communication, these men had to make decisions in the field before, during, and after combat operations and were thus in practice responsible for the successful outcome or failure of an operation. At the same time, the emperors' position as the ultimate authority regarding military matters deprived senatorial commanders of the opportunity to benefit from victorious campaigns by turning their success into social prestige and political power – opportunities that had made military victory one of the most crucial resources of aristocratic competition in republican times.<sup>7</sup> The mere existence of the *princeps* entailed that such competition was possible only in his service.<sup>8</sup> In order to make this acceptable for the members of the senatorial elite, it was vital for Augustus and his successors to develop strategies in order to provide senatorial commanders with sufficient opportunities to distinguish themselves as well as the possibility to present their success to the Roman public.<sup>9</sup>

Military necessities as well as political considerations therefore turned the agency of senatorial generals – i.e. according to the guiding ideas of the present volume their “ability to behave proactively, rather than only to react to the suggestions of others” – into a highly sensible aspect of the ongoing process of negotiation between the emperors and the senatorial elite. The specific situation of the early principate outlined above demands a specification of this definition, consisting of the distinction between two spheres in which the agency of senatorial commanders became manifest: the actual situation, i.e. the campaign and battle itself on the one hand, and the repercussions of these situations on the stage of the capital on the other hand. In this contribution I will focus on the second sphere and thus on agency as a discursive phenomenon. The process of negotiation between the emperors and the members of the senatorial elite did not evolve in the camps and on campaign but rather in the run-up as well as in the aftermath of military ventures. In this process, the question of how much room for

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<sup>6</sup> On the reforms of the military sector initiated by Augustus, see Raaflaub 1987 and Cosme 2012. Campbell 1984 and Stäcker 2003 investigate the strategies developed by the emperors to secure the loyalty of the soldiers.

<sup>7</sup> On the initiative of senatorial commanders during the second century BCE, see Oliver Grote's contribution to this volume.

<sup>8</sup> On the victorious general as a potential rival for the emperor, see Künzer 2018.

<sup>9</sup> For a more extensive analysis of this process under Augustus, see Havener 2016. See also Josiah Osgood's contribution in this volume on the case of Piso as governor of Syria.

maneuver a senatorial commander in the field actually had and how he made use of it in a specific situation was of secondary importance. Much more important was how his agency and its effects were portrayed and assessed in political debates in the Senate, in court, or in the retrospective evaluation of historiographical and biographical literature. In other words: an analysis of the ways in which the main agents and actors on the political stage of Rome talked and wrote about the agency of senatorial commanders can demonstrate the significance assigned to this aspect in the development of the principate. In order to illustrate the different facets of this discourse on senatorial military agency I will investigate three case studies: the trial of M. Primus, the defeat of P. Quinctilius Varus, and Tacitus' account of the campaigns of Cn. Domitius Corbulo.

## 2. The Trial of M. Primus

The events surrounding the trial of the proconsul M. Primus that probably unfolded in the spring of 23 BCE are known only from the account of Cassius Dio.<sup>10</sup> After he had returned from his proconsulship in the province of Macedonia, Primus was accused of having started an illegitimate war against the kingdom of the Odrysae in Thrace and was brought to trial before a *quaestio*.<sup>11</sup> Confronted with these charges, Primus resorted to a highly risky defense strategy and “declared at one moment that he had done it with the approval of Augustus, and at another with that of Marcellus” (λέγοντος τοτὲ μὲν τῆ τοῦ Αὐγούστου τοτὲ δὲ τῆ Μαρκέλλου γνώμη

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<sup>10</sup> Cass. Dio 54.3.1–4. The date of the trial is still heavily disputed and placed either in 23 or 22 BCE; arguments for both alternatives are extensively discussed by Stockton 1965 and Jameson 1969. For an overview of the various positions in this debate, see Hurlet 2006, 181–2, with n. 222 and 223, and Kienast 2014, 101, with n. 72. One argument for a dating of the episode to 22 has been that this is the year under which it is reported by Dio. However, it has been plausibly argued that in this passage Dio does not aim for chronological accuracy but rather to collect significant examples for Augustus' μετρίότης that do not necessarily all belong to the year 22 (see Cresci Marrone 1999 and Manuwald 1979, 117–9).

<sup>11</sup> See Kienast 2014, 101–2; Dettenhofer 2000, 98; Bleicken 1962, 76. According to Daly 1984, 161 this has to be interpreted as a *quaestio de maiestate*. Atkinson 1960, 459 had already tried to establish a link between the trial of Primus and a supposed *lex Iuliae de maiestate* which, for her, constituted the foundation of the principate. Atkinson referred in particular to the formulation that no general would have been allowed to wage war without the permission of the *princeps* (Dig. 48.4.3: *iniussu principis*). Since this is not the place to review the highly complex debate on the potential existence of an Augustan *maiestas*-law (see Melounová 2014, 409–11 for an overview), it may suffice to point to Daly 1979, 309, who argued that the supposed term *iniussu principis* has to be seen as a later interpolation and that the *princeps* has to be replaced by a reference to the SPQR. This would be in accordance with the following analysis.

τοῦτο πεποιηκέναι). These statements prompted the *princeps* to appear before the court and explicitly reject Primus' version of events. According to Dio, this setback enraged Primus' advocate Licinius Murena to such a degree that he bluntly enquired: "What are you doing here, and who summoned you?" Augustus merely replied: "The public weal." ("τί δὴ ἐνταῦθα ποιεῖς, καὶ τίς σε ἐκάλεσεν;" τοσοῦτον μόνον ἀπεκρίνατο ὅτι "τὸ δημόσιον.") For this, Dio concludes, Augustus was praised by "the people of good sense" (τῶν εὖ φρονούντων). Others, however, disdained his course of action, which led not only to a considerable number of the jurors voting for Primus' acquittal, but also to the formation of a plot against the *princeps*.

This last statement has especially caused some modern scholars to analyze the Primus affair in connection with the conspiracy of Caepio and Murena that Dio reports subsequently.<sup>12</sup> Others have addressed the question of what insights the trial might yield with regard to the formal or constitutional competences of the *princeps* and his position in relation to the provincial governors.<sup>13</sup> While both approaches illuminate important facets of the affair, it might be useful to advance another aspect that is closely linked to the notion of agency by shifting the focus away from the aftermath of the trial and the legal issues potentially at stake to its discursive context. This context is the process of negotiation concerning the military *persona* of the first *princeps*, centering on the question of how members of the senatorial elite could still achieve and publicly display military glory. Only a few years earlier, the affair revolving around the *spolia opima* of M. Crassus had resulted in a compromise that basically amounted to Augustus reassuring generals that they could still conduct military operations and present their success to the Roman public – as long as they did not aim to compete with the achievements of the *princeps*. The years between 27 and 19 BCE proved to be a crucial period for Augustan triumphal politics.<sup>14</sup> In the year of the

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<sup>12</sup> See among others Sattler 1960, 62–3; Levick 1975; Raaflaub & Samons 1990, 426. The issue is complicated by the difficulties of identifying the Licinius Murena mentioned by Dio (for an overview of the different suggestions, see Dettenhofer 2000, 97, n. 52); since this debate is of secondary importance for my argument, I will not go into the details here.

<sup>13</sup> For the highly disparate positions regarding this matter, see among others Vervaeke 2014, 276 and Hurlet 2006, 180–4. Both adduce the Primus affair as evidence either for the claim that Augustus already possessed the *summum imperium auspiciumque* from 27 BCE (Vervaeke) or for the assumption that such a supreme *imperium* did not exist and that a proconsul could not go to war without the consent of the SPQR, regardless of whether he did so *suo consilio* or *iussu Augusti* (Hurlet; see also Dalla Rosa 2014, 172–3). On the debate regarding Augustus' *imperium*, see Havener 2016, 23–6.

<sup>14</sup> See Havener 2016, 300–59 on the Crassus affair and Augustan triumphal politics in general. While the *princeps* certainly tried to limit the allotment of triumphs to members of his family or those generals that were willing to

Primus trial, this crucial process of negotiation was therefore by no means concluded and the *princeps* had to find a strategy that would allow him to secure his prerogatives in military matters and simultaneously not to alienate the senatorial elite.

In order to achieve this aim, here as in other fields, Augustus drew on the resource of tradition. While political practice in the 20s BCE was informed by efforts to create a position for the *princeps* that would be tailored to the specific requirements of a *de facto* monarchy, the simultaneously developing discursive surface of the principate was characterized by the respect for traditional norms, institutions, and procedures.<sup>15</sup> The explosive force of the Primus trial not only derived from its repercussions in the field of the actual foundations of Augustus' power, but also – and perhaps even more – from its effects on this discursive surface. In other words: the pivotal point of the affair was not the much-discussed question of whether Augustus was *entitled* to intervene in a senatorial province like Macedonia and to issue orders to a proconsul. Much more serious, with regard to the stability of the principate as a discursive system, was the fact that Primus employed a reference to (the lack of) agency and the responsibility of the *princeps* in order to defend himself in a trial that did not involve Augustus in the first place. A public court heard a case brought forward against the proconsul of a senatorial province who was accused of starting an illegitimate war against an ally of the Roman People. In such a scenario, according to tradition, the *princeps* should have had no part at all. Only the decision of Primus and his party to deny his agency and shift the initiative for the undertaking to Augustus (or even worse his nephew, who would have been even less in a position of giving such orders) drew the *princeps* into the affair.<sup>16</sup>

This turned the trial into a double problem for the latter: on the one hand, it exposed the real power structures underlying the political order.<sup>17</sup> On the other hand, it revealed to what degree these structures ran contrary to the discursive “guidelines” of the principate. In order to save the image of the new order being based on the respect for and the revival of republican tradition, Augustus had to disseminate an unmistakable message: a military venture that was deemed

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promote the ideology of his regime (see Lange 2019), the importance of the ritual prevented him from any kind of officially sanctioned monopolization.

<sup>15</sup> See among others Eder 2005 and Jehne 2012.

<sup>16</sup> It has been argued that Primus may have thought to have acted according to Augustus' wishes (see Jehne 2012, 78 and Kienast 2014, 102) or that Augustus may have indicated his wishes off the record (Lacey 1980); contrary Bleicken 1998, 345–6. See also Dettenhofer 2000, 96–100 for the problem of involving a close relative of the *princeps* in public affairs.

<sup>17</sup> See Jehne 2012, 78–80 and Dettenhofer 2000, 97.

illegitimate by the Senate and People of Rome could not be legitimized by shifting the agency from the accused general to the *princeps* or his entourage – regardless of the question of whether Augustus would have had the right to issue such orders.<sup>18</sup> The *princeps*, his position within the political order, or his interests were of no relevance for the outcome of the trial, as he clarified by invoking “the public good” as his motive for appearing in court and making his statement. This argument might also have been introduced in order to forestall any criticism of Augustus’ behavior. After all, according to Dio, he had appeared in court “unsummoned” (ἀυτεπάγγελτος), thus acting on his own initiative. As this was precisely the accusation brought forward against Primus, the *princeps* referred to the higher principle of “τὸ δημόσιον” in order to legitimize his actions and to dissociate Primus’ agency from his own.

Against this background, the considerable number of judges voting for acquittal as well as the adjustments and gestures that followed the trial might serve as an indication that some members of the senatorial elite were no longer willing to accept the obvious discrepancy between political practice and the way the principate was presented in public. Thus, the Primus trial with its focus on military agency has to be seen in the context of a more comprehensive process of establishing fundamental conventions of speech and a set of guidelines that would allow all the different parties that participated in the creation of the highly complex new order to communicate with each other, to formulate their interests, and to negotiate necessary compromises.<sup>19</sup>

### 3. The *clades Variana*

In September 9 CE, a German force led by the Cheruscan chieftain and Roman knight Arminius defeated and obliterated three Roman legions together with their auxiliary units under the command of their general P. Quinctilius Varus.<sup>20</sup> In his biography of the first *princeps*, Suetonius refers to the *clades Variana* as “almost fatal” for the Empire (*paena exitiabilem*) and

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<sup>18</sup> This might indicate that Augustus deliberately sacrificed his former associate Primus as Dahlheim 2010, 209; Dettenhofer 2000, 100 and Kienast 2014, 102 have suggested. A similar pattern can be discerned in the case of the first *praefectus Aegypti* C. Cornelius Gallus a few years earlier (see Havener 2019).

<sup>19</sup> Significantly, after his report on the Primus trial and the following conspiracy of Caepio and Murena, Dio continues his narrative by pointing out that as a reaction Augustus ordered all future jury decisions to be public and unanimous in order to take effect (54.3.6). Although the precise chronology of the events reported in this passage is controversial, Augustus’ decision might be an additional indicator of these potential frictions.

<sup>20</sup> The incident is one of the most extensively treated events in Roman history, and the respective bibliography is accordingly voluminous; for an overview of the events as well as the questions connected to it, see Wolters 2017 and Timpe 2012, who reviews the vast amount of publications published as part of the bimillenary in 2009.



gives an impressive account of Augustus' reaction.<sup>21</sup> When news of the disaster arrived at Rome, the *princeps* ordered the whole city to be guarded, prolonged the terms of provincial governors, and vowed games to Jupiter Optimus Maximus, “a thing which had been done in the Cimbric and Marsic wars” (*quod factum Cimbrico Marsicoque bello erat*). The end of the passage constitutes a climax:

*adeo denique consternatum ferunt, ut per continuos menses barba capilloque summisso caput interdum foribus illideret, vociferans: Quintili Vare, legiones redde! diemque cladis quot annis maestum habuerit ac lugubrem.*

In fact, they say that he was so greatly affected that for several months in succession he cut neither his beard nor his hair, and sometimes he would dash his head against a door, crying: “Quintilius Varus, give me back my legions!” And he observed the day of the disaster each year as one of sorrow and mourning.

Cassius Dio adds in his detailed account of the events and their aftermath (56.23.1–4) that Augustus “rent his garments, as some report, and mourned greatly, not only because of the soldiers who had been lost, but also because of his fear for the German and Gallic provinces, and particularly because he expected that the enemy would march against Italy and against Rome itself” (περιερρήξατο, καὶ πένθος μέγα ἐπὶ τε τοῖς ἀπολωλόσι καὶ ἐπὶ τῷ περὶ τε τῶν Γερμανιῶν καὶ περὶ τῶν Γαλατιῶν δέει ἐποίησατο, τό τε μέγιστον ὅτι καὶ ἐπὶ τὴν Ἰταλίαν τὴν τε Ῥώμην αὐτὴν ὀρμήσειν σφᾶς προσεδόκησε). With hardly any men fit for military service left, he conducted forced recruitments and called veterans and freedmen to arms in order to send them to Germany at once. Fearing a revolt of the German and Gallic members of his own guard, he sent them away to remote islands. Most of these (re)actions might at best be described as impulsive or, in a more unfavorable view, as utterly panicked. Instead of calming the waves, Augustus appears to have given in to his fear and grief, a portrayal that certainly had the potential to cast a slur on the *princeps* and his image as commander in chief.<sup>22</sup> If these accounts

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<sup>21</sup> Suet. *Aug.* 23.

<sup>22</sup> See Turner 2018, 263 and Goldsworthy 2014, 454. This becomes particularly apparent when Augustus' reactions to the Varian disaster are compared to the aftermath of the *clades Lolliana* in 16 BCE. While Dio labels it as μέγιστος τῶν πολέμων of these years, Suetonius directly compares this event to the defeat of Varus in order to highlight the existential dimensions of the latter (Suet. *Aug.* 23.1). Dio and Velleius (2.197.1) emphasize that the defeat prompted Augustus to leave Rome for the province, yet neither they nor Suetonius portray the *princeps* as

of Suetonius and Dio are not dismissed as mere literary hyperbole, such behavior is in need of explanation.

The explanation often adduced in modern scholarship has been that Augustus suffered a kind of nervous breakdown in the face of the loss of thousands of Roman soldiers and an actual existential threat to the Empire.<sup>23</sup> The *clades Variana* was conceived as a decisive turning point in Roman policy concerning the lands beyond the Rhine, and the cause of a major strategical shift from conquest and occupation to a defensive position that culminated in Augustus' much-cited instruction directed at Tiberius to keep the Empire "within its present borders" (Tac., *Ann.* 1.11: *coercendi intra terminos imperii*).<sup>24</sup> Weighty objections have been raised against such a view: immediately after the Varian defeat, the lost legions were replaced by new troops and two additional legions were transferred to the Rhine. The fact that the Germans did not take advantage of their success as well as the conflicts between the different groups and their leaders clearly demonstrated almost immediately after the *clades Variana* that an actual threat to Italy and Rome was highly improbable. Finally, the comprehensive campaigns under Tiberius and Germanicus can hardly be explained as mere retaliation or preventive measure to secure the border. The effects of the Varian defeat were therefore significant but certainly not as existential as Suetonius portrays them.<sup>25</sup>

Augustus' reported actions can thus not be sufficiently explained either as the mental overload of a tired man in his declining years or as reactions to an actual threat. A more promising approach might be one that analyses the Varian disaster in the more comprehensive

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panic-stricken. Although the exact scope and aim of the following measures is debated, the defeat certainly prompted the three-year sojourn of the *princeps* in the Gallic provinces in order to stabilize the situation and possibly to initiate a more comprehensive strategy of securing and expanding the border on the Rhine (see Wiegels 2008, 50–4 for an assessment of the impact of the *clades Lolliana*).

<sup>23</sup> See for example Bleicken 1998, 604; Holland 2004, 267; Cosme, 2005, 254; Everitt 2006, 308; Powell 2018, 156.

<sup>24</sup> See among others Grant 1974, 108 and (more qualifying yet ultimately approving) Mann 1974, 511. On the extensive debate concerning the scope, methods, and aims of Roman policy towards Germany before and after the Varian defeat, see Wiegels 2008; Eck 2011; Lehmann 2011, 7–86; Wolters 2017, 53–74.

<sup>25</sup> See for example Timpe 1971 and 2012, 646–51; Gruen 1990, 408; Lehmann 1995, 126–9; Rich 2003, 357; Kienast 2014, 373–5. Significantly, Velleius explicitly emphasizes that Tiberius immediately went on the offensive, "when his father and his country would have been content to let him hold them in check" (2.120.2: *arcuisse pater et patria contenti erant*). Although the passage is certainly designed to flatter Tiberius by highlighting his *agency* and contrasting him to a timid and passive *princeps*, it is hardly plausible that Tiberius would have acted without Augustus' consent.

structural framework of the Augustan principate with its pronounced emphasis on military victory. Against the background of an image that is based on the notion of the *princeps* as able commander in chief and ultimate guarantor of Roman military success, each defeat had a destabilizing potential, as it led to the question of responsibility.<sup>26</sup> If Augustus laid claim to all the prestige deriving from military victory, was he not also the one to blame in case of failure? There might be evidence that this question was actually discussed in post-Varian Rome and that it was more than an inconvenient nuisance for the *princeps*. In the second book of his *Historia Romana*, Velleius Paterculus gives a detailed account of the antecedents as well as the aftermath of the defeat, whereas the description of the actual fighting is rather brief (2.119). In marked contrast to Suetonius and Dio, particularly, Velleius almost completely omits the *princeps*' reaction to the disaster. Yet instead of interpreting this as evidence that the later authors just exaggerated, Velleius' silence might rather be seen as reflection of an ongoing debate regarding Augustus' response. Significantly, Velleius begins this passage with the remark that he would not go into the details of the defeat and merely "lament the disaster as a whole" (2.119.1: *nunc summa deflenda est*). For a more extensive treatment he refers his readers to a future work, employing the phrase *iustis voluminibus*. While this statement has in general been taken at face value and as evidence for an actually projected monographic study, B. Biesinger has demonstrated that Velleius deliberately used references to an *opus iustum* in order to indicate potentially critical situations whose historiographical "handling" required considerable tact and caution.<sup>27</sup> In my view, the delicacy of this specific situation (and the reason for which Velleius chose not to address the *princeps*' reaction), was due to a risky strategy that Augustus and his entourage devised, arguably immediately after the news of the defeat had arrived.

Given the destabilizing potential of military failure in the context of the principate, one could have expected that they would have made every effort to play down the impact of the defeat, to lull the Roman public into a sense of security and, if that proved impossible, to shift the responsibility for the disaster away from the *princeps*. Significantly, at first, they did neither. The deceased Varus was obviously not used as a scapegoat right away. Although it would certainly have been possible to put the blame mainly on the *agency* of a senatorial commander responsible for making the crucial (and fatal) decisions on the spot, contemporary references as well as a tradition discernible in Dio's account show no sign of such a strategy.<sup>28</sup> This is not

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<sup>26</sup> See for example Cheung 1998 and Stoll 2019, 59–91.

<sup>27</sup> Biesinger 2016, 279–85; for the conventional view, see among others Wiegels 2011, 101.

<sup>28</sup> See Geist 2009, 157–65; Wiegels 2001, 117; Wolters 2017, 145–9; Stoll 2019, 82–4.

necessarily surprising as it might have entailed the follow-up question of who was responsible for placing an incompetent commander at the head of one of the most important armies of the Empire – a man, moreover, who had been patronized by the *princeps* for decades.<sup>29</sup> As this rather convenient way to let Augustus off the hook was therefore unavailable in this particular case, he and his advisers developed a strategy based in part on the highly symbolic gestures of grief and despair unanimously reported by Suetonius and Dio.<sup>30</sup> The *princeps* deliberately emphasized (and to a certain degree even constructed) the enormity and existential dimension of the defeat. This strategy of pre-emptive defense did not primarily aim at containment.<sup>31</sup> It might be summed up in a simple formula: the bigger the disaster, the bigger the achievement. In order to understand the thrust of this strategy, the actions and gestures of the *princeps* have to be distinguished into two groups: measures such as the deployment of new troops or the prolongation of governors' terms were certainly designed to portray Augustus as able and a hands-on commander in chief.<sup>32</sup> Others – such as disbanding the German guard, letting the city be guarded in order to prevent some undefined potential unrest, or the impressive gestures of despair – served to sharpen this message in one crucial respect: the existential dimension of the disaster could only be met by the *princeps* himself. Against the background of a political order that was based on the ability of the *princeps* to secure the acceptance and loyalty of the relevant sectors of Roman society in order to confront his inherently precarious position, it was of vital importance for Augustus to prevent any thought of possible alternatives.<sup>33</sup> Emphasizing, or even exaggerating, the danger caused by the *clades Variana* might have allowed Augustus to turn a potentially destabilizing event into an asset. His ability and his resources enabled him – and only him – to take the action necessary to save Italy and Rome from supposedly imminent annihilation.

Apparently, this strategy did not pour enough oil on troubled waters, especially when the catastrophic development Augustus had conjured up failed to materialize. That critical voices

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<sup>29</sup> See Cheung 1998, 111 and Stoll 2019, 80–2 who, however, claims that it would not have been easily possible to criticize the *princeps* in this point. Yet precisely the taboo that Stoll himself detects and that obviously informed Velleius' treatment of the incident, demonstrates that this must have been the case. On Varus' career, see Baltrusch 2009 and Wolters 2017, 75–88.

<sup>30</sup> Östenberg 2014, 260 sees the gestures reported by Suetonius as indication that, instead of publicly commemorating the defeat, Augustus remembered it “as a private rather than a national misfortune.”

<sup>31</sup> For this view, see van Wickevoort Crommelin 1995; Cheung 1998, 109–12; Stoll 2019, 87–90.

<sup>32</sup> See Goldsworthy 2014, 454; Manuwald 2007, 445.

<sup>33</sup> For the notion of the Principate as *Akzeptanzsystem*, see Flaig 2019.

might have continued to ask inconvenient questions and that the *princeps* had to adapt his strategy especially with regard to the notion of agency might be inferred from Dio's account. After listing the various measures initiated by the *princeps*, Dio continues:<sup>34</sup>

This was the way he handled matters at that time; and none of the usual business was carried on nor were the festivals celebrated. Later, when he heard that some of the soldiers had been saved, that the Germanies were garrisoned, and that the enemy did not venture to come even to the Rhine, he ceased to be alarmed and paused to consider the matter. For a catastrophe so great and sudden as this, it seemed to him, could have been due to nothing else than the wrath of some divinity; moreover, by reason of the portents which occurred both before the defeat and afterwards, he was strongly inclined to suspect some superhuman agency.

While keeping the undertone that the *clades Variana* was a catastrophic event (cf. also Suetonius' statement that the gestures of despair continued for months), the new strategy aimed on shifting the responsibility to the divine level.<sup>35</sup> This exonerated both the *princeps* and his general as it denied them any form of agency in this specific matter. If the defeat were due to the wrath of the gods, there would have been no possibility to prevent it proactively. All Augustus could do was to react the way he had done to mitigate the effects. Yet a focus on divine wrath as cause of the defeat had another advantage for the *princeps*. As indicated above, Suetonius reports that, in reference to another supposedly catastrophic and traumatic event, the war against the Cimbri, the *princeps* vowed *magnos ludos* to Jupiter Optimus Maximus "in case the condition of the commonwealth should improve" (23.2: *si res p. in meliorem statum vertisset*). As it was the essence of a *votum* to prompt the deity to grant a request in an act of *quid pro quo*, this strategy allowed Augustus to re-claim agency on this level by turning the necessity to react to the disaster into a demonstration of his efforts (and, again, exclusive possibilities) to restore the *pax deorum*.

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<sup>34</sup> Cass. Dio 56.24.1–2: τότε μὲν ταῦτ' ἔπραξε, καὶ οὐτ' ἄλλο τι τῶν νομιζομένων ἐγένετο οὐθ' αἱ πανηγύρεις ἐωρτάσθησαν· μετὰ δὲ τοῦτο ἀκούσας ὅτι τῶν τε στρατιωτῶν τινες ἐσώθησαν καὶ αἱ Γερμαναὶ ἐφρουρήθησαν, τότε πολέμιον οὐδὲ ἐπὶ τὸν Ῥήνον ἐλθεῖν ἐτόλμησε, τῆς τε ταραχῆς ἀπηλλάγη καὶ διαγνώμην ἐποιήσατο. τό τε γὰρ πάθος οὐκ ἄνευ δαϊμονίου τινὸς ὀργῆς καὶ μέγα οὕτω καὶ ἀθρόον ἐδόκει οἱ γεγονέναι· καὶ προσέτι καὶ ὑπὸ τῶν τεράτων τῶν πρό τε τῆς ἥττης καὶ μετὰ ταῦτα συμβάντων δεινὴν ὑποψίαν ἐς τὸ θεῖον ἔσχεν. On this passage, see Simons 2012 who links it to Dio's account of Crassus' defeat at Carrhae in 53 BCE.

<sup>35</sup> See Cheung 1998, 112–3 who, however, thinks that this strategy was already developed in the immediate aftermath of events.

Yet this strategy also had its potential flaws and it might thus be plausible to suggest another adjustment. Introducing divine wrath as the ultimate cause of the defeat and focusing on Augustus' role as guarantor of the *pax deorum* might have entailed the question of who had been responsible for the disturbance in the relation to the gods in the first place.<sup>36</sup> At this point Varus, his responsibility and his agency might have come in again. It has been observed that Velleius' account of the events is the most explicit in blaming Varus.<sup>37</sup> At the beginning of his account, Velleius presents Varus not only as a deficient character but also as highly incompetent. There is, however, one apparent inconsistency in Velleius' portrayal of the general. Reporting how Varus dismissed the warning of Segestes, after which the disaster was imminent, Velleius suddenly introduces the notion of *fatum*:<sup>38</sup>

But fate now dominated the plans of Varus and had blindfolded the eyes of his mind. Indeed, it is usually the case that heaven perverts the judgement of the man whose fortune it means to reverse, and brings it to pass – and this is the wretched part of it – that that which happens by chance seems to be deserved, and accident passes over into culpability. And so Quintilius refused to believe the story and insisted upon judging the apparent friendship of the Germans toward him by the standard of his merit. And, after this first warning, there was no time left for a second.

This sudden incursion of fate at a decisive point of Velleius' narrative might reflect a second adjustment of the Augustan strategy in dealing with the *clades Variana*, designed to give an unmistakable answer to the potentially inconvenient question of who was to blame for provoking the divine fury. Making Varus the exclusive target of the gods' anger deprived the general of any form of agency by making his fate inevitable. This, in turn would throw the agency of the *princeps* and his *votum* into even higher relief. In a situation in which all appeared (or was made to appear) lost due to the inevitable doom of an individual, Augustus stepped in to save the *res publica* once again. The handling of the *clades Variana* thus refers to yet another level of agency in the

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<sup>36</sup> See Stoll 2019, 77–8.

<sup>37</sup> See Geist 2009, 158–60; Schmitzer 2007, 405–7.

<sup>38</sup> Vell. Pat. 2.118.4: *sed praevalabant iam fata consiliis omnemque animi eius aciem praestrinxerant: quippe ita se res habet, ut plerumque cuius fortunam mutaturus est deus, consilia corrumpat efficiatque, quod miserrimum est, ut, quod accidit, etiam merito accidisse videatur et casus in culpam transeat. negat itaque se credere speciemque in se benevolentiae ex merito aestimare profitetur. nec diutius post primum indicem secundo relictus locus.*

Augustan principate: the constant fight for a prerogative of interpretation. Even at the end of his reign, the *princeps*' ability to "behave proactively" could be limited not only by an unforeseen course of events that forced him to develop reactive strategies, but also by the fact that these strategies had to be presented to and accepted by other agents and the Roman public in general.

#### 4. Tacitus on Domitius Corbulo and the Pitfalls of Military Agency

In this section the focus will be shifted from the *princeps*' handling of the concept of agency to its use as a motive in historiographical texts, exemplified by Tacitus' characterization of Cn. Domitius Corbulo, the preeminent general of the 50s and 60s CE.<sup>39</sup> Corbulo is portrayed by Tacitus and Cassius Dio as a paragon of traditional *virtus* and as an explicit counter-image to his imperial commanders in chief Claudius and Nero.<sup>40</sup> Both authors emphasize that his extraordinary military prowess and his success repeatedly brought him into conflict with the emperors who saw him as a potential threat. Tacitus, however, puts a particular spin on his account that makes it stand out against Dio's narrative; this spin centers on the notion of agency.<sup>41</sup>

In the first episode that features Corbulo as general in Germany, Tacitus focuses on his vigour, his decisiveness, and his ability to impose the central virtue of *disciplina* (Tac. *Ann.* 11.18).<sup>42</sup> Simultaneously Tacitus also implies that such praiseworthy conduct could cause serious friction between a general and the emperor. In the field, the *terror* spread by Corbulo among the enemy as well as his own soldiers paves the way to success: "to us it meant a revival of courage, to the barbarians a weakening of confidence" (11.19.1: *nos virtutem auximus, barbari ferociam infregere*).<sup>43</sup> This success, however, also causes a kind of *terror* back in Rome according to Tacitus, who lets part of the public juxtapose the "distinguished man," the *vir insignis*, and the "sluggish and cowardly emperor," the *ignavus princeps* (11.19.3). By framing the terms *virum insignem* and *ignavo principi* with *formidolosum* (which can be translated as "terrible" and refers

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<sup>39</sup> On Corbulo and his career, see Vervaet 2000; 2002; 2003.

<sup>40</sup> Dio on Corbulo: 61.30.4–6; 62.19.1–4; 63[62].17.5–6. On the premises that informed Tacitus' account, see Ash 2006, 356–9. On the question whether both accounts may be traced back to Corbulo's own report, see Heil 1997, 30–6.

<sup>41</sup> For a comparison of the accounts of Corbulo's campaigns in Germany, see Mehl 1979 and Malloch 2013, 264–5

<sup>42</sup> See Geiser 2007, 31–7 and Ash 2006, 359–64, who points out that Tacitus does not create an exclusively positive image of Corbulo but rather already in this episode addresses the question of myth versus reality with regard to the general, his character and his achievements (see also Mehl 1979, 228). On Corbulo's German campaign, see Malloch 2005.

<sup>43</sup> On the motive of terror in Tacitus' account of Corbulo's Armenian campaign, see Gregoratti 2017.

to the *vir* Corbulo) and *praegravem*, Tacitus directly links the emperor's burden with a fear for peace not only at the borders but implicitly also within the Empire.<sup>44</sup> In reaction to these fears and in order to restrain the successful general, Claudius abruptly forbids any further advancement into Germany and orders the army to retreat beyond the Rhine.<sup>45</sup> Corbulo – who has been prepared to make camp deep in enemy territory – is completely taken by surprise according to Tacitus (11.20.1) – implying that the general would not necessarily have made imperial orders the guiding principles of his course of action and would instead have relied on his own judgment. Tacitus thus demonstrates that proactive behavior, highly beneficial under the conditions of a military campaign, might prove dysfunctional with regard to its political repercussions.

This motive is further developed in the account of Corbulo's campaigns in Armenia and Syria.<sup>46</sup> Significantly, Tacitus repeatedly employs various forms of the verb *veri* in order to describe and characterize Corbulo's actions, a term deriving from the word field of *ratio*.<sup>47</sup> This recurring choice of formulation constantly portrays Corbulo as a competent general with the distinct ability to rationalize, evaluate, and act independently. Especially significant in this regard is the following episode:<sup>48</sup>

*eius anni principio mollibus adhuc initiis prolatatum inter Parthos Romanosque de obtinenda Armenia bellum acriter sumitur, quia nec Vologeses sinebat fratrem Tiridaten dati a se regni expertem esse aut alienae id potentiae donuin habere. et **Corbulo dignum magnitudine populi Romani rebatur parta olim a Lucullo Pompeioque recipere.***

In the beginning of the year, the war between Parthia and Rome for the possession of Armenia, feebly begun, and till now carried on in dilatory fashion, was taken up with energy. For, on the one hand, Vologeses declined to allow his brother Tiridates to be debarred from the kingdom, which he had himself presented to him, or to hold it as the gift of an alien power; and, on the other, Corbulo considered it due to the majesty of the Roman nation to recover the old conquests of Lucullus and Pompey.

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<sup>44</sup> See Malloch 2013, 286–7; Geiser 2007, 37–8.

<sup>45</sup> See Malloch 2013, 262–3, who notes the juxtaposition of Claudius and Corbulo not only with regard to their characters but also their different political approaches in this passage.

<sup>46</sup> On the campaigns, see Wheeler 1997; Heil 1997, 213–23.

<sup>47</sup> See *Ann.* 13.41.1; 14.23.1; 15.5.1.

<sup>48</sup> *Tac., Ann.* 13.34.2.



Here, Tacitus makes clear that Corbulo's reasoning as well as his agency span not only actions in the field or tactical considerations but also the more comprehensive field of strategic objectives in which the policy-making power of the emperor was much more involved and thus potentially at stake.<sup>49</sup> The *princeps*, however, is completely dismissed as a decision-making entity in Tacitus' account. Instead, Corbulo's considerations are closely linked with one of the most successful generals of the Republic – a motive that Tacitus had already put into Corbulo's own mouth in the account of his German campaign (11.20.1: *beatos quondam duces Romanos*).<sup>50</sup>

Against this background, another episode from the Corbulo narrative is of crucial importance. In book 15, Tacitus relates the controversy between Corbulo and Caesennius Paetus.<sup>51</sup> The latter, charged with defending Armenia against attacks from the Parthians, has suffered a severe defeat and handed his fortified camp over to the enemy although Corbulo was about to join him with a relief force. In the course of the dispute that followed, according to Tacitus, Corbulo accuses Paetus of jeopardizing the overall aims of the whole operation with his behavior. Paetus replies that the opportunity to conquer Armenia still exists, as long as both armies be combined and marched off immediately. Yet Corbulo suddenly argues that he lacks imperial orders to do so and that only out of concern for the well-being of the Roman soldiers has he felt moved to cross the borders of his own province and come to Paetus' rescue (15.17.2: *non ea imperatoris habere mandata Corbulo: periculo legionum commotum e provincia egressum*). Such a statement appears to contradict the image of Corbulo that has been outlined so far. The capable general who independently makes decisions based on sound and rational considerations invokes the lack of imperial orders precisely in a situation that would demand pronounced agency on his part.<sup>52</sup>

In order to explain this seeming discrepancy, one might first analyze it against the background of Corbulo's overall characterization in the *Annals*. Although the general is repeatedly portrayed as embodiment of traditional *virtus*, he is by no means without any fault.<sup>53</sup>

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<sup>49</sup> Gilmartin 1973, 591 sees this statement rather as “as an indication of Roman feelings, not governmental policy” and concludes: “Tacitus recognizes that these chauvinistic and emotional attitudes are often the actual causes of action, more important than and not always identical with a rational policy as it can be constructed after the event.”

<sup>50</sup> On the figure of Lucullus as (ambivalent) background for Tacitus' portrayal of Corbulo, see Ash 2006, 365–75; Geiser 2007, 52–4.

<sup>51</sup> Tac., *Ann.* 15.17; see Ash 2006, 371–3; Geiser 2007, 110–3.

<sup>52</sup> Gilmartin 1973, 618 dismisses this statement as part of a general's “rhetorical flourishes, and chiefly valuable for the insight they give into the men involved.”

<sup>53</sup> See among others Heil 1997, 42–8; Drinkwater 2019, 142–3.

A few chapters before this episode Tacitus states in a rather unflattering manner that “in truth, [Corbulo] was more desirous to have war upon his hands than to wage it” (15.3.1: *quippe bellum habere quam gerere malebat*). The historian also dwells on the conflict between Corbulo and Paetus to a considerable length. In the context of this conflict, one could argue, Tacitus’ Corbulo opportunistically employs the notion of agency (or the lack of it) as an argument in order to legitimize his own idleness that is sparked mainly by personal aversion and the competition for military *gloria*.<sup>54</sup>

*tum lustratum rite exercitum ad contionem vocat orditurque magnifica de auspiciis imperatoris rebusque a se gestis, adversa in inscitiam Paeti declinans, multa auctoritate, quae viro militari pro facundia erat.*

Then, after the usual lustration, he convoked the army for an address, and opened with a florid reference to the auspices of the emperor and his own exploits, the reverses being attributed to the incompetence of Paetus: all with a weight which in a professional soldier was a fair substitute for eloquence.

Thus, according to Tacitus, Corbulo refers to command structures and procedure in order to mask his own unwillingness to act.

A more in-depth analysis, however, reveals a more comprehensive message underlying not only the Corbulo narrative but also other accounts of military ventures. In order to illustrate this point the account of Corbulo’s dispute with Paetus can be related to another episode from book 13.<sup>55</sup> Here, Tacitus relates the way in which the generals Pompeius Paulinus and Lucius Vetus conduct comprehensive works on the embankments of the Rhine as well as on a canal between the Moselle and the Arar (13.53.1–54.1). Combining the motives of agency and domestication of nature,<sup>56</sup> Tacitus explicitly praises Vetus’ undertaking and the logistical

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<sup>54</sup> Tac. *Ann.* 15.26.3.

<sup>55</sup> Other possible examples include the figure of Suetonius Paulinus and especially Cn. Iulius Agricola whom I had to omit here for the sake of brevity.

<sup>56</sup> I would like to thank Marietta Horster for pointing this out during the discussion. On water management as an indicator of power and control, see Purcell 1996 and Willi 2014. A more positive link between the domestication of nature and imperial power is established, for example, by Stat. *Silv.* 4.3.67–94 when the river Vulturinus thanks the emperor Domitian for allowing him a more quiet life by building a bridge. Tacitus thus refers to a motive that could also be employed in a panegyric fashion in order to portray the power of Rome, embodied by the emperor.

advantages it could have entailed – had not the governor of Gallia Belgica, Aelius Gracilis, prevented Vetus from executing his plans. Crucial with regard to the notion of agency is the main argument adduced by the jealous Gracilis who feared the popularity Vetus might gain by his venture. Gracilis advised Vetus to refrain from his project, calling it “a proceeding ... which would awaken the misgivings of the emperor” (13.53.3: *formidolosum id imperatori dicitans*).<sup>57</sup> On the rendition of Gracilis’ argument follows an explicit comment by the author himself: such actions, Tacitus laments, would consistently prevent honorable plans from being executed (*plerumque prohibentur conatus honesti*). And the author does not stop there, but continues by reporting that “due to the continuous inaction of the armies a rumor took rise that the legates had been divested of authority to lead them against an enemy” (13.54.1: *ceterum continuo exercituum otio fama incessit ereptum ius legatis ducendi in hostem*). This rumor that generals were completely deprived of their agency instigated developments that resulted in an armed conflict with the Frisians.

With this triad account of events, authorial comment, and demonstration of the detrimental effects on the *Imperium Romanum* that takes up motives also developed in the Corbulo narrative, Tacitus puts in a nutshell a fundamental criticism of the political order of the principate. The threat of the potential disapproval of the commander in chief and its consequences allows the agency of generals to be completely discredited. Of course, there can be no doubt regarding the actual message Tacitus wants to disseminate: the negative element in these accounts is not the agency of the general in the field, but rather the mere existence of a *princeps* that can put the *res publica* in danger.

## 5. Conclusion

This contribution has aimed to illustrate different aspects of military agency as a discursive phenomenon. The analysis of the trial of M. Primus, Augustus’ handling of the *clades Variana*, and Tacitus’ narrative on Corbulo and military agency has more generally demonstrated that in the context of a political order that was mainly based on the ability of the emperors to maintain ultimate control over the military sphere, the question of what senatorial commanders could and could not do was of crucial importance. An answer to this question was only partly given on

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While in these accounts, authors tend to ascribe the achievement directly to the emperors and to omit the involvement of the engineers or commanders on the spot, Tacitus seems to place special emphasis on this second aspect in order to contrast their actions with the negative effects of the existence of the distant emperor.

<sup>57</sup> Significantly, once again Tacitus employs the term *formidolosus* with regard to an imperial reaction on the agency of a general; this time, however, he refers to its second meaning as fearful.

campaign, in the military camps or in actual battle. Equally – if not more – important were the repercussions of decisions and actions taken in the field on the political stage of the capital. There, emperors and members of the senatorial elite were engaged in a complex communicative process in order to establish common rules and procedures that secured the functioning of the principate.

The debate on whether at all and in what way senatorial generals in the field were allowed or even required to behave proactively was crucial in this regard. Far away from Rome and the emperor, military leaders on various levels had to necessarily evaluate the situation at hand, make informed decisions, and act accordingly without the possibility of coordinating every step with their commander in chief. At the same time, the mere existence of the *princeps* and his status as the ultimate authority regarding military victory made it equally necessary to constantly consider the effect that a certain decision or a potentially rash action might have. This put them in a potentially precarious position, especially in situations where the guidelines issued by the emperors and the situation in the field proved incompatible. Therefore, all parties involved in the discourse on military agency had to develop certain strategies in order to maintain their genuine claims and at the same time allow others do the same. The challenge was to develop a concept of military agency that proved stable enough to determine certain basic rules as well as being flexible enough to unite potentially divergent interests.

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